

Chapter:	542	LEGISLATIVE COUNCIL ORDINANCE	Gazette Number	Version Date
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		Long title	134 of 1997	03/10/1997
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To provide for the constitution, convening and dissolution of the Legislative Council of the Hong Kong Special Administrative Region; to provide for the election of Members of that Council; and to provide for related matters.

[3 October 1997]

(Originally 134 of 1997)

Section:	1	Short title	134 of 1997	03/10/1997
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## PART I

### PRELIMINARY

This Ordinance may be cited as the Legislative Council Ordinance.

Section:	2	Purpose of Ordinance	134 of 1997	03/10/1997
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The purpose of this Ordinance is to give effect to the provisions of the Basic Law relating to the Legislative Council.

Section:	3	Interpretation	2 of 2011	11/03/2011
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Expanded Cross Reference:

20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 20ZA, 20ZB

Remarks:

1. For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.
2. The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-
  - (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
  - (b) the holding of the Legislative Council general election in 2012.

(1) In this Ordinance, unless the context otherwise requires-

"authorized representative" (獲授權代表), in relation to a corporate elector, means the person authorized by the corporate elector to cast its vote at an 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;

"by-election" (補選) means an election to return a Member or Members otherwise than at a general election;

"candidate" (候選人) means a candidate nominated for election as a Member;

"Clerk to the Legislative Council" (立法會秘書) includes any person appointed to act in place of the Clerk when the Clerk is absent or when the office of Clerk is vacant;

"constituency" (選區或選舉界別) means-

- (a) a geographical constituency; or
- (b) a functional constituency;

"corporate elector" (團體選民) means a body that is an elector for a functional constituency;

"corporate member" (團體成員), in relation to a body specified in sections 20A to 20ZB, means a body that is a member of the specified body; <\* Note - Exp. X-Ref.: Sections 20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 20ZA, 20ZB \*> (Amended 48 of 1999 s. 2)

"costs" (費用、訟費) includes charges and expenses;

"Court" (原訟法庭) means the Court of First Instance;

"District Council ordinary election" (區議會一般選舉) means elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils; (Added 33 of 2002 s. 2)

"election" (選舉) means an election to elect a Member at a general election or a by-election to elect a Member; (Amended 21 of 2001 s. 62)

"election petition" (選舉呈請、選舉呈請書) means an election petition lodged under Part VII;

"elector" (選民) means a person who is registered in accordance with this Ordinance in a final register and who is not disqualified from being registered or from voting at an election; (Replaced 25 of 2003 s. 2)

"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) means the person holding office as Electoral Registration Officer under section 75, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office is vacant;

"final register" (正式選民登記冊) means-

- (a) a final register of electors for geographical constituencies or functional constituencies; or
- (b) (Repealed 21 of 2001 s. 62)

as compiled and published in accordance with this Ordinance;

"function" (職能) includes a power and an authority;

"functional constituency" (功能界別) means a functional constituency specified in section 20(1); (Amended 48 of 1999 s. 2)

"general election" (換屆選舉) means elections to elect persons to be the Members for a new term of office of the Legislative Council;

"geographical constituency" (地方選區) means an area declared to be a geographical constituency in accordance with Part III;

"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 to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or
- (c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity;

"Legislative Council" (立法會) means the Legislative Council of the Hong Kong Special Administrative Region referred to in Article 66 of the Basic Law;

"Member" (議員) means a person elected as a Member of the Legislative Council;

"nomination list" (提名名單) means a list of persons standing for election as Members for a geographical constituency or the District Council (second) functional constituency, submitted under section 38(2); (Amended 2 of 2011 s. 3)

"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;

"permanent resident of Hong Kong" (香港永久性居民) means a permanent resident of the Hong Kong Special Administrative Region as defined by section 2 of the Hong Kong Special Administrative Region Passports Ordinance (Cap 539);

"President" (主席) means the President of the Legislative Council;

"provisional register" (臨時選民登記冊) means a provisional register of electors for geographical constituencies or functional constituencies as compiled in accordance with this Ordinance;

"registered" (登記) means registered under this Ordinance as an elector;

"the regulations" (《規例》) means regulations made and in force under this Ordinance;

"Returning Officer" (選舉主任) means a person holding office as a Returning Officer under section 78, 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 77, 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 form" (指明表格) means a form specified under section 76;

"term of office" (任期), in relation to the Legislative Council, means a term of office referred to in section 4.

(Amended 10 of 2000 s. 47; 25 of 2003 s. 2)

- (2) For the purposes of this Ordinance-
- (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 functional constituency include, but are not limited to-
    - (i) being a member, partner, officer or employee of a corporate elector of the constituency or a corporate member of such a corporate elector; or
    - (ii) belonging to a class of persons specified as being electors of the constituency. (Amended 48 of 1999 s. 2; 21 of 2001 s. 62)
  - (c) (Repealed 21 of 2001 s. 62)
- (2A) For the purposes of this Ordinance, a reference to an entitlement to vote at a general meeting of a body is a reference to an entitlement to vote at such a meeting as provided by the body's constitution and, in this subsection-
- (a) the reference to the constitution of a body is a reference to the constitution either-
    - (i) as in force at the commencement of the provision which first specifies the body for the purpose of the composition of the relevant functional constituency; or (Amended 25 of 2003 s. 2)
    - (ii) as subsequently amended or substituted, but only if the amendment or substitution, in so far as it relates to-
      - (A) the objects of the body; or
      - (B) the criteria and conditions of membership of the body; or
      - (C) the eligibility of members of the body to vote at a general meeting of the body, has been approved in writing by the Secretary for Constitutional and Mainland Affairs; and (Amended L.N. 130 of 2007)
  - (b) "constitution" (章程), in relation to a body, includes articles of association and rules. (Added 48 of 1999 s. 2)
- (2B) For the avoidance of doubt, it is stated that the power of the Secretary for Constitutional and Mainland Affairs under subsection (2A) to approve an amendment to or substitution of the constitution of a body may be exercised only for the purpose of defining the composition of the relevant functional constituency. (Added 25 of 2003 s. 2. Amended L.N. 130 of 2007)
- (3) Results of a general election that are declared on different dates are, for the purposes of this Ordinance, taken to have been declared on the later or latest of those dates. (Amended 21 of 2001 s. 62)
  - (4) A note located in the text of this Ordinance is provided for information only and has no legislative effect.

Section:	4	Terms of office of Legislative Council	L.N. 210 of 1999	01/07/2000
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## PART II

### CONSTITUTION AND MEMBERSHIP OF LEGISLATIVE COUNCIL

- (1) The term of office of the Legislative Council is as prescribed by Chapter IV of the Basic Law.

(2) (Repealed 48 of 1999 s. 3)

(3) Subject to subsection (4), each term of office of the Legislative Council is to begin on a date to be specified by the Chief Executive in Council. The Chief Executive in Council must give notice of that date in the Gazette. (Replaced 48 of 1999 s. 3)

(4) If the Legislative Council is dissolved by the Chief Executive in accordance with the Basic Law during its term of office, the new term of office of the Legislative Council is to begin on a date to be specified by the Chief Executive in Council by notice published in the Gazette and each subsequent term of office of that Council is to begin on a date to be so specified.

(5) A date referred to in subsections (3) and (4) must be within 30 days after the date on which the results of the general election to elect the Members for the relevant term of office are declared.

(6) The Legislative Council is, if not dissolved earlier by the Chief Executive in accordance with the Basic Law, dissolved immediately after its term of office ends.

Section:	5	(Repealed 48 of 1999 s. 4)	L.N. 210 of 1999	30/07/1999
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Section:	6	Chief Executive to specify dates for holding general elections	L.N. 210 of 1999	30/07/1999
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(1) The Chief Executive must specify a date for holding a general election to elect the Members for each term of office of the Legislative Council. The Chief Executive must give notice of that date in the Gazette. (Replaced 48 of 1999 s. 5)

(2) 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 Legislative Council is to begin.

(3) To enable such a general election to be held, the Chief Executive may, before the end of a term of office of the Legislative Council, prorogue that Council to terminate its operation.

(4) If the Legislative Council is to be prorogued under subsection (3), the Chief Executive must specify the date from which that Council stands prorogued. The Chief Executive must give notice of that date in the Gazette. (Amended 48 of 1999 s. 5)

Section:	7	Chief Executive to specify date for general election on dissolution of Legislative Council	L.N. 210 of 1999	30/07/1999
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(1) Within 30 days after the Legislative Council is dissolved in accordance with the Basic Law, the Chief Executive must specify a date for holding a general election. The Chief Executive must give notice of that date in the Gazette. (Amended 48 of 1999 s. 6)

(2) The date specified for the purposes of subsection (1) must be within 3 months after the date on which the Legislative Council was dissolved.

Section:	8	Different dates may be specified for different classes of elections	L.N. 189 of 2003	01/10/2004
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Subject to this Part, the Chief Executive may specify different dates for holding a general election to return each of the following classes of Members- (Amended 25 of 2003 s. 3)

(a) the Members to be returned for geographical constituencies; and

(b) the Members to be returned for functional constituencies. (Amended 25 of 2003 s. 3)

(c) (Repealed 25 of 2003 s. 3)

The dates specified under this section must not be more than 7 days apart.

Section:	9	Chief Executive to convene ordinary sessions of Legislative Council	L.N. 210 of 1999	30/07/1999
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(1) The Chief Executive must convene at least one ordinary session of the Legislative Council in each calendar year. (Amended 48 of 1999 s. 7)

(2) The Chief Executive must publish in the Gazette the dates on which an ordinary session of the Legislative

Council is to begin and end.

(3) An ordinary session begun in one calendar year may be continued in the next calendar year.

(4) The consideration of any bill or other business of the Legislative Council is not to be affected by the end of a session and may be resumed at any subsequent meeting, but is to lapse at the end of a term of office or on a dissolution of the Legislative Council.

Section:	10	First meeting of each term of office of Legislative Council	L.N. 210 of 1999	30/07/1999
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(1) The Chief Executive must specify a date and time for holding the first meeting of each term of office of the Legislative Council. The Chief Executive must give notice of that date and time in the Gazette. (Replaced 48 of 1999 s. 8)

(2) The date and time specified in the notice must be within 14 days after the relevant term of office of the Legislative Council begins. (Amended 48 of 1999 s. 8)

(3)-(5) (Repealed 48 of 1999 s. 8)

Section:	11	Emergency sessions of Legislative Council	134 of 1997	03/10/1997
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(1) The President must, at the request of the Chief Executive, convene an emergency session of the Legislative Council during the period after the end of the term of office or the dissolution of the Legislative Council but, before the date (if more than one, the first date), specified for the holding of a general election for all the Members of the Legislative Council.

(2) For and only for the purpose of subsection (1), the persons holding office as Members of the Legislative Council during the term of office of the Legislative Council which immediately precedes the beginning of the emergency session shall be deemed to be Members of the Legislative Council.

Section:	12	How long Members are to hold office	134 of 1997	03/10/1997
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(1) Subject to sections 13 and 15, a person returned as a Member at a general election holds office from the beginning of the term of office of the Legislative Council next following the election and vacates office at the end of the term.

(2) Subject to sections 13 and 15, a person who is declared to be returned as a Member at a by-election holds office from the date on which the result of the by-election was declared and vacates office at the end of the term of office of the Legislative Council during which the by-election was held.

Section:	13	Acceptance of office as a Member	L.N. 210 of 1999	30/07/1999
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(1) A person who is elected as a Member is to be regarded as having accepted office as such unless the person gives written notice to the Clerk to the Legislative Council of non-acceptance of office within 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 Clerk to the Legislative Council and the person giving the notice is taken to have resigned from office as a Member from that date.

(4) If a person gives notice in accordance with this section, the Clerk to the Legislative Council 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. (Amended 48 of 1999 s. 9)

Section:	14	How Member can resign	134 of 1997	03/10/1997
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(1) A Member may, at any time, resign from office as a Member by giving written notice of resignation to the Clerk to the Legislative Council.

(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 Clerk to the Legislative Council; or

(b) if a later date is specified in the notice, on that later date.

Section:	15	When Member ceases to hold office	L.N. 189 of 2003	11/07/2003
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- (1) A Member's office becomes vacant if the Member-
- (a) resigns in accordance with section 14 or is taken to have resigned from that office in accordance with section 13; or
  - (b) dies; or
  - (c) subject to subsection (2), alters either the Member's nationality or the fact as to whether the Member has a right of abode in a country other than the People's Republic of China as declared under section 40(1)(b)(ii); or
  - (d) is the President and 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; or (Replaced 25 of 2003 s. 4)
  - (e) is declared in accordance with Article 79 of the Basic Law to be no longer qualified to hold that office.

(1A) A person disqualified under subsection (1)(d) is eligible for re-election if, under the Mental Health Ordinance (Cap 136), it is subsequently found that the person has become capable of managing and administering his or her property and affairs. (Added 25 of 2003 s. 4)

(2) Subsection (1)(c) does not apply to a Member elected at an election for a functional constituency specified in section 37(3) unless the Member has declared under section 40(1)(b)(ii) that he or she has Chinese nationality or has no right of abode in a country other than the People's Republic of China and subsequently he or she-

- (a) acquires a nationality other than Chinese nationality; or
- (b) acquires a right of abode in a country other than the People's Republic of China.

(3) For the purposes of subsection (1)(e), the kind of misbehaviour for which a Member may be censured under Article 79(7) of the Basic Law includes (but is not limited to) a breach of an oath given under section 40(1)(b)(iii).

Note: Article 79 of the Basic Law provides as follows:

The President of the Legislative Council of the Hong Kong Special Administrative Region shall declare that a member of the Council is no longer qualified for the office under any of the following circumstances:

- (1) When he or she loses the ability to discharge his or her duties as a result of serious illness or other reasons;
- (2) When he or she, with no valid reason, is absent from meetings for three consecutive months without the consent of the President of the Legislative Council;
- (3) When he or she loses or renounces his or her status as a permanent resident of the Region;
- (4) When he or she accepts a government appointment and becomes a public servant;
- (5) When he or she is bankrupt or fails to comply with a court order to repay debts;
- (6) When he or she is convicted and sentenced to imprisonment for one month or more for a criminal offence committed within or outside the Region and is relieved of his or her duties by a motion passed by two-thirds of the members of the Legislative Council present; and
- (7) When he or she is censured for misbehaviour or breach of oath by a vote of two-thirds of the members of the Legislative Council present.

Section:	16	Member to be eligible for re-election	134 of 1997	03/10/1997
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A person who ceases to be a Member is, subject to section 39, eligible for re-election as a Member.

Section:	17	Proceedings of Legislative Council not affected by vacancy in membership	134 of 1997	03/10/1997
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(1) A vacancy in the membership of the Legislative Council does not affect its power to transact business.

(2) Neither a vacancy in the membership of the Legislative Council nor a defect in the election of a Member, or as to the eligibility of a person to be a Member, affects the validity of its proceedings.

(3) For the purposes of this section, a vacancy in the membership of the Legislative Council includes a vacancy in its membership when it first meets after a general election.

Section:	18	Establishment of geographical constituencies	L.N. 189 of 2003	01/10/2004
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### PART III

#### ESTABLISHMENT OF CONSTITUENCIES

(1) There are to be 5 geographical constituencies for the purpose of returning Members at elections for those constituencies. (Replaced 25 of 2003 s. 5)

(2) The Chief Executive in Council may, by order published in the Gazette-

(a) declare areas of Hong Kong to be geographical constituencies; and

(b) give names to those constituencies.

(3) When making an order under this section, 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 general election to which the order relates.

(4) If an order under this section refers to a map that defines the area of a geographical constituency, 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.

(5) No charge is payable by a member of the public who wishes to inspect a copy of the map.

(6) A map certified by the Electoral Registration Officer as a true copy of a map that defines the area of a geographical constituency is conclusive evidence of the area of the constituency.

Section:	19	Number of Members to be returned for geographical constituency	2 of 2011	11/03/2011
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#### Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

(a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and

(b) the holding of the Legislative Council general election in 2012.

(1) At a general election, 35 Members are to be returned for all geographical constituencies.

(2) The number of Members to be returned for each geographical constituency is to be a number, not less than 5 nor greater than 9, specified in the order declaring the area of the constituency in accordance with section 18(2).

(Replaced 25 of 2003 s. 6. Amended 2 of 2011 s. 4)

Section:	20	Establishment of functional constituencies	2 of 2011	11/03/2011
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#### Expanded Cross Reference:

20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 20ZA, 20ZB, 20ZC

#### Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

(a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and

(b) the holding of the Legislative Council general election in 2012.

(1) The following functional constituencies are established for the purpose of returning Members at elections for those constituencies- (Amended 25 of 2003 s. 7)

(a) the Heung Yee Kuk functional constituency;

(b) the agriculture and fisheries functional constituency;

- (c) the insurance functional constituency;
  - (d) the transport functional constituency;
  - (e) the education functional constituency;
  - (f) the legal functional constituency;
  - (g) the accountancy functional constituency;
  - (h) the medical functional constituency;
  - (i) the health services functional constituency;
  - (j) the engineering functional constituency;
  - (k) the architectural, surveying and planning functional constituency;
  - (l) the labour functional constituency;
  - (m) the social welfare functional constituency;
  - (n) the real estate and construction functional constituency;
  - (o) the tourism functional constituency;
  - (p) the commercial (first) functional constituency;
  - (q) the commercial (second) functional constituency;
  - (r) the industrial (first) functional constituency;
  - (s) the industrial (second) functional constituency;
  - (t) the finance functional constituency;
  - (u) the financial services functional constituency;
  - (v) the sports, performing arts, culture and publication functional constituency;
  - (w) the import and export functional constituency;
  - (x) the textiles and garment functional constituency;
  - (y) the wholesale and retail functional constituency;
  - (z) the information technology functional constituency;
  - (za) the catering functional constituency;
  - (zb) the District Council (first) functional constituency; (Replaced 2 of 2011 s. 5)
  - (zc) the District Council (second) functional constituency. (Added 2 of 2011 s. 5)
- (2) The functional constituencies are constituted as provided by sections 20A to 20ZC. (Amended 2 of 2011 s. 5)  
 <\* Note - Exp. X-Ref.: Sections 20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 20ZA, 20ZB, 20ZC \*>(Amended 2 of 2011 s. 5)  
 (Replaced 48 of 1999 s. 12)

Section:	20A	Composition of the Heung Yee Kuk functional constituency	L.N. 210 of 1999	01/07/2000
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The Heung Yee Kuk functional constituency is composed of 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.  
 (Added 48 of 1999 s. 13)

Section:	20B	Composition of the agriculture and fisheries functional constituency	L.N. 103 of 2006	13/05/2006
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The agriculture and fisheries functional constituency is composed of-

- (a) corporate members of each of the following bodies-
  - (i) The Federation of Vegetable Marketing Co-operative Societies, Limited; (Amended 10 of 2006 s. 33)
  - (ii) The Federation of Pig Raising Co-operative Societies of Hong Kong, Kowloon and New Territories, Limited; (Amended 10 of 2006 s. 33)
  - (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; and
- (b) the bodies named in Schedule 1.

(Added 48 of 1999 s. 13)

Section:	20C	Composition of the insurance functional constituency	L.N. 210 of 1999	01/07/2000
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The insurance functional constituency is composed of bodies that are insurers authorized or deemed to be authorized under the Insurance Companies Ordinance (Cap 41).

(Added 48 of 1999 s. 13)

Section:	20D	Composition of the transport functional constituency	L.N. 210 of 1999	01/07/2000
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The transport functional constituency is composed of the bodies named in Schedule 1A.

