



Improve Electoral System Ensure Patriots Administering Hong Kong

Preserve One Country, Two Systems
Enhance Stability and Prosperity



Improve the Electoral System of the Hong Kong Special Administrative Region

Declaration: This booklet outlines the main content of the Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region ("Decision") and of the amended Annex I on Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region and Annex II on Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures of the Basic Law by the Standing Committee of the National People's Congress as authorised by the National People's Congress and in accordance with the Decision; and answers some frequently asked questions. The Hong Kong Special Administrative Region Government will amend the relevant local legislation in accordance with the Decision and the amended Annex I and Annex II to regulate the conduct and arrangement of election-related activities.

For information on the latest developments of the amendments to the local legislation and other matters relating to elections, please visit the dedicated website at www.cmab.gov.hk/improvement/en/home/index.html or press the QR code.



Foreword

Fellow Hong Kong Citizens,

During my annual reporting of work for the year 2020 on 27 January this year, President Xi Jinping unequivocally indicated that in order to ensure the steadfast and successful implementation of “One Country, Two Systems”, we must always adhere to the principle of “patriots administering Hong Kong”. This principle is fundamental to national sovereignty, security, development interests, as well as the long-term prosperity and stability of Hong Kong. Only through “patriots administering Hong Kong” can the Central Authorities’ overall jurisdiction over the Hong Kong Special Administrative Region (“HKSAR”) be effectively implemented, the constitutional order established by the Constitution and the Basic Law be effectively safeguarded, various deep-seated problems be effectively resolved, and the long-term stability and safety of Hong Kong be achieved.

“Patriots administering Hong Kong” is definitely not a newly created concept. Tracing to its source, the chief architect of “One Country, Two Systems”, Mr. Deng Xiaoping, clearly stated in 1984 that the idea of “Hong Kong people administering Hong Kong” has its scope and criteria, that is to say Hong Kong should be managed by Hong Kong people, with patriots forming the mainstay. The criteria for a patriot are to respect one’s own nation, sincerely support the resumption of the exercise of sovereignty over Hong Kong by the Motherland, and not to impair Hong Kong’s prosperity and stability.

In recent years, Hong Kong has indeed faced circumstances that are not conducive to the thorough and accurate implementation of “One Country, Two Systems”. This is particularly so since the onset of the disturbances arising from the opposition to the proposed legislative amendments to the Fugitive Offenders Ordinance in June 2019, and henceforth the year-long social unrest had thrown citizens into great fear. Groups advocating “Hong Kong independence”, organising resistance against the governance of the Central Authorities, and even colluding with external elements to interfere with Hong Kong’s affairs had emerged. These opposition forces and radicals entered the political structure of the HKSAR through elections. They paralysed the operation of the Legislative Council (“LegCo”) and obstructed governance by HKSAR Government in accordance with the law; supported and glorified violence outside the Council; and orchestrated plans to gain dominance in the LegCo in order to achieve “mutual destruction”, all of which seriously jeopardised Hong Kong’s constitutional

order and challenged national sovereignty. These chaos have exposed the loopholes and deficiencies of Hong Kong’s electoral system, which if not rectified in time, will go directly against the principle of “patriots administering Hong Kong”; make it difficult to ensure the faithful implementation of “One Country, Two Systems”; and seriously impair Hong Kong’s prosperity and stability.

Following the enactment of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“National Security Law”) last year to plug the loopholes which endangered national security, the National People’s Congress once again takes the lead at the constitutional level to improve the electoral system of the HKSAR. In so doing, the Central Authorities are faithfully exercising their overall jurisdiction over the HKSAR; fully supporting the HKSAR Government to put things back on the right track and govern HKSAR in accordance with the law; and protecting the well-being of over seven million citizens of the HKSAR. I and the HKSAR Government definitely see the necessity and urgency to improve the electoral system and will fully co-operate with the Central Authorities by enacting local legislation to implement the improved electoral system, with a view to putting the principle of “patriots administering Hong Kong” into practice.

