

## **Points to Note for Oath-taking**

### **Requirements under the Oaths and Declarations Ordinance**

1. Section 19(1) of the Oaths and Declarations Ordinance (Cap. 11) (“the Ordinance”) provides that a Member of the Legislative Council (“LegCo”) must take the LegCo Oath as soon as possible after the commencement of the Member’s term of office;
2. Section 21(1) of the Ordinance provides that any person who declines or neglects to take an oath shall, if he has already entered on his office, vacate it, or if he has not entered on his office, be disqualified from entering on it;
3. Section 19(2) of the Ordinance provides that the LegCo Oath must be administered by the Chief Executive or a person authorized by the Chief Executive to administer the Oath; and
4. Please note that a Member of the LegCo shall take the oath in the form set out in Part IV of Schedule 2 to the Ordinance. **A Member must read out the words** of the LegCo Oath.

### **Requirements on Oath Taking Specified in the Interpretation of Article 104 of the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (“the Interpretation”)**

5. Oath taking is a legal prerequisite and required procedure for LegCo Members to assume office;
6. Oath taking must comply with the legal requirements in respect of its form and content. An oath taker **must take the oath sincerely and solemnly, and must accurately, completely and solemnly read out the oath prescribed by law, the content of which includes “will uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China”;**

7. **An oath taker who intentionally reads out words which do not accord with the wording of the oath prescribed by law, or takes the oath in a manner which is not sincere or not solemn, shall be treated as declining to take the oath.** The oath so taken is invalid and the oath taker is disqualified forthwith from assuming the public office specified in the Article;
8. **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, the Ordinance and the requirements under the laws of the Hong Kong Special Administrative Region is valid, and that an oath which is not taken in compliance with the Interpretation, the Ordinance and the requirements under the laws of the Hong Kong Special Administrative Region is invalid. **If the oath taken is determined as invalid, no arrangement shall be made for retaking the oath;** and
9. The oath taker **must sincerely believe in and strictly abide by the relevant oath prescribed by law.** An oath taker who makes a false oath, or, who, after taking the oath, engages in conduct in breach of the oath, shall bear legal responsibility in accordance with law.

### **Requirement under the Rules of Procedure**

10. In accordance with Rule 1 of the Rules of Procedure (which has come into operation on the commencement of the Seventh LegCo on 1 January 2022), no Member of the LegCo shall be present or vote at the election of the President; or attend or vote at a meeting of the Council or any committee, or exercise any other power or function of a Member, until the Member has made or subscribed an oath or affirmation in accordance with the provisions of the Ordinance. Where a general election is held, a Member who had previously made or subscribed an oath or affirmation under the Ordinance shall make or subscribe the oath or affirmation again before the Member is present or votes at the election of the President, or exercises any power or function of a Member.

## **Proceedings on oath-taking**

11. The LegCo Oath will be administered by the Chief Executive. The oath-taking ceremony will be organised by the Hong Kong Special Administrative Region Government. It will be held on 19 December 2022 at 10:00 am, at the Chamber, LegCo Complex. All LegCo Members who are to take the oath shall be **punctual** for the ceremony.
12. The Member taking an oath must **read out**, using the selected language, **the words in the version of the oath or affirmation he/she selected in advance**. The version selected by the Member will be placed on his/her desk in the Chamber to facilitate the Member to take the oath.
13. The Member who has chosen to take an oath and using the term “**Almighty God**” should **hold in his/her uplifted hand the New Testament**, or, in the case of a Jew, **the Old Testament**, while taking the oath.
14. The Member who has finished taking an oath should **sign** the oath or affirmation and **leave it on his/her desk**.

## **House Rule**

15. Only LegCo Members who are invited to the oath-taking ceremony and personnel of the Organiser are allowed to enter the venue. Anyone who has not been invited will be refused entry. If necessary, the Organiser may exercise the right to verify the identity of attendees before allowing entry to the venue;
16. The Organiser may exercise the right to refuse entry to latecomers and attendees who have left the venue midway through the ceremony;
17. Attendees shall not disrupt the oath-taking ceremony in any way, disturb other attendees, or use foul languages at the oath-taking venue. The Organiser may exercise the right to remove persons who violate the rules;

18. Save with the permission of the Organiser, attendees shall not bring with them any materials which the Organiser considers possible to disrupt the oath-taking ceremony, or cause nuisance, inconvenience or danger to other parties present. These include oversized items, loud hailers/sound amplifiers, umbrellas, defensive equipment (such as mask respirators and helmets), flags, banners or bunting etc.;
19. Attendees should deposit, in a place designated by the Organiser, items which the Organiser considers possible to disrupt the oath-taking ceremony, or cause nuisance, inconvenience or danger to other parties present, and collect them after the ceremony. Any uncollected items found during clearance of the venue will be disposed of without further notice;
20. Where the actual situation warrants, security staff are authorised to request persons inside the venue or attendees to undergo security screening, including checking their personal belongings and bags;
21. Attendees shall not cause any obstruction to the entrances, exits, staircases, passages, emergency exits or emergency passageways of the venue;
22. Security staff may check or stop persons who constitute a threat to the safety and order of the event, including persons under the influence of alcohol or drugs and those in possession of dangerous items or substances. Such persons may be refused entry or be removed from the venue;
23. The Organiser may refuse entry to or remove from the venue any person who fails to comply with the house rules. Such persons are not allowed to re-enter the venue during the oath-taking ceremony; and
24. Should there be any disputes, the Organiser has the final decision.

### **Guidelines on Proper Attire for Oath Takers**

25. In order to take the oath sincerely and solemnly, oath takers shall **dress in proper and decent business attire**. Wearing inappropriate

attire may be regarded by the oath administrator as a violation of the requirement of taking the oath sincerely and solemnly, and **oath-taking by the person concerned may be rejected** and no arrangement shall be made for retaking the oath. Clothing or attire, including but not limited to the following, are deemed inappropriate:

#### Overall attire

- Clothing/accessories/surgical masks displaying political signs, catchphrases or slogans;
- Clothing/accessories/surgical masks that are revealing, obscene, indecent or revolting;
- Clothing displaying advertisement of commercial cause (including the promotion and advertising of sports teams, leagues, tournaments, etc.);
- Clothing that is torn or with holes;
- Uniforms of any kind;
- Sportswear;
- Swimwear; and
- Costume masks.

#### Tops

- Collarless tops (e.g. round- or V-neck T-shirts);
- Singlets/sleeveless tops;
- Sports tops;
- Sweatshirts; and
- Tracksuits.

#### Bottoms

- Shorts;
- Overalls;
- Jeans/denim; and
- Sweatpants/sportswear leggings/yoga pants.

#### Headwear

- Hats and caps of various kinds; and
- Headwear of any kind (except for religious or medical reasons).

### Footwear

- Flip flops, sandals/slides, mules, trainers and sports shoes; and
- Any kind of shoes showing toes.

26. Should there be any disputes, the Organiser has the final decision.

### **Anti-epidemic measures**

27. All persons participating in the oath-taking ceremony (including oath-takers and staff) must wear a mask at all times.

Hong Kong Special Administrative Region Government  
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