(Added 48 of 1999 s. 13)

Section:	20E	Composition of the education functional constituency	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

The education functional constituency is composed of-

- (a) full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the following institutions-
  - (i) institutions of higher education funded through the University Grants Committee;
  - (ii) approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap 320);
  - (iii) technical colleges established under the Vocational Training Council Ordinance (Cap 1130);
  - (iv) The Hong Kong Academy for Performing Arts;
  - (v) The Open University of Hong Kong; and
- (aa) full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the following institutions-
  - (i) School of Continuing and Professional Education of the City University of Hong Kong;
  - (ii) School of Continuing Education of the Hong Kong Baptist University;
  - (iii) Lingnan Institute of Further Education of the Lingnan University;
  - (iv) School of Continuing and Professional Studies of The Chinese University of Hong Kong; (Replaced 2 of 2011 s. 6)
  - (v) HKIED School of Continuing and Professional Education Limited; (Replaced 2 of 2011 s. 6)
  - (vi) School of Professional Education and Executive Development of The Hong Kong Polytechnic University;
  - (vii) HKUST College of Lifelong Learning Limited;
  - (viii) HKU School of Professional and Continuing Education; and (Added 25 of 2003 s. 8)
- (b) members of each of the following bodies-
  - (i) Council of the University of Hong Kong;
  - (ii) Council of The Chinese University of Hong Kong;
  - (iii) Council of The Hong Kong University of Science and Technology;
  - (iv) Council of the City University of Hong Kong;
  - (v) Council of The Hong Kong Polytechnic University;
  - (vi) Council of The Hong Kong Academy for Performing Arts;
  - (vii) Council of The Open University of Hong Kong;
  - (viii) the Vocational Training Council; (Amended 10 of 2006 s. 35)
  - (ix) Council of The Hong Kong Institute of Education;
  - (x) Council of the Hong Kong Baptist University;
  - (xi) Council of Lingnan University; (Replaced 54 of 1999 s. 39)
  - (xii) Board of Governors of the Hong Kong Shue Yan University; (Amended 25 of 2003 s. 8; 7 of 2008 s. 2)

- (xiii) Board of Governors of the Caritas Francis Hsu College; and (Added 25 of 2003 s. 8)
- (c) registered teachers registered under the Education Ordinance (Cap 279); and
- (d) permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap 279); and
- (e) teachers and principals of schools entirely maintained and controlled by the Government; and
- (f) persons whose principal or only employment is that of full-time teaching with the following institutions-
  - (i) technical institutes, industrial training centres or skills centres established under the Vocational Training Council Ordinance (Cap 1130);
  - (ii) industrial training centres established under the repealed Industrial Training (Construction Industry) Ordinance (Cap 317) and maintained under the Construction Industry Council Ordinance (Cap 587); (Amended 12 of 2006 s. 84)
  - (iia) industrial training centres established under the Construction Industry Council Ordinance (Cap 587); (Added 12 of 2006 s. 84)
  - (iii) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318);
  - (iv) Hong Chi Association-Hong Chi Pinehill Integrated Vocational Training Centre; (Replaced 25 of 2003 s. 8. Amended 2 of 2011 s. 6)
  - (v) Caritas Lok Mo Integrated Vocational Training Centre of Caritas-Hong Kong incorporated under the Caritas-Hong Kong Incorporation Ordinance (Cap 1092); and (Replaced 25 of 2003 s. 8. Amended 10 of 2006 s. 35)
- (g) registered managers of schools registered under the Education Ordinance (Cap 279).  
(Added 48 of 1999 s. 13)

Section:	20F	Composition of the legal functional constituency	L.N. 210 of 1999	01/07/2000
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The legal functional constituency is composed of-

- (a) members of The Law Society of Hong Kong entitled to vote at general meetings of the Society; and
- (b) members of the Hong Kong Bar Association entitled to vote at general meetings of the Association; and
- (c) legal officers within the meaning of the Legal Officers Ordinance (Cap 87); and
- (d) persons appointed under section 3 of the Legal Aid Ordinance (Cap 91); and
- (e) persons deemed to be legal officers for the purpose of the Legal Officers Ordinance (Cap 87) by section 75(3) of the Bankruptcy Ordinance (Cap 6) or section 3(3) of the Director of Intellectual Property (Establishment) Ordinance (Cap 412); and
- (f) the Legal Adviser of the Legislative Council Secretariat and his or her assistants who are in the full-time employment of The Legislative Council Commission and are barristers or solicitors as defined in the Legal Practitioners Ordinance (Cap 159).

(Added 48 of 1999 s. 13)

Section:	20G	Composition of the accountancy functional constituency	23 of 2004	08/09/2004
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The accountancy functional constituency is composed of certified public accountants registered under the Professional Accountants Ordinance (Cap 50).

(Added 48 of 1999 s. 13. Amended 23 of 2004 s. 56)

Section:	20H	Composition of the medical functional constituency	L.N. 210 of 1999	01/07/2000
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The medical functional constituency is composed of-

- (a) medical practitioners registered or deemed to be registered under the Medical Registration Ordinance (Cap 161); and
- (b) dentists registered, deemed to be registered or exempt from registration under the Dentists Registration Ordinance (Cap 156).

(Added 48 of 1999 s. 13)

Section:	20I	Composition of the health services functional constituency	L.N. 189 of 2003	01/08/2003
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The health services functional constituency is composed of-

- (a) chiropractors registered under the Chiropractors Registration Ordinance (Cap 428); and
- (b) (Repealed 25 of 2003 s. 9)
- (c) nurses registered or enrolled or deemed to be registered or enrolled under the Nurses Registration Ordinance (Cap 164); and
- (d) midwives registered or deemed to be registered under the Midwives Registration Ordinance (Cap 162); and
- (e) pharmacists registered under the Pharmacy and Poisons Ordinance (Cap 138); and
- (f) medical laboratory technologists registered under the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap 359 sub. leg. A); and
- (g) radiographers registered under the Radiographers (Registration and Disciplinary Procedure) Regulation (Cap 359 sub. leg. H); and
- (h) physiotherapists registered under the Physiotherapists (Registration and Disciplinary Procedure) Regulation (Cap 359 sub. leg. J); and (Amended 25 of 2003 s. 9)
- (i) occupational therapists registered under the Occupational Therapists (Registration and Disciplinary Procedure) Regulations (Cap 359 sub. leg. B); and
- (j) optometrists registered under the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap 359 sub. leg. F); and
- (k) dental hygienists enrolled under the Ancillary Dental Workers (Dental Hygienists) Regulations (Cap 156 sub. leg. B); and
- (l) audiologists, audiology technicians, chiropodists (also known as "podiatrists"), dental surgery assistants, dental technicians, dental technologists, dental therapists, dietitians, dispensers, mould laboratory technicians, orthoptists, clinical psychologists, educational psychologists, prosthetists, speech therapists and scientific officers (medical) who are in the service under the Government, or are employed in Hong Kong, at the following institutions- (Amended 25 of 2003 s. 9)
  - (i) public hospitals within the meaning of the Hospital Authority Ordinance (Cap 113);
  - (ii) hospitals registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165);
  - (iii) clinics maintained or controlled by the Government or The Chinese University of Hong Kong or by the University of Hong Kong;
  - (iv) services subvented by the Government.

(Added 48 of 1999 s. 13)

Section:	20J	Composition of the engineering functional constituency	L.N. 210 of 1999	01/07/2000
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The engineering functional constituency is composed of-

- (a) professional engineers registered under the Engineers Registration Ordinance (Cap 409); and
- (b) members of the Hong Kong Institution of Engineers entitled to vote at general meetings of the Institution.

(Added 48 of 1999 s. 13)

Section:	20K	Composition of the architectural, surveying and planning functional constituency	L.N. 189 of 2003	01/08/2003
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The architectural, surveying and planning functional constituency is composed of-

- (a) architects registered under the Architects Registration Ordinance (Cap 408); and
- (b) members of The Hong Kong Institute of Architects entitled to vote at general meetings of the Institute; and
- (c) landscape architects registered under the Landscape Architects Registration Ordinance (Cap 516); and
- (d) members of The Hong Kong Institute of Landscape Architects entitled to vote at general meetings of the Institute; and
- (e) professional surveyors registered under the Surveyors Registration Ordinance (Cap 417); and
- (f) members of The Hong Kong Institute of Surveyors entitled to vote at general meetings of the Institute;

and

- (g) professional planners registered under the Planners Registration Ordinance (Cap 418); and
- (h) members of The Hong Kong Institute of Planners entitled to vote at general meetings of the Institute. (Amended 25 of 2003 s. 10)

(Added 48 of 1999 s. 13)

Section:	20L	Composition of the labour functional constituency	L.N. 210 of 1999	01/07/2000
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The labour functional constituency is composed of bodies that are trade unions registered under the Trade Unions Ordinance (Cap 332) of which all the voting members are employees.

(Added 48 of 1999 s. 13)

Section:	20M	Composition of the social welfare functional constituency	L.N. 210 of 1999; L.N. 61 of 2000	01/07/2000
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The social welfare functional constituency is composed of social workers registered under the Social Workers Registration Ordinance (Cap 505).

(Added 48 of 1999 s. 13. Amended 15 of 2000 s. 2)

Section:	20N	Composition of the real estate and construction functional constituency	L.N. 210 of 1999	01/07/2000
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The real estate and construction functional constituency is composed of-

- (a) members of The Real Estate Developers Association of Hong Kong entitled to vote at general meetings of the Association; and
- (b) members of The Hong Kong Construction Association, Limited entitled to vote at general meetings of the Association; and
- (c) members of The Hong Kong E&M Contractors' Association Limited entitled to vote at general meetings of the Association.

(Added 48 of 1999 s. 13)

Section:	20O	Composition of the tourism functional constituency	L.N. 103 of 2006	13/05/2006
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The tourism functional constituency is composed of the following bodies-

- (a) (Repealed 3 of 2001 s. 48)
- (aa) travel industry members of the body known immediately before 1 April 2001 as the Hong Kong Tourist Association, entitled immediately before that date, under the constitution of that body in force immediately before that date, to vote at general meetings of that body; (Added 25 of 2003 s. 11)
- (b) members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council;
- (c) members of The Board of Airline Representatives in Hong Kong; (Replaced 25 of 2003 s. 11. Amended 10 of 2006 s. 38)
- (d) members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association;
- (e) members of Federation of Hong Kong Hotel Owners Limited entitled to vote at general meetings of the Federation. (Amended 10 of 2006 s. 38)

(Added 48 of 1999 s. 13)

Section:	20P	Composition of the commercial (first) functional constituency	L.N. 210 of 1999	01/07/2000
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The commercial (first) functional constituency is composed of bodies that are members of The Hong Kong General Chamber of Commerce entitled to vote at general meetings of the Chamber.

(Added 48 of 1999 s. 13)

Section:	20Q	Composition of the commercial (second) functional constituency	L.N. 210 of 1999	01/07/2000
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The commercial (second) functional constituency is composed of members of The Chinese General Chamber of Commerce entitled to vote at general meetings of the Chamber.

(Added 48 of 1999 s. 13)

Section:	20R	Composition of the industrial (first) functional constituency	L.N. 210 of 1999	01/07/2000
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The industrial (first) functional constituency is composed of members of the Federation of Hong Kong Industries entitled to vote at general meetings of the Federation.

(Added 48 of 1999 s. 13)

Section:	20S	Composition of the industrial (second) functional constituency	L.N. 210 of 1999	01/07/2000
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The industrial (second) functional constituency is composed of bodies that are members of The Chinese Manufacturers' Association of Hong Kong entitled to vote at general meetings of the Association.

(Added 48 of 1999 s. 13)

Section:	20T	Composition of the finance functional constituency	L.N. 210 of 1999	01/07/2000
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The finance functional constituency is composed of the following bodies-

- (a) banks within the meaning of the Banking Ordinance (Cap 155);
- (b) restricted licence banks within the meaning of the Banking Ordinance (Cap 155);
- (c) deposit-taking companies within the meaning of the Banking Ordinance (Cap 155).

(Added 48 of 1999 s. 13)

Section:	20U	Composition of the financial services functional constituency	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

- (1) The financial services functional constituency is composed of- (Amended 12 of 2000 s. 23)
  - (a) subject to subsection (2), exchange participants of a recognized exchange company; and (Replaced 5 of 2002 s. 407)
  - (b) (Repealed 5 of 2002 s. 407)
  - (c) members of The Chinese Gold & Silver Exchange Society entitled to vote at general meetings of the Society. (Added 48 of 1999 s. 13)
- (2) Notwithstanding any other enactment or rule of law-
  - (a) by virtue of this subsection, the rules of a recognized exchange company may provide that a class of exchange participants specified in the rules are not exchange participants for the purposes of this Ordinance;
  - (b) no amendment or substitution of the rules of a recognized exchange company made on or after the commencement of this subsection shall have effect- (Amended 5 of 2002 s. 407)
    - (i) for the purposes of this Ordinance to the extent, if any, to which the amendment or substitution, as the case may be, causes a person to become or to cease to be an exchange participant of the recognized exchange company; and
    - (ii) unless the amendment or substitution, as the case may be, has been approved in writing by the Secretary for Constitutional and Mainland Affairs. (Added 12 of 2000 s. 23. Amended 5 of 2002 s. 407; L.N. 130 of 2007)

(3) In subsection (2)-

"exchange participant" (交易所參與者) has the same meaning as in section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap 571); (Replaced 5 of 2002 s. 407)

"recognized exchange company" (認可交易所) has the same meaning as in section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap 571); (Added 5 of 2002 s. 407)

"rules" (規章), in relation to a recognized exchange company, means the rules governing the conduct, or the operation and management, of the recognized exchange company or the conduct of its exchange participants, by whatever name such rules may be called and wherever contained. (Added 12 of 2000 s. 23. Amended 5 of 2002 s. 407)  
(Amended 5 of 2002 s. 407)

Section:	20V	Composition of the sports, performing arts, culture and publication functional constituency	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

- (1) The sports, performing arts, culture and publication functional constituency is composed of-
- (a) statutory bodies and registered bodies (other than schools registered under the Education Ordinance (Cap 279) and bodies formed by such schools) that are members of the sports associations affiliated to the Sports Federation & Olympic Committee of Hong Kong, China; and
  - (b) sports associations affiliated to the Sports Federation & Olympic Committee of Hong Kong, China but have no statutory bodies or registered bodies as members; and
  - (c) district sports associations named in Part 1 of Schedule 1B; and
  - (d) bodies listed in a Gazette notice currently in force made under section 3(5) of the Hong Kong Arts Development Council Ordinance (Cap 472) as organizations for the purpose of section 3(4) of that Ordinance; and
  - (e) statutory bodies and registered bodies, the primary goal of which is the promotion of arts, and to which grants, sponsorship or performance fees have been approved by the Hong Kong Arts Development Council, the Urban Council, the Regional Council, the Provisional Urban Council, the Provisional Regional Council, the Leisure and Cultural Services Department or the Home Affairs Bureau during the relevant period; and (Amended 78 of 1999 s. 7)
  - (f) district arts and culture associations named in Part 2 of Schedule 1B; and
  - (g) members of each of the following bodies entitled to vote at general meetings of the body-
    - (i) Educational Booksellers' Association, Limited;
    - (ii) The Anglo-Chinese Textbook Publishers Organisation Limited;
    - (iii) The Hong Kong Educational Publishers Association Limited;
    - (iv) The Hong Kong Publishers and Distributors Association;
    - (v) Hong Kong Book & Magazine Trade Association Limited;
    - (vi) Hongkong Book and Stationery Industry Association Company Limited; and
  - (h) members of the Hong Kong Publishing Federation Limited (other than those referred to in paragraph (g)) entitled to vote at general meetings of the Federation; and
  - (i) members of each of the following bodies entitled to vote at general meetings of the body-
    - (i) Hong Kong Motion Picture Industry Association Limited; (Amended 2 of 2011 s. 7)
    - (ii) Hong Kong Film Awards Association Ltd.;
    - (iii) International Federation of the Phonographic Industry (Hong Kong Group) Limited;
    - (iv) Movie Producers and Distributors Association of Hong Kong Ltd.;
    - (v) Music Publishers Association of Hong Kong Ltd.;
    - (vi) Hong Kong Theatres Association Ltd.; and
  - (j) corporate proprietors, the principal business of which is publication, registered under the Registration of Local Newspapers Ordinance (Cap 268); and
  - (k) corporate proprietors of newspaper distributors licensed under the Newspapers Registration and Distribution Regulations (Cap 268 sub. leg. B); and
  - (ka) bodies that are holders of one or more of the following classes of licences granted under the Broadcasting

Ordinance (Cap 562)-

- (i) licences to provide a domestic free television programme service;
  - (ii) licences to provide a domestic pay television programme service;
  - (iii) licences to provide a non-domestic television programme service; and (Added 25 of 2003 s. 12)
- (kb) holders of licences granted under Part IIIA of the Telecommunications Ordinance (Cap 106) (sound broadcasting licences); and (Added 25 of 2003 s. 12)
- (l) the bodies named in Part 3 of Schedule 1B.
- (2) For the purposes of this section-
- (a) "registered body" (註冊團體) means a body which is registered or exempt from registration under, or incorporated by, any laws of Hong Kong; and
  - (b) "relevant period" (有關期間), in relation to a statutory body or registered body, means-
    - (i) subject to subparagraph (ii), the period from 1 April 1994 to the date on which the statutory body or registered body applies for registration as an elector of the sports, performing arts, culture and publication functional constituency; or
    - (ii) if the statutory body or registered body applies for such registration on or after 18 July 2003, the period of 6 years immediately preceding the date on which it so applies; and (Replaced 25 of 2003 s. 12)
  - (c) "statutory body" (法定團體) means a body established or constituted by or under the authority of an Ordinance.

