

# Time-Line of the Mass Resignation Plan

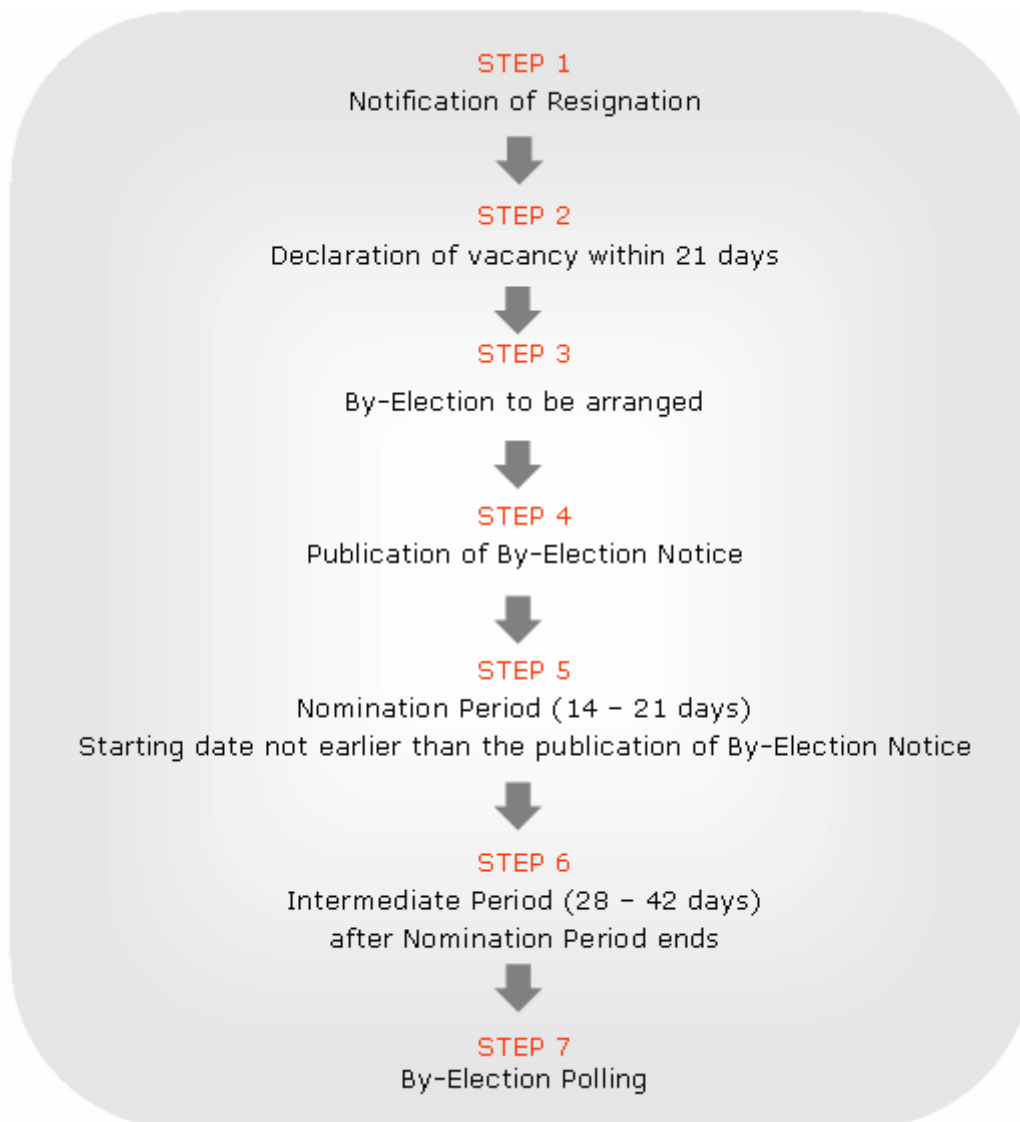
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Centre for Comparative and Public Law  
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# Time-Line of the Mass Resignation Plan

