

**Legislative Council Panel on Constitutional Affairs  
Meeting on 18 December 2000  
Chief Executive Election**

This paper outlines our preliminary legislative proposals for the Chief Executive (CE) Election Bill.

**Date of election**

2. We propose that the CE shall appoint a date within 6 months before the expiry of his term as the election date.

**Election Committee**

3. In accordance with Annex I to the Basic Law (BL), the CE shall be elected by an Election Committee (EC). This EC is one and the same as the EC which has been formed in July 2000 to elect six Members to the second-term Legislative Council (LegCo). The EC, according to BL Annex I, shall have a term of five years, meaning that the term of the current EC will expire in July 2005.

4. By the time the EC is called upon to elect the CE in 2002, it will have been formed for over one and a half years. If elected or nominated members have died, have resigned or have ceased to be eligible for registration as LegCo Geographical Constituency electors, we propose to update the EC membership through by-election or, for the religious subsectors, through nomination to fill the vacancies arising therefrom.

**Qualification for candidature**

5. A candidate must meet the eligibility criteria laid down in BL 44 which provides that the CE shall –

- (a) be a Chinese citizen of not less than 40 years of age;
- (b) be a permanent resident of Hong Kong;

- (c) have no right of abode in any foreign country; and
- (d) have ordinarily resided in Hong Kong for a continuous period of not less than 20 years.

### **Nomination**

6. In accordance with BL Annex I, a candidate must obtain the signatures of at least 100 EC members on the nomination form and each EC member may nominate only one candidate.

### **Voting method**

7. Where there are three or more candidates for the CE election, we propose that the majority-runoff voting system should be adopted. Under this system, a candidate will be elected immediately if he secures an absolute majority of all validly cast votes in the first round of voting. Otherwise, all candidates will be eliminated except the two who obtain the most votes. These two candidates will then proceed to a second round of voting. The one who obtains more votes will win.

8. If there are only two candidates, we propose that the one who obtains the most votes will be elected.

9. If there is only one candidate, he will be elected ipso facto.

### **Supervision of the CE election**

10. We propose that the Electoral Affairs Commission (EAC) should be tasked to supervise the CE election.

### **Election Petitions**

11. We propose that the following election petition mechanism should be established for the CE election:

- (a) Election petitions should be heard by the Court of First Instance;

- (b) Only (i) candidates or (ii) persons claiming to have been a candidate in the election with the support of at least ten EC members may lodge election petitions;
- (c) Election petitions must be lodged within seven days after the announcement of the result of the CE election; and
- (d) The grounds for election petitions should be limited to those concerning decision of the Returning Officer in respect of nomination and material irregularities in the process of nomination, polling and counting.

**Conclusion**

12. Members are invited to give their views on the proposals for the CE Election Bill.

***Constitutional Affairs Bureau  
December 2000***