

2021 Legislative Council General Election

Election Brief

Polling Arrangement for Legislative Council General Election

- Polling date: 19 December 2021 (Sunday)
- Polling hours: 8:30 a.m. to 10:30 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.)

Nomination Period

- Nomination period: 30 October 2021 to 12 November 2021
- Nomination forms can be downloaded from the Registration and Electoral Office (“REO”) website (www.reo.gov.hk), or collected free of charge at the following offices:
 - District Offices;
 - Offices 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)

Legislative Council Brief

Improving Electoral System (Consolidated Amendments) Ordinance 2021

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 (“HKSAR”) 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. To implement the newly amended Annex I and Annex II to the Basic Law, the Improving Electoral System (Consolidated Amendments) Ordinance 2021 passed by the LegCo was published in the Gazette and came into effect on 31 May 2021.

Composition

Pursuant to the Decision and the Annex II to the Basic Law, the LegCo of the HKSAR shall be composed of 90 members as follows:

- Members returned by the Election Committee : 40 persons
- Members returned by Functional Constituencies : 30 persons
- Members returned by Geographical Constituencies : 20 persons

through direct elections

- The term of office is four years.

Election Committee Constituency (“ECC”) – 40 seats

Nomination and Candidature

- All registered geographical constituency (“GC”) electors aged 21 or above who have ordinarily resided in Hong Kong for 3 years immediately preceding the nomination can be nominated as candidates, i.e. candidates need not be members of the Election Committee (“EC”).
- Each candidate shall be nominated by no less than 10, but no more than 20, members of the EC, including no less than 2 but no more than 4 members from each of the 5 sectors of the EC.
- Each member of the EC can only nominate 1 candidate.

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- The EC members shall, on the basis of the list of nominees, cast their votes by secret ballot. A ballot paper is only valid if the number of votes contained in the ballot paper is equal to the number of members to be returned. The 40 candidates who obtain the greatest number of votes shall be returned in the election.

Functional Constituencies (“FCs”) – 30 seats

Composition and seats allocation of 28 FCs

FCs		Seats	Composition of the Electorates	
			Individuals	Bodies
1	Heung Yee Kuk	1	✓	
2	Agriculture and fisheries	1		✓
3	Insurance	1		✓
4	Transport	1		✓

5	Education	1	✓	
6	Legal	1	✓	
7	Accountancy	1	✓	
8	Medical and health services	1	✓	
9	Engineering	1	✓	
10	Architectural, surveying, planning and landscape	1	✓	
11	Labour	3		✓
12	Social welfare	1	✓	
13	Real estate and construction	1		✓
14	Tourism	1		✓
15	Commercial (first)	1		✓
16	Commercial (second)	1		✓
17	Commercial (third)	1		✓
18	Industrial (first)	1		✓
19	Industrial (second)	1		✓
20	Finance	1		✓
21	Financial services	1		✓
22	Sports, performing arts, culture and publication	1		✓
23	Import and export	1		✓
24	Textiles and garment	1		✓
25	Wholesale and retail	1		✓
26	Technology and innovation	1		✓
27	Catering	1		✓
28	HKSAR deputies to the National People's Congress, HKSAR members of the National Committee of the Chinese People's Political Consultative Conference ("CPPCC"), and representatives of relevant national organisations	1	✓	
Total :		30		

Remarks:

Eligible corporate electors of a FC shall be composed of institutions, organisations, associations or enterprises which are representative and specified by law. Unless specified in the electoral law of the HKSAR, an association or enterprise may become a corporate elector for a FC only

if it has been operating for not less than 3 years after acquiring relevant qualifications for that FC.

Nomination and Candidature

- All registered GC electors aged 21 or above who have ordinarily resided in Hong Kong for 3 years immediately preceding the nomination; and registered electors of the relevant FCs or have a substantial connection with that FC can be nominated as candidates.
- Candidates must fulfill the following two criteria:
 1. Nominated by no less than 10, but no more than 20 electors of the respective FC; and
 2. Nominated by no less than 10, but no more than 20 members of the EC, including no less than 2 but no more than 4 members from each of the 5 sectors of the EC.
- Each member of the EC can only nominate 1 candidate in the FC election as a EC member. Each registered FC elector can only nominate 1 candidate in his/her respective FC as a FC elector (except for the electors of the Labour FC who may nominate at most 3 candidates).

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- Electors of each constituency shall elect the LegCo Member of their respective constituency by secret ballot.

