

# **2021 Election Committee Subsector Ordinary Elections Brief**

## **Election Committee Subsector Elections**

The National People's Congress (“NPC”) on 11 March 2021 passed the Decision on Improving the Electoral System of the Hong Kong Special Administrative Region (“the Decision”) and authorised the Standing Committee of the NPC (“NPCSC”) to amend the Annex I to the Basic Law on Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region and the Annex II to the Basic Law on Method for the Formation of the Legislative Council of the HKSAR and its Voting Procedures. The NPCSC on 30 March 2021 adopted the amended Annex I and Annex II to the Basic Law. The Government of the HKSAR introduced the Improving Electoral System (Consolidated Amendments) Bill 2021 (“the Bill”) into the Legislative Council (“LegCo”) on 14 April 2021, which was passed by the LegCo on 27 May 2021. The Improving Electoral System (Consolidated Amendments) Ordinance 2021 was published in the Gazette and came into effect on 31 May 2021.

According to Annex I and Annex II to the Basic Law, the Election Committee (“EC”) which is composed of 1 500 members who must be Hong Kong permanent residents, shall be responsible for electing the Chief Executive and some members of the LegCo. The EC shall also be responsible for nominating candidates for the CE and LegCo elections.

The EC has five sectors, each comprising a number of subsectors (with a total of 40 subsectors).

There are three methods for returning members of the EC, viz. ex-officio membership, nomination by designated bodies of specific subsectors and election by registered corporate or individual voters of the subsectors. Amongst the 40 subsectors, HKSAR deputies to the NPC, HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC”), Hong Kong members of the Committee for the Basic Law of the HKSAR under the NPC Standing Committee, LegCo Members, vice-chancellors or presidents of universities or chairpersons of the board of governors or the council of universities, and persons in charge of certain statutory bodies, important advisory committees and relevant organisations in specific subsectors will be the ex-officio members. All members of the Religious Subsector and representatives of associations of Hong Kong residents in the Mainland Subsector, certain members of the Technology and Innovation Subsector, Accountancy Subsector, Legal Subsector, Sports, Performing Arts, Culture and Publication Subsector, and Chinese Medicine Subsector shall be nominated by designated bodies of specific subsectors. The rest of the EC members shall be elected by registered corporate or individual voters of the subsectors.

For the new term of EC, a maximum of 982 seats will be returned by subsector ordinary elections, 156 seats will be returned by nomination by designated bodies of specific subsectors, while a

minimum of 362 seats will be ex-officio members.

The newly constituted EC will elect the new term of CE (5-year). If a vacancy arises during the term of office of the CE, the serving EC will be responsible for electing a new CE. If an election for a CE of a new term (5-year) is to be held within 6 months after a vacancy in the office of the CE has arisen, it will not be necessary to hold a by-election. Before a by-election is held to elect a CE, a subsector by-election and/or supplementary nomination will be held to update the membership of the EC if there are vacancies among the EC members. However, no subsector by-election and/or supplementary designated nomination will be held if the membership of the EC has been updated within one year before a by-election is held to elect a CE. If the date on which the current term of office of the LegCo is to end is more than 12 months from the constitution date of the EC or the date of publication of the provisional register for the EC subsector by-election, then a EC subsector by-election should be held before the LegCo General Election, to fill the vacancies in the EC.

## **Election Committee Brief**

- Functions: To nominate candidates for the Chief Executive (“CE”) Election and elect the CE; to nominate candidates for the Legislative Council (“LegCo”) Election and elect 40 LegCo members
- The Term of the Election Committee (“EC”): The term of each EC is 5 years. For the new term of EC in 2021, the term of office shall be five years and will commence on 22 October 2021 and end on 21 October 2026.
- EC is composed of 1 500 members from the following five sectors –
  - (i) Industrial, commercial and financial sectors
  - (ii) The professions
  - (iii) Grassroots, labour, religious and other sectors
  - (iv) Members of the Legislative Council, representatives of district organisations and other organisations
  - (v) Hong Kong Special Administrative Region (“HKSAR”) deputies to the National People’s Congress (“NPC”), HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference (“CPPCC”) and representatives of Hong Kong members of relevant national organisations.