(Added 48 of 1999 s. 13)

Section:	20W	Composition of the import and export functional constituency	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

The import and export functional constituency is composed of-

- (a) companies licensed under the Dutiable Commodities Ordinance (Cap 109) for the import or export, or import and export, of dutiable commodities; and
- (aa) companies licensed under the Dutiable Commodities Ordinance (Cap 109) immediately before the commencement\* of the Dutiable Commodities (Amendment) (No. 2) Ordinance 2008 (16 of 2008) for the import, or import and export, of alcoholic liquors; and (Added 16 of 2008 s. 7)
- (b) companies registered under the Motor Vehicles (First Registration Tax) Ordinance (Cap 330) for the import of motor vehicles for use in Hong Kong; and
- (c) companies licensed under the Control of Chemicals Ordinance (Cap 145) for the import or export, or import and export, of controlled chemicals; and
- (d) (Repealed 10 of 2006 s. 27)
- (e) members of each of the following bodies entitled to vote at general meetings of the body-
  - (i) The Association of Hong Kong Photographic Equipment Importers Limited; (Amended 10 of 2006 s. 39)
  - (ii) (Repealed 25 of 2003 s. 13)
  - (iii) Hong Kong & Kowloon Steel and Metal Importers and Exporters Association Ltd.;
  - (iv) The Hong Kong Chinese Importers' and Exporters' Association; (Amended 10 of 2006 s. 39)
  - (v) The Hong Kong Exporters' Association; (Amended 7 of 2008 s. 4)
  - (vi) Hong Kong Fresh Fruits Importers Association Ltd.;
  - (vii) Hong Kong General Association of Edible Oil Importers & Exporters Ltd.;
  - (viii) (Repealed 2 of 2011 s. 8)
  - (ix) Hongkong Rice Importers & Exporters Association;
  - (x) Hongkong Watch Importers' Association;
  - (xi) The Hong Kong Food, Drink & Grocery Association; (Replaced 25 of 2003 s. 13)
  - (xii) Hong Kong & Kowloon Light Industrial Products Importers & Exporters Association Limited;

- (xiii) Nanyang Importers and Exporters Association;
- (xiv) Hong Kong Industrial Production Trading Association Limited;
- (xv) The Industrial Chemical Merchants' Association Limited; (Amended 10 of 2006 s. 39)
- (xvi) South-China Paper Merchants Association Limited; (Replaced 25 of 2003 s. 13)
- (xvii) The Wah On Exporters & Importers Association; (Amended 10 of 2006 s. 39)
- (xviii) The Hong Kong Shippers' Council; (Amended 25 of 2003 s. 13)
- (xix) The Shippers' Association of Hong Kong. (Replaced 25 of 2003 s. 13)

(Added 48 of 1999 s. 13)

**Note:**

\* **Commencement date: 6 June 2008.**

Section:	20X	Composition of the textiles and garment functional constituency	L.N. 103 of 2006	13/05/2006
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The textiles and garment functional constituency is composed of-

- (a) corporate members of the Textile Council of Hong Kong Limited (other than those referred to in paragraph (b)(i) to (xii)) entitled to vote at general meetings of the Council; and
- (b) corporate members of each of the following bodies entitled to vote at general meetings of the body-
  - (i) The Federation of Hong Kong Cotton Weavers;
  - (ii) The Federation of Hong Kong Garment Manufacturers;
  - (iii) Hong Kong Chinese Textile Mills Association;
  - (iv) The Hong Kong Cotton Made-up Goods Manufacturers Association, Limited;
  - (v) The Hongkong Cotton Spinners Association;
  - (vi) Hong Kong Garment Manufacturers Association Ltd.;
  - (vii) Hong Kong Knitwear Exporters & Manufacturers Association Ltd.;
  - (viii) Hong Kong Woollen & Synthetic Knitting Manufacturers' Association Ltd.;
  - (ix) The Hong Kong Association of Textile Bleachers, Dyers, Printers and Finishers Limited;
  - (x) The Hong Kong Weaving Mills Association;
  - (xi) The Hongkong Wool and Synthetic Spinners Association Limited;
  - (xii) The Hong Kong General Chamber of Textiles Limited; and (Amended 10 of 2006 s. 40)
- (c) members of the Hong Kong Institution of Textile and Apparel Limited entitled to vote at general meetings of the Institution; and (Amended 10 of 2006 s. 40)
- (d) Textiles & Clothing manufacturers registered under the Factory Registration of the Trade and Industry Department for the purpose of applying for the certificate of Hong Kong origin; and (Amended L.N. 173 of 2000)
- (e) textiles traders who-
  - (i) are registered as textiles traders pursuant to regulation 5A of the Import and Export (General) Regulations (Cap 60 sub. leg. A);
  - (ii) have been so registered for a period of 12 months immediately before making the application for registration as an elector; and
  - (iii) are carrying on business as textiles traders specified in the Fourth Schedule to the Import and Export (General) Regulations (Cap 60 sub. leg. A). (Replaced 10 of 2006 s. 28)

(Added 48 of 1999 s. 13)

Section:	20Y	Composition of the wholesale and retail functional constituency	L.N. 210 of 1999	01/07/2000
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The wholesale and retail functional constituency is composed of members of each of the bodies named in Schedule 1C that are entitled to vote at general meetings of the body.

(Added 48 of 1999 s. 13)

Section:	20Z	Composition of the information technology functional constituency	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
  - (b) the holding of the Legislative Council general election in 2012.
- (1) The information technology functional constituency is composed of- (Amended 25 of 2003 s. 14)
- (a) Distinguished Fellows, Fellows and Full Members of the Hong Kong Computer Society entitled to vote at general meetings of the Society; and (Amended 7 of 2008 s. 5)
  - (b) Fellows, Members and Graduate Members of Information Technology Division of the Hong Kong Institution of Engineers who are entitled to vote at general meetings of the Division; and
  - (c) Professional Members of the Association for Computing Machinery, Hong Kong Chapter entitled to vote at general meetings of the Association; and
  - (d) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Computer Chapter entitled to vote at general meetings of the Institute; and
  - (e) Fellows, Senior Members and Full Members of the Institute of Electrical and Electronics Engineers, Inc., Hong Kong Section, Hong Kong Joint Chapter on Circuits and Systems/Communications entitled to vote at general meetings of the Institute; and
  - (f) Honorary Fellows, Fellows and Members of The Institution of Engineering and Technology Hong Kong entitled to vote at general meetings of the Institution who are either-
    - (i) persons registered as Chartered Engineers with the Engineering Council UK; or
    - (ii) Corporate Members of The Institution of Electrical Engineers Hong Kong (IEE Hong Kong) before 15 October 2002; and (Replaced 7 of 2008 s. 5)
  - (g) Fellows, Members and Associate Members of The British Computer Society (Hong Kong Section) Limited entitled to vote at general meetings of the Society; and (Amended 10 of 2006 s. 41)
  - (h) Fellows, Senior Professional Members and Professional Members of The Hong Kong Association for Computer Education entitled to vote at general meetings of the Association; and (Amended 25 of 2003 s. 14)
  - (i) Full Members (Information Technology) of the Hong Kong Society of Medical Informatics Limited entitled to vote at general meetings of the Society; and (Amended 25 of 2003 s. 14)
  - (ia) Full Members of the Information and Software Industry Association Limited entitled to vote at general meetings of the Association; and (Added 25 of 2003 s. 14)
  - (j) Ordinary Members of the Hong Kong Telemedicine Association entitled to vote at general meetings of the Association; and
  - (ja) the eligible persons of the following bodies-
    - (i) Hong Kong Software Industry Association Limited; (Amended 2 of 2011 s. 9)
    - (ii) Information Systems Audit and Control Association China Hong Kong Chapter Limited; (Amended 2 of 2011 s. 9)
    - (iii) Internet Professional Association Limited; (Amended 10 of 2006 s. 41)
    - (iv) Professional Information Security Association; and (Added 25 of 2003 s. 14)
  - (k) corporate members of each of the following bodies entitled to vote at general meetings of the body-
    - (i) Hong Kong Information Technology Federation Limited; (Amended 25 of 2003 s. 14)
    - (ii) Hong Kong Internet Service Providers Association;
    - (iii) Hong Kong Radio Paging Association Ltd.;
    - (iv) Communications Association of Hong Kong Limited; (Replaced 25 of 2003 s. 14. Amended 7 of 2008 s. 5)
    - (v) Hong Kong Wireless Technology Industry Association Limited; (Added 25 of 2003 s. 14)
    - (vi) The Society of Hong Kong External Telecommunications Services Providers Limited; and (Added 25 of 2003 s. 14)
  - (l) bodies that are holders of one or more of the following classes of licences granted by the Telecommunications Authority under the Telecommunications Ordinance (Cap 106)- (Amended 36 of

2000 s. 28; 25 of 2003 s. 14)

- (i) Fixed Telecommunications Network Services licences; (Amended 36 of 2000 s. 28)
  - (ii) Services-Based Operator Licence (Class 3 Service); (Amended 2 of 2011 s. 9)
  - (iii) Public Radiocommunications Service licences; (Amended 36 of 2000 s. 28)
  - (iv) Satellite Master Antenna Television licences;
  - (v) Broadcast Relay Station licences;
  - (vi) Broadcast Radio Relay Station licences; (Amended 25 of 2003 s. 14)
  - (vii) carrier licences; and (Added 25 of 2003 s. 14)
  - (la) members of the Hong Kong Information Technology Joint Council Limited entitled to vote at general meetings of the Council; and (Added 2 of 2011 s. 9)
  - (m) the bodies named in Part 1 of Schedule 1D. (Amended 25 of 2003 s. 14)
- (2) In subsection (1)(ja), "eligible persons" (合資格的人), in relation to a body, means the persons specified in Part 2 of Schedule 1D in respect of that body. (Added 25 of 2003 s. 14)

(Added 48 of 1999 s. 13)

Section:	20ZA	Composition of the catering functional constituency	L.N. 210 of 1999	01/07/2000
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The catering functional constituency is composed of-

- (a) holders of food business licences under the Public Health and Municipal Services Ordinance (Cap 132); and
- (b) the bodies named in Schedule 1E.

(Added 48 of 1999 s. 13)

Section:	20ZB	Composition of the District Council (first) functional constituency*	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

The District Council (first) functional constituency is composed of members of the District Councils established under the District Councils Ordinance (Cap 547) who are elected under Part V of that Ordinance.

(Added 48 of 1999 s. 13. Amended 2 of 2011 s. 10)

**Note:**

\* (Amended 2 of 2011 s. 10)

Section:	20ZC	Composition of the District Council (second) functional constituency	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

The District Council (second) functional constituency is composed of persons who are registered as electors for geographical constituencies but are not registered as electors for any of the functional constituencies specified in section 20(1)(a) to (zb).

(Added 2 of 2011 s. 11)

Section:	21	Number of Members to be returned for functional constituency	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

The number of Members to be returned for a functional constituency is-

- (a) 1 Member for each constituency other than the labour functional constituency and the District Council (second) functional constituency; and
- (b) 3 Members for the labour functional constituency; and
- (c) 5 Members for the District Council (second) functional constituency. (Added 2 of 2011 s. 12)  
(Amended 2 of 2011 s. 12)

Section:	22	(Repealed 25 of 2003 s. 15)	L.N. 189 of 2003	01/10/2004
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PART IV

(Repealed 25 of 2003 s. 15)

Section:	23	(Repealed 25 of 2003 s. 15)	L.N. 189 of 2003	01/10/2004
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Section:	24	Who is eligible to be registered as an elector: geographical constituencies	L.N. 162 of 2009	03/07/2009
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PART V

REGISTRATION OF ELECTORS

(1) Subject to this Part, a person is eligible to be registered as an elector for a geographical constituency only if the person-

- (a) is already registered as an elector in the then existing final register of geographical constituencies; or
- (b) applies in accordance with this Part to be registered as such an elector and is entitled to be so registered.

(2) A person is not, by virtue of being registered as an elector in an existing final register of geographical constituencies, entitled to be included as an elector in any subsequent register of geographical constituencies if the Electoral Registration Officer is satisfied on reasonable grounds that the person-

- (a) has since ceased to ordinarily reside in Hong Kong; or
- (b) no longer resides at the residential address recorded against the person's name in that existing register and that Officer does not know the person's new principal residential address (if any) in Hong Kong.

(3) Subsection (2)(b) does not apply to a person who-

- (a) is serving a sentence of imprisonment; and
- (b) does not have a home in Hong Kong outside the prison. (Added 7 of 2009 s. 5)

Section:	25	Who is eligible to be registered as an elector: functional constituencies	2 of 2011	11/03/2011
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Expanded Cross Reference:

20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z

Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

(1) Subject to this Part, a person is eligible to be registered as an elector for a functional constituency only if the person-

- (a) is a person specified-
  - (i) for the Heung Yee Kuk functional constituency, in section 20A; or
  - (ii) for the agriculture and fisheries functional constituency, in section 20B; or
  - (iii) for the insurance functional constituency, in section 20C; or
  - (iv) for the transport functional constituency, in section 20D; or
  - (v) for the education functional constituency, in section 20E; or
  - (vi) for the legal functional constituency, in section 20F; or
  - (vii) for the accountancy functional constituency, in section 20G; or
  - (viii) for the medical functional constituency, in section 20H; or
  - (ix) for the health services functional constituency, in section 20I; or
  - (x) for the engineering functional constituency, in section 20J; or
  - (xi) for the architectural, surveying and planning functional constituency, in section 20K; or
  - (xii) for the labour functional constituency, in section 20L; or
  - (xiii) for the social welfare functional constituency, in section 20M; or
  - (xiv) for the real estate and construction functional constituency, in section 20N; or
  - (xv) for the tourism functional constituency, in section 20O; or
  - (xvi) for the commercial (first) functional constituency, in section 20P; or
  - (xvii) for the commercial (second) functional constituency in section 20Q; or
  - (xviii) for the industrial (first) functional constituency, in section 20R; or
  - (xix) for the industrial (second) functional constituency, in section 20S; or
  - (xx) for the finance functional constituency, in section 20T; or
  - (xxi) for the financial services functional constituency, in section 20U; or
  - (xxii) for the sports, performing arts, culture and publication functional constituency, in section 20V; or
  - (xxiii) for the import and export functional constituency, in section 20W; or
  - (xxiv) for the textiles and garment functional constituency, in section 20X; or
  - (xxv) for the wholesale and retail functional constituency, in section 20Y; or
  - (xxvi) for the information technology functional constituency, in section 20Z; or
  - (xxvii) for the catering functional constituency, in section 20ZA; or
  - (xxviii) for the District Council (first) functional constituency, in section 20ZB; or (Replaced 48 of 1999 s. 16. Amended 2 of 2011 s. 13)
  - (xxix) for the District Council (second) functional constituency, in section 20ZC; and (Added 2 of 2011 s. 13)
- (b) if a natural person, is either-
  - (i) registered as an elector under this Part for a geographical constituency; or
  - (ii) eligible to be registered as an elector under this Part for a geographical constituency and has made an application to be so registered.

(2) A person who, but for this subsection, would be eligible to be registered in 2 or more functional constituencies may be registered in only one of those constituencies of that person's choice.

(2A) Despite section 20ZC, a person who is registered in any functional constituency other than the District Council (second) functional constituency is, for the purpose of subsection (2), regarded as eligible to be registered in the District Council (second) functional constituency. (Added 2 of 2011 s. 13)

(3) Despite subsection (2)-

(a)-(b) (Repealed 48 of 1999 s. 16)

(ca) a person eligible to be registered as an elector for the District Council (first) functional constituency and who would, but for this paragraph, be eligible to be registered in another functional constituency of that person's choice may be registered only for the District Council (first) functional constituency and not for

- that other functional constituency; and (Added 2 of 2011 s. 13)
- (c) a person eligible to be registered as an elector for the Heung Yee Kuk functional constituency and who would, but for this paragraph, be eligible to be registered in another functional constituency of that person's choice may, subject to paragraph (ca), be registered only for the Heung Yee Kuk functional constituency and not for that other functional constituency; and (Amended 2 of 2011 s. 13)
  - (d) subject to paragraphs (ca) and (c), a person eligible to be registered as an elector for the agriculture and fisheries, the insurance or the transport functional constituency and who would, but for this paragraph, be eligible to be registered in another functional constituency of that person's choice may be registered only for that functional constituency and not for that other functional constituency. (Amended 2 of 2011 s. 13)
- (4) A body specified in section 20C, 20L, 20T, 20U(1)(a), 20V(1)(b), (d), (e), (j) or (k), 20W(a) to (c), 20X(d) or (e), 20Z(1)(l) or 20ZA(a) is eligible to be registered as a corporate elector for the relevant functional constituency only if it has been operating for the 12 months immediately before making its application for registration as an elector. (Amended 12 of 2000 s. 23; 15 of 2000 s. 3; 5 of 2002 s. 407; 25 of 2003 s. 16; 10 of 2006 s. 29)
  - (5) A body that is a corporate member of a body specified in section 20B(a), 20N to 20S, 20U(1)(c), 20V(1)(a) or (g) to (i), 20W(e), 20X(a) or (b) or 20Z(1)(ia), (ja)(i) or (k) or Schedule 1C is eligible to be registered as a corporate elector for the relevant functional constituency only if it has been a corporate member of the second-mentioned body and has been operating for the 12 months immediately before making its application for registration as an elector. <\* Note - Exp. X-Ref.: Sections 20N, 20O, 20P, 20Q, 20R, 20S \*> (Amended 12 of 2000 s. 23; 15 of 2000 s. 3; 25 of 2003 s. 16)
  - (6) A natural person who is a member of a body specified in sections 20B to 20Z (other than a body specified in section 20E(b), 20F(a) or (b), 20J(b), 20K(b), (d), (f) or (h) or 20Z(1)(a) to (j) or (ja)(ii), (iii) or (iv)) is eligible to be registered as an elector for the relevant functional constituency only if the person has been a member of the body for the 12 months immediately before making an application for registration as an elector. <\* Note - Exp. X-Ref.: Sections 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z \*> (Amended 25 of 2003 s. 16)
  - (7) It does not matter that a period of 12 months referred to in this section may have begun before the commencement of this section.

(Amended 48 of 1999 s. 16)

Section:	26	Corporate elector to have authorized representative	134 of 1997	03/10/1997
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(1) A corporate elector is required to select one eligible person to be its authorized representative for the purposes of casting its vote at an election.

(2) A person is eligible to be an authorized representative of a corporate elector for a functional constituency only if the person-

- (a) is registered, or is eligible to be and has applied to be registered, as an elector for a geographical constituency; and
- (b) has a substantial connection with the corporate elector; and
- (c) is not registered, and has not applied to be registered, as an elector for the constituency; and
- (d) is not disqualified from being registered or voting under section 31 or 53.

(3) A person who is an authorized representative of a corporate elector is not eligible to be selected as the authorized representative of another corporate elector.

(4) A person cannot act as an authorized representative of a corporate elector unless the person is registered as such a representative by the Electoral Registration Officer.

(5) A corporate elector may from time to time replace its authorized representative, but only in the circumstances and manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541). 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 regulations in force under the Electoral Affairs Commission Ordinance (Cap 541) by the corporate elector concerned. The application must be in writing and be in the specified form.

(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 disqualified from being, such a representative.

Section:	27	Elector to be permanent resident of Hong Kong	134 of 1997	03/10/1997
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A natural person is not eligible to be registered as an elector for a constituency unless the person is a permanent resident of Hong Kong.

Section:	28	Elector to reside in Hong Kong	L.N. 162 of 2009	03/07/2009
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(1) A natural person is not eligible to be registered as an elector in the register of geographical constituencies unless, at the time of applying for registration, the person satisfies the Electoral Registration Officer-

- (a) that the person ordinarily resides in Hong Kong; and
- (b) that the residential address notified in the person's application for registration is the person's only or principal residence in Hong Kong.

(1A)If-

- (a) a person serving a sentence of imprisonment applies for registration as an elector in the register of geographical constituencies; and
- (b) at the time of the application, the person does not have a home in Hong Kong outside the prison, the prescribed address, as defined in subsection (1B), is deemed to be the person's only or principal residence in Hong Kong for the purposes of subsection (1). (Added 7 of 2009 s. 6)

(1B)In subsection (1A), "prescribed address" (訂明地址) means-

- (a) the last dwelling-place in Hong Kong at which the person resided and which constituted the person's sole or main home; or
- (b) if no address is established to the satisfaction of the Electoral Registration Officer to be the last dwelling-place in Hong Kong at which the person resided and which constituted the person's sole or main home, the residential address of the person furnished under regulation 4(1)(b) or 18(1) of the Registration of Persons Regulations (Cap 177 sub. leg. A) and last recorded under those Regulations. (Added 7 of 2009 s. 6)

(2) The Electoral Registration Officer may omit from the final register of geographical constituencies the name of an elector if satisfied on reasonable grounds-

- (a) that the elector no longer ordinarily resides in Hong Kong; or
- (b) that the residential address last notified to that Officer is no longer the elector's only or principal residence in Hong Kong.

(2A)If-

- (a) an elector is serving a sentence of imprisonment; and
- (b) the elector no longer has a home in Hong Kong outside the prison, the residential address of the elector last notified to the Electoral Registration Officer is deemed to continue to be the elector's only or principal residence in Hong Kong for the purposes of subsection (2). (Added 7 of 2009 s. 6)

(3) In this section, a reference to a person's only or principal residence in Hong Kong is a reference to a dwelling-place in Hong Kong at which the person resides and which constitutes the person's sole or main home.

Section:	29	Elector to be 18 years of age	33 of 2002	27/12/2002
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A natural person is not eligible to be registered as an elector unless-

- (a) the person has reached 18 years of age; or
- (b) the person's eighteenth birthday falls-
  - (i) in any year other than a year in which a District Council ordinary election is to be held, on or before 25 July next following the person's application for registration; or
  - (ii) in a year in which a District Council ordinary election is to be held, on or before 25 September next following the person's application for registration. (Replaced 33 of 2002 s. 3)

Section:	30	Applicant for registration as elector to be in possession of identity document	134 of 1997	03/10/1997
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(1) A natural person is not eligible to be registered as an elector unless, at the time of applying to be registered, the person satisfies the Electoral Registration Officer that the person-

- (a) holds an identity document; or
- (b) has-
  - (i) applied for a new identity document; or
  - (ii) requested the alteration of the identity document or the issue of a new identity document, in replacement of the identity document previously issued to the person,

and informs that Officer of the document's identifying number (if any).