In the past two years, Hong Kong has faced unprecedented challenges. The Central Authorities have always spared no efforts at the national level in resolving the imminent problems faced by Hong Kong, demonstrating their adherence to the principle of “One Country, Two Systems” and care for the citizens of Hong Kong. From the formulation and implementation of the National Security Law, which halted chaos and restored order in Hong Kong, to the improvement of the electoral system of the HKSAR to ensure “patriots administering Hong Kong”, our Motherland will forever provide staunch support to Hong Kong. As long as we shoulder the responsibility of safeguarding national security together, and uphold and implement “patriots administering Hong Kong”, the principle of “One Country, Two Systems” would be steadfastly and successfully implemented and the long-term stability and safety of Hong Kong assured.

Carrie Lam
Chief Executive
Hong Kong Special Administrative Region



Background



- The Hong Kong Special Administrative Region ("HKSAR") is an inalienable part of the People's Republic of China.
- Upholding national unity and territorial integrity, maintaining the prosperity and stability of Hong Kong, and taking account of its history and realities, the People's Republic of China, in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China, has established a special administrative region. The systems instituted in the special administrative region would, in light of specific circumstances, be prescribed by laws enacted by the National People's Congress.
- Mr. Deng Xiaoping put forward the great and unprecedented vision of "One Country, Two Systems". Through the National People's Congress's enactment of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and its authorisation, the principles of "One Country, Two Systems", "Hong Kong people administering Hong Kong" and a high degree of autonomy are implemented. This not only led to the successful resolution of the Hong Kong question, an issue that was left over from the past and returned Hong Kong to the embrace of the Motherland, but also ensured the prosperity and stability of Hong Kong. It has been 24 years since Hong Kong's return to the Motherland. The practice of "One Country, Two Systems" is on the whole successful.
- The HKSAR is a local administrative region of the People's Republic of China, which enjoys a high degree of autonomy and comes directly under the Central People's Government. The political structure of the HKSAR is the prerogative of the Central Authorities, and according to the provisions of the Basic Law, is composed of the Chief Executive, the executive authorities, the legislature, the judiciary, district organisations and public servants.
- The idea of "Hong Kong people administering Hong Kong" has its scope and criteria, that is to say Hong Kong should be managed by Hong Kong people, with patriots forming the mainstay. "Patriots administering Hong Kong" is a natural and essential condition for successful and faithful implementation of "One Country, Two Systems"; part and parcel of basic political ethics; and a universally applicable standard which allows no ambivalence.

The Recent Situation



- The majority of the Hong Kong citizens love the Country and love Hong Kong. Nonetheless, Hong Kong has long been a hub of cultural exchange with the West and is a diverse society. Some citizens have limited understanding of the Country and the Mainland and may even harbour prejudices and biased views. Coupled with inadequate national education over a long period of time after Hong Kong's return to the motherland, local and external forces with ulterior motives often fanned anti-China sentiments and sabotaged relations between people in Hong Kong and those in the Mainland. All these developments have engendered serious threats towards "One Country, Two Systems".
- The emergence of anti-China forces seeking to destabilise Hong Kong can be traced back to the "anti-national education" incident in 2012, the illegal "Occupy Central Movement" in 2014, "Mong Kok riots" in 2016, the surfacing of the "Hong Kong National Party" advocating "independence" and "self-determination" and the chaos occurred in the 2016 LegCo General Elections for the Sixth Term LegCo. By exploiting the electoral system to worm their way into the political structure of the HKSAR, these radical forces have attempted to make use of their status as public officers to shamelessly obstruct and paralyse the operation of the Government. See the "Event Book" for a myriad of examples.
- The saga arising from the proposed legislative amendments to the Fugitive Offenders Ordinance in mid-2019 pushed such anti-China forces to the boiling point. Unscrupulous acts and activities of the rioters, such as desecrating the national emblem and the national flag which symbolise the dignity of the Country, openly colluding with foreign forces, and pleading western countries for sanctions on Hong Kong with utter disregard for the interest of Hong Kong people, have seriously undermined the constitutional order and public safety of the HKSAR. Exploiting loopholes in the electoral system, they won the majority of seats in the District Councils, and then organised illegal "primaries" as well as the "35+" in an attempt to control the LegCo through elections and seize the jurisdiction of the HKSAR. These plots and activities constituted significant security risks to the political structure of the HKSAR, and endangered national sovereignty, security and development interests of the Country.
- Although the National Security Law promulgated in mid-2020 has successfully curbed violence and chaos as well as brought peace and stability back to the Hong Kong society, with a few elections scheduled for the coming year, a political storm is already at our doorstep.