## **Composition, Methods for Returning Members and Electorates of Subsectors**

| Subsector                                                                       |                                    | Seats | Number of ex-officio members | Number of members to be nominated | Number of members to be elected |
|---------------------------------------------------------------------------------|------------------------------------|-------|------------------------------|-----------------------------------|---------------------------------|
| <b>First Sector: Industrial, commercial and financial sectors (300 Members)</b> |                                    |       |                              |                                   |                                 |
| 1.                                                                              | Catering                           | 16    | 0                            | 0                                 | 16                              |
| 2.                                                                              | Commercial (first)                 | 17    | 0                            | 0                                 | 17                              |
| 3.                                                                              | Commercial (second)                | 17    | 0                            | 0                                 | 17                              |
| 4.                                                                              | Commercial (third)                 | 17    | 0                            | 0                                 | 17                              |
| 5.                                                                              | Employers' Federation of Hong Kong | 15    | 0                            | 0                                 | 15                              |
| 6.                                                                              | Finance                            | 17    | 0                            | 0                                 | 17                              |
| 7.                                                                              | Financial services                 | 17    | 0                            | 0                                 | 17                              |
| 8.                                                                              | Hotel                              | 16    | 0                            | 0                                 | 16                              |
| 9.                                                                              | Import and export                  | 17    | 0                            | 0                                 | 17                              |
| 10.                                                                             | Industrial (first)                 | 17    | 0                            | 0                                 | 17                              |
| 11.                                                                             | Industrial (second)                | 17    | 0                            | 0                                 | 17                              |

|                                                                                                                                           |                                                                        |    |    |    |    |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|----|----|----|----|
| 12.                                                                                                                                       | Insurance                                                              | 17 | 0  | 0  | 17 |
| 13.                                                                                                                                       | Real estate and construction                                           | 17 | 0  | 0  | 17 |
| 14.                                                                                                                                       | Small and medium enterprises                                           | 15 | 0  | 0  | 15 |
| 15.                                                                                                                                       | Textiles and garment                                                   | 17 | 0  | 0  | 17 |
| 16.                                                                                                                                       | Tourism                                                                | 17 | 0  | 0  | 17 |
| 17.                                                                                                                                       | Transport                                                              | 17 | 0  | 0  | 17 |
| 18.                                                                                                                                       | Wholesale and retail                                                   | 17 | 0  | 0  | 17 |
| <b>Second Sector: The professions (300 Members)</b>                                                                                       |                                                                        |    |    |    |    |
| 1.                                                                                                                                        | Accountancy                                                            | 30 | 0  | 15 | 15 |
| 2.                                                                                                                                        | Architectural, surveying, planning and landscape                       | 30 | 15 | 0  | 15 |
| 3.                                                                                                                                        | Chinese medicine                                                       | 30 | 0  | 15 | 15 |
| 4.                                                                                                                                        | Education                                                              | 30 | 16 | 0  | 14 |
| 5.                                                                                                                                        | Engineering                                                            | 30 | 15 | 0  | 15 |
| 6.                                                                                                                                        | Legal                                                                  | 30 | 6  | 9  | 15 |
| 7.                                                                                                                                        | Medical and health services                                            | 30 | 15 | 0  | 15 |
| 8.                                                                                                                                        | Social welfare                                                         | 30 | 15 | 0  | 15 |
| 9.                                                                                                                                        | Sports, performing arts, culture and publication                       | 30 | 0  | 15 | 15 |
| 10.                                                                                                                                       | Technology and innovation                                              | 30 | 0  | 15 | 15 |
| <b>Third Sector: Grassroots, labour, religious and other sectors (300 Members)</b>                                                        |                                                                        |    |    |    |    |
| 1.                                                                                                                                        | Agriculture and fisheries                                              | 60 | 0  | 0  | 60 |
| 2.                                                                                                                                        | Associations of Chinese fellow townsmen                                | 60 | 0  | 0  | 60 |
| 3.                                                                                                                                        | Grassroots associations                                                | 60 | 0  | 0  | 60 |
| 4.                                                                                                                                        | Labour                                                                 | 60 | 0  | 0  | 60 |
| 5.                                                                                                                                        | Religious                                                              | 60 | 0  | 60 | 0  |
| <b>Fourth Sector: Members of the Legislative Council, representatives of district organisations and other organisations (300 Members)</b> |                                                                        |    |    |    |    |
| 1.                                                                                                                                        | Members of the Legislative Council                                     | 90 | 90 | 0  | 0  |
| 2.                                                                                                                                        | Heung Yee Kuk                                                          | 27 | 0  | 0  | 27 |
| 3.                                                                                                                                        | Representatives of associations of Hong Kong residents in the Mainland | 27 | 0  | 27 | 0  |

