

CHAPTER 4

COMPOSITION, ELIGIBILITY TO VOTE AND VOTING SYSTEM FOR THE ELECTION COMMITTEE CONSTITUENCY

PART I : COMPOSITION OF THE ELECTION COMMITTEE CONSTITUENCY

4.1 According to ss 21A and 21B of the LCO, in a LegCo general election, 40 members are to be returned for the ECC by all members of the EC.

Election Committee

4.2 The Schedule to the Chief Executive Election Ordinance (Cap. 569) (“CEEEO”) stipulates that the EC comprises 1 500 members from 5 sectors. Each sector consists of a number of subsectors (40 in total) as set out in **Appendix 4**.

4.3 For details on the methods of returning EC members and the compilation of registers, please refer to Chapter 2 of the Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections (www.eac.hk/en/elections/ecse.html).

4.4 Annex I to the Basic Law stipulates that the term of office of the EC is 5 years. In accordance with s 9(4) of the CEEO, the current EC was constituted on 22 October 2021, and its term shall end on 21 October 2026.

PART II : ELIGIBILITY TO VOTE

4.5 Only EC members whose names appear on the FR of EC members and have not been disqualified from being eligible to vote because of the following reasons are entitled to vote at an election for the ECC of the LegCo:

- (a) except for an ex-officio member, he has resigned from the membership of the EC by giving written notice of resignation to the ERO;
- (b) he has ceased to have a substantial connection with the subsector concerned;
- (c) he has ceased to be registered or eligible to be registered as an elector for a GC;
- (d) he has been convicted of any offence endangering national security;
- (e) he is found to be incapable, by reason of mental incapacity, of managing and administering his property and affairs under the Mental Health Ordinance;

- (f) he is a member of the armed forces of the People's Republic of China or any other country or territory;
- (g) he has breached the written oath of EC members;
- (h) he 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
- (i) his functions as an EC member are suspended under s 43A(2) of the Schedule to the CEEO.

[S 53(3A) of the LCO, s 26 and s 18(1)(ca) of Schedule to the CEEO]

4.6 EC members may inspect their registration status and particulars via “iAM Smart” or the OVIES (www.voterinfo.gov.hk).

PART III : THE VOTING AND COUNTING SYSTEMS FOR THE ELECTION COMMITTEE CONSTITUENCY

4.7 The LCO stipulates corresponding arrangements for the following situations in ECC elections:

| Number of Validly Nominated Candidates | Corresponding Arrangement(s) |
|---|--|
| Exceeds the number of members to be returned for the constituency | <ul style="list-style-type: none"> • A poll will be held for the constituency. |
| Equals to the number of members to be returned for the constituency | <ul style="list-style-type: none"> • The RO declares the candidate(s) elected and a poll will no longer be necessary for the constituency. |
| Less than the number of members to be returned for the constituency | <ul style="list-style-type: none"> • The RO declares the candidate(s) elected and further declares the election for the constituency has failed to the extent that the number of candidates validly nominated was less than the number of members to be returned; and • A by-election will be held for the constituency. |
| No validly nominated candidates for the constituency | <ul style="list-style-type: none"> • The RO declares the election for the constituency has failed; and • A by-election will be held for the constituency. |

[Ss 36 and 46 of the LCO]

4.8 The “block vote” system is adopted in the ECC election, i.e. the valid votes and the candidates to be returned shall meet the following conditions:

| The ECC Election | Valid Votes | Conditions to be elected |
|-------------------------|--|--|
| General Election | Not more than and not less than 40 candidates shall be voted on the ballot paper. | The 40 candidates who obtain the greatest numbers of votes shall be returned. |
| By-election | The number of candidates to be voted on the ballot paper shall be the same as the number of members to be returned at the by-election. | If the number of members to be returned at the by-election is N, then the N candidates who obtain the greatest numbers of votes shall be returned. |

