

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 and will commence on 1 February in the year in which the term of office of the CE is to expire. The composition of the EC is provided in s 2 of the Schedule to the CEEO and is set out in **Appendix B** for easy reference. *[Amended in January 2007]*

PART II : EC SUBSECTOR ELECTIONS

2.2 Before the office of the CE becomes vacant on the expiry of a 5-year term, EC subsector ordinary elections will be held, and nominations will be called for from the religious subsector, to form a new term EC which will then elect the new term CE. *[Amended in January 2007]*

2.3 When a vacancy for the office of the CE arises otherwise than due to expiry of the term of the office, the current term EC will elect a new CE¹. Before a by-election is held to elect a CE, a subsector by-election and/or supplementary nomination will be held to fill any vacancies among the EC members [ss 4 and 5 of the Schedule to the CEEO]. *[Amended in January 2007]*

¹ If an election for a new (5-year) term CE will be held within six months after a vacancy in the office of the CE has arisen, it will not be necessary to hold a by-election.

2.4 For details on the compilation of the different types of registers of EC members, please refer to paragraphs 2.5 – 2.12 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) from making nomination

2.5 An EC member is disqualified from making nomination at the CE election if he:

- (a) has resigned as an EC member (other than an ex-officio member);
- (b) is serving a sentence of imprisonment on the date of nomination;
- (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-
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) 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 3 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); or
 - (iii) of any offence prescribed by the Electoral Affairs Commission Regulations.

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

(b) from voting

2.6 An EC member will be eligible to vote at the CE election unless he has become disqualified to do so because he:

- (a) has resigned as an EC member (other than an ex-officio member);
- (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 (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

[S 26 of the CEEO] *[Amended in January 2010]*

2.7 For the subsectors of the Chinese People's Political Consultative Conference ("CPPCC"), Heung Yee Kuk ("HYK") and District Councils, EC members representing these subsectors who cease to be members of these bodies will be deemed to have resigned from the EC². *[Added in January 2007]*

² Unless the cessation of their membership in these bodies is due to the expiry of the term of office in these respective representing bodies and they are members in the immediately following term of office of the bodies concerned.