|                                                                                                                                                                                                |                                                                                                                                              |              |     |   |     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----|---|-----|
| 4.                                                                                                                                                                                             | Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong and Kowloon | 76           | 0   | 0 | 76  |
| 5.                                                                                                                                                                                             | Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of the New Territories   | 80           | 0   | 0 | 80  |
| <b>Fifth Sector: HKSAR deputies to the NPC, HKSAR members of the National Committee of the CPPCC and representatives of Hong Kong members of relevant national organisations (300 Members)</b> |                                                                                                                                              |              |     |   |     |
| 1.                                                                                                                                                                                             | HKSAR deputies to the NPC and HKSAR members of the National Committee of the CPPCC                                                           | 190          | 190 | 0 | 0   |
| 2.                                                                                                                                                                                             | Representatives of Hong Kong members of relevant national organisations                                                                      | 110          | 0   | 0 | 110 |
| <b>Total:</b>                                                                                                                                                                                  |                                                                                                                                              | <b>1 500</b> |     |   |     |

Remarks:

1. An HKSAR deputy to the NPC or an HKSAR member of the National Committee of the CPPCC may choose to register as an EC member in a subsector other than one in the Fifth Sector with which he or she has a substantial connection. In these cases, the number of ex-officio members will be increased and the number of seats to be returned by the subsector by election will be reduced accordingly. Within the term of office of the EC, the number of ex-officio members, and members to be returned by nomination or election shall remain unchanged.
2. EC subsectors will be elected by registered corporate or individual voters. Unless specified in the electoral law, an association or enterprise may become a corporate voter for a subsector only if it has been operating for not less than three years after acquiring relevant qualifications for that subsector.

**Methods for Returning Members**

|     | <b>Methods</b>                                                                                                                                                                                                                                                 | <b>Seats</b>     |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| (1) | Ex-officio member for which no election is required<br><br>(including LegCo Members, HKSAR deputies to the NPC, HKSAR members of the National Committee of the CPPCC, Hong Kong members of the Committee for the Basic Law of the HKSAR under the NPC Standing | 362 <sup>^</sup> |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
|     | Committee, vice-chancellors or presidents of universities or chairpersons of the board of governors or the council of universities, and persons in charge of certain statutory bodies, important advisory committees and relevant organisations in specific subsectors)                                                                                                                                                                                                                                                                                                                                                     |                  |
| (2) | Nomination by eligible bodies of specific subsectors<br><br>(including all Members of the Religious Subsector and representatives of associations of Hong Kong residents in the Mainland Subsector, certain members of the Technology and innovation Subsector, Accountancy Subsector, Legal Subsector, Sports, Performing Arts, Culture and Publication Subsector, and Chinese Medicine Subsector)                                                                                                                                                                                                                         | 156              |
| (3) | Election by eligible corporate or individual voters of the subsectors<br><br>(Only four subsectors have individual voters, namely:<br>(i) Heung Yee Kuk;<br>(ii) Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong Island and Kowloon;<br>(iii) Representatives of members of Area Committees, District Fight Crime Committees, and District Fight Crime Committees of the New Territories; and<br>(iv) Representatives of Hong Kong members of relevant national organisations<br><br>Other subsectors will be elected by corporate voters) | 982 <sup>^</sup> |
|     | <b>Total</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>1 500</b>     |