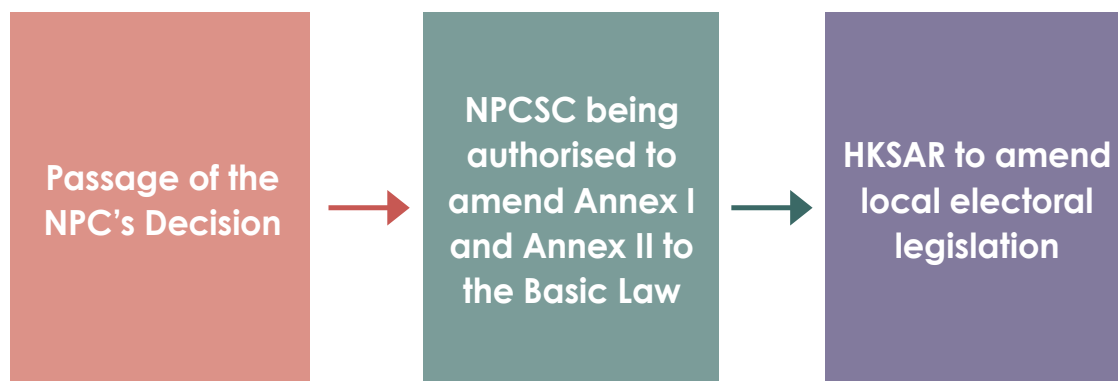
The Event Book of Chaos involving Non-pro-establishment Members in the Sixth Term Legislative Council

(October 2016 to November 2020)

- On 12 October 2016, when taking oaths in assuming office, a number of LegCo Members, especially Sixtus Leung and Yau Wai-ching, openly insulted the Country, hurt the feelings of the Chinese people and violated the requirement of taking oaths in a sincere and solemn manner. Subsequently, the Court ruled that these persons were disqualified from assuming the office of a Member of the LegCo.
- On 26 October 2016, some of the LegCo Members whose oaths were ruled to be invalid by the LegCo President stormed into the Chamber, with other non-pro-establishment Members forming a human chain, chanting slogans and holding banners. They even forced their way towards the President's pedestal, compelling the President to adjourn the meeting due to failure to restore order in the Chamber.
- On 19 January 2017, a number of LegCo Members stirred up trouble when the Chief Executive attended the Council meeting, including forming human chains to hinder security officers from maintaining order, and the meeting could not be conducted as a result.
- On 2 November 2016, Sixtus Leung and Yau Wai-ching again stormed into the Chamber and refused to leave. When the meeting took place at another conference room, they brought along over ten assistants and attempted to enter that conference room by force, causing much chaos. They insulted and shoved the security officers. A few security officers were injured and admitted to hospital. Leung was later convicted of unlawful assembly.
- On 15 November 2016, during the discussion of the Wang Chau public housing development project at the LegCo Panel on Development, Leung Kwok-hung seized documents placed on the desk of government officials attending the meeting. He was subsequently charged with contempt of court and the relevant legal proceedings are still ongoing.
- On 2 November 2017, a number of LegCo Members filibustered to obstruct the debate on the Co-location Arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. As some LegCo Members refused to return to their seats and meeting order could not be restored, the President had to adjourn the meeting.
- On 7 December 2017, when the LegCo scrutinised the proposed amendments to the Rules of Procedure, a number of LegCo Members disrupted the meeting and refused to return to their seats, leading to repeated suspensions of the meeting.
- On 24 April 2018, while the Bills Committee was examining the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill, Hui Chi-fung snatched the mobile phone of a female Executive Officer. Hui was later charged with and convicted of common assault, obtaining access to a computer with dishonest intent, and obstructing a public officer in the performance of public duty.
- On 13 June 2018, during the LegCo's scrutiny of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill, a number of LegCo Members shouted loudly and caused chaos. Two security officers were injured.
- From April to May 2019, over 20 LegCo Members adopted various tactics to blatantly obstruct the formation of a Bills Committee for scrutinising the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019. This caused serious chaos at the meetings, including confrontations and scuffles with pro-establishment LegCo Members and a number of them were injured.
- On 16 October 2019, a number of LegCo Members disrupted the delivery of the Policy Address by the Chief Executive by using projections and shouting loudly. To preserve the dignity of LegCo and safeguard the personal safety of Members, the Chief Executive delivered the Policy Address via video subsequently.
- From October 2019 to May 2020, in order to oppose the National Anthem Bill, some LegCo Members led by Dennis Kwok prevented the House Committee from electing the Chairman, causing a procedure which should normally take just ten minutes to last for over 30 hours (in 17 meetings). As the work of the House Committee ground to a halt during the period, over 20 legislative proposals relating to the economy and livelihood of the people were seriously disrupted or delayed. Over these seven months, these Members caused chaos at the House Committee meetings and scuffled with pro-establishment Members. Individual Members were injured and admitted to hospital, with some security officers injured. Police assistance had to be called. Subsequently, a number of non-pro-establishment Members were charged with the offences of contempt and interference with Members under the Legislative Council (Powers and Privileges) Ordinance. The relevant legal proceedings are still ongoing.
- On 4 June 2020, as the LegCo continued to scrutinise the National Anthem Bill, Chan Chi-chuen and Eddie Chu threw foul objects in the Chamber. They were charged with contempt and intent to injure, amongst others. The relevant legal proceedings are still ongoing.
- On 28 May 2020, during the LegCo's scrutiny of the National Anthem Bill, Hui Chi-fung threw a foul-smelling object towards the President's pedestal in the Chamber. The LegCo Secretariat made a report to the Police. Hui was charged with the offences of contempt under the Legislative Council (Powers and Privileges) Ordinance and administering noxious thing with the intent to injure under the Offences against the Person Ordinance, etc. The relevant legal proceedings are still ongoing.
- On 25 September 2020, a number of LegCo Members surrounded the Chief Secretary for Administration when he attended a meeting of the Finance Committee, forcibly demanding to speak with him regarding the case of the "12 Hongkongers" illegally crossing the boundary.
- On 21 October and 4 November 2020, a number of LegCo Members surrounded the Secretary for Security and caused chaos when he met with the press after attending a Council meeting.
- After 10 November 2020, following the immediate disqualification of Alvin Yeung, Dennis Kwok, Kwok Ka-ki and Kenneth Leung from being Members of the LegCo as their nominations as candidates were decided to be invalid, 15 other LegCo Members resigned en masse. The chaos in the Sixth Term LegCo came to a close and peace was restored to the Council.