(2) This section has effect even though a person would otherwise be eligible to be registered as an elector.

Section:	31	When person is disqualified from being registered as an elector	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

- (1) A natural person is disqualified from being registered as an elector for a constituency if the person-
  - (a)-(c) (Repealed 7 of 2009 s. 7)
  - (d) 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 (Replaced 25 of 2003 s. 17)
  - (e) is a member of the armed forces of the Central People's Government or any other country or territory.
- (2) Subsection (1) applies to an authorized representative of a corporate elector in the same way as it applies to an elector who is a natural person. (Amended 2 of 2011 s. 14)
- (3) A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap 557) is disqualified from being registered as a corporate elector. (Added 2 of 2011 s. 14)
- (4) 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 disqualified from being registered as a corporate elector. (Added 2 of 2011 s. 14)

Section:	32	Electoral Registration Officer to compile and publish electoral registers	L.N. 189 of 2003	11/07/2003
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- (1) The Electoral Registration Officer must-
  - (a) not later than 15 June in each year other than a year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)- (Amended 48 of 1999 s. 18; 33 of 2002 s. 4)
    - (i) a provisional register of geographical constituencies; and
    - (ii) a provisional register of functional constituencies; and
  - (b) not later than 25 July in each year other than a year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)- (Amended 48 of 1999 s. 18; 33 of 2002 s. 4)
    - (i) a final register of geographical constituencies; and
    - (ii) a final register of functional constituencies.
- (1A) The Electoral Registration Officer must-
  - (a) not later than 15 August in each year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-
    - (i) a provisional register of geographical constituencies; and
    - (ii) a provisional register of functional constituencies; and
  - (b) not later than 25 September in each year in which a District Council ordinary election is to be held, compile and publish in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-

- (i) a final register of geographical constituencies; and
  - (ii) a final register of functional constituencies. (Added 33 of 2002 s. 4)
- (2) (Repealed 21 of 2001 s. 64)
- (3) The Electoral Registration Officer may amend a provisional or final register 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.
- (4) In compiling a provisional register, the Electoral Registration Officer must-
- (a) strike out the names and other relevant particulars of all those persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the register; and
  - (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 whose applications for registration have been received by the Electoral Registration Officer not later than the date prescribed for the purposes of this paragraph by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541) and who are eligible to have their names included in the register. (Amended 25 of 2003 s. 18)
- (5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer must publish-
- (a) in the Gazette; and
  - (b) in such other publications (if any) as are prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541),

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 register have been entered on an omissions list and specifying the times and the place at which the omissions list may be inspected.

(6) The Electoral Registration Officer must, for the period prescribed for the purposes of this subsection by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541)-

- (a) keep the omissions list at that Officer's office; and
- (b) during the ordinary business hours of that office, make that list available for inspection by members of the public, free of charge.

Section:	33	When final register is to take effect	L.N. 187 of 2001	21/09/2001
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(1) A final register takes effect on the date of its publication and continues to have effect until the publication of the next final register. (Amended 48 of 1999 s. 19; 21 of 2001 s. 65)

(2) (Repealed 21 of 2001 s. 65)

Section:	34	Right of appeal to Revising Officer against decisions of Electoral Registration Officer	134 of 1997	03/10/1997
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(1) A person who is dissatisfied with a decision of the Electoral Registration Officer made for the purposes of this Ordinance may appeal against the decision to a Revising Officer.

(2) The determination of a Revising Officer on such an appeal is final.

(3) The Electoral Registration Officer, or an Assistant Electoral Registration Officer, is required to appear as the respondent at the hearing of the appeal.

(4) At the hearing of the 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.

Section:	35	Vacancy in membership of Legislative Council to be declared	L.N. 210 of 1999	01/07/2000
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## PART VI

### CONDUCT OF ELECTIONS

(1) The Clerk to the Legislative Council must, by notice published in the Gazette, declare the existence of a vacancy in the membership of that Council within 21 days after becoming aware of the vacancy.

(2) (Repealed 48 of 1999 s. 20)

Section:	36	By-election to be held to fill vacancy in membership of Legislative Council	18 of 2011	15/07/2011
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- (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 the Legislative Council under section 35;
  - (b) on the making of a declaration under section 42C that the proceedings for the election for a functional constituency have been terminated;
  - (c) on the making of a declaration under section 46(2) that an election for a constituency has failed because no candidates were validly nominated for election or because the number validly nominated for election was less than the number of Members to be returned for the constituency; (Amended 25 of 2003 s. 19)
  - (ca) on the making of a declaration under section 46A(1) that the proceedings for the election for a constituency have been terminated; (Added 48 of 1999 s. 21. Amended 25 of 2003 s. 19)
  - (cb) on the making of a declaration under section 46A(3) that an election for a constituency has failed— (Amended 25 of 2003 s. 19)
    - (i) because of the death or disqualification of the successful candidate at the election; or
    - (ii) 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; (Added 48 of 1999 s. 21. Amended 25 of 2003 s. 19)
  - (d) subject to sections 70A and 72(1A), on the Court's making a determination under section 67 that a person whose election is questioned was not duly elected and that no other person was duly elected instead; (Amended 48 of 1999 s. 21; 18 of 2011 s. 3)
  - (e) if an appeal against a determination referred to in paragraph (d) is lodged to the Court of Final Appeal—
    - (i) on the Court of Final Appeal's making a determination under section 70B that a person whose election is questioned was not duly elected and that no other person was duly elected instead; or
    - (ii) on the termination of the appeal proceedings in other circumstances. (Added 18 of 2011 s. 3)
- (2) However, a by-election to fill a vacancy occurring in the membership of the Legislative Council is not to be held—
- (a) within the 4 months preceding the end of that Council's current term of office; or
  - (b) if the Chief Executive has published in the Gazette an order dissolving that Council in accordance with the Basic Law.

Section:	37	Who is eligible to be nominated as a candidate	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
  - (b) the holding of the Legislative Council general election in 2012.
- (1) A person is eligible to be nominated as a candidate at an election for a geographical constituency only if the person-
- (Amended 25 of 2003 s. 20)
  - (a) has reached 21 years of age; and
  - (b) is both registered and eligible to be registered as an elector for a geographical constituency; and
  - (c) is not disqualified from being elected as a Member by virtue of section 39 or any other law; and
  - (d) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination; and
  - (e) is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People's Republic of China.
- (2) A person is eligible to be nominated as a candidate at an election for a functional constituency only if the person-
- (a) has reached 21 years of age; and

- (b) either-
    - (i) is both registered and eligible to be registered as an elector for the constituency; or
    - (ii) in the case of a functional constituency other than the District Council (first) functional constituency and the District Council (second) functional constituency, satisfies the Returning Officer for the constituency that the person has a substantial connection with the constituency; and (Replaced 48 of 1999 s. 22. Amended 2 of 2011 s. 15)
  - (c) is both registered and eligible to be registered as an elector for a geographical constituency; and
  - (d) is not disqualified from being elected as a Member by virtue of section 39 or any other law; and
  - (e) has ordinarily resided in Hong Kong for the 3 years immediately preceding the nomination; and
  - (f) except in the case of the 12 functional constituencies specified in subsection (3), is a Chinese citizen who is a permanent resident of Hong Kong with no right of abode in any country other than the People's Republic of China; and (Amended 2 of 2011 s. 15)
  - (g) in the case of the District Council (first) functional constituency and the District Council (second) functional constituency, is a member of any District Council established under the District Councils Ordinance (Cap 547) who is elected under Part V of that Ordinance. (Added 2 of 2011 s. 15)
- (3) The following 12 functional constituencies are specified for the purposes of subsection (2)-
- (a) the legal functional constituency;
  - (b) the accountancy functional constituency;
  - (c) the engineering functional constituency;
  - (d) the architectural, surveying and planning functional constituency;
  - (e) the real estate and construction functional constituency;
  - (f) the tourism functional constituency;
  - (g) the commercial (first) functional constituency;
  - (h) the industrial (first) functional constituency;
  - (i) the finance functional constituency;
  - (j) the financial services functional constituency;
  - (k) the import and export functional constituency;
  - (l) the insurance functional constituency.
- (4) A Member is not eligible to be nominated as a candidate at a by-election.

Section:	38	Nomination lists for geographical constituencies and District Council (second) functional constituency*	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

(1) In this section-

"nominee" (獲提名人) means a person whose name is included in a nomination list as a candidate.

- (2) The nomination of candidates for election as Members for a geographical constituency or the District Council (second) functional constituency is to be by a list submitted to the Returning Officer containing either- (Amended 2 of 2011 s. 16)
  - (a) the names of 2 or more persons contesting the election for that constituency as a group; or (Amended 2 of 2011 s. 16)
  - (b) the name of a person contesting that election as a single candidate.
- (3) A nomination list must-
  - (a) be submitted-
    - (i) on a nomination form that complies with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541);
    - (ii) by a nominee on the nomination list concerned;
    - (iii) within the nomination period; and
    - (iv) in the manner prescribed by those regulations; and

- (b) be accompanied by the written consent, made on the nomination form, of each nominee on the nomination list; and
  - (c) contain any other particulars required by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541).
- (4) If a nomination list contains the names of 2 or more persons, the names are to be ranked in the order of priority of the group for which the nomination list is submitted.
- (4A) After a nomination list has been submitted to a Returning Officer-
- (a) the order in which names of nominees appear in the list cannot be altered;
  - (b) the names of other persons cannot be added to the list; and
  - (c) the names of persons already on the list cannot be deleted. (Amended 48 of 1999 s. 23)
- (5) The Returning Officer must determine, for each nominee whose name appears on the nomination list, whether or not the nominee is validly nominated.
- (6) If-
- (a) the Returning Officer determines that a nominee is not validly nominated; or
  - (b) a nominee's nomination is withdrawn; or
  - (c) a nominee dies,

that Officer must strike out the name of that nominee from the nomination list and adjust the order of priority in which the names of nominees appear on that list accordingly.

- (6A) If, after the Returning Officer has determined that a nominee is validly nominated, but before the close of nominations, proof is given to the satisfaction of the Returning Officer that the nominee has died or is disqualified from being nominated, that Officer must strike out the name of that nominee from the nomination list and adjust the order of priority in which the names of nominees appear on that list accordingly. (Added 48 of 1999 s. 23. Amended 25 of 2003 s. 21)
- (7) If, after striking out names from a nomination list in accordance with subsection (6) or (6A), no name remains on the list, the Returning Officer must reject the list. (Amended 48 of 1999 s. 23)
- (8) (Renumbered as subsection (4A))
- (9) If, after the close of nominations, the names of more nominees remain on a nomination list than the number of Members to be returned for the constituency concerned, the Returning Officer must, having regard to the order in which the nominees' names appear on the list, exclude from the list the names of the surplus nominees so that only a number of nominees equal to the number of Members to be returned for the constituency remain on the list.
- (10) The nominees whose names remain on a nomination list after the Returning Officer has taken the action referred to in subsections (6), (6A) and (9) (as arranged in the order of priority indicated on the nomination list if there are 2 or more such remaining nominees) are taken as constituting a list of candidates for the purposes of section 49. (Amended 48 of 1999 s. 23)
- (11) If, before the date of the election, proof is given to the satisfaction of the Returning Officer that a candidate whose name appears on a list of candidates has died or is disqualified from being nominated as a candidate, the Returning Officer must strike out the name of that candidate from the list. (Added 48 of 1999 s. 23. Amended 25 of 2003 s. 21)
- (12) After striking out a name from a list of candidates under subsection (11), the Returning Officer must not add the name of any other person to the list. (Added 48 of 1999 s. 23)
- (13) If, after taking the action referred to in subsection (11), no name remains on the list of candidates, the Returning Officer must reject the list. (Added 48 of 1999 s. 23)
- (14) The candidates whose names remain on a list of candidates after the Returning Officer has taken the action referred to in subsection (11) are taken as constituting a new list of candidates that replaces the one constituted under subsection (10) for the purposes of section 49. (Added 48 of 1999 s. 23)

**Note:**

\* (Amended 2 of 2011 s. 16)

Section:	39	When person is disqualified from being nominated as a candidate and from being elected as a Member	2 of 2011	11/03/2011
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**Remarks:**

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall

- come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-
- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
  - (b) the holding of the Legislative Council general election in 2012.
- (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)
  - (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)
  - (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 (other than the District Council (first) functional constituency and the District Council (second) 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)
  - (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.

Section:	40	What requirements are to be complied with by persons nominated as candidates	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

- (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 (other than the District Council (first) functional constituency and the District Council (second) functional constituency), ceasing to have a substantial connection with the constituency. (Amended 2 of 2011 s. 18)

(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.

Section:	41	Person not to be nominated for more than one constituency	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

- (1) 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. (Replaced 25 of 2003 s. 24)
- (2) The name of a person whose name is included in a nomination list for a geographical constituency is not, at the same election, eligible to be included in another list of candidates nominated for the constituency.
- (3) The name of a person whose name is included in a nomination list for the District Council (second) functional constituency is not, at the same election, eligible to be included in another list of candidates nominated for the constituency. (Added 2 of 2011 s. 19)

Section:	42	Withdrawal of candidate's nomination	134 of 1997	03/10/1997
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(1) A candidate may withdraw the candidate's nomination for election at any time before the close of nominations for the election and not otherwise.

(2) The withdrawal of a candidate's nomination has effect only if it is in writing signed by the candidate and complies with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541) for the purposes of this section.

Section:	42A	Who are validly nominated candidates	L.N. 210 of 1999	01/07/2000
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(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) The Returning Officer 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.

(Added 48 of 1999 s. 26)

Section:	42B	Death or disqualification of a validly nominated candidate for geographical constituency or District Council (second) functional constituency before date of election*	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election

Ordinance (Cap 569) in 2011; and  
 (b) the holding of the Legislative Council general election in 2012.

- (1) If, after the Returning Officer has made a decision under section 42A(1) that a candidate is validly nominated for election for a geographical constituency or the District Council (second) functional constituency, but before the date of 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), give notice of the death of the candidate. (Amended 2 of 2011 s. 20)
- (2) If a notice under section 42A(2) 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.
- (3) Subsections (1) and (2) do not apply if the Returning Officer has publicly declared under section 46(1) that the candidate was duly elected as a Member.
- (4) If, after the Returning Officer has made a decision under section 42A(1) that a candidate is validly nominated for election for a geographical constituency or the District Council (second) functional constituency, but before the date of 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, give notice of the variation of the decision. (Amended 2 of 2011 s. 20)
- (5) If a notice under section 42A(2) 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 decision has been varied; and
  - (b) further declare which candidate or candidates are validly nominated for election for the constituency.
- (6) Subsections (4) and (5) do not apply if the Returning Officer has publicly declared under section 46(1) that the candidate was duly elected as a Member.

(Added 48 of 1999 s. 26. Amended 25 of 2003 s. 25)

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**Note:**

\* (Amended 2 of 2011 s. 20)

Section:	42C	Death or disqualification of a validly nominated candidate for functional constituency (other than District Council (second) functional constituency) before date of election*	2 of 2011	11/03/2011
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**Remarks:**

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

If, after the close of nominations for an election for a functional constituency (other than the District Council (second) functional constituency), but before the date of the election, proof is given to the satisfaction of the Returning Officer that a candidate who is validly nominated for election for the constituency has died or is disqualified from being nominated as a candidate for the constituency, 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 that constituency are terminated.

(Added 48 of 1999 s. 26. Amended 25 of 2003 s. 26; 2 of 2011 s. 21)

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**Note:**

\* (Amended 2 of 2011 s. 21)

Section:	43	Candidates entitled to send letter to electors free of postage	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
  - (b) the holding of the Legislative Council general election in 2012.
- (1) One letter, addressed to each elector for the geographical constituency or the District Council (second) functional constituency for which a list of candidates is validly nominated, may be sent free of postage by or on behalf of the list of candidates. (Amended 2 of 2011 s. 22)
  - (2) One letter, addressed to each person who is an elector for the functional constituency (other than the District Council (second) functional constituency) for which a candidate is validly nominated may be sent free of postage by or on behalf of the candidate. (Amended 2 of 2011 s. 22)
  - (3) (Repealed 25 of 2003 s. 27)
  - (4) The letter must relate to the election concerned and must comply with all requirements and limitations (if any) prescribed by the regulations and by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541).
  - (5) The cost to the Postmaster General of enabling candidates or a list of candidates to exercise their entitlements under this section is a charge on, and is to be met from, the general revenue.

(Amended 25 of 2003 s. 27)

Section:	44	When general election can be postponed or adjourned	L.N. 210 of 1999	30/07/1999
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(1) The Chief Executive may, by order, direct the postponement of a general election if, before the holding of the election, the Chief Executive is of the opinion that the election is likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.

(2) The Chief Executive may, by order, direct the adjournment of the polling or counting of votes in respect of a general election if, during the polling or counting of votes in respect of the election, the Chief Executive is of the opinion that the polling or counting of votes is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any occurrence of public danger.

(3) The Returning Officers concerned must give effect to a direction under this section as soon as practicable after being notified of it.

(4) If a general election, or the polling or counting of votes at a general election, is directed to be postponed or adjourned under this section, the Chief Executive must specify a date for the holding of an election, or a poll or the counting of votes, in place of the postponed election or the adjourned polling or counting. The Chief Executive must give notice of that date in the Gazette. That date must not be later than 14 days from the date on which the election, poll or count would have taken place but for the direction. (Amended 48 of 1999 s. 28)

Section:	45	(Repealed 48 of 1999 s. 29)	L.N. 210 of 1999	01/07/2000
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Section:	46	What is to happen if insufficient candidates are nominated	L.N. 189 of 2003	01/10/2004
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(1) If, after the close of nomination of candidates for election for a constituency, no more candidates have been validly nominated 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 as Members.

(2) If, after the close of nomination of candidates for election for a constituency, no candidates were validly nominated or the number validly nominated 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.

(Amended 25 of 2003 s. 28)

Section:	46A	Death or disqualification of a validly nominated candidate before declaration of election result	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
  - (b) the holding of the Legislative Council general election in 2012.
- (1) If, on the date 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. (Amended 25 of 2003 s. 29)
  - (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 validly nominated 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. (Amended 25 of 2003 s. 29)
  - (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-
    - (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 returned 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.
  - (4) The Returning Officer must not declare an election for a geographical constituency or the District Council (second) functional constituency to have failed, or 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, under subsection (3) if- (Amended 2 of 2011 s. 23)
    - (a) the successful candidate who has died or is disqualified from being elected was contesting in respect of a particular list within the meaning of section 49 for election for the constituency; and
    - (b) another candidate whose name appears on the same list is to be returned in place of the deceased or disqualified candidate in accordance with section 49(15).(Added 48 of 1999 s. 31. Amended 25 of 2003 s. 29)

Section:	47	How election is to be conducted	L.N. 189 of 2003	01/10/2004
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- (1) At every contested election to return a Member for a constituency- (Amended 25 of 2003 s. 30)
  - (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). (Amended 25 of 2003 s. 30)

Section:	48	Who is entitled to vote at an election	18 of 2011	15/07/2011
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- (1) A person is entitled to vote at an election to return a Member for a constituency only if the person is registered as

an elector for the constituency.

(2)-(3) (Repealed 25 of 2003 s. 31)

(3A)-(3C) (Repealed 25 of 2003 s. 31)

(4) An elector registered for a constituency is entitled to vote only once at an election to return a Member for a constituency, unless otherwise expressly provided by this Ordinance.

(5) A person registered as an elector for a constituency may not be prevented from voting at an election only because the person's name should not have been included in the final register prepared for the constituency.

(6) (Repealed 25 of 2003 s. 31)

(7) Subsection (5) does not- (Amended 25 of 2003 s. 31)

(a) preclude the Court from making a determination under section 67; (Amended 18 of 2011 s. 4)

(aa) preclude the Court of Final Appeal from making a determination under section 70B; or (Added 18 of 2011 s. 4)

(b) affect the person's liability to be charged with, and convicted of, an offence relating to voting at the election concerned.

