



Guidance Notes

**Application for Registration as
an Elector in a Functional Constituency and
as a Voter in an Election Committee Subsector**

Commercial (First)

Registration and Electoral Office

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The Guidance Notes and application forms are obtainable from the following sources:

- (a) Registration and Electoral Office:
- (i) 10th Floor, Harbour Centre
25 Harbour Road
Wan Chai
Hong Kong
 - (ii) 10th Floor, Guardian House
32 Oi Kwan Road
Wan Chai
Hong Kong
- (b) Registration and Electoral Office Website: www.info.gov.hk/reo/index.htm
- (c) Registration and Electoral Office Enquiry Hotline: 2891 1001

I. Introduction

If your body is eligible, your body may apply to be registered as :-

an elector in this Functional Constituency (“FC”) and a voter in the corresponding subsector of the Election Committee (“EC”), i.e. a subsector having the same name as the FC, at the same time,

OR

an elector in this FC and a voter in **ONE** of the following EC subsectors, instead of in its corresponding EC subsector:

- (1) Employers’ Federation of Hong Kong;
- (2) Hong Kong Chinese Enterprises Association;
- (3) Social Welfare (the part for the corporate bodies only),

OR

an elector in **ONE** of the FCs listed in **Appendix A**, and a voter in either its corresponding EC subsector or **ONE** of the above EC subsectors.

An eligible body is entitled to be registered in only **ONE** FC and/or only **ONE** EC subsector. If your body is an elector/a voter already registered in an FC/EC subsector and submits an application for registration in a different FC/EC subsector, the new application (if accepted) will replace the registration of the existing FC/EC subsector in the next final register.

If your body is registered as an elector in an FC and as a voter in an EC subsector, your body will be entitled to vote in a general election or by-election, if any, in respect of the Legislative Council (“LegCo”) and the EC subsector -

- (1) to elect a Member of the LegCo in respect of your FC; and
- (2) to elect your representatives in respect of your EC subsector as members of the EC. Under the Basic Law, the EC is responsible for returning the Chief Executive.

II. Who is Eligible to Apply for Registration in the Commercial (First) Functional Constituency (“FC”) and its Corresponding Election Committee (“EC”) Subsector

- (1) Your body* is eligible to be registered for this FC and its corresponding EC subsector if your body possesses the qualifications required for registration in this FC and its corresponding EC subsector. (For details, please refer to **Appendix B**.)

- (2) Your body must appoint an authorized representative (“AR”) for the purpose of casting its vote in an election. An AR must be registered as an elector in a Geographical Constituency (“GC”) or is eligible to and has applied to be so registered. (For details on the appointment of AR(s), please refer to **Appendix B**.)
 - (a) Generally, a person is eligible to be registered as an elector in a GC if :
 - (i) he/she is a permanent resident of the Hong Kong Special Administrative Region;
 - (ii) he/she ordinarily resides in Hong Kong;
 - (iii) he/she has reached 18 years of age or will reach 18 years of age on or before 25 September (for District Council Election year) OR 25 July (for Non-District Council Election year) next following his/her application for registration;
 - (iv) he/she holds an identity document, e.g. a Hong Kong permanent identity card; and
 - (v) he/she is not subject to any disqualification from registration.

For enquiries on permanent resident status, please call the Immigration Department hotline: 2824 4055.

* A “body” 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.

- (b) (i) A person will be registered in a LegCo GC and the District Council constituency to which he/she belongs according to his/her residential address which should be his/her only or principal residence in Hong Kong, i.e. a dwelling place in Hong Kong at which he/she resides and which constitutes his/her sole or main home.
 - (ii) A person should notify the Electoral Registration Officer in writing of any subsequent change of residential address as this might entail a consequential change of the constituencies in which he/she is registered. **If he/she does not notify the Electoral Registration Officer of his/her new residential address, he/she may cease to be registered in GC, FC and EC subsector.**
- (3) If your body is eligible to be registered in one of the following FCs:
- (a) Agriculture and Fisheries;
 - (b) Insurance; or
 - (c) Transport,

and any other FC at the same time, your body may only be registered in either (a), (b) or (c) above and not in any other FC.

III. Who is Disqualified from being Registered

Generally, a person is disqualified from being registered as an individual elector or voter, or as an AR, if he/she :

- (1) has been sentenced to death or imprisonment in Hong Kong or any other place and has not either served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence or received a free pardon;
- (2) on the date of application for registration, is serving a sentence of imprisonment;
- (3) is or has been convicted of:
 - (a) having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);
or
 - (b) an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or

- (c) any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541), where the election is to be held or is held within 3 years after the date of conviction;
- (4) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs; or
- (5) is a member of any armed forces.

IV. How to Submit an Application

Please use Form REO-42 (“Application by a body for registration in a functional constituency and an EC subsector”) to apply for registration in this FC, its corresponding EC subsector and to appoint AR(s).

Please return the completed form, which must be signed by the responsible officer and the AR(s) of your body, to the Electoral Registration Officer as soon as possible. The application must **reach** the Electoral Registration Officer at the following address on or before **16 July (for District Council Election year) OR 16 May (for Non-District Council Election year)** for the registration particulars to be included in the next FC and subsector Final Registers to be published in **September (for District Council Election year) OR July (for Non-District Council Election year)**:

Registration and Electoral Office
10th Floor, Guardian House
32 Oi Kwan Road
Wan Chai
Hong Kong

If you have not received any reply from the Registration and Electoral Office 14 days after submission of your application form, you may call the Enquiry Hotline 2891 1001 to check the progress of your application.