The Legal Basis
and Process
of Improving
the Electoral System





Passage of the NPC's Decision

- The National People's Congress ("NPC") is the highest organ of state power and its decisions have the highest legal effect.
- In accordance with Article 31 of the Constitution of the People's Republic of China ("PRC"), the State may establish special administrative regions and the systems instituted in special administrative regions shall, in light of specific circumstances, be prescribed by laws enacted by the NPC. Article 62(2) of the Constitution prescribes that the NPC shall oversee the enforcement of the Constitution.
- The political structure of the HKSAR is the prerogative of the Central Authorities, of which the electoral system including the methods for selecting the Chief Executive and for forming the LegCo is a core component. To ensure that the electoral system upholds the principle of "One Country, Two Systems", accords with the actual situation of the HKSAR, implements the principle of "patriots administering Hong Kong", which is conducive to safeguarding sovereignty, national security, and development interests of the Country, and maintaining Hong Kong's long-term prosperity and stability, the NPC passed the Decision on improving the electoral system of the HKSAR on 11 March 2021, with 2 895 votes in support, 1 abstention and 0 against, and authorised the NPC Standing Committee to amend Annex I on Method for the Selection of the Chief Executive of the HKSAR and Annex II on Method for the Formation of the LegCo of the HKSAR and Its Voting Procedures of the Basic Law.
- The legal basis of the Decision is solid, which includes Article 31 and Article 62(2), 62(14) and 62(16) of the Constitution of the PRC, and relevant provisions in the Basic Law and the National Security Law.





- Core Elements
 - The size, composition, functions, etc. of the Election Committee;
 - Election of the Chief Executive by the Election Committee, requirements for nominating candidates and voting arrangements, etc.;
 - The size of the LegCo and the three electoral methods for returning Members of the LegCo; and
 - Establishment of a Candidate Eligibility Review Committee for candidates standing for elections and its functions.
- In order to facilitate the work of the NPC Standing Committee, the relevant Central Government departments held more than 60 seminars and conducted visits and interviews, etc. in Hong Kong between 15 and 17 March 2021 to widely gauge the views of over 1 000 people from different sectors of the community.

