

Candidate Eligibility Review Committee announces lists of validly registered ex-officio members, validly nominated nominees and candidates for Election Committee

In accordance with Annex I and Annex II to the Basic Law, the Candidate Eligibility Review Committee (CERC) is responsible for reviewing and confirming the eligibility of candidates for the Election Committee (EC) membership (including ex-officio members, members to be returned by nomination and candidates of the EC). The CERC will decide whether the person concerned complies with the legal requirements and conditions for upholding the Basic Law of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China (PRC) and bearing allegiance to the HKSAR of the PRC.

The CERC published a notice in the Gazette today (August 26) to declare the lists of 310 EC ex-officio members who were determined to be validly registered, 156 valid nominations for members of the EC and 1 015 validly nominated candidates for EC subsectors. The CERC also determined the registration or nomination of two persons as invalid. Notifications have been sent to them about the CERC's decision and grounds.

Registrations of ex-officio members of EC

By the close of the special voter registration arrangement on July 5, 2021, the Registration and Electoral Office (REO) received 326 registration applications for EC ex-officio members. After deliberation, the CERC had already announced on July 23, 2021, that 15 of the registrations were determined as valid. Under Annex I to the Basic Law, HKSAR deputies to the National People's Congress (NPC Deputies) and HKSAR members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC Members) are EC ex-officio members and they can register in a relevant subsector with substantial connection. This first batch of 15 validly registered persons were NPC Deputies and CPPCC Members who had chosen to register as EC ex-officio members in a relevant subsector which they had substantial connections.

As for the remaining 311 registration applications, the CERC determined that 310 of them are valid and one as invalid. The applicant whose registration is invalidated is Legislative Councillor Mr Cheng Chung-tai. In reviewing his registration, the CERC had asked him to provide information on specific issues. Upon receipt of his reply, the CERC had, in respect of whether he could meet the legal requirements and conditions of upholding the Basic Law and bearing allegiance to the HKSAR of the PRC, sought the opinion

of the Committee for Safeguarding National Security (NSC) of the HKSAR. The CERC determined his registration as invalid based on the NSC's opinion that he fails to meet the legal requirements and conditions of upholding the Basic Law and bearing allegiance to the HKSAR of the PRC. The Government will follow up on his membership of the sixth-term of the Legislative Council (LegCo) in accordance with the "Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council of the Hong Kong Special Administrative Region" made on November 11, 2020, as well as section 15(1)(g) of the Legislative Council Ordinance (Cap. 542). Announcement will be made in this regard separately.

Members returned by nominations for EC subsectors

For subsectors with a total of 156 members to be returned by nomination, the relevant Returning Officers (ROs) received a total of 40 nomination forms from designated bodies, involving 231 nominees. According to section 12(2) of the Electoral Affairs Commission (Electoral Procedure)(Election Committee) Regulation (Cap. 541I), the CERC is only required to determine the validity of nominations for the number that are necessary for filling the assigned seats of the subsector-concerned. In this connection, the CERC has determined 156 nominations according to the priority as indicated by the designated bodies, or determined by the ballot results drawn by the RO to be validly nominated, sufficient for filling the number of seats assigned to the subsectors. The CERC had not determined the eligibility of other nominees who were additionally nominated.

Candidates nominated for EC subsectors election

By the close of the nomination period for the 2021 EC Subsector Ordinary Elections on August 12, for subsectors with a total of 967 members to be elected by their eligible voters, the ROs received a total of 1 016 nomination forms for candidates. The CERC determined that 1 015 are validly nominated. One candidate is not eligible to be nominated, as he has not yet registered as an elector for a geographical consistency. The CERC thus determined his nomination as invalid.

The relevant gazette notices have been uploaded to the election website (www.elections.gov.hk). The REO and the respective ROs have informed all registrants for ex-officio members, nominees and candidates about the CERC's determination.

The CERC is chaired by the Chief Secretary for Administration, Mr John Lee Ka-chiu, with three official members (the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai; the Secretary for Home Affairs, Mr Caspar Tsui Ying-wai; and the Secretary for Security, Mr Tang Ping-keung) and three non-official members (Miss Elsie Leung Oi-sie, Mrs Rita Fan Hsu Lai-tai and Professor Lawrence Lau Juen-ye). The CERC is responsible for reviewing and confirming the eligibility of candidates for EC membership, for the office of Chief Executive (CE) and for members of the LegCo. The NSC of the HKSAR shall, on the basis of the review by the department for

safeguarding national security of the Police Force of the HKSAR, make findings as to whether a candidate for EC members, for the office of CE or for the members of the LegCo 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.