Geographical Constituencies (“GCs”)

Delineation and System of Election

- The territories of Hong Kong will be divided into 10 GCs. Each constituency shall return 2 LegCo Members. 10 GCs are as below:
 - Hong Kong Island East
 - Hong Kong Island West
 - Kowloon East
 - Kowloon West
 - Kowloon Central
 - New Territories South East
 - New Territories North
 - New Territories North West
 - New Territories South West
 - New Territories North East

Nomination and Candidature

- All registered GC electors aged 21 or above who have ordinarily resided in Hong Kong for 3 years immediately preceding the nomination can be nominated as candidates.
- Candidates must fulfill the following two criteria:
 1. Nominated by no less than 100, but no more than 200 electors of the respective GC; and
 2. Nominated by no less than 10, but no more than 20 members of the EC, including no less than 2 but no more than 4 members from each of the 5 sectors of the EC.

- Each member of the EC can only nominate 1 candidate in the GC election as a EC member. Each registered GC elector can only nominate 1 candidate in his/her respective GC as a GC elector.

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- Electors may select one candidate by secret ballot, and the two candidates who obtain the greatest number of votes shall be returned in the election.

Who can Vote

- Only the registered individual and corporate electors whose names have been included in the 2021 Final Register of Electors are eligible to cast their votes in the election, and the relevant registers will be published on 29 October 2021. For ECC, only the members whose names have been included in the final register of the EC members are eligible to nominate and vote, and the relevant registers will be published on 22 October 2021.
<https://www.voterregistration.gov.hk/eng/statistic.html>

Combined Polling Arrangement

- Combined polling arrangements will be made for the convenience of all electors or authorised representatives (“ARs”). Under this arrangement, an EC member / an eligible elector / an AR would cast all the votes which she/he is entitled to cast at the same polling station.

Where to Vote

- Except ECC electors, each elector or AR will be assigned to a designated ordinary polling station near his/her residential address registered in the Final Register of Electors as far as practicable. For ECC electors, they will be assigned to the ECC polling station.
- Electors or ARs in custody will be arranged to vote at dedicated polling stations in penal institutions or police stations as appropriate.
- A poll card showing information about the designated polling station of an individual elector or AR will be issued to the respective electors or ARs at least 10 days before the polling day.
- Whether the polling station allocated to an elector or AR is accessible to persons with special needs (wheelchair users or persons have mobility difficulty) will be specified in the location map attached to the poll card. If electors or ARs who are wheelchair users or have difficulty in walking find their designated polling station not accessible, they may

apply to the REO to vote at the special polling station designated for the constituency for which he/she is entitled to vote by fax (2891 1180), by email (reoeng@reo.gov.hk), by telephone (2891 1001) or by mail (10/F, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong) not later than 14 December 2021.

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 December 2021 (Sunday) during the polling hours (8:30 a.m. to 10:30 p.m.) and present it to the polling staff inside the polling station. After receiving your HKID card, the polling staff will ask you to pull aside your face mask temporarily and conduct a visual checking. The polling staff will use a tablet of the Electronic Poll Register (“EPR”) system to scan your HKID card to check whether you are an elector and/or AR of the relevant constituency(ies), and the number and type(s) of ballot paper(s) 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.
- The polling staff will issue the ballot paper(s) according to your elector eligibility and a cardboard to which a “✓” chop is attached. A black pen will also be given to an ECC elector. After that, you should immediately proceed to one of the voting compartments.
- Please follow the instructions given by polling staff as well as those printed on the ballot paper(s), the cardboard and notices inside the voting compartment. You should mark the ballot paper(s) inside a voting compartment.
- For GCs/FCs, you must use the chop attached to the cardboard to stamp a “✓” in the circle opposite the name(s) of the GC and/or FC candidate(s) of your choice on the ballot paper(s). (Each AR of the Labour FC may choose up to three candidates.)
- For ECCs, you should vote for **not more than or less than** 40 candidates on the ballot paper. You should use the pen provided by the polling station to fill in black the ovals on it opposite the names of the candidates of your choice.
- Each voting compartment is to be used by one elector/AR at a time only. 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 an elector’s relative or friend) to accompany or assist the elector to cast his/her vote.
- You must not fold your ballot paper(s). After marking a ballot paper:
 - (a) a GC elector should insert the GC ballot paper into the **blue** ballot box with the marked side facing down;
 - (b) an elector or AR of FC should insert the FC ballot paper into the **red** ballot box with the marked side facing down; and
 - (c) an ECC elector may choose to use an Optical Mark Recognition machine installed in

the ECC polling station to verify whether the number of candidates against whom he/she marked on the ballot paper is equal to 40. He/she should then insert the ballot paper into an envelope provided by the polling station and put the ballot paper contained in the envelope into the **white** ballot box.

