

立法會
Legislative Council

LC Paper No. CB(3)4/2023

Ref : CB(3)/L/8

Tel : 3919 3300

Date : 19 December 2022

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

**Chief Executive determines oaths taken by elected members
returned by 2022 Legislative Council Election Committee
constituency by-election valid**

Members are invited to note that the oath administrator, the Chief Executive, has determined that the oaths taken by the four elected Members returned by the 2022 Legislative Council Election Committee constituency by-election are valid. The Government's press release on this matter issued today is **attached** for Members' information.

(Miranda HON)
for Clerk to the Legislative Council

Encl.

Chief Executive determines oaths taken by elected r ▼

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Chief Executive determines oaths taken by elected members returned by 2022 Legislative Council Election Committee constituency by-election valid (with photos)

With respect to the oath-taking ceremony held today (December 19) for the four elected members returned by the 2022 Legislative Council (LegCo) Election Committee constituency by-election at the Chamber of the LegCo Complex, the oath administrator, the Chief Executive, Mr John Lee, has determined that the oaths taken by these four elected members of the LegCo are valid.

Article 104 of the Basic Law of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China (PRC) stipulates that, when assuming office, Members of the LegCo must, in accordance with the law, swear to uphold the Basic Law and swear allegiance to the HKSAR of the PRC. According to the Interpretation of Article 104 of the Basic Law passed by the Standing Committee of the National People's Congress on November 7, 2016, the person administering the oath has the duty to ensure that the oath is taken in a lawful manner. He or she shall determine that an oath taken in compliance with the Interpretation and the requirements under the laws of the HKSAR is valid, and that an oath which is not taken in compliance with the Interpretation and the requirements under the laws of the HKSAR is invalid. If the oath taken is determined as invalid, no arrangement shall be made for retaking the oath. According to the Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021 that was gazetted and came into effect on May 21, 2021, the amended Oaths and Declarations Ordinance (Cap. 11) stipulates that the oath taken by Members of the LegCo must be administered by the Chief Executive or a person authorised by the Chief Executive.

Based on the principles laid down by the Interpretation and the relevant legal provisions, the Chief Executive, Mr John Lee, has determined that the oaths taken by these four elected members of the LegCo are valid.

Ends/Monday, December 19, 2022

Issued at HKT 14:56

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Photo

