

CHAPTER 1

INTRODUCTION

Section 1 – The Office of the Sixth-term Chief Executive

1.1 The term of office of the fifth-term Chief Executive (“CE”) expires on 30 June 2022 and the office of the CE becomes vacant since 1 July 2022. In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (“Basic Law”) and the Chief Executive Election Ordinance (Cap. 569) (“CEEEO”), an election is required to be held to return a candidate for appointment by the Central People’s Government to fill the vacancy in the office of the CE for a 5-year term commencing on 1 July 2022.

1.2 Pursuant to section 12 of the CEEEO, the Secretary for Constitutional and Mainland Affairs (“SCMA”) published a notice in the Gazette on 22 October 2021 specifying 27 March 2022 as the polling date of the sixth-term CE Election. This date was fixed in accordance with section 10(1) of the CEEEO. Pursuant to section 3 of the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541J) (“EP (CEE) Reg”), the Chief Electoral Officer (“CEO”) published a notice in the Gazette on 27 January 2022 specifying 20 February to 5 March 2022 as the nomination period for the election.

1.3 In view of the severity of the fifth wave of the Coronavirus Disease 2019 (“COVID-19”) epidemic and to ensure that the election could be conducted in a fair, just, open and safe manner without posing additional risks to public health, the CE announced to postpone the sixth-term CE Election on 18 February 2022. The CE in Council invoked the Emergency Regulations Ordinance (Cap. 241) to make the Emergency (Date of Election) (Sixth Term Chief Executive) Regulation (Cap. 241M) (“Emergency Regulation”), under

which the polling date of the sixth-term CE Election was postponed from 27 March 2022 to 8 May 2022, with the nomination period starting on 3 April 2022 and ending on 16 April 2022. The Emergency Regulation was published in the Gazette on 23 February 2022 and came into effect on 24 February 2022.

1.4 Annex I to the Basic Law provides that the CE shall be elected by the Election Committee (“EC”). As such, prior to the conduct of the CE Election, Election Committee Subsector Ordinary Elections (“ECSS Ordinary Elections”) are required to be held to constitute an EC for nominating and electing the sixth-term CE. The ECSS Ordinary Elections were held on 19 September 2021. The new 5-year term of the EC commenced on 22 October 2021 and ends on 21 October 2026.

Section 2 – The Scope of the Report

1.5 The Electoral Affairs Commission (“EAC”) is required under section 8(1), (5) and (6) of the Electoral Affairs Commission Ordinance (Cap. 541) (“EACO”) to submit a report on the 2022 CE Election and the 2021 ECSS Ordinary Elections to the CE within 3 months of the conclusion of the CE Election.

1.6 This report describes how the two elections were conducted and supervised by the EAC at various stages and sets out the relationship between the two elections. In addition, it gives a detailed account of the electoral preparatory work, the implementation of electoral arrangements and the handling of complaints. It also puts forth the EAC’s recommendations for improvements in future elections, after taking into account the experience gained from the two elections and reviewing the effectiveness of the electoral arrangements.