Amendments to Annex I and Annex II by the NPC Standing Committee

- The NPC Standing Committee amends Annex I and Annex II to the Basic Law according to the following fundamental principles and core elements as laid down in the Decision:
 - Fundamental Principles:
 - Fully and accurately upholding and implementing the principles of “One Country, Two Systems”, “Hong Kong people administering Hong Kong” and a high degree of autonomy;
 - Firmly safeguarding the constitutional order of the HKSAR as enshrined under the Constitution and the Basic Law;
 - Ensuring “patriots administering Hong Kong”;
 - Effectively enhancing the governance capability of the HKSAR; and
 - Upholding HKSAR permanent residents’ right to vote and the right to stand for election in accordance with law.



Amendments to HKSAR’s Electoral Legislation

- The HKSAR Government is pressing ahead with the necessary amendments to the relevant local electoral legislation according to the Decision as well as the amended Annex I and Annex II to the Basic Law, notably the Chief Executive Election Ordinance (Cap. 569), the Legislative Council Ordinance (Cap. 542) and the relevant subsidiary legislation.
- The LegCo has set up a subcommittee under the House Committee to discuss issues involved in improving the electoral system so as to get prepared for the scrutiny work to be undertaken by the Bills Committee at a later stage. The HKSAR Government will render full cooperation to the work of the subcommittee.

