

## CHAPTER 7

### PREPARATION FOR THE CHIEF EXECUTIVE ELECTION

#### Section 1 – Candidate Eligibility Review Committee

7.1 In accordance with Annex I to the Basic Law, the CERC is responsible for reviewing and confirming the eligibility of candidates for the office of CE. The Committee on National Security shall, on the basis of the result of the review by the National Security Department of the Police, determine whether a candidate for the office of CE meets the legal requirements and conditions of upholding the Basic Law and bearing allegiance to the HKSAR of the PRC, and issue an opinion to the CERC in respect of a candidate who fails to meet such legal requirements and conditions.

7.2 Pursuant to section 9A of the CEEO, the CERC consists of the chairperson, at least 2 but not more than 4 official members and at least 1 but not more than 3 non-official members. Each member of the CERC is to be appointed by the CE by notice published in the Gazette. Section 9A(4) of the CEEO further provides that only a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law is eligible for appointment as the chairperson or an official member.

7.3 The position of the Chairperson of the CERC became vacant on 7 April 2022 because the State Council removed Mr John LEE Ka-chiu from the post of Chief Secretary for Administration on that date. Besides, the State Council decided on 24 February 2022 to remove Mr Caspar TSUI Ying-wai from the post of Secretary for Home Affairs, thus reducing the number of official members in the CERC to two. To fill the vacancies arising from the above and ensure that the CERC could continue to perform its statutory functions in

accordance with the law, the CE appointed by virtue of section 9A of the CEEO the Financial Secretary, Mr Paul CHAN Mo-po, as the Chairperson, and the then Secretary for Education, Mr Kevin YEUNG Yun-hung, as an official member of the CERC. The appointments were published by notice in the Gazette on 14 April 2022 and reported to the Central People's Government for record.

7.4 The CERC with effect from 14 April 2022 comprises 7 members, namely: the Financial Secretary, Mr Paul CHAN Mo-po, as the Chairperson; the then Secretary for Education, Mr Kevin YEUNG Yun-hung, the SCMA, Mr Erick TSANG Kwok-wai and the Secretary for Security, Mr TANG Ping-keung as the 3 official members; and Miss Elsie LEUNG Oi-sie, Mrs Rita FAN HSU Lai-tai and Professor Lawrence LAU Juen-yea as the 3 non-official members.

## **Section 2 – Appointment of and Briefings for Returning Officer and Assistant Returning Officers**

7.5 The Honourable Mr Justice Keith YEUNG Kar-hung, Judge of the Court of First Instance of the High Court, was appointed by the EAC as the RO for the 2022 CE Election. The appointment was gazetted on 25 March 2022.

7.6 As regards AROs, Ms Anna CHOR Kin-lan, JP (the then Assistant Director of Home Affairs (1) of the HAD, Mr Howard YAM, JP (the then Assistant Director of Home Affairs (3) of the HAD) and Mr Ricky CHENG Wing-kei (Assistant Commissioner for the Development of the Guangdong-Hong Kong-Macao Greater Bay Area (2) of the CMAB) were appointed as AROs; while Ms Adeline WAN Ping-siu (Deputy Solicitor General (Constitutional Affairs)), Ms Dorothy CHENG Tai-ngar (Senior Assistant Solicitor General (Constitutional Development & Elections)) and Miss Jenny LAW Ying-man (the then Senior Assistant Solicitor General (Special

Duties)(Acting)) of the DoJ were appointed as AROs (Legal). Their appointments were published in the Gazette on 25 March 2022.

7.7 To assist the RO/AROs in familiarising themselves with the rules and operation of the election, the REO prepared and issued an operational manual for their reference. A briefing for the RO and AROs was held on 11 January 2022 in the EAC Conference Room at Harbour Centre, Wan Chai. The EAC Chairman, accompanied by the CEO of the REO and representatives from the CMAB, briefed the RO, AROs and AROs (Legal) on the electoral arrangements and reminded them of the salient provisions in the electoral legislation and guidelines. A briefing was also conducted by the REO on 3 May 2022 in the REO office at Revenue Tower, Wan Chai, for the RO and AROs (Legal) in regard of the counting procedures and the determination of the validity of questionable ballot papers. The EAC Chairman was also present at the briefing.

### **Section 3 – The Nomination Period**

7.8 On 18 February 2022, the CE announced the postponement of the sixth-term CE Election to 8 May 2022. The nomination period of the Postponed Election lasted for 14 days from 3 April to 16 April 2022. The nomination forms were available during ordinary business hours on any day between 25 March 2022 and the end of the nomination period on the ground floor, City Gallery, 3 Edinburgh Place, Central, Hong Kong, or could be downloaded from the website of the REO. As 15 and 16 April 2022 were both general holidays, the deadline for submitting the nomination form was 5:00 pm on 14 April 2022<sup>13</sup>. A duly completed nomination form must be delivered by the candidate in person to the RO during the nomination period.

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<sup>13</sup> Pursuant to the EP (CEE) Reg, the candidate must deliver the duly completed nomination form to the RO during ordinary business hours within the nomination period (viz. between 9:00 am and 5:00 pm from Monday to Friday (other than a general holiday) and between 9:00 am and 12:00 noon on Saturday (other than a general holiday)).

#### **Section 4 – Nomination Form Received and its Validity**

7.9 During the nomination period of the 2022 CE Election, the RO received a total of one nomination form, which was submitted by Mr John LEE Ka-chiu on 13 April 2022. Having reviewed the eligibility of Mr LEE, the CERC published a notice in the Gazette on 18 April 2022 to declare the nomination of Mr LEE as valid with valid subscriptions by 786 EC members.

7.10 Since there was only one validly nominated candidate by the close of nomination, this CE Election was an uncontested one.

#### **Section 5 – Briefing for the Candidate**

7.11 To draw the attention of the candidate and his campaign team to the major provisions of the relevant electoral legislation and EAC guidelines, and the important points to note in running the election campaign, an online briefing session for the candidate was conducted by the EAC Chairman and broadcast live on 22 April 2022. The CEO of the REO and the representatives from the DoJ, ICAC and the Hongkong Post were also present at the briefing.

7.12 The briefing covered electoral legislation and guidelines on election-related activities, the appointment and roles of various types of agents, the polling station and polling arrangements, the EPR System, measures against COVID-19, counting and election result announcement arrangements, requirements pertaining to election expenses and EAs, the need to protect the privacy of electors with respect to the personal data used for electioneering purposes, and the requirement for the elected candidate to publicly make a statutory declaration to the effect that he is not a member of any political party. Representatives from the ICAC and the Hongkong Post also introduced the ECICO as well as the arrangement and requirements of the free postage service for election mail respectively. The

briefing session was conducted online and broadcast live on TV and the Internet for public viewing. The relevant information of the briefing session was uploaded onto the dedicated website of the CE Election for reference of the candidate and members of the public.