

CHAPTER 2

THE ELECTION COMMITTEE

PART I : FUNCTIONS, TERM OF OFFICE AND COMPOSITION OF THE ELECTION COMMITTEE

2.1 The EC is responsible for electing the CE [s 7 of the CEEO]. The term of office of the EC is 5 years. For the new term of the EC elected in 2021, the term of office shall be from 22 October 2021 to 21 October 2026. *[Amended in January 2007 and January 2022]*

2.2 Only members of the EC whose names appear on the EC Final Register (“FR”) may vote at a CE election. The term of office for the new term of EC shall commence on the date on which the FR is published. For the year of 2021, the FR has been published on 22 October 2021. The EC for the subsequent terms shall be constituted on 1 February in the year in which the term of office of the CE is to expire [s 9 of the CEEO]. The composition of the EC is provided in s 2 of the Schedule to the CEEO, and the relevant information is set out in **Appendix 2** for easy reference. *[Amended in January 2022]*

PART II : EC SUBSECTOR ELECTIONS

2.3 Before the office of the CE becomes vacant on the expiry of a 5-year term, EC subsector ordinary elections/nominations¹ of members of the

¹ The members to be returned by nomination shall consist of all the members of the religious subsector and the representatives of associations of Hong Kong residents in the Mainland subsector, and some of the members of the technology and innovation subsector, the accountancy subsector, the legal subsector, the sports, performing arts, culture and publication subsector and the Chinese medicine subsector, where nominations are made by the designated bodies in the subsectors.

relevant subsectors will be conducted to form the EC of a new term, which will then be responsible for electing the CE of a new term. *[Amended in January 2007 and January 2022]*

2.4 When a CE vacancy arises otherwise than due to the expiry of the term of office, the current term EC will be responsible for electing a new CE². Before a by-election is held to elect a CE, if there are vacancies among the members of the EC, a subsector by-election and/or supplementary nomination will be held with a view to updating the register of the members of the EC [ss 4 and 5 of the Schedule to the CEEO]. *[Amended in January 2007 and January 2022]*

2.5 For details on the compilation of the different types of registers of members of the EC, please refer to paras. 2.5 to 2.18 of the Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections. *[Amended in January 2007]*

PART III : DISQUALIFICATION OF EC MEMBERS

(a) Disqualification from Making Nomination of Candidate

2.6 A member of the EC is disqualified from making a nomination of candidate at the CE election if he/she:

- (a) has resigned from the membership of the EC (other than an ex-officio member) by giving written notice of resignation to the Electoral Registration Officer (“ERO”);
- (b) is serving a sentence of imprisonment for the time being;

² If an election for a CE of a new term (5-year) is to be held within 6 months after a vacancy in the office of the CE has arisen, it will not be necessary to hold a by-election.

- (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 any substitute sentence or received a free pardon³;
- (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/her property and affairs;
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory;
- (h) is or has been convicted, within the 5 years before the polling date-
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the ECICO;
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201) ("POBO"); or
 - (iii) of any offence prescribed by the EAC Regulations.
- (i) has breached the written oath of members of the EC;

³ On 21 June 2012, the Court of First Instance handed down a written judgment on *Wong Hin Wai & another v. Secretary for Justice* (HCAL 51 & 54/2012), declaring that similar provisions under section 39(1)(b) of the Legislative Council Ordinance (Cap 542) are unconstitutional. On 12 July 2012, the Government announced its decision not to appeal against the judgment. The future CE election will be organised in accordance with the prevailing legislation. Any EC member who wishes to make a nomination at the CE election and is doubtful about his/her eligibility for making the nomination may seek independent legal advice.

- (j) has failed, or has been declared or decided in accordance with any law to have failed, to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China; or
- (k) his/her functions as a member of the EC are suspended under s 43A(2) of the Schedule to the CEEO.

[S 16(5) and (5A) of the CEEO] [*Amended in January 2010 and January 2022*]

(b) Disqualification from Voting

2.7 A member of the EC will be eligible to vote at the CE election unless he/she has become disqualified to do so because he/she:

- (a) has resigned from the membership of the EC (other than an ex-officio member) by giving written notice of resignation to the ERO;
- (b) has ceased to have a substantial connection with the subsector concerned;
- (c) has ceased to be registered or eligible to be registered as an elector for a geographical constituency;
- (d) is found for the time being under the Mental Health Ordinance, to be incapable, by reason of mental incapacity, of managing and administering his/her property and affairs;
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory;

- (f) has breached the written oath of members of the EC;
- (g) has failed, or has been declared or decided in accordance with any law to have failed, to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China; or
- (h) his/her functions as a member of the EC are suspended under s 43A(2) of the Schedule to the CEEO.

[S 26(1) and (2) of the CEEO] *[Amended in January 2010 and January 2022]*

2.8 For details on the method for the constitution of the EC and compilation of the EC FR, please refer to Chapter 2 of the Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections. *[Added in January 2007 and amended in January 2022]*

Online Voter Information Enquiry System

2.9 Members of the EC may log on to the Online Voter Information Enquiry System (www.voterinfo.gov.hk) anytime to check whether they are registered members of the EC. *[Added in October 2016]*