

## **CHAPTER 1**

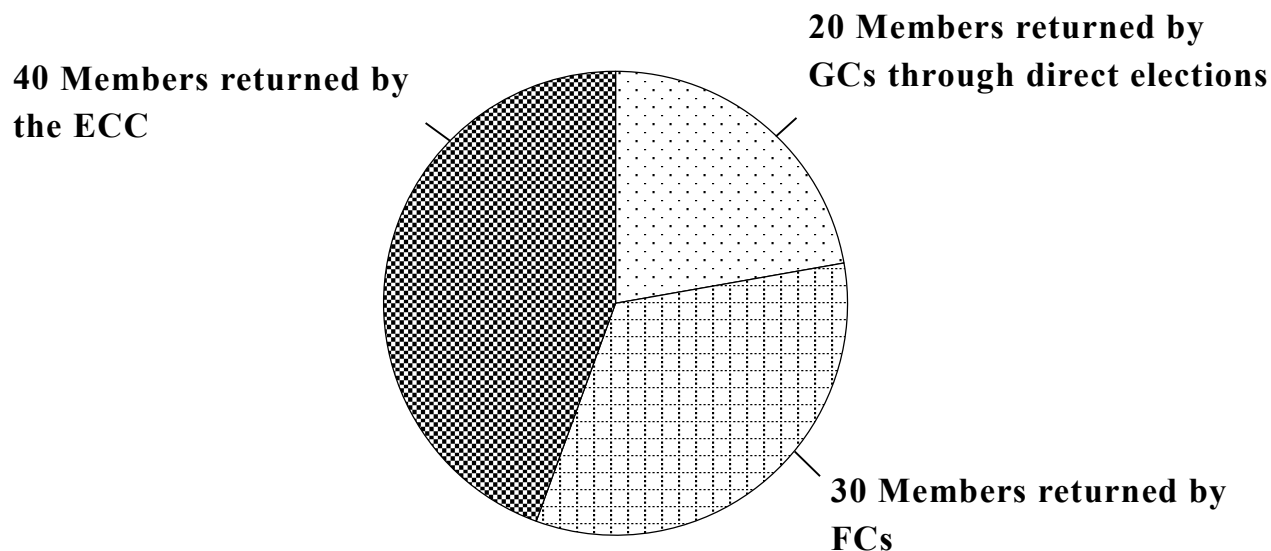
### **INTRODUCTION**

#### **PART I : THE LEGISLATIVE COUNCIL ELECTION**

1.1 In accordance with the Basic Law and the LCO, the term of office of the LegCo is four years, commencing on a date specified by the Chief Executive (“CE”) in Council. On 19 November 2021, the CE in Council, published in the Gazette and specified 1 January 2022 as the commencement date for the seventh term of the LegCo.

1.2 A person returned as a Member at a general election holds office from the beginning of the term of office of the LegCo following that election and vacates office at the end of the term. A by-election will be held to fill the vacancy in membership of LegCo as far as possible, having regard to the actual circumstances. However, the aforesaid by-election shall not be held within the four months preceding the end of the LegCo’s current term of office, or if the CE has published in the Gazette an order dissolving the LegCo in accordance with the Basic Law. [Ss 12(1) and 36(2) of the LCO]

1.3 In accordance with Annex II to the Basic Law, the LegCo shall be composed of 90 Members and the composition shall be as follows:



### **Geographical Constituency**

1.4 The HKSAR is divided into 10 GCs, each having two seats and a total of 20 LegCo Members will be returned. The LegCo elections for GCs adopt the “double seats and single vote” voting system, whereby each elector in a GC may vote for one candidate, and the two candidates who obtain the greatest numbers of votes shall be returned as members for the respective GC. Details are set out in Chapter 2. [Ss 18, 19, and 49 of the LCO]

### **Functional Constituency**

1.5 The 28 FCs adopt the “first past the post” voting system to return 30 members. The Labour FC is to return three members while the remaining 27 FCs are to return one member each. Details are set out in Chapter 3. [Ss 20, 21, and 51 of the LCO]

### **Election Committee Constituency**

1.6 The ECC adopts the “block vote” system to return 40 members, whereby each Election Committee (“EC”) member shall vote for not more than or less than 40 candidates on the ballot paper. The 40 candidates who obtain the greatest numbers of votes will be returned in the election. Details are set out in Chapter 4. [Ss 21A, 21B, and 52A of the LCO]

## **PART II : GOVERNING LEGISLATION**

1.7 LegCo elections are governed by the following ordinances:

- (a) The EACO provides that the EAC is responsible for making recommendations regarding the delineation of boundaries and names of GCs for LegCo elections, conducting and supervising LegCo elections and matters incidental thereto, and regulating the printing of candidates’ particulars on ballot papers and matters concerning financial assistance for candidates;
- (b) The LCO provides for the constitution and membership of LegCo, the election of LegCo members and related matters, such as the establishment of GCs, FCs, and the ECC, voter registration, election procedures, financial assistance for candidates and election petitions; 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”).

1.8 In addition, the following subsidiary legislation provides the detailed procedures for the conduct of LegCo elections:

- (a) The Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541A) (“EAC (ROE) (GC) Reg”) regulates the registration of electors for GCs;
- (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”) regulates the registration of electors for FCs and the ECC;
- (c) The Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation (Cap. 541C) (“EAC (NAC) (LC) Reg”) stipulates the appointment and functions of the Nominations Advisory Committees (“NAC”) and the procedures for seeking advice from NAC on whether the prospective candidates are eligible for nomination in LegCo elections;

- (d) The Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) (“EAC (EP) (LC) Reg”) provides for the electoral procedures for conducting LegCo elections;
- (e) The Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541M) (“PCBP (LC & DC) Reg”) sets out the procedures for printing specified particulars of candidates on ballot papers for use in LegCo elections for GCs and FCs;
- (f) The Electoral Affairs Commission (Financial Assistance for Legislative Council Elections and District Council Elections) (Application and Payment Procedure) Regulation (Cap. 541N) (“EAC (FA) (APP) Reg”) stipulates the implementation procedures for the Financial Assistance Scheme for candidates standing in LegCo elections;
- (g) The Legislative Council (Subscribers and Election Deposit for Nomination) Regulation (Cap. 542C) (“LC Subscribers & Deposit Reg”) sets out the requirements for subscribers, payment and refund of election deposits in LegCo elections;
- (h) The Legislative Council (Election Petition) Rules (Cap. 542F) set out the procedures for lodging an election petition against the result of LegCo elections to the High Court; and

- (i) The Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554D) prescribes the maximum amount of election expenses that can be incurred by a candidate or by another person on behalf of a candidate in a LegCo election.

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

1.9 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 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 materials; and
- (e) the procedure for lodging of a complaint.

[S 6 of the EACO]

1.10 The aims of this set of 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 provide 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.

1.11 This set of Guidelines applies to LegCo general elections and by-elections. For the 2025 LegCo general election, candidates should also refer to the Action Checklist for Candidates at **Appendix 1** issued by the REO, which details what candidates should do.

1.12 In the context of this set of Guidelines, the term “election” means a general election or a by-election, as appropriate.

## **PART IV : SANCTION**

1.13 Electors, candidates and their agents, government officials engaging in election-related duties, and other persons involved in election-related activities should strictly observe the Guidelines.

1.14 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 would make 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 commits an offence under electoral law, they will incur criminal liability accordingly.