

## CHAPTER 1

### INTRODUCTION

#### **PART I : THE ELECTION COMMITTEE AND THE SUBSECTOR ELECTIONS**

1.1 According to Annex I and Annex II to the Basic Law, the EC shall be composed of 1 500 members, who shall be responsible for nominating candidates for the Chief Executive (“CE”) election and electing the CE designate, as well as returning 40 Legislative Council (“LegCo”) members and nominating candidates for the LegCo election. After the CE is elected by the EC, he will be appointed by the Central People’s Government. [S 7 of the Chief Executive Election Ordinance (Cap. 569) (“CEEEO”)]

1.2 Members of the EC must be Hong Kong permanent residents. The EC has 5 sectors, each comprising a number of subsectors (40 subsectors in total). The members of the EC would be returned by the following three methods: ex-officio members, members of the Election Committee being nominated by the designated bodies of the subsectors (“members to be nominated”) and members of the Election Committee being elected by eligible corporate voters or individual voters in the subsectors (“members to be elected”). For details of the composition of the EC, see Chapter 2.

1.3 Annex I to the Basic Law stipulates that the term of office of the EC is five years. The EC 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 CEEEO]

1.4 According to the circumstances stipulated by the law, before a CE by-election or a new term of the LegCo General Election is held, if there are vacancies among the members of the EC, a subsector by-election and/or supplementary nomination will be held to fill vacancies in the membership of the relevant subsector. [S 6 of the CEEO and ss 4 and 5 of the Schedule to the CEEO]

## **PART II : GOVERNING LEGISLATION**

1.5 The following ordinances govern the EC subsector elections and matters related to nominations of the designated subsectors:

- (a) the CEEO provides for the constitution, membership and term of office of the EC, the establishment of the CERC, registration of voters, conduct of subsector elections, election appeals and other related matters;
- (b) under the EACO, the EAC is responsible for the conduct and supervision of EC subsector elections and matters incidental thereto; and
- (c) the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) (“ECICO”) provides for prohibition of election-related corrupt and illegal conduct, and is administered by the Independent Commission Against Corruption (“ICAC”).

1.6 In addition, the following subsidiary legislation provides the detailed procedures for the conduct of the EC subsector elections:

- (a) the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541I) (“EAC (EP) (EC) Reg”) sets out the electoral procedures for conducting EC subsector elections, the procedures for nominating members of the EC by the designated bodies, and the registration procedures of ex-officio members of the EC;
- (b) the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541B) (“EAC (ROE) (FCSEC) Reg”) governs the registration of voters for the EC subsectors;
- (c) the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation (Cap. 569B) sets out the procedures for hearing and ruling by Revising Officers<sup>1</sup> concerning the registration of voters for the EC subsectors;
- (d) the Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) Regulation (Cap. 541H) (“EAC (NAC) (EC) Reg”) stipulates the appointment and functions of the Nominations Advisory Committees (“NACs”) and the procedures for seeking the NAC’s advice on the eligibility of the prospective candidates/prospective nominees/designated bodies for nomination for the EC subsector elections;

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<sup>1</sup> The Revising Officer may be any magistrate, former magistrate, retired magistrate, or any legal officer as defined by s 2 of the Legal Officers Ordinance (Cap. 87) appointed by the Chief Justice. [S 46 of the Schedule to the CEEO]

- (e) the Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569C) (“EC Subscribers & Deposit Reg”) sets out the requirements for subscribers, and the payment and return of election deposit for the EC subsector elections;
- (f) the Election Committee (Appeals) Regulation (Cap. 569A) (“EC (Appeals) Reg”) sets out the procedures for appeal against the results of EC subsector elections to the Revising Officer, and for appeal in relation to the declaration and registration of nominees as members of the EC and the registration of ex-officio members as members of the EC; and
- (g) the Maximum Scale of Election Expenses (Election Committee) Order (Cap. 554I) sets out the maximum scale of election expenses that may be incurred by or on behalf of a candidate for an EC subsector election.

### **PART III : THE GUIDELINES**

1.7 The EAC is empowered by the legislation to issue guidelines on the following matters related to an election:

- (a) the conduct, supervision of, or procedure at an election;
- (b) the activities, in connection with an election, of a candidate, an agent of a candidate, any other person assisting a candidate, or any other person;
- (c) election expenses;

- (d) the display or use of EAs or other publicity material in connection with an election; and
- (e) the procedure for making a complaint.

[S 6 of the EACO]

1.8 The aims of the Guidelines are: (1) to explain in simple language the subsisting electoral law so as to remind candidates and other stakeholders of the provisions and requirements under the electoral law; and (2) with regard to election-related activities not stipulated by the law, such as media report and conduct of electioneering activities in buildings, to promulgate a code of conduct based on the principles of fairness and equality, and establish standard of good practices as regulations. The Guidelines are also issued for reference by members of the public, so as to enable them to give play to the role of monitoring the elections, and ensure that elections are conducted in an open, honest and fair manner.

1.9 The Guidelines apply to EC subsector ordinary elections and by-elections. For the 2026 EC Subsectors Ordinary Election, candidates should also refer to the “Action Checklist for Candidates” issued by the REO, see **Appendix 1**.

1.10 In the context of the Guidelines, the term “election” means an ordinary election or a by-election, as appropriate.

#### **PART IV : SANCTION**

1.11 Voters/authorised representatives (“ARs”) of the EC subsectors, candidates and their agents, government officials engaging in election-related

duties, and other persons involved in election-related activities should strictly observe the Guidelines.

1.12 If the EAC comes to know that a candidate or a person has breached the Guidelines, in addition to notifying the relevant authorities for action, the EAC might issue a **reprimand** or **censure** in a public statement and publish the name of the candidate and/or the person concerned in the public statement. Should the candidate and/or the person concerned breach the electoral law, he shall incur related criminal liability accordingly.