<sup>^</sup> *In accordance with Annex I to the Basic Law as amended by the NPC Standing Committee, a HKSAR deputy to the NPC or a HKSAR member of the CPPCC National Committee may choose to register with another subsector with which he has substantial connection. Under such circumstances, the number of elected seats in the latter subsector shall be reduced accordingly.*

### **Registration of Ex-officio Members**

- All ex-officio members are required to submit registration forms to the Electoral Registration Officer (“ERO”) and the validity of their registration will be determined by the Candidate Eligibility Review Committee (“CERC”). Generally speaking, the holders of the specified offices in each of the subsector (i.e. specified persons) may register as the ex-officio members of that subsector. However, under the following circumstances, the specified persons may designate another person (i.e. designated person) who is holding an office in a relevant body to be registered as the ex-officio member of that subsector:
  - (i) the specified person is ineligible to be registered as ex-officio member, including:
    - he is not registered as a voter (or has not made an application to be so registered) under the Legislative Council Ordinance (Cap. 542) in the existing Geographical

- Constituencies (“GCs”) final register (“FR”) or is disqualified from being registered as a voter for a GC; or
- he is a Principal Official appointed pursuant to a nomination under Article 48(5) of the Basic Law; a directorate officer of the Government; an Administrative Officer of the Government; an Information Officer of the Government; a police officer; or any other civil servant who is holding a specified office in his or her official capacity; or
  - (ii) the specified person is holding more than one specified office, except for the subsector the substitution arrangement of which is already specified in the law or non-applicable subsectors.
- An ex-officio member or a holder of the specified office may not become an EC member through nomination or election. A specified person would be deemed to have resigned from the EC if he or she no longer holds the relevant specified office. Each person may only be registered as the ex-officio member of one subsector.

### **Method for Returning EC Members through Nomination**

- Each relevant designated body should nominate a number of persons selected by it to become its representatives in the EC. The nominee should meet the following requirements:
  - (i) is both registered and eligible to be registered under the Legislative Council Ordinance (Cap. 542) as an elector for a GC and is not disqualified from being so registered; and
  - (ii) has a substantial connection with the relevant subsector.
- If the number of nominees is in excess of the number of seat assigned to the designated body, the designated body should indicate which of the nominees are to be given preference in making up the assigned number or in filling the vacancy; and rank the excess nominees, if more than one, in order of priority. If the designated body does not indicate which nominees are to be given preference, then the Returning Officer (“RO”) should determine the order of priority of those nominees by drawing lots.
- The CERC is to determine whether or not the nominees are validly nominated in accordance with the order of priority indicated in the nomination form or as determined by the RO by drawing lots until the number of seats assigned to the designated body are all filled.
- The CERC should declare the nominees who are validly nominated as the members of the EC in accordance with the regulations.

### **Arrangement for Nomination**

- Each candidate shall be nominated by five corporate or individual voters in the respective subsector.