(8) A corporate elector may vote at an election only by its authorized representative.

(9) Despite sections 32 and 33, only electors whose names are included in the final register of functional constituencies published for 2011 under section 32 are entitled to vote at a by-election held between the date of the publication and 31 May 2012 to return a Member for any functional constituency. (Added 2 of 2011 s. 24)

Section:	49	System of voting and counting of votes: geographical constituencies and District Council (second) functional constituency*	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

(a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and

(b) the holding of the Legislative Council general election in 2012.

(1) In this section-

"list" (名單) means a list of candidates referred to in section 38(10) or a new list of candidates referred to in section 38(14); (Amended 48 of 1999 s. 33)

**specified number** (指明議席數目)—

(a) in relation to a geographical constituency, means the number of Members to be returned for the constituency, as specified in an order made under section 19(2); and

(b) in relation to the District Council (second) functional constituency, means 5; (Replaced 2 of 2011 s. 25)

"votes" (票) means valid votes.

(2) The election of Members for a geographical constituency or the District Council (second) functional constituency is to be conducted in accordance with the voting system known as the list system of proportional representation. (Amended 2 of 2011 s. 25)

(3) At an election for a geographical constituency or the District Council (second) functional constituency, an elector is entitled to cast a single vote for a list (as shown on the ballot paper) and not for an individual candidate. (Amended 2 of 2011 s. 25)

(4) The candidates to be returned as Members for a geographical constituency or the District Council (second) functional constituency at a general election are to be determined as provided by this section. This section applies with any necessary modifications to by-elections for a geographical constituency or the District Council (second) functional constituency. (Amended 2 of 2011 s. 25)

(5) Subject to this section, for every quota of votes cast for a list, a candidate whose name appears on the list is to be returned as a Member for the relevant constituency. (Amended 2 of 2011 s. 25)

(6) For the purposes of subsection (5), a quota is to be calculated as follows-

$$Q = \frac{V}{N}$$

where-

Q represents the quota (with any part of the number resulting from the calculation that is a fraction to be disregarded);

V represents the total number of votes cast at the election for all of the lists;

N represents the specified number for the constituency concerned.

- (7) If, after all of the votes are counted-
  - (a) the number of Members that can be returned by virtue of subsection (5) is less than the specified number; or
  - (b) none of the specified number of Members can be returned by applying the quota, the number of Members remaining to be returned, or the specified number of Members to be returned, for the constituency is to be determined by applying the largest remainder formula as provided by subsection (8).
- (8) Subject to subsections (9) and (11), the largest remainder formula is to be applied as follows-
  - (a) the list with the largest remaining number of votes is determined from among the lists that have any remaining votes (that is, lists, if any, for which more votes were cast than is necessary to obtain a quota and from which the quota, or a multiple of the quota if more than one is obtained, has been deducted), and lists for which fewer votes were cast than is necessary to obtain a quota;
  - (b) a candidate is returnable for the list that has the largest remaining number of votes as determined under paragraph (a);
  - (c) if the specified number of Members is not returned in accordance with subsection (5) and paragraph (b), the process is to be continued with the remaining votes as provided by paragraphs (a) and (b) until the specified number of Members is returned for the constituency.
- (9) If the number of votes cast for a list is such that, after the candidate, or all of the candidates, on that list are elected as provided by subsection (5), votes remain that would entitle a further candidate or further candidates to be returned in respect of the list-
  - (a) the candidate whose name appears, or the candidates whose names appear, on the list are to be returned as Members; and
  - (b) the list is taken to have no votes remaining.
- (10) After the candidate or candidates are determined as being returned as provided by subsection (9)(a), in order to return the remaining number of Members, the list having the largest remaining number of votes, and if necessary, the next largest, is determined for the purposes of subsection (8) and the process is to continue until the specified number of Members is returned for the constituency.
- (11) If, at any stage in determining the Members to be returned, it is found (after a re-count, where a re-count takes place) that-
  - (a) 2 or more lists have the largest number of remaining votes; and
  - (b) the number of those lists exceeds the number of Members remaining to be returned at that stage, the Returning Officer must determine the result at that stage by drawing lots. The Member is or Members are to be returned from the list or lists on which the lot falls. (Amended 48 of 1999 s. 33)
- (12) When, in accordance with this section, 2 or more candidates are to be returned in respect of a list, which of the candidates are to be returned as Members is to be determined according to the order of priority in which their names appear on the list, beginning with the first (at the top of the list) and then proceeding in descending order.
- (13) As soon as practicable after determining the result of an election for a geographical constituency or the District Council (second) functional constituency, the Returning Officer must publicly declare as elected the candidates who were successful at the election. (Amended 2 of 2011 s. 25)
- (14) Despite subsection (13), if, before declaring the result of an election for a geographical constituency or the District Council (second) functional constituency, proof is given to the satisfaction of the Returning Officer that a candidate on a list who was successful at the election has died or is disqualified from being elected, that Officer must not declare that candidate as elected. (Added 48 of 1999 s. 33. Amended 25 of 2003 s. 32; 2 of 2011 s. 25)
- (15) If there is another candidate or there are other candidates on the same list who has not or have not been returned for the constituency, the candidate is to be returned or a candidate is to be returned according to the order of priority on the list (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 must publicly declare the candidate so returned to be elected. (Added 48 of 1999 s. 33)
- (16) If there is no other candidate on the same list who can be returned under subsection (15) for the constituency, the Returning Officer must publicly declare, under section 46A(3), that the election-
  - (a) has 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 returned for the constituency) has 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. (Added 48 of 1999 s. 33)

**Note:**

\* (Amended 2 of 2011 s. 25)

Section:	50	System of voting and counting of votes: the Heung Yee Kuk, the agriculture and fisheries, the insurance and the transport functional constituencies	L.N. 189 of 2003	11/07/2003
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(1) This section applies to elections for functional constituencies specified in section 20(1)(a) to (d). (Amended 48 of 1999 s. 34)

(2) Voting and counting of votes at a poll for the return of a Member for a functional constituency to which this section applies is to be conducted in accordance with the preferential elimination system of voting.

(3) An elector entitled to vote at an election to return a Member for a functional constituency to which this section applies is entitled to cast a single vote. That vote is transferable amongst the candidates nominated for election, with the elector marking the elector's preference or preferences for those candidates on the ballot paper against one or more of those candidates in descending order.

(4) In order to be elected, a candidate must obtain an absolute majority of the votes.

(5) If no candidate obtains an absolute majority of the votes at a particular stage of the counting of votes-

(a) the candidate with the least number of votes, or the candidates with the least number of votes if 2 or more such candidates have an equal number of votes, is to be eliminated at that stage; and

(b) that candidate's votes, or those candidates' votes, are to be transferred to the candidates then remaining in accordance with the next available preferences marked on the ballot papers.

This process is to continue until one candidate obtains an absolute majority over the other candidate or candidates then remaining.

(6) If, after the final stage of counting of votes at an election for a functional constituency to which this section applies, the remaining candidates have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots. The candidate on whom the lot falls is to be returned at the election. (Amended 48 of 1999 s. 34)

(7) As soon as practicable after determining the result of an election for a functional constituency to which this section applies, the Returning Officer must publicly declare as elected the candidate who was successful at the election.

(8) Despite subsection (7), if, before declaring the result of an election for a functional 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-

(a) must not declare that candidate as elected; and

(b) must publicly declare, under section 46A(3), that the election has failed. (Added 48 of 1999 s. 34)

Section:	51	System of voting and counting of votes: other functional constituencies	L.N. 189 of 2003	11/07/2003
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(1) This section applies to elections for functional constituencies specified in section 20(1)(e) to (zb). (Amended 48 of 1999 s. 35)

(2) Voting and counting of votes at a poll for the return of a Member or Members for a functional constituency to which this section applies 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 may vote for as many candidates as there are vacancies and no more.

(3) If the election is for a single-member functional constituency that is contested by 2 or more candidates, the candidate to be returned as a Member is the candidate who obtains the greater or greatest number of votes.

(4) If the election is for a triple-member functional constituency that is contested by 4 or more candidates at a general election, the candidates to be returned as Members are the 3 candidates who obtain the greatest and next 2 greatest numbers of votes.

(5) Subsection (4) applies with any necessary modifications to a by-election to return fewer than 3 Members for a triple-member constituency.

(6) If, after the counting is finished at an election for a functional constituency to which this section applies, a Member or Members is still to be returned for the constituency and the most successful candidates have an equal number of votes, the Returning Officer must determine the result of the election by drawing lots. The candidate or candidates on whom the lot falls is or are to be returned at the election. (Amended 48 of 1999 s. 35)

(7) As soon as practicable after determining the result of an election for a functional constituency to which this section applies, the Returning Officer must publicly declare as elected the candidate or candidates who were successful at the election.

(8) Despite subsection (7), if, before declaring the result of an election for a functional constituency, proof is given to the satisfaction of the Returning Officer that the candidate or a candidate who was successful at the election has died or is disqualified from being elected, that Officer-

- (a) must not declare that candidate as elected; and
- (b) must publicly declare, under section 46A(3), that the election-
  - (i) has failed; or
  - (ii) (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 returned for the constituency) has 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. (Added 48 of 1999 s. 35)

Section:	52	(Repealed 25 of 2003 s. 35)	L.N. 189 of 2003	01/10/2004
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Section:	53	When an elector is disqualified from voting at an election	L.N. 216 of 2009	30/10/2009
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- (1) A person registered as an elector is disqualified from voting at an election if the person-
  - (a) in the case of a geographical constituency, has ceased to be eligible to be registered as an elector for such a constituency; or
  - (b) in the case of a functional constituency, has ceased to be a person eligible to be registered as an elector for such a constituency. (Amended 48 of 1999 s. 37)

(2)-(3) (Repealed 25 of 2003 s. 36)

(4) A person is disqualified from voting at an election as the authorized representative of a corporate elector if the person-

- (a) is no longer eligible to be the authorized representative of the elector; or
- (b) is not registered as such a representative by the Electoral Registration Officer.

(5) An elector is also disqualified from voting at an election if the elector- (Amended 25 of 2003 s. 36)

- (a)-(c) (Repealed 7 of 2009 s. 8)
- (d) 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 (Replaced 25 of 2003 s. 36)
- (e) is a member of the armed forces of the Central People's Government or any other country or territory.

(6) Subsection (5) applies to the authorized representative of a corporate elector in the same way as it applies to an elector who is a natural person.

Section:	54	Consequences of non-compliance with requirements of this Ordinance	134 of 1997	03/10/1997
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In any proceedings brought to question the validity of an election, the Court must not declare the election to be invalid only because of-

- (a) a failure to comply with the regulations or with regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); or
- (b) a mistake in the use of a nomination form,

if it appears to the Court that the election was conducted in accordance with the principles laid down in this Ordinance and the Electoral Affairs Commission Ordinance (Cap. 541) and that the failure to comply or mistake did not affect the result of the election.

Section:	55	Misnomer or inaccuracy not to affect operation of election document	134 of 1997	03/10/1997
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(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.

Section:	56	Election to be presumed to be valid	18 of 2011	15/07/2011
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Every election is presumed to be valid until— (Amended 18 of 2011 s. 5)

- (a) the Court determines, on the hearing of an election petition, that the election is invalid; or
- (b) the Court of Final Appeal determines, on hearing an appeal against the Court's determination, that the election is invalid.

(Amended 18 of 2011 s. 5)

Section:	57	Election not to be questioned only because of defect in the appointment of an electoral officer	134 of 1997	03/10/1997
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An election is not to be questioned only because of a defect in the appointment of a person as an electoral officer if the person was at the relevant time holding office or acting as such an officer at the election.

Section:	58	Returning Officer to publish result of election	L.N. 189 of 2003	01/10/2004
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(1) The Returning Officer for an election to return Members for a geographical constituency must publish in the Gazette a notice declaring that the candidates returned at the election are the Members duly elected for the constituency.

(2) The Returning Officer for an election to return a Member or Members for a functional constituency must publish in the Gazette a notice declaring that the candidate or candidates returned at the election is or are the Members duly elected for the constituency.

(3) (Repealed 25 of 2003 s. 37)

(4) 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).

Section:	58A	Candidate declared to be returned is presumed to be duly elected	18 of 2011	15/07/2011
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Subject to section 72(1A), a person declared under section 58 as returned at an election is presumed to be duly elected until he or she is ruled by the Court or the Court of Final Appeal, on the determination of an election petition or appeal, as not duly elected.

(Added 18 of 2011 s. 6)

Section:	59	Offences by electoral officers with respect to conduct of election	134 of 1997	03/10/1997
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(1) Any person holding office as an electoral officer at an election who neglects or refuses to perform the functions or duties of that office in relation to the 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.

Section:	60	Elector not to be required to disclose how vote was cast	134 of 1997	03/10/1997
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(1) An elector who is asked to disclose the name of, or any particulars relating to, the candidate for whom the elector voted at the election is not required to answer the question.

(2) A person must not, without lawful authority, require, or purport to require, an elector to disclose the name of, or any particulars relating to, the candidate for whom the elector voted at an election.

(3) In this section, "elector" (選民) includes an authorized representative of a corporate elector.

(4) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 2.

Part:	VIA	FINANCIAL ASSISTANCE FOR CANDIDATES AND LISTS OF CANDIDATES IN RESPECT OF ELECTION EXPENSES	2 of 2011	11/03/2011
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(Part VIA added 25 of 2003 s. 38)

Section:	60A	Interpretation: Part VIA	18 of 2011	15/07/2011
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(1) In this Part—

“auditor” (核數師) means a certified public accountant (practising) as defined in the Professional Accountants Ordinance (Cap 50); (Amended 10 of 2005 s. 231)

“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) a list of candidates for a geographical constituency or the District Council (second) functional constituency, the amount set out as election expenses incurred in respect of the list, in the election return lodged for the relevant election; and

(b) a candidate for a functional constituency (other than the District Council (second) functional constituency), the amount set out as election expenses incurred by the candidate, in the election return lodged for the relevant election; (Amended 2 of 2011 s. 26)

“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 46A(2) that the candidate is disqualified from being elected;

“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 58, unless he or she is determined under section 67(1) or (2) or 70B to be not duly elected; (Amended 18 of 2011 s. 7)

(b) a deceased candidate, who is found to be successful at the election under section 46A(3), unless proof is given to the satisfaction of the Returning Officer under section 46A(2) that he or she is disqualified from being elected; or

(c) a candidate who becomes a Member under section 72(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(2)(a) or (b);

“eligible list of candidates” (合資格的候選人名單) means a list of candidates that is eligible for financial assistance under section 60C(1)(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 or as a member of any District Council;

“specified rate” (指明的資助額) means the amount specified in Schedule 5.

(Amended 1 of 2007 s. 11)

- (2) A reference in this Part to an amount set out as election expenses incurred in respect of a list of candidates or the declared election expenses of a list of candidates is to be construed, in relation to a list of candidates consisting of more than one candidate, as the amount set out as the election expenses of all the candidates on the list or, if the election expenses are declared separately by the candidates on the list, as the aggregate of the separately declared election expenses.
- (3) (Repealed 1 of 2007 s. 11)
- (4) 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—
    - (i) in a geographical constituency or the District Council (second) functional constituency is the total number of ballot papers containing valid votes received in that constituency; and
    - (ii) for a list of candidates for a geographical constituency or the District Council (second) functional constituency is the total number of ballot papers containing valid votes cast for that list; and (Amended 2 of 2011 s. 26)
  - (b) the total number of valid votes cast—
    - (i) in a functional constituency specified in section 20(1)(a) to (d) is the total number of ballot papers containing valid first preference votes received in that constituency; and
    - (ii) for a candidate for such a functional constituency is the total number of ballot papers containing valid first preference votes for that candidate; and
  - (c) the total number of valid votes cast—
    - (i) in any other functional constituency is the total number of ballot papers containing valid votes received in that constituency; and
    - (ii) for a candidate for such a functional constituency is the total number of ballot papers containing valid votes cast for that candidate.
- (5) For the purposes of sections 60D(2)(a) and 60E(2)(a), the number of registered electors for a constituency is the number of electors registered for that constituency in the final register in force at the time the election is held.

Section:	60B	Financial assistance payable to list of candidates and candidates*	2 of 2011	11/03/2011
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**Remarks:**

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
  - (b) the holding of the Legislative Council general election in 2012.
- (1) An eligible list of candidates for a geographical constituency or the District Council (second) functional constituency or an eligible candidate for a functional constituency (other than the District Council (second) functional constituency) is entitled to financial assistance in the form of a monetary payment, in accordance with this Part, in respect of the declared election expenses for an election, of that list or candidate. (Amended 2 of 2011 s. 27)
  - (2) Subject to this Part, financial assistance is payable to an eligible list of candidates or an eligible candidate whether or not that list or candidate represents a political party or an organization that is not a political party or is an independent list of candidates or an independent candidate.
  - (3) An amount payable as financial assistance is payable whether or not the declared election expenses have been paid or are due for payment in whole or in part.
  - (4) For the avoidance of doubt, it is stated that financial assistance payable under this Part is not an election donation within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554). (Added 1 of 2007 s. 12)

**Note:**

\* (Amended 2 of 2011 s. 27)

Section:	60C	Eligibility for financial assistance: list of candidates and candidates*	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
  - (b) the holding of the Legislative Council general election in 2012.
- (1) A list of candidates for a geographical constituency or the District Council (second) functional constituency is eligible for financial assistance only in the following circumstances— (Amended 2 of 2011 s. 28)
- (a) if at least one candidate on the list is elected as a Member; or
  - (b) if no candidate on the list is elected as a Member, if—
    - (i) at least one candidate on the list is not a disqualified candidate; and
    - (ii) the total number of valid votes cast for the list is equal to or exceeds 5% of the total number of valid votes cast in the constituency concerned. (Amended 2 of 2011 s. 28)
- (2) Only the following candidates for a functional constituency (other than the District Council (second) functional constituency) are eligible for financial assistance— (Amended 2 of 2011 s. 28)
- (a) a candidate who is elected as a Member; or
  - (b) a candidate who is not elected as a 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.

**Note:**

\* (Amended 2 of 2011 s. 28)

Section:	60D	Amount payable as financial assistance: list of candidates	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
  - (b) the holding of the Legislative Council general election in 2012.
- (1) If the election for a geographical constituency or the District Council (second) functional constituency is contested, the amount payable as financial assistance in respect of the list of candidates is the lowest of the following amounts— (Amended 1 of 2007 s. 13; 2 of 2011 s. 29)
- (a) the amount obtained by multiplying the total number of valid votes cast for the list of candidates by the specified rate;
  - (b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidates on the list under section 3 or 3A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap 554 sub. leg. D); (Replaced 2 of 2011 s. 29)
  - (ba) the declared election expenses of the list of candidates. (Added 2 of 2011 s. 29)
  - (c) (Repealed 1 of 2007 s. 13)
- (2) If the election for a geographical constituency or the District Council (second) functional constituency is uncontested, the amount payable as financial assistance in respect of the list of candidates is the lowest of the following amounts— (Amended 1 of 2007 s. 13; 2 of 2011 s. 29)
- (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 may be incurred by or on behalf of the candidates on the list under section 3 or 3A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap 554 sub. leg. D); (Replaced 2 of 2011 s. 29)

(ba) the declared election expenses of the list of candidates. (Added 2 of 2011 s. 29)

(c) (Repealed 1 of 2007 s. 13)

(3)-(4) (Repealed 1 of 2007 s. 13)

Section:	60E	Amount payable as financial assistance: candidates for functional constituencies other than District Council (second functional constituency*	2 of 2011	11/03/2011
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**Remarks:**

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

(1) If the election for a functional constituency (other than the District Council (second) functional constituency) is contested, the amount payable as financial assistance to a candidate is the lowest of the following amounts— (Amended 1 of 2007 s. 14; 2 of 2011 s. 30)

- (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 may be incurred by or on behalf of the candidate under section 4 of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap 554 sub. leg. D); (Replaced 2 of 2011 s. 30)
- (ba) the declared election expenses of the candidate. (Added 2 of 2011 s. 30)
- (c) (Repealed 1 of 2007 s. 14)

(2) If the election for a functional constituency (other than the District Council (second) functional constituency) is uncontested, the amount payable as financial assistance to a candidate is the lowest of the following amounts— (Amended 1 of 2007 s. 14; 2 of 2011 s. 30)

- (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 may be incurred by or on behalf of the candidate under section 4 of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap 554 sub. leg. D); (Replaced 2 of 2011 s. 30)
- (ba) the declared election expenses of the candidate. (Added 2 of 2011 s. 30)
- (c) (Repealed 1 of 2007 s. 14)

(3)-(4) (Repealed 1 of 2007 s. 14)

**Note:**

\* (Amended 2 of 2011 s. 30)

Section:	60F	Entitlement to financial assistance not affected by failure of election, but financial assistance not payable if election proceedings are terminated	L.N. 189 of 2003	15/07/2004
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(1) A declaration by the Returning Officer under section 46A(3)(a) or (b) 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 46A(1), financial assistance is not payable in respect of that election.