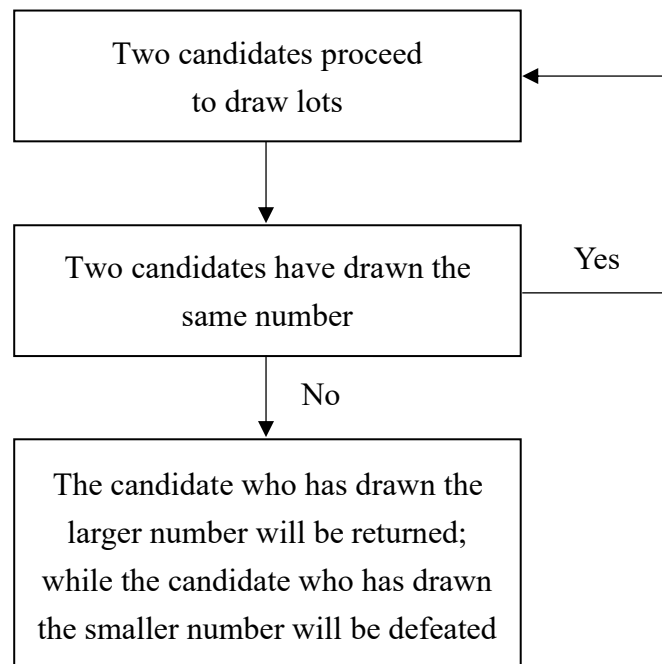
[S 52A of the LCO]

4.9 After the counting of votes is finished at an election for the ECC, if there is still one or more than one vacancies to be filled for the constituency but the candidates remaining have an equal greatest number of votes, then the RO must determine the result of the election by drawing lots and the candidate(s) on whom the lot falls is/are to be returned. [S 52A of the LCO]

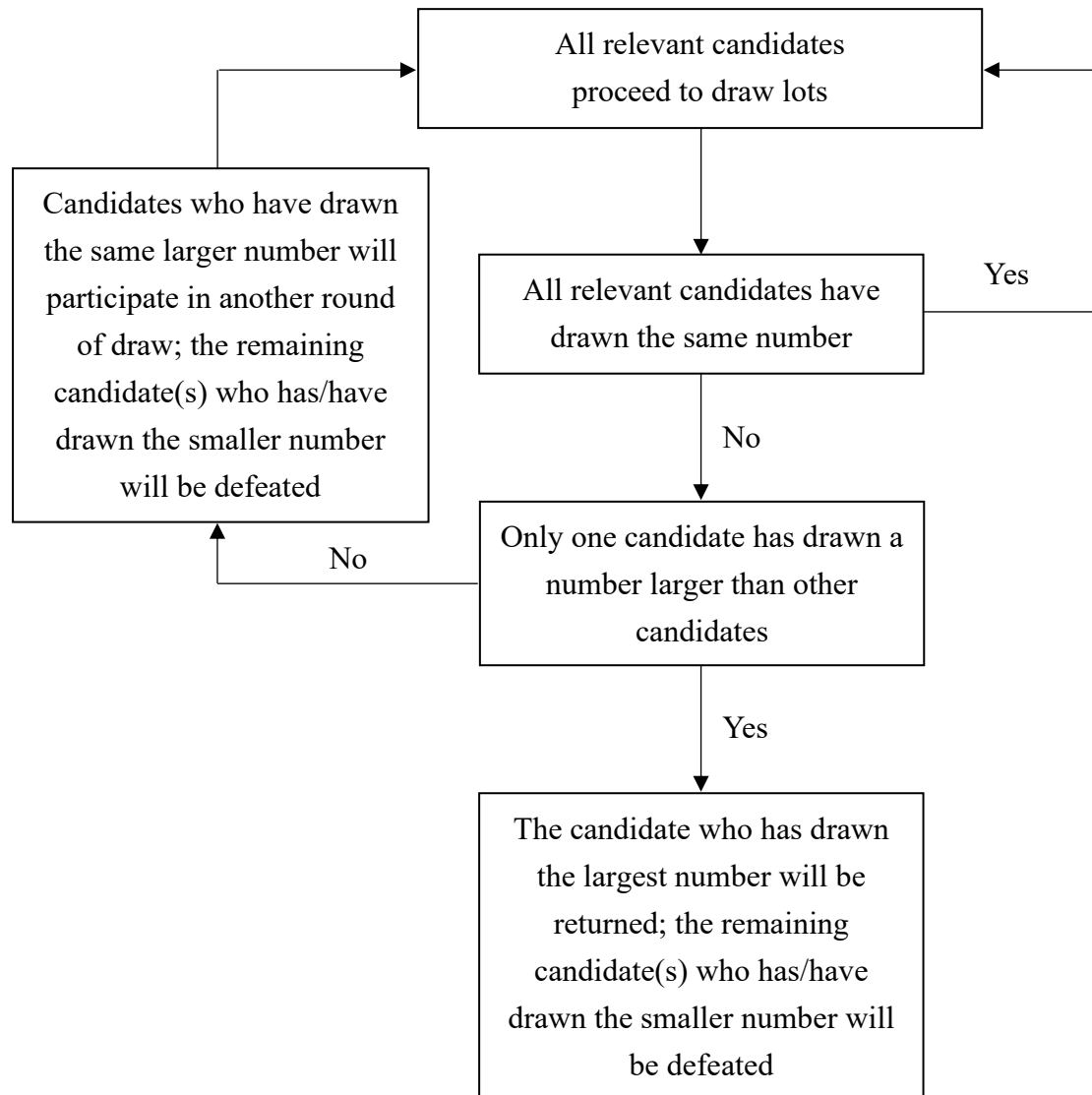
4.10 When the election result has to be determined by the drawing of lots, the RO will provide 10 table-tennis balls each marked with a number from 1 to 10 (1 being the smallest and 10 the largest), and then put all table-tennis balls into an empty opaque bag. One of the candidates will first draw one ball from the bag, and then give all the ball to the RO to note the relevant number. The ball should be put back into the bag. The procedures are repeated for the other candidates with an equal number of votes until all candidates have drawn the