- Each corporate or individual voter may only nominate a number of candidates not exceeding the number of seats to be elected in the respective subsectors.
- Nomination period: 6 to 12 August 2021
- Nomination forms can be downloaded from the Registration and Electoral Office (“REO”) website ([www.reo.gov.hk](http://www.reo.gov.hk)), or collected free of charge at the following offices:
  - District Offices;
  - Office of the Returning Officers; or
  - Offices of REO (10/F, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong or Unit 2301-03, 23/F, Millennium City 6, 392 Kwun Tong Road, Kwun Tong, Kowloon)

### **Eligibility to be nominated as a Candidate**

- has reached 18 years of age;
- is registered for a GC; and
- is registered as a voter for that subsector (only applicable to the Heung Yee Kuk, Representatives of members of Area Committees, District Fight Crime Committees, and District Fire Safety Committees of Hong Kong Island and Kowloon or New Territories, and Representatives of Hong Kong members of relevant national organisations subsectors where there are individual voters) or has substantial connection with that subsector.

### **Polling Arrangement**

- Polling day: 19 September 2021 (Sunday)
- Polling hours: 9:00 a.m. to 6:00 p.m. (except for dedicated polling stations situated in penal institutions where the polling hours will be from 9:00 a.m. to 4:00 p.m.)
- The EC members of each subsector will be elected by secret ballot.

### **Where to Vote**

- Each voter or authorised representative will be assigned to a designated ordinary polling station to cast their vote(s).
- A poll card showing information about the designated polling station of a voter or an authorised representative will be issued to him/her at least five days before the polling day.
- All ordinary polling stations are accessible to persons who are wheelchair users or have mobility difficulty.
- Voter or authorised representative in custody will be arranged to vote at a dedicated polling station in a penal institution or police station as appropriate.



## **How to Vote**

- Bring along the original of your Hong Kong Identity Card (“HKID card”) or other specified alternative document(s) (please refer to the section “Document(s) Required for Collecting Ballot Paper(s)” below for details) to your designated polling station on 19 September 2021 (Sunday) during the polling hours (9:00 a.m. to 6:00 p.m.), and present it to the polling staff inside the polling station. Polling staff will use a tablet of the Electronic Poll Register (“EPR”) system to scan your HKID card to check whether you are a voter and / or an authorised representative of related subsector(s), and the number and type(s) of ballot paper that you are entitled to. After verification, the polling staff will give the ballot paper(s) to you and the EPR system will record the issuance of ballot paper(s) to you.
- After collection of ballot paper(s), the voter or authorised representative should follow the instructions given by polling staff and printed on the ballot paper(s) and on the notices inside the compartment. The voter or authorised representative should mark the ballot paper(s) inside a voting compartment. In gist, please:
  - shade the ovals opposite the names of the candidates of your choice with the pen provided;
  - vote for no more than the prescribed number of seats in the relevant subsector (that number will be shown on the ballot paper); and
  - put the marked ballot paper into the envelope provided at the polling station, and put the envelope containing the ballot paper into the ballot box as directed by the arrow on the envelope.
- Each voter or authorised representative will be provided with separate voting compartment. Based on the principles of the autonomy of voting and secrecy of votes, it is prohibited under the law to have anyone (even if he/she is a voter’s relative or friend) to accompany or assist the voter to cast his/her vote.
- Voters or authorised representatives who are unable to cast their votes on their own can, in accordance with the law, seek help from the Presiding Officer (“PRO”) or PRO’s deputy to mark the ballot papers on their behalf according to their voting choice. The whole process will be witnessed by another polling staff to ensure that the voting will be conducted in a fair manner.
- If a voter or an authorised representative makes an error in marking a ballot paper or has inadvertently spoiled a ballot paper, he/she may return the ballot paper to the PRO and ask for a replacement.

## **Document(s) required for collecting Ballot Paper(s)**

- Under the prevailing legislation, a voter or an authorised representative applying for ballot paper(s) should produce the original of his/her HKID card or the following specified

alternative document(s):

- the original of a valid HKSAR Passport; or
  - the original of Certificate of Exemption; or
  - the original of an acknowledgement of application for the HKID card; or
  - the original of the person's valid seaman's identity book; or
  - the original of the person's valid document of identity for visa purposes; or
  - a document evidencing a report to a police officer of the loss or destruction of the person's HKID card or the Certificate of Exemption or the acknowledgement of application for the HKID card (commonly referred to as "a memo of lost property"), together with the original of a valid passport\* or similar travel document (e.g. a passport other than the HKSAR Passport or the Home Return Permit) showing his/her name and photograph.
- \*British National (Overseas) passport is not a valid travel document and proof of identity.
- For details, please refer to Section 50 of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I).