(Part VIA added 25 of 2003 s. 38)

Section:	60G	Financial assistance to be paid out of general revenue	L.N. 189 of 2003	15/07/2004
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An amount payable as financial assistance under this Part is a charge on, and is to be met from, the general revenue.

(Part VIA added 25 of 2003 s. 38)

Section:	60H	Recovery of payment of financial assistance	L.N. 189 of 2003	15/07/2004
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(1) Where a payment of financial assistance is made under this Part and the recipient (whether a list of candidates or a candidate) is not entitled to receive the whole or part of the amount paid—

- (a) the Chief Electoral Officer shall give a written notice to the recipient requiring repayment of the whole or part, as the case may be, of the amount paid; and
- (b) the recipient must repay the whole or part, as the case may be, of the amount paid, to the Government within 3 months after the date of the notice,

in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541).

(2) Any amount that is not repaid under subsection (1) may be recovered as a civil debt due to the Government.

(3) For the purposes of subsections (1) and (2), any amount paid in respect of a list of candidates consisting of more than one candidate, is taken to have been paid jointly and severally to those candidates.

(4) If a person (including a candidate on a list of candidates) from whom an amount is recoverable as a civil debt under subsection (2) dies before such recovery, the estate of that candidate is liable to the extent of the deceased candidate's liability.

(5) In any proceedings for the purposes of subsection (2), a certificate signed by the Chief Electoral Officer, stating, in relation to a payment of financial assistance under this Part, the amount, the date and the recipient of the payment is admissible as evidence of the matters stated in the certificate.

(Part VIA added 25 of 2003 s. 38)

Section:	60I	How financial assistance is to be claimed and paid	L.N. 81 of 2007	01/09/2007
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(1) A claim must be—

- (a) presented to the Chief Electoral Officer within the period or extended period provided for in section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) for lodging an election return; and
- (b) accompanied by an election return, with the accounts of the declared election expenses audited by an auditor. (Amended 1 of 2007 s. 15)

(2) A payment of financial assistance is to be made by the Chief Electoral Officer.

(3) A claim must be made, supported and verified also in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541). The manner of payment must also be in accordance with those regulations.

(4) Where a person entitled to financial assistance dies before a claim is made, a claim may be made on behalf of the estate of the deceased person and any payment of financial assistance be made for the benefit of the estate.

(5) Where a person entitled to financial assistance dies after a claim is made, but before a payment of financial assistance is made or the claim is otherwise disposed of, the claim may be continued on behalf of the estate of the deceased person and any payment of financial assistance be made for the benefit of the estate.

(6) Where a person entitled to financial assistance dies before or after a claim is made, his or her legal personal representative or such other person as specified in regulations in force under the Electoral Affairs Commission Ordinance (Cap 541) may take any action in respect of the claim that the deceased person may have taken.

(Part VIA added 25 of 2003 s. 38)

Section:	60J	Financial assistance not to be paid until disposal of election petition	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

(1) The Chief Electoral Officer must not make any payment of financial assistance during the period specified in section 65 for lodging an election petition, but may receive or process a claim during that period.

- (2) If an election petition is lodged in relation to an election for a geographical constituency or the District Council (second) functional constituency, the Chief Electoral Officer must not make any payment of financial assistance in respect of any list of candidates for that constituency until the determination, abandonment or termination of the petition under Part VII. (Amended 2 of 2011 s. 31)
- (3) If an election petition is lodged in relation to an election for a functional constituency (other than the District Council (second) functional constituency), the Chief Electoral Officer must not make any payment of financial assistance to any candidate for that constituency until the determination, abandonment or termination of the petition under Part VII. (Amended 2 of 2011 s. 31)
- (4) In this section, a reference to the abandonment of an election petition includes a reference to withdrawing or ceasing to prosecute an election petition. (Added 1 of 2007 s. 16)

Section:	61	Election may be questioned only by election petition made on specified grounds	L.N. 55 of 2000	03/03/2000
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## PART VII

### ELECTION PETITIONS

- (1) An election to return a 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 a 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 a Member may be questioned only by an election petition lodged under section 62.
- (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)

Section:	62	Who may lodge election petition	L.N. 189 of 2003	01/10/2004
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- (1) An election petition may be lodged, in the case of an election for a constituency-
  - (a) by 10 or more electors entitled to vote at the election; or
  - (b) by a person claiming to have been a candidate in the election.
- (2) (Repealed 25 of 2003 s. 39)

Section:	63	Who may be made respondent to election petition	134 of 1997	03/10/1997
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(1) 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.

(2) Two 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.

Section:	64	Court to have jurisdiction to determine election petitions	134 of 1997	03/10/1997
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(1) The Court has the same jurisdiction and the same functions in respect of an election petition as it has in respect of an ordinary cause of action within its jurisdiction.

(2) An election petition is triable in open court and, unless the Chief Justice otherwise directs, before one judge.

(3) The Chief Justice may make rules providing for giving effect to this Part and for regulating matters relating to the preparation, lodgement, service, trial and withdrawal of election petitions and costs in respect of those petitions (including the giving of security for costs), and the practice and procedure concerning the trial of those petitions.

Section:	65	Period within which election petition and appeal must be lodged*	18 of 2011	15/07/2011
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(1) An election petition questioning an election may be lodged only during the period of 2 months following the date on which the Returning Officer has published the result of the election in the Gazette. (Amended 18 of 2011 s. 8)

(2) 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)(c) 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 18 of 2011 s. 8)

**Note:**

\* (Amended 18 of 2011 s. 8)

Section:	66	Court may direct security to be given for costs	134 of 1997	03/10/1997
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(1) Within 5 days after lodging an election petition in the Court, or within such other period as the Court directs, the petitioner must give security for all costs that may become payable by the petitioner to any witness who gives evidence in the proceedings on the petitioner's behalf or to any respondent.

(2) The amount of security to be given under this section is to be of such amount, not exceeding \$20000, as the Court directs. That amount is to be provided in such manner and form as the Court directs.

(3) An election petition is taken to have been withdrawn if this section is not complied with.

Section:	67	Court to determine election petition	18 of 2011	15/07/2011
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(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 in relation 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. 9)

(4) (Repealed 18 of 2011 s. 9)

(5) The Court may, on its own initiative, provide the Secretary for Constitutional and Mainland Affairs, or the Electoral Affairs Commission or the Clerk to the Legislative Council 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 or the Electoral Affairs Commission 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)

Section:	68	What happens if election petition is withdrawn	L.N. 210 of 1999	30/07/1999
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- (1) Subject to section 66(3), a petitioner must not withdraw or abandon, or cease to prosecute, an election petition unless the petitioner has obtained the leave of the Court. (Amended 48 of 1999 s. 40)
- (2) At the hearing of an application for leave referred to in subsection (1)-
- (a) any person who could have lodged an election petition in respect of the election concerned, or the Secretary for Justice, may apply to the Court to be substituted as petitioner; and
  - (b) the Court may, if it thinks appropriate, accordingly substitute that person or the Secretary for Justice.
- (3) If an application to withdraw or abandon, or to cease to prosecute, an election petition is, in the opinion of the Court, induced by a corrupt bargain or the offer or giving of corrupt consideration, the Court may direct that the security given by or on behalf of the original petitioner is to remain as security for any costs that are incurred by the substituted petitioner. To the extent of such sum as the Court may direct, the original petitioner (and that original petitioner's sureties, if any) is to be liable to pay the costs of the substituted petitioner. (Amended 48 of 1999 s. 40)
- (4) If the Court does not so direct, then before the substituted petitioner may proceed with the substituted election petition, security of the same amount as would be required to be given under section 66 in the case of an original petition must be given by or on behalf of that petitioner in the same manner and form, and within such period, as the Court directs. This subsection does not apply to the Secretary for Justice.
- (5) Subject to subsections (3) and (4), a substituted petitioner stands in the same position as the original petitioner.
- (6) If a petitioner is substituted for the original petitioner, the original petitioner must provide the substituted petitioner with all evidence available to the original petitioner and relevant to the continued prosecution of the election petition.
- (7) The petitioner is liable to pay the costs of the respondent if-
- (a) the election petition is withdrawn or abandoned; or
  - (aa) the election petition is taken to have been withdrawn under section 66(3); or (Added 48 of 1999 s. 40)
  - (b) the petitioner ceases to prosecute the petition.
- (8) If there are 2 or more petitioners, an application to withdraw or abandon, or to cease to prosecute, the election petition can be made only with the consent of all the petitioners.
- (9) Any person who-
- (a) contravenes subsection (1); or
  - (b) without reasonable excuse, fails to comply with subsection (6),
- commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

Section:	69	When an election petition is terminated	134 of 1997	03/10/1997
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- (1) If an election petition is lodged by a natural person, the petition is terminated by the person's death.
- (2) If an election petition is lodged by 2 or more petitioners, the petition is terminated if the last remaining petitioner-
- (a) (where that petitioner is a natural person) dies; or
  - (b) (where that petitioner is a body) ceases to exist.
- (3) The termination of an election petition under this section does not affect the liability of the estate of the deceased petitioner, or the liability of any other person, for the payment of costs previously incurred.
- (4) On the termination of an election petition under this section, the Registrar of the High Court must publish in the Gazette a notice of the termination. Within 14 days after the publication of the notice, any person who could have lodged a petition in respect of the election concerned may apply to the Court in writing to be substituted as a petitioner. On receiving such an application, the Court may, if it thinks appropriate, substitute the applicant for the original petitioner.
- (5) The same security must be given by or on behalf of the substituted petitioner as would be required to be given by or on behalf of the original petitioner.

Section:	70	When respondent can withdraw from election proceedings and be substituted	134 of 1997	03/10/1997
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- (1) If, before the trial of an election petition, a respondent other than a Returning Officer-

- (a) dies, resigns or otherwise ceases to hold the office to which the petition relates; or
- (b) gives the Registrar of the High Court notice that the respondent does not intend to oppose the petition, that Registrar must publish in the Gazette a notice of that fact.

(2) Within 14 days after the publication of such a notice, any person who could have lodged an election petition in respect of the election concerned may apply to the Court in writing to be substituted as a respondent to oppose the election petition. On receiving such an application, the Court must order the applicant to be substituted as respondent to the petition.

(3) A respondent who has given notice under subsection (1)(b) cannot appear or participate in the proceedings on the election petition in opposition to that petition.

Section:	70A	Court's determination of election petition suspended before deadline of appeal	18 of 2011	15/07/2011
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The effect of the determination of the Court of an election petition is suspended until the expiry of the period within which notice of a motion for the purpose of an application for leave to appeal to the Court of Final Appeal against the determination may be filed under section 65(2).

(Added 18 of 2011 s. 10)

Section:	70B	Court of Final Appeal's determination	18 of 2011	15/07/2011
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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. 10)

Section:	71	Acts of person not invalid if determined not duly elected*	18 of 2011	15/07/2011
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If the Court or the Court of Final Appeal determines that a person who was originally declared to have been duly elected as a Member was not duly elected as a Member, the determination does not invalidate acts purporting to have been done by the person as a 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. 11)

**Note:**

\* (Replaced 18 of 2011 s. 11)

Section:	72	What is to happen if Member is determined not to have been duly elected	18 of 2011	15/07/2011
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- (1) If, on the hearing of an election petition, the Court determines that a person who was declared under section 58 as duly elected as a Member was not duly elected as a Member— (Amended 18 of 2011 s. 12)
  - (a) subject to subsection (1A) and section 70A, that person ceases to be a Member; and
  - (b) subject to subsection (2), that person's office as a 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 58 as duly elected as a Member was not duly elected as a 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 a Member. (Added 18 of 2011 s. 12)
- (2) If, on the hearing of an election petition, the Court determines that a person was duly elected as a 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 70A, the first-mentioned person becomes a 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 58 as duly elected as a Member was not duly elected as a Member—
- (a) that person ceases to be a Member; and
  - (b) subject to subsection (4), that person's office as a 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. 12)
- (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 a Member in place of a person that the Court of Final Appeal has determined not to have been duly elected as a Member, the first-mentioned person becomes a Member from the date on which the written judgment of the Court of Final Appeal is handed down. (Added 18 of 2011 s. 12)
- (5) If the Court determines that a person who was declared under section 58 as duly elected as a Member was not duly elected as a 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 a 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 a 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. 12)

(Amended 18 of 2011 s. 12)

Section:	73	Proceedings against persons on grounds of disqualification	134 of 1997	03/10/1997
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## PART VIII

### OTHER LEGAL PROCEEDINGS

- (1) An elector, or the Secretary for Justice, may bring proceedings in the Court against any person who is acting, claims to be entitled to act, as a Member on the ground that the person is disqualified from acting as such.
- (2) Proceedings under this section may not be brought after 6 months from the date on which the person concerned acted, or claimed to be entitled to act, as a Member.
- (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 \$5000 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.

(5) Proceedings brought under this section by a person other than the Secretary for Justice are to be stayed until the person has given security for all costs that the person may be ordered to pay to any witness giving evidence in the proceedings on that person's behalf or to a defendant.

(6) The amount of security to be given under this section-

- (a) is to be determined by the Court, but must not exceed \$20000; and
- (b) is to be in such manner and form as the Court directs.

(7) Proceedings against a person on the ground that the person has, while disqualified from acting as, or claimed to have been entitled to act, as a Member may be brought only in accordance with this section.

(8) 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.

Section:	74	Period within which complaint or information is to be laid	134 of 1997	03/10/1997
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Except as otherwise provided by this Ordinance, a complaint or information alleging the commission of an offence against this Ordinance must be laid within 3 years from the date of the alleged commission.

Section:	75	Appointment of Electoral Registration Officer and assistants	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

## PART IX

### APPOINTMENT AND FUNCTIONS OF OFFICERS

(1) The Chief Executive must 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 electors at elections to return Members. (Amended 21 of 2001 s. 68)

(2) The Electoral Registration Officer has such functions and duties as are conferred or imposed on that Officer by or under this Ordinance.

(3) An Assistant Electoral Registration Officer may, with the authority of the Electoral Registration Officer, exercise and perform the functions and duties of Electoral Registration Officer.

(4) The Secretary for Constitutional and Mainland Affairs must publish in the Gazette notice of the appointment of a person as Electoral Registration Officer and the Officer's address. (Amended L.N. 130 of 2007)

(5) The Government must ensure that the Electoral Registration 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 the Electoral Registration 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.

Section:	76	Electoral Registration Officer may specify forms	L.N. 187 of 2001	21/09/2001
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The Electoral Registration Officer may specify the form of any application, notice, return, record or other document required for the purposes of Part V.

(Amended 21 of 2001 s. 69)

Section:	77	Appointment of Revising Officer	134 of 1997	03/10/1997
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(1) The Chief Justice may appoint any magistrate, or any legal officer within the meaning of the Legal Officers Ordinance (Cap 87), to be a Revising Officer for the purposes of this Ordinance.

(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 and duties as are conferred or imposed on that Officer by or under this Ordinance.

(4) A Revising Officer has, when exercising or performing the Officer's functions and duties, the powers and immunities of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance (Cap 227).

Section:	78	Appointment of Returning Officers and assistants	L.N. 189 of 2003	01/10/2004
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(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. (Amended 25 of 2003 s. 40)

(2) (Repealed 21 of 2001 s. 70)

(3) A Returning Officer has such functions and duties as are conferred or imposed on that Officer by or under this Ordinance.

(4) An Assistant Returning Officer may, with the authority of the Returning Officer concerned, exercise and perform the functions and duties of Returning Officer.

(5) The Electoral Affairs Commission must publish in the Gazette a notice of the appointment of a Returning Officer and that Officer's address.

(6) 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.

(7) 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.

Section:	79	Offence to obstruct or hinder electoral officers	134 of 1997	03/10/1997
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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.

Section:	80	Chief Executive may give directions as to exercise or performance of electoral officers' functions and duties	134 of 1997	03/10/1997
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(1) The Chief Executive may give directions, either generally or in any particular case, with respect to the exercise or performance by an electoral officer of any of the officer's functions or duties under this Ordinance with respect to the holding or conduct of an election. The directions have no effect to the extent that they are inconsistent with this Ordinance or the Electoral Affairs Commission Ordinance (Cap 541).

(2) An electoral officer must, when exercising or performing a function or duty under this Ordinance, comply with any direction given by the Chief Executive under this section with respect to the exercise or performance of the function or duty.

Section:	81	Death or incapacity of electoral officer not to terminate authority	134 of 1997	03/10/1997
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Death or incapacity of an electoral officer does not terminate any authority conferred by the officer for the purposes of this Ordinance.

Section:	82	Chief Executive in Council may make regulations	L.N. 187 of 2001	21/09/2001
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## PART X

### SUBSIDIARY LEGISLATION

(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 or a list of candidates; and
  - (b) the amount that a candidate or a list of candidates is required to lodge as a deposit at an election; and
  - (c) the forfeiture of the deposit if the candidate or list of candidates fail to obtain a prescribed proportion of the votes cast at the election and for the return of the deposit if the candidate or list of candidates obtain that proportion of votes at the election; and
  - (d) the functions and duties of a Revising Officer; and
  - (e) appeals to a Revising Officer.
- (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.
- (5) (Repealed 21 of 2001 s. 71)

Section:	83	Chief Executive in Council may amend Schedules 1, 1A, 1B, 1C, 1D and 1E	L.N. 187 of 2001	21/09/2001
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- (1) The Chief Executive in Council may, subject to the approval of the Legislative Council, by order published in the Gazette, amend Schedules 1, 1A, 1B, 1C, 1D and 1E. (Amended 48 of 1999 s. 42; 21 of 2001 s. 72)
- (2) (Repealed 48 of 1999 s. 42)

Section:	83A	Chief Executive in Council may amend Schedule 5	L.N. 189 of 2003	15/07/2004
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The Chief Executive in Council may by order published in the Gazette amend Schedule 5.  
(Added 25 of 2003 s. 42)

Section:	84	Savings and transitional provisions	134 of 1997	03/10/1997
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## PART XI

### MISCELLANEOUS

Schedule 3 has effect.

