

## **Annex II**

### **Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures**

(Adopted at the Third Session of the Seventh National People's Congress on 4 April 1990, amended, as recorded at the Sixteenth Meeting of the Standing Committee of the Eleventh National People's Congress on 28 August 2010, and amended at the Twenty-Seventh Meeting of the Standing Committee of the Thirteenth National People's Congress on 30 March 2021)

1. The Legislative Council of the Hong Kong Special Administrative Region (HKSAR) shall be composed of 90 members for each term. The composition of the Legislative Council shall be as follows:

Members returned by the Election Committee	40
Members returned by functional constituencies	30
Members returned by geographical constituencies through direct elections	20

The above-mentioned Election Committee refers to the one provided for in Annex I to this Law.

2. Candidates for members of the Legislative Council returned by the Election Committee shall be nominated by at least 10 but no more than 20 members of the Election Committee, with at least 2 but no more than 4 members from each sector. Any eligible voter in an election of the Legislative Council may be nominated as a candidate. Each Election Committee member may nominate one candidate only.

The Election Committee shall elect members of the Legislative Council from the list of nominations by secret ballot. A ballot paper is valid only if the number of candidates voted for is equal to the number of

members of the Legislative Council to be returned. The 40 candidates who obtain the highest numbers of votes shall be elected.

3. There shall be 28 functional constituencies for election of members of the Legislative Council:

Agriculture and fisheries

Heung Yee Kuk

Industrial (first)

Industrial (second)

Textiles and garment

Commercial (first)

Commercial (second)

Commercial (third)

Finance

Financial services

Insurance

Real estate and construction

Transport

Import and export

Tourism

Catering

Wholesale and retail

Technology and innovation

Engineering

Architectural, surveying, planning and landscape

Accountancy

Legal

Education

Sports, performing arts, culture and publication

Medical and health services

Social welfare

Labour

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 relevant national organisations

Three members shall be returned by the labour functional constituency, and one member shall be returned by each of the other functional constituencies.

Members of the Legislative Council returned by the following functional constituencies shall be elected by individual voters:

Heung Yee Kuk

Engineering

Architectural, surveying, planning and landscape

Accountancy

Legal

Education

Medical and health services

Social welfare

HKSAR deputies to the NPC, HKSAR members of the CPPCC

National Committee and representatives of relevant national organisations

Members of the Legislative Council returned by the other functional constituencies shall be elected by eligible corporate voters. Eligible corporate voters for functional constituencies 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 voter for a functional constituency only if it has been operating for not less than three years after acquiring relevant qualifications for that functional constituency.

A candidate for a functional constituency shall be nominated by at least 10 but no more than 20 voters for the functional constituency as

well as at least 2 but no more than 4 members from each sector of the Election Committee. Each Election Committee member may nominate one candidate only for the election of members of the Legislative Council returned by functional constituencies.

Voters for a functional constituency shall elect Legislative Council member for that functional constituency from the list of nominations by secret ballot.

The delimitation of corporate bodies and the definition of eligible corporate voters for functional constituencies, and the election method shall be prescribed by the electoral law of the HKSAR.

4. There shall be 10 geographical constituencies for returning members of the Legislative Council through direct elections. Two members shall be returned by each geographical constituency.

A candidate for a geographical constituency shall be nominated by at least 100 but no more than 200 voters for the geographical constituency as well as at least 2 but no more than 4 members from each sector of the Election Committee. Each Election Committee member may nominate one candidate only for direct election of members of the Legislative Council returned by geographical constituencies.

For each geographical constituency, a voter may vote for one candidate on the list of nominations by secret ballot. The two candidates who obtain the highest numbers of votes shall be elected.

The delineation of geographical constituencies and the voting method shall be prescribed by the electoral law of the HKSAR.

5. The Candidate Eligibility Review Committee of the HKSAR shall be responsible for reviewing and confirming the eligibility of candidates

for members of the Legislative Council. The Committee for Safeguarding National Security of the HKSAR shall, on the basis of the review by the department for safeguarding national security of the Police Force of the HKSAR, make findings as to whether a candidate for member of the Legislative Council meets the legal requirements and conditions of upholding the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, and issue an opinion to the Candidate Eligibility Review Committee of the HKSAR in respect of a candidate who fails to meet such legal requirements and conditions.

No legal proceedings may be instituted in respect of a decision made by the Candidate Eligibility Review Committee of the HKSAR on the eligibility of a candidate for member of the Legislative Council pursuant to the opinion of the Committee for Safeguarding National Security of the HKSAR.

6. The HKSAR shall, in accordance with the law, take measures against acts of manipulating or undermining election.

7. Unless otherwise provided for in this Law, the Legislative Council shall adopt the following procedures for voting on bills and motions:

The passage of bills introduced by the government shall require a simple majority of votes of the members of the Legislative Council present.

The passage of motions, bills or amendments to government bills introduced by individual members of the Legislative Council shall require a simple majority of votes of each of the two groups of members present, i.e. members returned by the Election Committee, and those returned by functional constituencies and by geographical constituencies through direct elections.

8. The NPC Standing Committee exercises in accordance with the law the power to amend this Method and the procedures for voting on bills and motions. Prior to making any amendment, the NPC Standing Committee shall solicit views of various sectors of Hong Kong by appropriate means.

9. This Method and the procedures for voting on bills and motions shall come into force on 31 March 2021. Annex II and its amendment previously in force shall cease to apply.

(Translation for information)