

CHAPTER 2

THE ELECTION COMMITTEE

Section 1 – The Election Committee and its Sectors and Subsectors

2.1 The EC is constituted under the CEEO for the purpose of electing the CE. The EC constituted in 2000 under the Legislative Council (“LegCo”) Ordinance (Cap 542) expired on 14 July 2005. The Chief Executive Election and Legislative Council Election (Miscellaneous Amendments) Ordinance 2006, enacted on 13 May 2006, has amended section 9 of the CEEO to provide that the term of office of the EC shall be five years and shall commence on 1 February in the year during which the term of office of the CE is to expire.

2.2 The EC comprises four sectors which are sub-divided into 38 subsectors. Out of these 38 subsectors,

- (a) EC members of 35 subsectors are elected by electors in the subsectors at the subsector ordinary elections.
- (b) The National People’s Congress (“NPC”) subsector and the LegCo subsector: The Hong Kong deputies to the NPC and Members of the LegCo are ex-officio members of the EC.
- (c) The Religious subsector: Members are returned to the EC by way of nomination.

Details of the composition of the EC are set out at **Appendix I**.

Section 2 – Registration of Electors for the Election Committee Subsectors

2.3 The CEEO provides for the annual publication of a provisional register (“PR”) and a final register (“FR”) of electors for subsectors. Detailed procedures for registration of electors for the subsectors are set out in the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (“EAC (R) (FCSEC) Reg”). The Electoral Registration Officer (“ERO”) is required to publish, not later than 15 June in each year in a non-District Council (“DC”) election year, the PR of electors for subsectors together with an omissions list containing the names of those persons who were formerly registered as subsector electors, but are taken out from the PR and proposed to be omitted from the next FR, based on the information received by the ERO who is satisfied on reasonable grounds that the persons concerned are no longer eligible to be registered or are disqualified from being registered. The ERO is also required to publish the subsector FR not later than 25 July in that year.

2.4 For 2006, which was a non-DC election year, the subsector PR and the omissions list were published on 15 June 2006 and it was made available for public inspection until 29 June 2006. By the deadline on 29 June 2006, there was no claim or objection against the entries in the subsector PR and omissions list lodged with the ERO. The ERO also took the opportunity to seek and obtain the approval of the Revising Officers to add to the subsector FR 21 entries of electors whose eligibility for registration was reinstated or subsequently confirmed and to remove five entries of electors who had requested de-registration. The subsector FR was then published by the ERO on 25 July 2006. Persons whose names appeared on the subsector FR were eligible to make nomination at the EC Subsector Elections and to vote at the

poll on 10 December 2006, unless they had been disqualified from doing so under the law. The subsector FR will continue to have effect until the publication of the next subsector FR in September 2007. A breakdown of the number of electors for the EC subsectors is at **Appendix II**.

Section 3 – Publication of the Interim Register and the Final Register of Members of the Election Committee

2.5 According to section 40 of the Schedule to the CEEO, the ERO is required to compile an interim register (“IR”) of members of the new term EC and publish the IR within seven days after publication of the results of the EC subsector ordinary elections. The ERO is also required to compile an FR of members of the new term EC on the basis of the IR of EC members, taking into account any amendments made, and publish the FR on the date when the term of office of the new EC commences.

2.6 The results of the EC Subsector Elections held on 10 December 2006 were published in the Gazette on 14 December 2006. The ERO published the IR for the EC members for public inspection on 19 December 2006. A candidate of the Chinese Medicine subsector lodged an appeal against the election result within the appeal period on the ground of irregularities during the counting process. The case was heard by the Revising Officer in late December 2006. The appeal was rejected due to lack of supporting evidence. There was no other appeal. The FR of the new term EC members based on the IR of EC members was published on 1 February 2007. Persons whose names appeared on the FR of EC members were eligible to make nomination at the CE Election and to vote at the poll scheduled for 25 March 2007, unless they had

been disqualified from doing so under sections 16(5) and 26 of the CEEO¹. A breakdown of the number of EC members on the FR is at **Appendix III**. The FR of EC members will cease to have effect upon the publication of the next FR of EC members.

¹ According to sections 16(5) and 26 of the CEEO, an EC member whose name appears on the final register shall be disqualified from making nominations and voting at the poll if he or she-

- (a) resigns from the EC;
- (b) is serving a sentence of imprisonment for the time being (in the case of nomination) or on the polling date (in the case of voting);
- (c) has ceased to have a substantial connection with the subsector concerned;
- (d) has ceased to be registered or eligible to be registered as an elector for a geographical constituency;
- (e) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either served the sentence or undergone such other punishment as a competent authority may have substituted for a sentence, or received a free pardon;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs;
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory; or
- (h) is or has been convicted, within the three years before the polling date, of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or of any offence prescribed by the EAC Regulations.