Section:	85	(Omitted as spent)	134 of 1997	03/10/1997
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(Omitted as spent)

Schedule:	1	COMPOSITION OF THE AGRICULTURE AND FISHERIES FUNCTIONAL CONSTITUENCY	2 of 2011	11/03/2011
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#### Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

[section 20B]

Item	Body
1.	Aberdeen Fishermen Friendship Association. (Amended 10 of 2006 s. 34)
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. (Amended 10 of 2006 s. 34)
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. (Amended 10 of 2006 s. 34)
22.	Hong Kong Livestock Industry Association.
23.	Hong Kong N.T. Fish Culture Association.
24.	Hong Kong N.T. Poultry (Geese & Ducks) Mutual Association. (Amended 10 of 2006 s. 34)
25.	Hong Kong Netting, Cultivation and Fisherman Association.
26.	(Repealed 2 of 2011 s. 32)
27.	Hong Kong Off-shore Fishermen's Association.
28.	Hong Kong Pigfarm Association Limited.
29.	The Lam Ti Agricultural Credit Co-operative Society, Limited.
30.	Lamma Island Lo Dik Wan Aquaculture Association.
31.	(Repealed 25 of 2003 s. 43)
32.	Lau Fau Shan Oyster Industry Association, New Territories.
33.	Ma Wan Fisheries Rights Association Ltd.
34.	The Mui Wo Agricultural Products Marketing & Credit Co-operative Society, Ltd.
35.	Mui Wo Fishermen Fraternity Society.
36.	N.T. Oyster and Aquatic Products United Association.
37.	The New Territories Chicken Breeders Association, Ltd.
38.	The New Territories Fishermen Fraternity Association Ltd.
39.	New Territories Florist Association, Ltd.
40.	North District Florists Association.
41.	Outlying Islands Mariculture Association (Cheung Chau).
42.	Peng Chau Fishermen Association Ltd.
43.	Quality Broiler Development Association.
44.	(Repealed 25 of 2003 s. 43)
45.	Sai Kung Fishermen Association Limited.
46.	Sai Kung (North) Sham Wan Marine Fish Culture Business Association.
47.	Sai Kung Po Toi O Fish Culture Business Association.
48.	Sai Kung Tai Tau Chau Fish Culture Business Association.
49.	Sai Kung Tai Wu Kok Fishermen's Association.
50.	The Sha Tau Kok Marine Fish Culture Association. (Amended 10 of 2006 s. 34)
51.	The Sha Tau Kok Small Long Liner and Gill Net Fishermen's Credit Co-operative Society, Unlimited.
52.	The Shan Tong Vegetable Marketing Co-operative Society, Ltd.

53. Shatin Ah Kung Kok Fishermen Welfare Association.
54. Shatin Florists Association.
55. The Shau Kei Wan Deep Sea Capture Fishermen's Credit Co-operative Society, Unlimited.
56. Shau Kei Wan Fishermen Friendship Association.
57. The Shau Kei Wan Pair Trawler Fishermen's Credit Co-operative Society, Unlimited.
58. The Shau Kei Wan Trawler Fishermen's Credit Co-operative Society, Unlimited.
59. (Repealed 7 of 2008 s. 6)
60. Tai O Fishermen (Coastal Fishery) Association.
61. The Tai O Sha Chai Min Fishermen's Credit Co-operative Society, Unlimited.
62. The Tai Po Fishermen's Credit Co-operative Society, Unlimited.
63. Tai Po Florists and Horticulturists Association.
64. (Repealed 10 of 2006 s. 46)
65. The Tai Po Purse Seiner and Small Long Liner Fishermen's Credit Co-operative Society, Unlimited.
66. The Tsing Lung Tau Hand Liner Fishermen's Credit Co-operative Society, Unlimited.
67. The Tsuen Wan Fishermen's Credit Co-operative Society, Unlimited.
68. The Tuen Mun Mechanized Fishing Boat Fishermen's Credit Co-operative Society, Unlimited. (Replaced 25 of 2003 s. 43)
69. Tuen Mun Agricultural Association.
70. Tung Lung Chau Mariculture Association.
71. The Hong Kong Branch of the World's Poultry Science Association. (Replaced 7 of 2008 s. 6)
72. (Repealed 10 of 2006 s. 46)
73. Yuen Long Agriculture Productivity Association. (Amended 10 of 2006 s. 34)
74. Yung Shue Au Marine Fish Culture Business Association.
75. (Repealed 25 of 2003 s. 43)
76. Tsing Yi Residents Association. (Replaced 10 of 2006 s. 34)
77. 荃灣葵青居民聯會(漁民組).
78. 荃灣葵青漁民會.
79. The Shau Kei Wan Stern Trawler Fishermen's Credit Co-operative Society, Unlimited. (Added 25 of 2003 s. 43)
80. Sustainable Ecological Ethical Development Foundation Limited. (Added 25 of 2003 s. 43. Amended 2 of 2011 s. 32)
81. N.T. North District Fishermen's Association. (Added 25 of 2003 s. 43)
82. Tai Po Off Shore Fishermen's Association. (Added 25 of 2003 s. 43)
83. Aberdeen Fisherwomen Association. (Added 25 of 2003 s. 43)

(Replaced 48 of 1999 s. 43)

Schedule:	1A	COMPOSITION OF THE TRANSPORT FUNCTIONAL CONSTITUENCY	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

[section 20D]

Item

Body

1. Parking Management and Consultancy Services Limited. (Replaced 7 of 2008 s. 7)
2. Airport Authority Hong Kong.
3. (Repealed 25 of 2003 s. 44)
4. Articulated & Commercial Vehicle's Instructors Union.

5. The Association of N.T. Radio Taxicabs Ltd.
6. Autotoll Limited.
7. The Chartered Institute of Logistics and Transport in Hong Kong. (Replaced 25 of 2003 s. 44)
8. China Merchants Shipping & Enterprises Co. Ltd.
9. China Tollways Ltd.
10. Chu Kong Shipping Enterprises (Holdings) Co. Ltd.
11. Chuen Kee Ferry Ltd.
12. Chuen Lee Radio Taxis Association Ltd.
13. Citybus Ltd.
14. Coral Sea Ferry Service Co., Ltd.
15. COSCO-HIT Terminals (Hong Kong) Limited.
16. CTOD Association Company Ltd.
17. Turbojet Ferry Services (Guangzhou) Limited. (Replaced 25 of 2003 s. 44)
18. Discovery Bay Transportation Services Ltd.
19. Driving Instructors Merchants Association, Limited. (Replaced 7 of 2008 s. 7)
20. Eastern Ferry Co.
21. Expert Fortune Ltd.
22. Far East Hydrofoil Co. Ltd.
23. Fat Kee Stevedores Ltd.
24. The Fraternity Association of N.T. Taxi Merchants.
25. Fraternity Taxi Owners Association.
26. G.M.B. Maxicab Operators General Association Ltd.
27. The Goods Vehicle Fleet Owners Association Ltd.
28. Happy Taxi Operator's Association Ltd.
29. (Repealed 10 of 2006 s. 47)
30. Hoi Kong Container Services Co. Ltd.
31. (Repealed 25 of 2003 s. 44)
32. Hon Wah Public Light Bus Association Ltd.
33. Hong Kong Air Cargo Terminals Limited.
34. Hong Kong & Kowloon Ferry Ltd.
35. Hong Kong & Kowloon Goods Vehicle Omnibuses and Minibuses Instructors' Association Ltd.
36. Hong Kong & Kowloon Motor Boats and Tug Boats Association Ltd.
37. Hong Kong & Kowloon Radio Car Owners Association Ltd.
38. Hong Kong and Kowloon Rich Radio Car Service Centre Association Ltd.
39. Hong Kong and Kowloon Taxi Companies Association Limited. (Replaced 25 of 2003 s. 44)
40. HongKong Association of Freight Forwarding and Logistics Limited. (Replaced 25 of 2003 s. 44)
41. Hong Kong Automobile Association.
42. The Hong Kong Cargo-Vessel Traders' Association Ltd.
43. Hong Kong Commercial Vehicle Driving Instructors Association. (Replaced 25 of 2003 s. 44)
44. Hong Kong CFS and Logistics Association Limited. (Replaced 25 of 2003 s. 44)
45. Hong Kong Container Tractor Owner Association Ltd.
46. Hong Kong Driving Instruction Club Ltd.
47. Hong Kong Guangdong Transportation Association Ltd.
48. The Hong Kong Institute of Marine Technology.
49. Hong Kong, Kowloon & NT Public & Maxicab Light Bus Merchants' United Association.
50. Hong Kong Kowloon Taxi & Lorry Owners Association Ltd.
51. The Hong Kong Liner Shipping Association.
52. Hong Kong Marine Contractors Association.
53. Hong Kong Motor Car Driving Instructors Association Ltd.
54. Hong Kong Pilots Association Ltd.
55. Hong Kong Public & Maxicab Light Bus United Associations.
56. Hong Kong Public Cargo Working Areas Traders Association Ltd.
57. Hong Kong Scheduled (GMB) Licensee Association.
58. The Hong Kong School of Motoring Ltd.
59. Hong Kong Sea Transport and Logistics Association Limited. (Amended 10 of 2006 s. 43)

60. The Hong Kong Shipowners Association Ltd.
61. Hong Kong Shipping Circles Association Ltd.
62. Hong Kong Shipping Industry Institute.
63. Hong Kong Logistics Management Staff Association. (Amended 10 of 2006 s. 43)
64. Hong Kong Society of Articulated Vehicle Driving Instructors Ltd.
65. The Hong Kong Stevedores Employers' Association.
66. Hong Kong Tele-call Taxi Association.
67. Hong Kong Tramways, Limited. (Replaced 25 of 2003 s. 44)
68. Hong Kong Transportation Warehouse Wharf Club.
69. Hong Kong Tunnels and Highways Management Company Limited.
70. The Hongkong & Yaumati Ferry Co., Ltd.
71. Hongkong International Terminals Ltd.
72. (Repealed 25 of 2003 s. 44)
73. Institute of Advanced Motorists (Hong Kong) Limited. (Replaced 25 of 2003 s. 44)
74. The Institute of Seatransport.
75. Institute of Transport Administration (China-Hong Kong Centre).
76. Kowloon Fung Wong Public Light Bus Merchants & Workers' Association Ltd.
77. The Kowloon Motor Bus Company (1933) Limited. (Amended 2 of 2011 s. 33)
78. Kowloon Motor Driving Instructors' Association Ltd.
79. The Kowloon PLB Chiu Chow Traders & Workers Friendly Association.
80. The Kowloon Taxi Owners Association Ltd.
81. Kowloon Truck Merchants Association Ltd.
82. (Repealed 7 of 2008 s. 7)
83. Kwik Park Limited.
84. Lam Tin Wai Hoi Public Light Bus Association. (Amended 10 of 2006 s. 43)
85. Lantau Taxi Association.
86. Lei Yue Mun Ko Chiu Road Public Light Bus Merchants Association Ltd.
87. Lok Ma Chau China-Hong Kong Freight Association.
88. Long Win Bus Company Limited.
89. Lung Cheung Public Light Bus Welfare Advancement Association Ltd.
90. Mack & Co. Carpark Management Limited.
91. Marine Excursion Association Limited. (Amended 10 of 2006 s. 43)
92. Maritime Affairs Research Association Ltd.
93. MTR Corporation Limited. (Amended 13 of 2000 s. 65)
94. Merchant Navy Officers' Guild-Hong Kong.
95. Metropark Limited.
96. Mid-stream Holdings (HK) Limited.
97. Mixer Truck Drivers Association.
98. Modern Terminals Ltd.
99. N.T. PLB Owners Association.
100. N.T. San Tin PLB (17) Owners Association.
101. N.T. Taxi Merchants Association Ltd.
102. N.T. Taxi Owners & Drivers Fraternal Association.
103. N.T. Taxi Radio Service General Association.
104. N.W. Area Taxi Drivers & Operators Association.
105. New Hong Kong Tunnel Co., Ltd.
106. New Lantao Bus Co., (1973) Ltd.
107. New Territories Cargo Transport Association Ltd.
108. New World First Bus Services Limited.
109. North District Taxi Merchants Association.
110. Organisation of Hong Kong Drivers.
111. (Repealed 10 of 2006 s. 47)
112. Peak Tramways Co., Ltd.
113. (Repealed 2 of 2011 s. 33)
114. (Repealed 25 of 2003 s. 44)

115. Private Hire Car for Young Children Association Ltd.
116. Public and Private Light Buses Driving Instructors' Society.
117. The Public Cargo Area Trade Association.
118. Public Light Bus General Association.
119. The Public Omnibus Operators Association Ltd.
120. Public Vehicle Merchants Fraternity Association.
121. Quadripartite Taxi Service Association Ltd.
122. Abbo Taxi Owners' Association Limited. (Amended 10 of 2006 s. 43)
123. River Trade Terminal Co. Ltd.
124. Route 3 (CPS) Company Limited.
125. Sai Kung Public Light Bus Drivers and Owners Association. (Replaced 25 of 2003 s. 44)
126. Sai Kung Taxi Operators Association Ltd.
127. (Repealed 10 of 2006 s. 47)
128. CSX World Terminals Hong Kong Limited. (Replaced 25 of 2003 s. 44)
129. Serco Group (HK) Limited. (Replaced 25 of 2003 s. 44)
130. (Repealed 25 of 2003 s. 44)
131. The "Star" Ferry Co., Ltd.
132. Sun Hing Taxi Radio Association.
133. (Repealed 25 of 2003 s. 44)
134. Taxi Association Limited. (Replaced 7 of 2008 s. 7)
135. Tate's Cairn Tunnel Company Limited. (Replaced 7 of 2008 s. 7)
136. Taxi Associations Federation.
137. Taxi Dealers & Owners Association Ltd.
138. Taxi Drivers & Operators Association Ltd.
139. The Taxi Operators Association Ltd.
140. Taxicom Vehicle Owners Association Ltd.
141. Transport Infrastructure Management Limited. (Replaced 7 of 2008 s. 7)
142. Tsuen Wan PLB Commercial Association Ltd.
143. Tuen Mun Public Light Bus Association. (Amended 10 of 2006 s. 43)
144. Tung Yee Shipbuilding and Repairing Merchants General Association Limited. (Replaced 25 of 2003 s. 44)
145. (Repealed 2 of 2011 s. 33)
146. United Friendship Taxi Owners & Drivers Association Ltd.
147. United Radio Taxi & Goods Vehicle Association Ltd.
148. Urban Taxi Drivers Association Joint Committee Co. Ltd.
149. Wai Fat Taxi Owners Association Ltd.
150. Wai Yik H.K. & Kowloon and New Territories Taxi Owners Association. (Replaced 25 of 2003 s. 44)
151. West Coast International (Parking) Limited.
152. Western Harbour Tunnel Co. Ltd.
153. Wilson Parking (Hong Kong) Limited.
154. Wing Lee Radio Car Traders Association Ltd.
155. Wing Tai Car Owners & Drivers Association Ltd.
156. (Repealed 25 of 2003 s. 44)
157. Wu Gang Shipping Co. Ltd.
158. Xiamen United Enterprises (H.K.) Ltd.
159. Yik Sun Radiocabs Operators Association Ltd.
160. School Buses Operators Association Limited. (Amended 10 of 2006 s. 43)
161. (Repealed 10 of 2006 s. 47)
162. Rights of Taxi Owners and Drivers Association Limited. (Added 25 of 2003 s. 44)
163. New World First Ferry Services Limited. (Added 25 of 2003 s. 44)
164. New World First Ferry Services (Macau) Limited. (Added 25 of 2003 s. 44)
165. Hong Kong Container Drayage Services Association Limited. (Added 25 of 2003 s. 44)
166. Hong Kong Kowloon & N.T. Grab-Mounted Lorries Association Limited. (Added 25 of 2003 s. 44)
167. Hong Kong Waste Disposal Industry Association. (Added 25 of 2003 s. 44)
168. HK Public-light Bus Owner & Driver Association. (Added 25 of 2003 s. 44)
169. Container Truck Drivers Union. (Added 25 of 2003 s. 44)

170. The Concrete Producers Association of Hong Kong Limited. (Added 25 of 2003 s. 44)
171. Hongkong Guangdong Boundary Crossing Bus Association Limited. (Added 25 of 2003 s. 44)
172. Tsui Wah Ferry Service Company Limited. (Added 25 of 2003 s. 44)
173. Quality Driver Training Centre Limited. (Added 25 of 2003 s. 44)
174. Public and Private Commercial Driving Instructors' Society. (Added 25 of 2003 s. 44)
175. Shun Tak-China Travel Ship Management Limited. (Added 25 of 2003 s. 44)
176. Cruise Ferries (HK) Limited. (Added 25 of 2003 s. 44)
177. Asia Airfreight Terminal Company Limited. (Added 25 of 2003 s. 44)
178. The Hong Kong Joint Branch of The Royal Institution of Naval Architects and The Institute of Marine Engineering, Science and Technology. (Added 25 of 2003 s. 44)
179. The Hongkong Salvage & Towage Company Limited. (Added 25 of 2003 s. 44)
180. The Institute of Chartered Shipbrokers, Hong Kong Branch. (Added 25 of 2003 s. 44)
181. Hongkong United Dockyards Limited. (Added 25 of 2003 s. 44)
182. Guangdong and Hong Kong Feeder Association Limited. (Added 25 of 2003 s. 44)
183. Hong Kong Right Hand Drive Motors Association Limited. (Added 25 of 2003 s. 44)
184. The Institute of the Motor Industry Hong Kong. (Added 25 of 2003 s. 44)
185. Hong Kong Vehicle Repair Merchants Association Limited. (Added 25 of 2003 s. 44)
186. Environmental Vehicle Repairers Association Limited. (Added 25 of 2003 s. 44)
187. The Hong Kong Taxi and Public Light Bus Association Limited. (Added 25 of 2003 s. 44)
188. Park Island Transport Company Limited. (Added 25 of 2003 s. 44)
189. Discovery Bay Road Tunnel Company Limited. (Added 25 of 2003 s. 44)
190. International Association of Transport Officers. (Added 25 of 2003 s. 44)
191. Hong Kong Express Airways Limited. (Added 25 of 2003 s. 44. Amended 10 of 2006 s. 43)
192. Hong Kong (Cross Border) Transportation Drivers' Association. (Added 25 of 2003 s. 44)
193. Hong Kong Logistics Association Limited. (Added 25 of 2003 s. 44)
194. Hong Kong Container Depot and Repairer Association Limited. (Added 25 of 2003 s. 44)
195. New World Parking Management Limited. (Added 25 of 2003 s. 44)
196. The Nautical Institute-Hong Kong Branch. (Added 25 of 2003 s. 44)
197. The Hong Kong Union of Light Van Employees. (Added 25 of 2003 s. 44)
198. Worldwide Flight Services, Inc. (Added 25 of 2003 s. 44)
199. NT Taxi Operations Union. (Added 2 of 2011 s. 33)
200. Sun Hing Taxi Radio Service General Association. (Added 2 of 2011 s. 33)
201. Taxi & P.L.B. Concern Group. (Added 2 of 2011 s. 33)
202. Tai Wo Motors Limited. (Added 2 of 2011 s. 33)
203. Tuen Mun District Tourists and Passengers Omnibus Operators Association Limited. (Added 2 of 2011 s. 33)
204. Tsuen Wan District Tourists and Passengers Omnibus Operators Association Limited. (Added 2 of 2011 s. 33)
205. Yuen Long District Tourists and Passengers Omnibus Operators Association Limited. (Added 2 of 2011 s. 33)
206. Kowloon District Tourists and Passengers Omnibus Operators Association Limited. (Added 2 of 2011 s. 33)
207. Hong Kong District Tourists and Passengers Omnibus Operators Association Limited. (Added 2 of 2011 s. 33)
208. Sino Parking Services Limited. (Added 2 of 2011 s. 33)
209. Urban Parking Limited. (Added 2 of 2011 s. 33)
210. Greater Lucky (HK) Company Limited. (Added 2 of 2011 s. 33)
211. China Hongkong and Macau Boundary Crossing Bus Association Limited. (Added 2 of 2011 s. 33)
212. Ground Support Engineering Limited. (Added 2 of 2011 s. 33)
213. Cathay Pacific Services Limited. (Added 2 of 2011 s. 33)
214. Cathay Pacific Catering Services (H.K.) Limited. (Added 2 of 2011 s. 33)
215. LSG Lufthansa Service Hong Kong Limited. (Added 2 of 2011 s. 33)
216. Gate Gourmet Hong Kong, Limited. (Added 2 of 2011 s. 33)
217. ECO Aviation Fuel Services Limited. (Added 2 of 2011 s. 33)
218. Hong Kong Aircraft Engineering Company Limited. (Added 2 of 2011 s. 33)
219. China Aircraft Services Limited. (Added 2 of 2011 s. 33)
220. Dah Chong Hong – Dragonair Airport GSE Service Limited. (Added 2 of 2011 s. 33)