V. Further Enquiries

If you require further information, please call 2891 1001 or write to the above address by post, or fax to 2891 1180, or access to the website: www.info.gov.hk/reo/index.htm.

VI. Personal Information Collection Statement

Purpose of Collection

The personal data and other related information provided by you by means of the application form will be used by the Registration and Electoral Office for voter registration and election related purposes. The provision of personal data and other related information by means of the application form is voluntary. However, if you do not provide adequate and accurate data we may not be able to process your application for registration. **If the Electoral Registration Officer has determined that you are eligible to be registered as an elector/a voter, your name and residential address provided by means of the application form will be included in a register and made available for public inspection.**

Classes of Transferees

Where necessary, the particulars submitted by you may be provided to other departments/organizations/persons for verifying your eligibility for registration and other election-related purposes under relevant ordinances and/or subsidiary legislation.

Access to Personal Data

You have a right to request access to, and to request the correction of, the personal data and other related information you supplied in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486). Such requests should be made in writing to the Electoral Registration Officer at 10th Floor, Harbour Centre, 25 Harbour Road, Wan Chai, Hong Kong.

VII. Language Preference for Election-related Communications

Normally, election-related communications issued to electors by the Registration and Electoral Office are in both Chinese and English. Your language preference would facilitate candidates' communications with you at elections in the language of your choice. If you do not complete this section, it will be assumed that your preferred language is Chinese.

Note: This booklet is for general guidance only. For more details, applicants may refer to the Legislative Council Ordinance (Cap. 542), the Chief Executive Election Ordinance (Cap. 569), the Electoral Affairs Commission Ordinance (Cap. 541) and subsidiary legislation made thereunder. The legislation can be found on the website: www.justice.gov.hk/home.htm and are on sale at the Government Publications Centre.

Appendix A

List of Functional Constituencies and their corresponding Election

Committee Subsectors

- (1) Agriculture and Fisheries
- (2) Catering
- (3) Commercial (First)
- (4) Commercial (Second)
- (5) Finance
- (6) Financial Services
- (7) Import and Export
- (8) Industrial (First)
- (9) Industrial (Second)
- (10) Information Technology
- (11) Insurance
- (12) Labour
- (13) Real Estate and Construction
- (14) Sports, Performing Arts, Culture and Publication
- (15) Textiles and Garment
- (16) Tourism¹
- (17) Transport
- (18) Wholesale and Retail

1. For the Tourism FC, its corresponding subsector is either the Tourism subsector or the Hotel subsector.

**Registration in the
Commercial (First)
Functional Constituency (“FC”) and
Election Committee (“EC”) Subsector**

1. Who is eligible to be registered

You are eligible to be registered :

- (a) if your body is a member of The Hong Kong General Chamber of Commerce entitled to vote at general meetings of the Chamber,

and

- (b) if your body has been its corporate member and has been operating for the 12 months immediately before the date of your application for registration.

2. Appointment of Authorized Representative(s) (“AR”)

(a) *Qualifications for an AR*

The individual appointed by your body as your AR must :

- (1) be registered, or is eligible to be registered and has applied to be registered, as an elector in a geographical constituency (for details, please refer to Parts II(2) and III of this Guidance Notes); and
- (2) have a substantial connection with your body, e.g. being a member, partner, officer or employee of your body.

(b) *Restrictions of appointment of an AR*

No individual shall be appointed as an AR :

- (1) in respect of the FC, by more than one corporate elector; or
- (2) in respect of the subsector, by more than one corporate voter.

(c) *Replacement of an AR*

Your body may replace your appointed AR from time to time. This has to be done on Form REO-42R obtainable from the Registration and Electoral Office. The completed form should reach the Electoral Registration Officer not later than 14 days before the polling date for the FC or subsector concerned. In special circumstances, such as death, serious illness, physical or mental incapacity of an AR, the replacement may be accepted not later than 3 working days before the polling date.

3. Points to note

- (a) If an AR is eligible to be registered as an individual elector in another FC, or as an individual voter in another subsector, he/she may apply to be so registered.
- (b) Your body does not need to apply to be registered in the Commercial (First) FC/subsector again if it has already been so registered in the existing final registers. If you wish to confirm whether your body is a registered elector/voter, you may call the Enquiry Hotline of Registration and Electoral Office at 2891 1001 for checking.
- (c) If your body is also eligible to be registered in one of the following optional subsectors:
 - (1) Employers' Federation of Hong Kong;
 - (2) Hong Kong Chinese Enterprises Association;
 - (3) Social Welfare (the part for corporate bodies only),

you may choose to be registered in one of these subsectors by indicating your choice in Section 2 of the application form. In this case, you will be registered in the Commercial (First) FC and the subsector of your choice.

4. What application form should be used

- (a) Please use Form REO-42 (Orange) ("Application by a body for registration in a functional constituency and an Election Committee subsector") to apply for registration in this FC and an EC subsector, and to appoint AR(s). In case you wish to appoint the same AR for casting votes in the FC and the subsector elections, there is NO NEED to complete Section 4 of the form.
- (b) The application must be signed by a responsible person of your body, i.e. a person authorized by your body to make the application, and also signed by the AR(s).