- If an elector or AR makes an error in marking a ballot paper or has inadvertently spoiled a ballot paper, he/she may return that ballot paper to the Presiding Officer (“PRO”) and ask for a replacement.

Document(s) Required for Collecting Ballot Paper(s)

- Under the prevailing legislation, a person 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) (BN(O)) 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) (Legislative Council) Regulation (Cap. 541D).

Special Queue for Electors or ARs in Need

- Only electors or ARs are allowed entry into a polling station.
- Under the "fair and equal treatment" principle, electors or ARs must queue to vote. If the PRO is satisfied that a person who arrives at, or is present in, the polling station to vote falls within the following descriptions, the PRO will 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, because of illness, injury, disability or dependence on mobility aids, is not able

to queue for a long time or has difficulty in queuing.

*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;
- 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 electors or ARs 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 an elector's relative or friend) from accompanying or assisting the elector or the AR to cast his/her vote. An elector or AR 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 electors who have a genuine need to be accompanied by others.
- To facilitate polling staff's early resumption of work to serve electors/ARs after casting votes, if he/she arrives at the assigned polling station but finds a long queue waiting for admission outside the station, he/she may be permitted to enter the polling station for priority queuing to collect ballot papers and cast his/her votes after presenting his/her polling staff identification.

Checklist for Electors/ARs

- According to the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) enforced by the Independent Commission Against Corruption ("ICAC"), an elector or AR MUST NOT conduct the following acts within Hong Kong or elsewhere:
 - Incites any person not to vote, to cast blank or invalid votes by way of public activity during an election period.
 - Willfully obstructs and prevents another person from voting at an election.
 - 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 at an election, or not to vote at an election, or obstruct or prevent any person by deception from voting at an election.
- 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 a polling station:

- Communicate with other electors and ARs including showing your vote on the ballot paper to others or use mobile telephones or any other device for electronic communication.
 - Film, take photographs or make any audio or video recording.
 - Ask other electors and ARs 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.
 - Interfere with other electors or ARs who are casting their votes.
- ICAC has set up a Clean Election Website and provides relevant information (in both English and Chinese). Please visit www.icac.org.hk/elections.

Anti-epidemic measures in response to COVID-19 in polling stations and counting stations

- To prevent the spread of COVID-19, in consultation with the Food and Health Bureau and the Centre for Health Protection, the REO will adopt the following measures in the polling stations and counting stations (including the Central Counting Station):

Polling Stations

- All polling staff are required to wear surgical masks and have their body temperature checked. They also have to wear face shields if they are not being protected by transparent protective screens which will be erected on the ballot paper issuing desks, PRO desk, etc.
- All persons (including electors, candidates/ARs) entering the polling stations are required to wear their own masks properly, have their body temperature checked and rub their hands by using hand sanitisers placed at the entrance and exit of the polling stations.
- Electronic thermometers are set up at all polling stations to check the body temperature of electors, candidates and ARs upon their arrival at polling stations.
- Polling staff with fever or respiratory symptoms, or sudden loss of taste/smell will not be allowed to discharge electoral duties while candidates/ARs will not be allowed

to enter the polling stations but the candidates can authorise another representative to observe the poll.

- Electors with fever or respiratory symptoms or sudden loss of taste/smell will be assigned to vote at the designated compartments at the polling stations.
- Handheld placards and signage reminding electors to keep social distance will be displayed at the polling stations.

Counting Stations (including Central Counting Station¹)

- All staff of the counting stations (including Central Counting Station) are required to wear surgical masks and gloves. Transparent protective screens will also be erected on the Registration and Enquiry counters of the Central Counting Station. Social distancing measures will be strictly implemented at the Media Centre with maximum capacity set for the public galleries.
- Counting staff with fever or respiratory symptoms, or sudden loss of taste/smell will not be allowed to discharge counting duties.
- Electronic thermometers are set up at each counting station (including Central Counting Station) to check the body temperature of electors, candidates/ARs to screen out persons with fever. Any person with fever or respiratory symptoms, or sudden loss of taste/smell will not be allowed to enter the counting stations. If candidates/ARs have fever or respiratory symptoms, or sudden loss of taste/smell, the candidates can authorise another representative to observe the count.
- Hand sanitisers will be provided inside the counting stations (including Central Counting Station).
- The REO will arrange for the Hong Kong Convention and Exhibition Centre to use diluted bleach to disinfect the non-metallic surface furniture in the Central Counting Station before the opening of the Station (such as counting desks, reception counters, chairs, etc.).

¹ The proposed safety measures for the Central Counting Station will also be adopted for the Media Centre.