221. Jardine Air Terminal Services Limited. (Added 2 of 2011 s. 33)  
 222. Service Managers Association. (Added 2 of 2011 s. 33)  
 223. Driving Instructors Association. (Added 2 of 2011 s. 33)  
 224. The Chamber of Hong Kong Logistics Industry Limited. (Added 2 of 2011 s. 33)  
 225. New Horizon School of Motoring Limited. (Added 2 of 2011 s. 33)  
 226. Leinam School of Motoring Limited. (Added 2 of 2011 s. 33)

(Added 48 of 1999 s. 43)

Schedule:	1B	COMPOSITION OF THE SPORTS, PERFORMING ARTS, CULTURE AND PUBLICATION FUNCTIONAL CONSTITUENCY	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

[section 20V]

PART 1

DISTRICT SPORTS ASSOCIATIONS

- | Item | Body  |
|------|---|
| 1.   | Central & Western District Recreation & Sports Association.   |
| 2.   | Eastern District Recreation & Sports Advancement Association Ltd.                                       |
| 3.   | The Federation of Tsuen Wan District Sports & Recreation Association Ltd.                               |
| 4.   | Islands District Sports Association.  |
| 5.   | Kowloon City District Recreation and Sports Council Limited. (Replaced 7 of 2008 s. 8)                  |
| 6.   | Kwai Tsing District Sports Association Limited. (Replaced 7 of 2008 s. 8)                               |
| 7.   | Kwun Tong Sports Promotion Association Ltd.   |
| 8.   | Mong Kok District Cultural, Recreational and Sports Association Limited. (Replaced 25 of 2003 s. 45)    |
| 9.   | North District Sports Association Limited. (Amended 2 of 2011 s. 34)                                    |
| 10.  | Sai Kung District Sports Association Ltd.   |
| 11.  | Sha Tin Sports Association Ltd.   |
| 12.  | Sham Shui Po Sports Association Limited. (Amended 2 of 2011 s. 34)                                      |
| 13.  | Southern District Recreation and Sports Association Limited. (Amended 10 of 2006 s. 44)                 |
| 14.  | Tai Po Sports Association Ltd.  |
| 15.  | Tuen Mun Sports Association Limited.  |
| 16.  | Wan Chai District Arts Cultural Recreational and Sports Association Limited. (Amended 10 of 2006 s. 44) |
| 17.  | Wong Tai Sin District Recreation & Sports Council.  |
| 18.  | Yaumatei and Tsimshatsui Recreation & Sports Association Ltd.   |
| 19.  | Yuen Long District Sports Association Ltd.  |

PART 2

DISTRICT ARTS AND CULTURE ASSOCIATIONS

- | Item | Body   |
|------|--|
| 1.   | Central and Western District Association for Culture and Arts. |
| 2.   | Eastern District Arts Council.                                 |

3. Kowloon City District Arts and Culture Council.
4. Kwai Chung and Tsing Yi District Culture and Arts Co-ordinating Association Limited.
5. Kwun Tong District Culture and Recreation Promotion Association. (Replaced 25 of 2003 s. 45)
6. North District Arts Advancement Association Limited.
7. Sai Kung Culture & Recreational Advancement Association. (Replaced 25 of 2003 s. 45)
8. Sha Tin Arts Association Limited.
9. Sham Shui Po Arts Association Limited. (Amended 10 of 2006 s. 44)
10. Southern District Arts and Culture Association Limited.
11. Tai Po District Arts Advancement Association.
12. Tsuen Wan Culture & Recreation Co-ordinating Association Limited.
13. Tuen Mun Arts Promotion Association.
14. Wong Tai Sin District Arts Council.
15. Yau Ma Tei and Tsim Sha Tsui Culture and Arts Association Limited.
16. Yuen Long District Arts Committee.

### PART 3

#### OTHER BODIES

Item	Body
1.	All Stars Sports Association Ltd.
2.	The Song Writers' Association of Hong Kong. (Amended 10 of 2006 s. 44)
3.	Artiste Training Alumni Association Limited.
4.	(Repealed 25 of 2003 s. 45)
5.	Composers and Authors Society of Hong Kong Limited.
6.	Friends of the Art Museum, The Chinese University of Hong Kong Limited.
7.	The Friends of the Hong Kong Museum of Art.
8.	(Repealed 25 of 2003 s. 45)
9.	HK Film Directors' Guild Ltd.
10.	Hong Kong Anthropological Society.
11.	Hong Kong Archaeological Society.
12.	(Repealed 25 of 2003 s. 45)
13.	The Hong Kong Children's Choir.
14.	Hong Kong Chinese Orchestra Limited. (Amended 10 of 2006 s. 44)
15.	Hong Kong Chinese Press Association.
16.	Hong Kong & Macau Cinema and Theatrical Enterprise Association Limited. (Replaced 25 of 2003 s. 45)
17.	Hong Kong Cinematography Lighting Association Limited. (Amended 10 of 2006 s. 44)
18.	(Repealed 25 of 2003 s. 45)
19.	Hong Kong Curators Association.
20.	Hong Kong Dance Company Limited. (Replaced 25 of 2003 s. 45)
21.	Hong Kong Federation of Journalists Ltd.
22.	Hong Kong Festival Fringe Ltd.
23.	Hong Kong Film Academy.
24.	Hong Kong Film Arts Association Limited.
25.	(Repealed 25 of 2003 s. 45)
26.	Hong Kong History Society.
27.	The Hong Kong Intellectual Property Society Limited. (Replaced 7 of 2008 s. 8)
28.	Hong Kong Journalists Association.
29.	(Repealed 25 of 2003 s. 45)
30.	(Repealed 7 of 2008 s. 8)
31.	Hong Kong Museum of Medical Sciences Society.
32.	Hong Kong News Executives' Association, Limited. (Replaced 25 of 2003 s. 45)
33.	Hong Kong PEN (English) Centre.
34.	Hong Kong Performing Artistes Guild Ltd.

35. Hong Kong Philharmonic Orchestra.
  36. Hong Kong Press Photographers Association.
  37. Hong Kong Recreation Management Association Limited. (Replaced 25 of 2003 s. 45)
  38. Hong Kong Repertory Theatre Limited. (Replaced 25 of 2003 s. 45)
  39. Hong Kong Screen Writers' Guild Ltd.
  40. Hong Kong Sports Association of the Deaf.
  41. Hong Kong Sports Press Association Ltd.
  42. Hong Kong Stuntman Association Ltd.
  43. Hong Kong Tai Chi Association.
  44. (Repealed 25 of 2003 s. 45)
  45. Hong Kong United Arts Entertainment Co. Ltd.
  - 46-47. (Repealed 25 of 2003 s. 45)
  48. Min Chiu Society.
  49. (Repealed 25 of 2003 s. 45)
  50. New Territories Regional Sports Association.
  51. The Newspaper Society of Hong Kong.
  52. Pop-Music Authors Society of Hong Kong.
  53. The Hong Kong Branch of the Royal Asiatic Society. (Amended 10 of 2006 s. 44)
  54. Sail Training Association of Hong Kong Limited. (Replaced 25 of 2003 s. 45)
  55. Society of Cinematographers (Hong Kong) Limited.
  56. Society of Film Editors (HK) Ltd.
  57. South China Film Industry Workers' Union. (Amended 10 of 2006 s. 44)
  58. South China Research Circle.
  59. The Hong Kong Swimming Teachers' Association Limited. (Amended 2 of 2011 s. 34)
  60. (Repealed 25 of 2003 s. 45)
  61. Videotage.
  62. Zuni Icosahedron.
  63. Federation of Hong Kong Filmmakers Limited. (Added 25 of 2003 s. 45. Amended 10 of 2006 s. 44)
  64. Hong Kong Movie Production Executives Association Limited. (Added 25 of 2003 s. 45)
  65. Hong Kong Sports Institute Limited. (Added 7 of 2008 s. 8)
- (Added 48 of 1999 s. 43)

Schedule:	1C	COMPOSITION OF THE WHOLESALE AND RETAIL FUNCTIONAL CONSTITUENCY	2 of 2011	11/03/2011
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Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

[section 20Y]

- | Item | Body   |
|------|--|
| 1.   | Anglo-Chinese Vegetable Wholesale Merchants Association Limited. (Amended 10 of 2006 s. 45)        |
| 2.   | Association of Better Business & Tourism Services. (Replaced 25 of 2003 s. 46)                     |
| 3.   | Cheung Sha Wan Poultry United Wholesalers Association Ltd.   |
| 4.   | Chinese Medicine Merchants Association Ltd.  |
| 5.   | Chinese Merchants (H.K.) Association Limited. (Replaced 25 of 2003 s. 46. Amended 2 of 2011 s. 35) |
| 6.   | Chinese Paper Merchants Association Limited. (Amended 2 of 2011 s. 35)                             |
| 7.   | The Cosmetic & Perfumery Association of Hong Kong Ltd.   |
| 8.   | Eastern District Fresh Fish Merchants' Society.  |
| 9.   | Federation of Hong Kong Kowloon New Territories Hawker Associations. (Amended 10 of 2006 s. 45)    |

10. The Federation of Hong Kong Watch Trades and Industries Ltd.
11. HK Vegetable Wholesaler Community.
12. Hong Kong and Kowloon Bamboo Goods Merchants Association Limited.
13. Hong Kong and Kowloon Electrical Appliances Merchants Association Ltd.
14. Hong Kong Electro-Plating Merchants Association Limited. (Amended 10 of 2006 s. 45)
15. Hong Kong & Kowloon European Dress Merchants Association.
16. Hong Kong & Kowloon Fresh Water Fish Merchants' & Buyers' Association Limited.
17. Hong Kong & Kowloon Fruit & Vegetable Employees & Employers Guild.
18. Hong Kong & Kowloon Furniture & Shop Fittings Merchants Association.
19. Hong Kong & Kowloon General Association of Liquor Dealers and Distillers.
20. Hong Kong & Kowloon Machine Made Paper Merchants Association Ltd.
21. Hong Kong and Kowloon Machinery and Instrument Merchants Association Ltd.
22. Hong Kong & Kowloon Marine Products Merchants Association Ltd.
23. Hong Kong & Kowloon Plastic Products Merchants United Association Limited.
24. Hong Kong & Kowloon Poultry Dealers Guild.
25. The Hong Kong & Kowloon Provisions, Wine & Spirit Dealers' Association Limited. (Amended 2 of 2011 s. 35)
26. Hong Kong and Kowloon Rattan Ware Merchants Association (Wing-Hing-Tong). (Amended 10 of 2006 s. 45)
27. (Repealed 10 of 2006 s. 48)
28. The Hong Kong and Kowloon Salt Merchants' Association. (Amended 10 of 2006 s. 45)
29. Hong Kong & Kowloon Sauce & Preserved-Fruit Amalgamated Employers Association.
30. Hong Kong & Kowloon Tea Trade Merchants Association Ltd.
31. Hong Kong & Kowloon Timber Merchants Association Limited. (Amended 10 of 2006 s. 45)
32. (Repealed 25 of 2003 s. 46)
33. Hong Kong & Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association.
34. Hong Kong Art Craft Merchants Association, Ltd.
35. Hong Kong Dried Seafood and Grocery Merchants Association Limited.
36. Hong Kong Dyestuffs Merchants Association Limited.
37. Hong Kong Egg Merchants Association (Fung-Kwai-Tong).
38. Hong Kong Embroidery Merchants Association Limited.
39. (Repealed 10 of 2006 s. 48)
40. Hong Kong Flower Dealers & Workers Association.
41. Hong Kong Flower Retailers Association.
42. The Hong Kong Food Council Limited. (Replaced 25 of 2003 s. 46)
43. Hong Kong Fresh Fish Merchants Association.
44. Hong Kong Fur Federation.
45. Hong Kong Furniture & Decoration Trade Association Limited.
46. Hong Kong General Chamber of Pharmacy Limited.
47. Hong Kong Glass and Mirror Merchants and Manufacturers Association Company Limited.
48. Hong Kong Jewellers' & Goldsmiths' Association Limited.
49. The Federation of Hong Kong Footwear Limited. (Replaced 7 of 2008 s. 9)
50. Hong Kong Live Pig Trade Merchants' Association.
51. The Hong Kong Medicine Dealers' Guild.
52. Hong Kong Metal Merchants Association.
53. The Hong Kong Oil Merchants Association, Limited. (Amended 10 of 2006 s. 45)
54. Hong Kong Paints & Pigments Merchants Association Ltd.
55. Hong Kong Petroleum, Chemicals and Pharmaceutical Materials Merchants Association Ltd.
56. Hong Kong Photo Marketing Association Limited. (Replaced 25 of 2003 s. 46)
57. Hong Kong Piece Goods Merchants' Association.
58. Hong Kong Plastic Material Suppliers Association Ltd.
59. Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.
60. Hong Kong Provision & Grocery General Commercial Chamber.
61. (Repealed 25 of 2003 s. 46)
62. Hong Kong Record Merchants Association Ltd.



1. APT Satellite Company Limited (Amended 10 of 2006 s. 42)
2. Asia Satellite Telecommunications Company Limited.

## PART 2

Item	Body	Eligible persons
1.	Hong Kong Software Industry Association Limited (Amended 2 of 2011 s. 36)	Full Members- (a) the major business of which, as confirmed by the Association, has been in the research, development or application of information technology or computer software during the relevant period; and (b) which are entitled to vote at general meetings of the Association.
2.	Information Systems Audit and Control Association China Hong Kong Chapter Limited (Amended 2 of 2011 s. 36)	Ordinary Members who are- (a) confirmed by the Association to have been holders of the Certified Information Systems Auditor Certification (CISA) during the relevant period; and (b) entitled to vote at general meetings of the Association.
3.	Internet Professional Association Limited (Amended 10 of 2006 s. 42)	Members who are- (a) confirmed by the Association to have had experience in the information technology field, as specified in the constitution of the Association, during the relevant period; and (b) entitled to vote at general meetings of the Association.
4.	Professional Information Security Association	Full Members who are- (a) confirmed by the Association to have been holders of the Certified Information Systems Security Professional Certification (CISSP) during the relevant period; and (b) entitled to vote at general meetings of the Association.

## PART 3

### 1. Definition

In Part 2, "relevant period" (有關期間), in relation to a person, means the period of 4 years immediately preceding the date on which that person applies for registration as an elector of the information technology functional constituency.

(Schedule 1D replaced 25 of 2003 s. 47)

Schedule:	1E	COMPOSITION OF THE CATERING FUNCTIONAL CONSTITUENCY	L.N. 29 of 2004	27/02/2004
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[section 20ZA]

Item	Body
1.	The Association for the Hong Kong Catering Services Management Limited.

2. The Association of Restaurant Managers Limited.
3. Federation of Hong Kong Restaurant Owners Limited.
4. (Repealed 25 of 2003 s. 48)
5. The Hong Kong Restaurant and Eating House Merchants General Association.
6. (Repealed 25 of 2003 s. 48)
7. Hong Kong Catering Industry Association Limited. (Added 25 of 2003 s. 48; L.N. 29 of 2004)  
(Added 48 of 1999 s. 43)

Schedule:	2	(Repealed 21 of 2001 s. 73)	L.N. 187 of 2001	21/09/2001
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Schedule:	3	SAVINGS AND TRANSITIONAL PROVISIONS	2 of 2011	11/03/2011
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Remarks:

The amendments made to this Schedule by adding section 6 by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- (a) the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- (b) the holding of the Legislative Council general election in 2012.

[section 84]

**1-4** (Omitted as spent)

**5. Saving provision for Members returned by the Election Committee**

For the avoidance of doubt, the amendments made to this Ordinance by sections 62 to 73 of the Chief Executive Election Ordinance (Cap 569) do not affect an election by the Election Committee held before the commencement of those sections to return a Member or Members for the second term of office of the Legislative Council, or the office of such a Member or Members.

(Added 21 of 2001 s. 74)

**6. Transitional provision for first register of electors for District Council (second) functional constituency**

- (1) The Electoral Registration Officer may compile the first register of electors for the District Council (second) functional constituency by using the current GC register as the basis and—
  - (a) deleting from it—
    - (i) the names of all persons whose names are in the current FC register; and
    - (ii) the name of any person who elects under subsection (4) not to be registered as an elector for the District Council (second) functional constituency; and
  - (b) adding to it the name of any person who elects under subsection (6) to be registered as an elector for the District Council (second) functional constituency.
- (2) The register compiled under subsection (1) is to be regarded for all purposes as a register 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).
- (3) The Electoral Registration Officer must inform, in a manner he or she thinks fit, any person whose name—
  - (a) is in the current GC register; and
  - (b) is not in the current FC register,
 that the person will be registered as an elector for the District Council (second) functional constituency unless the person elects not to be so registered.
- (4) A person referred to in subsection (3) may, on being informed by the Electoral Registration Officer under that subsection, elect in the manner and before the date specified by the Electoral Registration Officer not to

- be registered as an elector for the District Council (second) functional constituency.
- (5) The Electoral Registration Officer must inform, in a manner he or she thinks fit, any natural person whose name is in the current FC register (except for the Heung Yee Kuk functional constituency, the agriculture and fisheries functional constituency, the insurance functional constituency, the transport functional constituency and the District Council (first) functional constituency) that the person—
- will be registered as an elector for the District Council (second) functional constituency; and
  - will not be registered as an elector for the functional constituency for which the person is currently registered as an elector,
- if the person so elects.
- (6) A natural person referred to in subsection (5) may, on being informed by the Electoral Registration Officer under that subsection, elect in the manner and before the date specified by the Electoral Registration Officer to be registered as an elector for the District Council (second) functional constituency.
- (7) In this section—

**current FC register** (現有功能界別登記冊) means the record comprising—

- the final register of functional constituencies published for 2011 under section 32; and
- the records of the names and other relevant particulars of persons to be registered in the provisional register of functional constituencies published for 2012 under section 32 (other than for the District Council (second) functional constituency) in accordance with the regulations in force under the Electoral Affairs Commission Ordinance (Cap 541);

**current GC register** (現有地方選區登記冊) means the record comprising—

- the final register of geographical constituencies published for 2011 under section 32; and
- the records of the names and other relevant particulars of persons to be registered in the provisional register of geographical constituencies published for 2012 under section 32 in accordance with the regulations in force under the Electoral Affairs Commission Ordinance (Cap 541).

(Added 2 of 2011 s. 37)

## 7. Transitional provision for electors for functional constituencies elected as District Council members

Despite section 12 of the Schedule to the Chief Executive Election Ordinance (Cap 569), if an elector for any functional constituency is elected, in or after the District Council ordinary election in 2011 but before the publication of the provisional register of the District Council (first) functional constituency published for 2012, as a member of any District Council under Part V of the District Councils Ordinance (Cap 547), the name and relevant particulars of the elector must remain in the final register of that constituency published for 2011 until the publication of the provisional register of the District Council (first) functional constituency published for 2012.

(Added 2 of 2011 s. 37)

Schedule:	4	(Omitted as spent)	134 of 1997	03/10/1997
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(Omitted as spent)

Schedule:	5	FINANCIAL ASSISTANCE: SPECIFIED RATE	2 of 2011	11/03/2011
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### Remarks:

The amendments made to this section by the Legislative Council (Amendment) Ordinance 2011 (2 of 2011) shall come into operation on 11 March 2011 for the purpose only of enabling arrangements to be made for-

- the holding of the elections of members of the Election Committee under the Chief Executive Election Ordinance (Cap 569) in 2011; and
- the holding of the Legislative Council general election in 2012.

[sections 60A & 83A]

The rate of financial assistance for the purposes of Part VIA of this Ordinance is \$12.

(Schedule 5 added 25 of 2003 s. 49. Amended L.N. 119 of 2008; 2 of 2011 s. 38)