Main Content
of Improving
the Electoral System

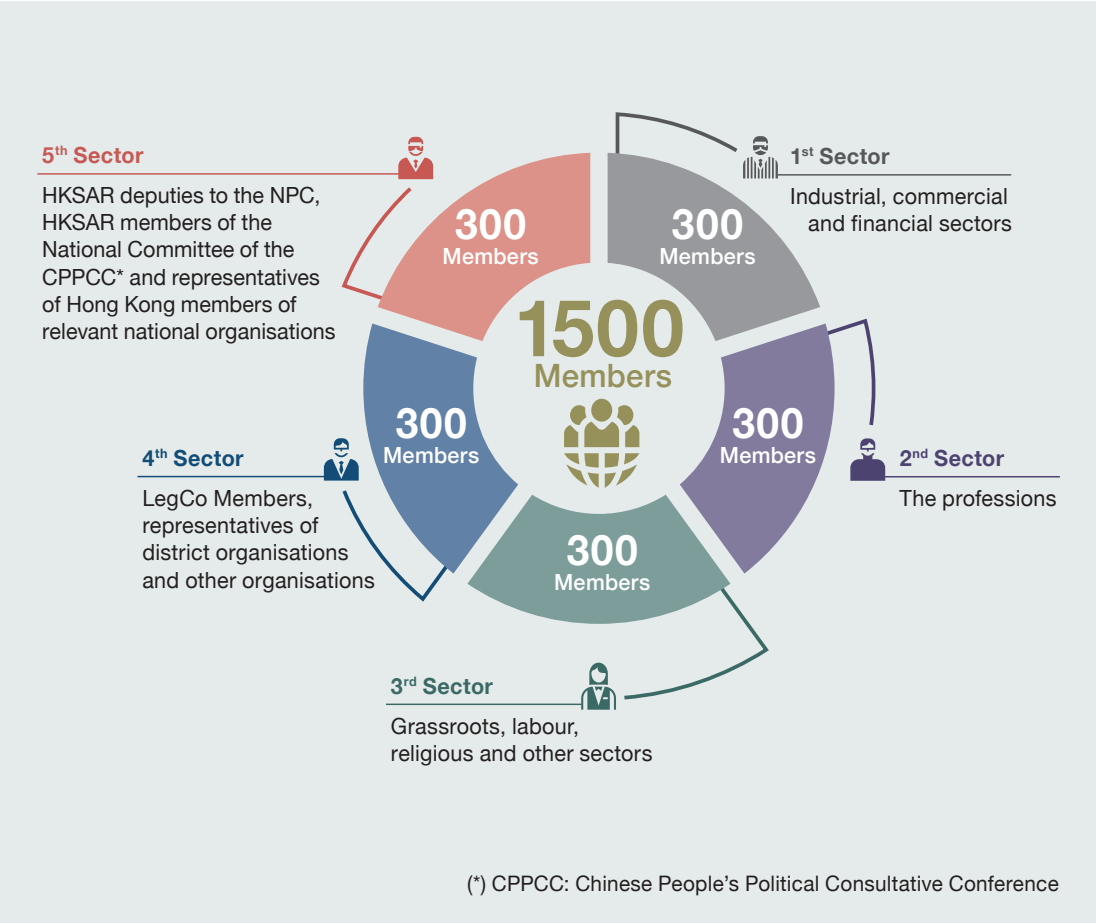


- Annex I and Annex II to the Basic Law as amended by the NPC Standing Committee have been uploaded onto the Government's website. The ensuing paragraphs introduce the main content in brief terms. In case of any discrepancies, the provisions in Annex I and Annex II should be adopted.

Reconstitution of the Election Committee

Size and Composition of the Election Committee

- The Election Committee is broadly representative, suited to Hong Kong's actual situation, and representative of the overall interests of society. It is composed of 1 500 Members from five sectors.



Industrial, commercial and financial sectors (18 subsectors)	
Subsector	Allocated Seats
Industrial (First)	17
Industrial (Second)	17
Textiles and garment	17
Commercial (First)	17
Commercial (Second)	17
Commercial (Third)	17
Finance	17
Financial services	17
Insurance	17
Real estate and construction	17
Transport	17
Import and export	17
Tourism	17
Hotel	16
Catering	16
Wholesale and retail	17
Employer's Federation of Hong Kong	15
Small and Medium-sized Enterprises	15

LegCo Members, representatives of district organisations and other organisations (5 subsectors)	
Subsector	Allocated Seats
Legislative Council Members	90
Heung Yee Kuk	27
Representatives of members of Hong Kong and Kowloon Area Committees, District Fight Crime Committees and District Fire Safety Committees	76
Representatives of members of New Territories Area Committees, District Fight Crime Committees and District Fire Safety Committees	80
Representatives of associations of Hong Kong residents in the Mainland	27

The professions (10 subsectors)	
Subsector	Allocated Seats
Technology and innovation	30
Engineering	30
Architectural, surveying, planning and landscape	30
Accountancy	30
Legal	30
Education	30
Sports, performing arts, culture and publication	30
Medical and health services	30
Chinese medicine	30
Social welfare	30

Grassroots, labour, religious and other sectors (5 subsectors)	
Subsector	Allocated Seats
Agriculture and fisheries	60
Labour	60
Grassroots associations	60
Clansmen associations	60
Religious	60

HKSAR deputies to the NPC, HKSAR members of the National Committee of the CPPCC and representatives of Hong Kong members of relevant national organisations (2 subsectors)	
Subsector	Allocated Seats
HKSAR deputies to the NPC and HKSAR members of the National Committee of the CPPCC	190
Representatives of Hong Kong members of relevant national organisations	110

Three Methods for Returning Members of the Election Committee

- Ex-officio Member for which no election is required (362 seats) ^{Note}
(including LegCo Members, HKSAR deputies to the NPC, HKSAR members of the National Committee of the CPPCC, Hong Kong members of the Committee for the Basic Law of the HKSAR under the NPC Standing Committee, vice-chancellors or presidents of universities, and persons in charge of certain statutory bodies, important advisory committees and relevant organisations in specific subsectors)
- Nomination by eligible bodies of specific subsectors (156 seats)
(including all Members of the Religious Subsector and representatives of associations of Hong Kong residents in the Mainland Subsector, certain Members of the Technology and Innovation Subsector, Accountancy Subsector, Legal Subsector, Sports, Performing Arts, Culture and Publication Subsector, and Chinese Medicine Subsector. Please see Annex I to the Basic Law for the nominating organisations and the number of nominated Members)
- Election by eligible corporate or individual voters of the subsectors (982 seats) ^{Note}
(individual voters are applicable to Heung Yee Kuk, Hong Kong, Kowloon and New Territories Area Committees, District Fight Crime Committees and District Fire Safety Committees, and Hong Kong members of relevant national organisations. Other subsectors will be elected by corporate voters)

Note: In accordance with Annex I to the Basic Law as amended by the NPC Standing Committee, a HKSAR deputy to the NPC or a HKSAR member of the National Committee of the CPPCC may choose to register with another subsector with which he has substantial connection. Under such circumstances, the number of elected seats in the latter subsector shall be reduced accordingly.