table-tennis ball. The RO will draw the lot on behalf of the candidate if the candidate is absent at the time of the draw. The arrangements for the result of the draw are as follows:

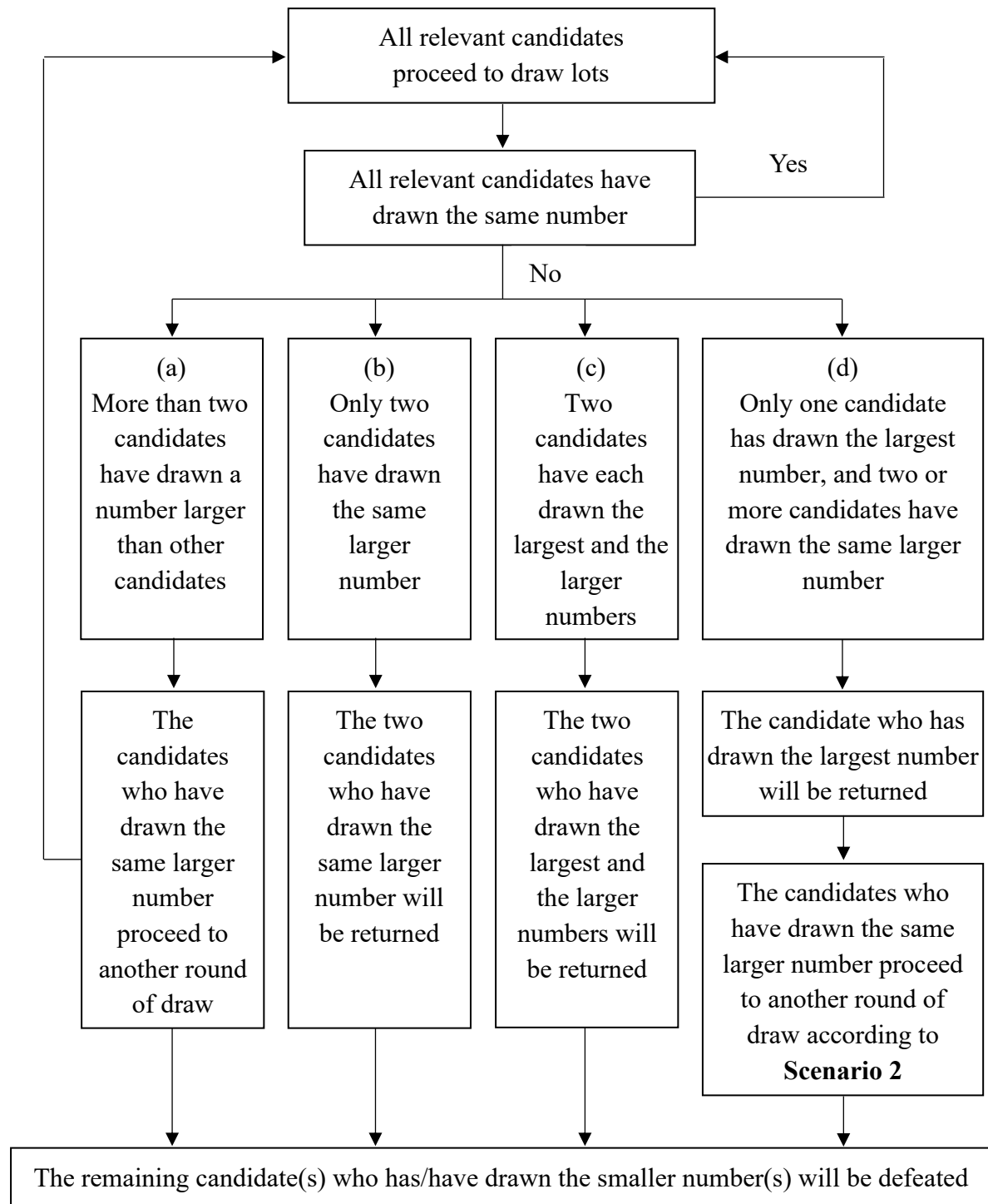
Scenario 1: Where there is only one vacancy to be filled but there are two candidates with equal number of votes