### **Special Queue for Voters in Need**

- Only voters and authorised representatives are allowed entry into a polling station.
- Under the "fair and equal treatment" principle, voters and authorised representatives must queue to vote. Voters and authorised representatives requiring assistance from others for entering into a polling station may make a request to the PRO.
- If the PRO is satisfied that a person who arrives at, or is present in, the polling station to vote falls within below description, the PRO may direct the person to immediately proceed to the designated area or the end of the queue if there is a queue extending from that area, to apply for a ballot paper –
  - who is not less than 70 years of age\*;
  - who is pregnant; or
  - who is not able to queue for a long time or has difficulty in queuing because of illness, injury, disability or dependence on mobility aids.

\*Including the following person –

- whose document shows the year of birth, without the month and day of birth, of the person which is 70 years earlier than the year within which the polling day falls; or
  - whose document shows, without the day of birth, the year of birth of the person which is 70 years earlier than the year within which the polling day falls and the month of birth of the person which is same as the month within which the polling day falls.
- The PRO will also designate a seating area inside the polling station for the above voters or authorised representatives to take a rest, if they so wish. After resting, they can queue up along the special queue before being directed to the ballot paper issuing desks.

- Based on the principles of the autonomy of voting and secrecy of votes, the law prohibits anyone (even if he/she is a voter's relative or friend) from accompanying or assisting the voter or the authorised representative to cast his/her vote. A voter or an authorised representative who has difficulty in marking the ballot paper by himself/herself may, in accordance with the law, ask the PRO or the PRO's deputy to mark the ballot paper on his/her behalf according to his/her voting preference, in the presence of one polling staff as a witness. The PRO has been allowed to exercise discretion, where appropriate, to allow accompanying persons to use the special queue together with voters who have a genuine need to be accompanied by others.

### **Checklist for Voters/Authorised Representatives**

- According to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) enforced by the Independent Commission Against Corruption ("ICAC"), a voter or an authorised representative MUST NOT conduct the following acts within Hong Kong or elsewhere:
  - Solicits or accepts any advantage (including money, gift, etc.), food, drink or entertainment from any person for not voting at an election, or voting or not voting for a particular candidate or particular candidates.
  - Offers any advantage (including money, gift, etc.), food, drink or entertainment to any person as an inducement to or a reward for the latter not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates.
  - Uses or threatens to use force or duress against any person for inducing the latter to vote or not to vote at an election, or to vote or not to vote for a particular candidate or particular candidates.
  - Induces any person by deception to vote or not to vote for a particular candidate or particular candidates, or not to vote at an election.
  - Wilfully obstructs and prevents another person from voting at an election.
  - Incites another person not to vote or to cast invalid vote at an election by any activity in public during election period.
  - Votes at an election knowing that you are not entitled to do so.
  - Votes at an election after having knowingly or recklessly given false or misleading information (e.g. false principal residential address) to an electoral officer.
- The following actions are also prohibited in polling stations:
  - Communicating with other voters and authorised representatives including showing your vote on the ballot paper to others or use mobile telephones or any other device for electronic communication.
  - Filming, taking photographs or making any audio or video recording.
  - Asking other voters and authorised representatives to mark your ballot paper. In case of need, you may, in accordance of the law, request the PRO to mark your ballot paper in the presence of a polling officer.

- Interfering with other voters or authorised representatives who are casting their votes.
- ICAC has set up a Clean Election Website to provide relevant information (in both English and Chinese). Please visit [www.icac.org.hk/elections](http://www.icac.org.hk/elections).