

Returning Officers handle nomination in accordance with law and procedures

In response to media enquiries regarding the handling of nomination for the Legislative Council Election by the Returning Officers, a spokesman for the Constitutional and Mainland Affairs Bureau (CMAB) has the following response:

"In accordance with section 40(1)(b)(i) of the Legislative Council Ordinance (Cap. 542), a person intending to run in the Legislative Council election must, according to the statutory nomination procedure, include in the nomination form a signed declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region (HKSAR), otherwise the person is not validly nominated as a candidate for the election."

"In accordance with the Legislative Council Ordinance and the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), the validity of a candidate's nomination is solely determined by the Returning Officer according to the legal requirements and relevant procedures."

The spokesman pointed out that people who intend to run in the election have already signed the nomination form and expressed consent to the Returning Officers to verify their eligibility to be nominated as a candidate and to be elected as a Legislative Council Member.

Depending on the actual circumstances of each case, the Returning Officer may seek advice from the Department of Justice and other relevant bodies including the CMAB, and according to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation request the candidate to provide additional information that he/she considers appropriate so as to satisfy him/her that the person is eligible to be nominated or that nomination is valid.

The spokesman emphasised that the Returning Officers will make decisions on the validity of nominations of the candidates in accordance with relevant laws and information.

"The validity of an election nomination is subject to the decision made by the Returning Officer in accordance with the laws and procedures."

As a policy bureau in charge of election matters and the Basic Laws in the HKSAR Government, the CMAB has the responsibilities to fully support the Returning Officers to execute their duties within the legal framework.