



Guidance Notes

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

Commercial (Second)

Registration and Electoral Office

REO-GN1(2004)-Com2

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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 you are eligible, you 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) Chinese Medicine;
- (2) Chinese People’s Political Consultative Conference;
- (3) Employers’ Federation of Hong Kong;
- (4) Hong Kong Chinese Enterprises Association;
- (5) Social Welfare(the part for 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 person or body is entitled to be registered in only **ONE** FC and/or only **ONE** EC subsector. If you are an elector/a voter already registered in an FC/EC subsector and submit an application for registration in a different FC/EC subsector, your new application (if accepted) will replace the registration of the existing FC/EC subsector in the next final register.

If you are registered as an elector in an FC and as a voter in an EC subsector, you 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

(Second) Functional Constituency (“FC”) and its Corresponding Election Committee (“EC”) Subsector

If you are an individual

- (1) You are eligible to be registered as an individual elector for this FC and as an individual voter for its corresponding EC subsector if :
 - (A) you possess the qualifications required for registration in this FC and its corresponding EC subsector (for details, please refer to **Appendix B**); and
 - (B) you are registered as an elector in a Geographical Constituency (“GC”) or are eligible and have applied to be so registered.
 - (a) Generally, you are eligible to be registered as an elector in a GC if :
 - (i) you are a permanent resident of the Hong Kong Special Administrative Region;
 - (ii) you ordinarily reside in Hong Kong;
 - (iii) you have 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 your application for registration;
 - (iv) you hold an identity document, e.g. a Hong Kong permanent identity card; and
 - (v) you are not subject to any disqualification from registration.

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

- (b) (i) You will be registered in a LegCo GC and the District Council constituency to which you belong according to your residential address which should be your only or principal residence in Hong Kong, i.e. a dwelling place in Hong Kong at which you reside and which constitutes your sole or main home.
 - (ii) Please 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 you are registered. **If you do not notify the Electoral Registration Officer of your new residential address, you may cease to be registered in GC, FC and EC subsector.**
- (C) you are not appointed as an Authorized Representative of a corporate elector/voter in the same FC/EC subsector in which the corporate elector/voter has been registered.
- (2) If you are eligible to be registered in the **Heung Yee Kuk** FC and any other FC at the same time, you may only be registered in the **Heung Yee Kuk** FC and not in any other FC.

If you are a body

- (3) Your body* is eligible to apply for registration as a corporate elector for this FC and as a voter in its corresponding EC subsector if your body possesses the qualifications required for registration in this FC and its corresponding EC subsector. (For detailed qualification, please refer to **Appendix B.**)
- (4) Your body must appoint an authorized representative (“AR”) for the purpose of casting your 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 “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.

(5) 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

If you are an individual

Please use Form REO-41 (“Application by an individual for registration in a functional constituency and an EC subsector”) to apply for registration in this FC and an EC subsector.

If you are holding a valid personal digital certificate, you may also apply for registration on-line through the “Electronic Service Delivery” website: www.esd.gov.hk.

If you are a body

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 and an EC subsector and to appoint AR(s).

Application Deadline

Please return the completed form, which must be signed by you or the responsible officer and the AR(s) of your body (for body application), 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) Accountancy
- (2) Agriculture and Fisheries
- (3) Architectural, Surveying and Planning
- (4) Catering
- (5) Commercial (First)
- (6) Commercial (Second)
- (7) District Council¹
- (8) Education²
- (9) Engineering
- (10) Finance
- (11) Financial Services
- (12) Health Services
- (13) Heung Yee Kuk
- (14) Import and Export
- (15) Industrial (First)
- (16) Industrial (Second)
- (17) Information Technology
- (18) Insurance
- (19) Labour
- (20) Legal
- (21) Medical
- (22) Real Estate and Construction
- (23) Social Welfare
- (24) Sports, Performing Arts, Culture and Publication
- (25) Textiles and Garment
- (26) Tourism³
- (27) Transport
- (28) Wholesale and Retail

-
1. For the District Council FC, its corresponding subsector is either the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector.
 2. For the Education FC, its corresponding subsector is either the Education subsector or the Higher Education subsector.
 3. For the Tourism FC, its corresponding subsector is either the Tourism subsector or the Hotel subsector.

Appendix B

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

1. Who is eligible to be registered

You are eligible to be registered :

- (a) if you are a member of The Chinese General Chamber of Commerce entitled to vote at general meetings of the Chamber;

and

- (b) if you are an individual member of the Chamber, you must have been its individual member for the 12 months immediately before the date of your application for registration; or
- (c) if you are a corporate member of the Chamber, you must have been its corporate member and have been operating for the 12 months immediately before the date of your application for registration.

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

(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(1) 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 -
 - (i) by more than one corporate elector; or
 - (ii) if he/she has been registered as an individual elector in the same FC in which the corporate body has been registered or has applied to be registered;
- (2) in respect of the subsector -
 - (i) by more than one corporate voter; or
 - (ii) if he/she has been registered as an individual voter in the same subsector in which the corporate body has been registered or has applied to be registered.

(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

If you are an individual

- (a) You do not need to apply to be registered in the Commercial (Second) FC/subsector again if you have already been so registered in the existing final registers. If you wish to confirm whether you are a registered elector/voter, you may call the Enquiry Hotline of Registration and Electoral Office at 2891 1001 for checking.
- (b) If you are also eligible to be registered in one of the following optional subsectors:
 - (1) Chinese Medicine;
 - (2) Chinese People's Political Consultative Conference;
 - (3) Hong Kong Chinese Enterprises Association,

you may choose to be registered in one of these subsectors by indicating your choice in Section 5 of the application form. In this case, you will be registered in the Commercial (Second) FC and the subsector of your choice.

If you are a body

- (c) 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.
- (d) Your body does not need to apply to be registered in the Commercial (Second) 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.
- (e) 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 (Second) FC and the subsector of your choice.

4. What application form should be used

If you are an individual

- (a) Please use Form REO-41 (Blue) (“Application by an individual for registration in a functional constituency and an Election Committee subsector”) to apply for registration in this FC and an EC subsector.

If you are a body

- (b) 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.
- (c) 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).