## Summary



## Author

Wing Chan

Student Research Assistant

Centre for Comparative and Public Law, University of Hong Kong

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# Time-Line of the Mass Resignation Plan

By-Elections  
in the past

## **Duration of Past By Election** (Source: TVB News)

2000: 80 days

2001: 59 days

2007: 115 days

STEP 1

## **Legislative Council Member notify resignation in writing**

Legislative Council Ordinance (Cap. 542) Section 14

- (1) A Member may, at any time, resign from office as a Member by giving written notice of resignation to the Clerk to the Legislative Council.
- (2) A notice of resignation is not effective unless it is signed by the Member concerned.
- (3) A notice of resignation takes effect -
  - (a) on the date on which the notice is received by the Clerk to the Legislative Council; or
  - (b) if a later date is specified in the notice, on that later date.

STEP 2

## **Declare Vacancy in Gazette within 21 days**

Legislative Council Ordinance (Cap. 542) Section 35

- (1) The Clerk to the Legislative Council must, by notice published in the Gazette, declare the existence of a vacancy in the membership of that Council within 21 days after becoming aware of the vacancy.

STEP 3

## **By-Election to be arranged**

Legislative Council Ordinance (Cap. 542) Section 36

- (1) The Electoral Affairs Commission must, in accordance with regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), arrange for a by-election to be held in the following circumstances and not otherwise -
  - (a) on the making of a declaration as to the existence of a vacancy in the membership of the Legislative Council under section 35; .....
- (2) However, a by-election to fill a vacancy occurring in the membership of the Legislative Council is not to be held -
  - (a) within the 4 months preceding the end of that Council's current term of office; or
  - (b) if the Chief Executive has published in the Gazette an order dissolving that Council in accordance with the Basic Law.

STEP 4

## **Publication of By-Election Notice in Gazette**

Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) Section 8

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- (1) Subject to section 36(2) of the Legislative Council Ordinance (Cap 542), as soon as practicable after a declaration referred to in section 36(1)(a), (b), (c), (ca) or (cb) or a determination referred to in section 36(1)(d), of that Ordinance is made, in order to hold a by-election for the purposes of that section 36(1), the Chief Electoral Officer must publish in the Gazette, a notice in accordance with this section. (L.N. 65 of 2000)
- (2) If a by-election is to be held for a geographical constituency or geographical constituencies, the by-election notice must state the name of the geographical constituency or each geographical constituency for which the by-election is to be held, and the number of Members to be returned for the geographical constituency or each geographical constituency at the by-election.
- (5) In each case referred to in subsections (2) and (3), the by-election notice must state the date on which the by-election is to be held. (L.N. 84 of 2004)
- (6) The by-election notice must also state that a poll will be held on the relevant date referred to in subsection (5), if the number of candidates validly nominated for the geographical constituency or functional constituency exceeds the number of Members to be returned for that geographical constituency or functional constituency at the by-election. (L.N. 84 of 2004)
- (7) The by-election notice must also state-
  - (a) the period within which nomination forms for the by-election are to be submitted to the Returning Officer;
  - (b) the address at which nomination forms are to be submitted; and
  - (c) that nomination forms must be submitted during ordinary business hours.

STEP 5

**Nomination Period (14 – 21 days), starting date not earlier than the publication of By-Election Notice**

STEP 6

**Intermediate Period (28-42 days) after Nomination Period ends**

STEP 7

**By-Election Polling**

Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) Section 7

- (1) Subject to subsections (2) and (3), the nomination period is to be determined by the Chief Electoral Officer.
- (2) The nomination period must not begin earlier than the date on which the election notice or the by-election notice, as the case may be, is published in the Gazette. The nomination period must not be less than 14 days or more than 21 days. (L.N. 65 of 2000)
- (3) The nomination period must end not less than 28 days and not more than 42 days before the date on which the relevant election is to be held.