Scenario 2: Where there is only one vacancy to be filled but there are more than two candidates with equal number of votes



Scenario 3: Where there are two vacancies to be filled but there are three or more candidates with equal number of votes



Note: The same drawing principle applies to scenarios where “N” number of candidates have the same largest number of votes, and the number of vacancies to be filled is less than N.

4.11 After the result of the election has been determined, the RO must, as soon as practicable, publicly declare the successful candidates as elected.

Death or Disqualification of a Candidate for Election Committee Constituency

4.12 The subsisting electoral legislation stipulates corresponding arrangements for the following situations:

| | Death of a Candidate | Disqualification of a validly nominated candidate from being nominated |
|--|---|---|
| After the CERC has decided that a candidate is validly nominated and the polling day not yet arrived | <ul style="list-style-type: none"> The RO must give notice of the death of the candidate. <p>Where the notice of validly nominated candidates has already been published by the CERC:</p> <ul style="list-style-type: none"> the RO must publicly declare that the candidate has died and further declare which | <ul style="list-style-type: none"> The CERC must vary its decision to the effect that the candidate is not validly nominated; and The RO should issue a notice to the CEO and each candidate who remains validly nominated for the election for the constituency. |

| | Death of a Candidate | Disqualification of a validly nominated candidate from being nominated |
|---|--|---|
| | candidate(s) is/are validly nominated for the election for the constituency. | <p>Where the notice of validly nominated candidates has already been published by the CERC:</p> <ul style="list-style-type: none"> the CERC must publicly declare to vary the notice and further declare a list of validly nominated candidates. |
| On the polling day but before the election result is declared | <ul style="list-style-type: none"> The proceedings for the election for the constituency shall continue; and After the counting of votes is finished, if the candidate concerned is found to be successful at the election, the RO should not declare that candidate as elected and must publicly declare that the election for that constituency has failed or has failed to the extent that the number of candidates returned at the election for the constituency is less than the number of members to be returned for the constituency. | |

[Ss 42B, 46A, 52A(9) and (10) of the LCO, and ss 22A, 22B, 83(2), 83(3) and 97A of the EAC (EP) (LC) Reg]