Nomination of Election Committee Candidates and Voting Arrangement

- Each candidate shall be nominated by 5 corporate or individual voters in the respective subsector.
- Each corporate or individual voter may only nominate a number of candidates not exceeding the number of seats to be elected in the respective subsectors. For example, as the Hong Kong and Kowloon Area Committees, District Fight Crime Committees and District Fire Safety Committees Subsector is assigned to return 76 Members through election, each of the eligible voter in this subsector may nominate at most 76 candidates.
- The Election Committee Members of each subsector will be elected by secret ballot.

Establishment of a System of Convenors for the Election Committee

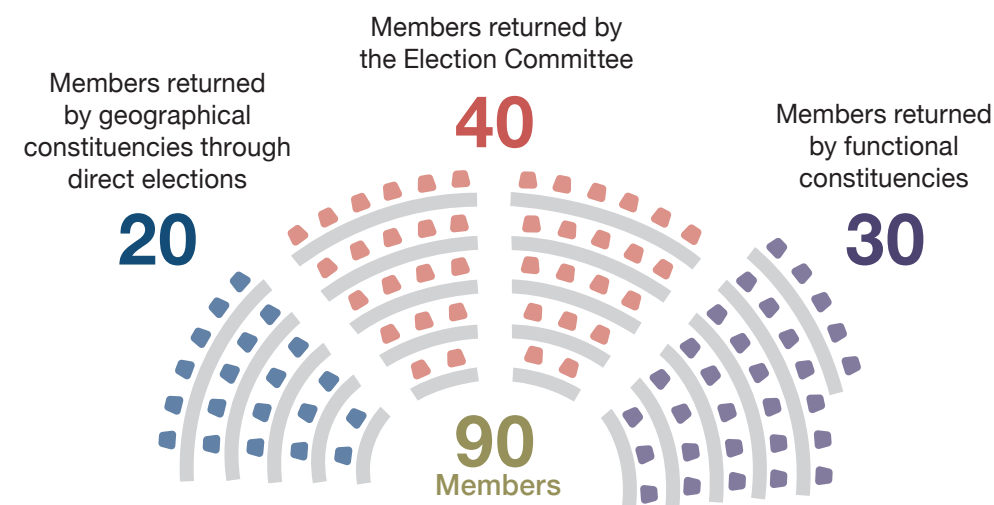
- A Member of the Election Committee who is a state leader will become the Chief Convenor. The Chief Convenor may appoint several convenors in each sector.
- The Chief Convenor is responsible for convening Election Committee meetings when necessary to handle relevant matters.

Chief Executive Election

- A candidate shall be nominated by not less than 188 Members of the Election Committee, with at least 15 Members from each of the 5 sectors.
- Each Member of the Election Committee may only nominate one candidate.
- The 1 500 Members of the Election Committee shall elect the Chief Executive-elect by secret ballot on a one-person-one-vote basis.
- The Chief Executive-elect shall obtain over 750 votes in the poll, and be appointed by the Central People's Government.

Composition and Method for Formation of the LegCo

- The LegCo shall be composed of 90 Members as follows -



- Members returned by the Election Committee
 - Each candidate shall be nominated by no less than 10, but no more than 20, Members of the Election Committee, including no less than 2 but no more than 4 Members from each of the five sectors of the Election Committee.

- Any eligible elector can be nominated as candidates, i.e. candidates need not be Members of the Election Committee.
 - Each Member of the Election Committee can only nominate one candidate.
 - The Election Committee shall, on the basis of the list of nominees, cast their votes by secret ballot. A ballot paper is only valid if the number of votes contained in the ballot paper is equal to the number of Members to be returned, and the 40 candidates who obtain the greatest number of votes shall be returned in the election.
- Members returned by functional constituencies
- A total of 28 constituencies: with the exception of the election of the Labour constituency which shall return 3 Members, the election of each of the constituency shall return 1 Member.
 - 9 constituencies are returned by individual electors: Heung Yee Kuk, Engineering, Architectural, Surveying, Planning and Landscape, Accountancy, Legal, Education, Medical and Health Services, Social Welfare, HKSAR deputies to the NPC, HKSAR members of the National Committee of the CPPCC and representatives of Hong Kong members of relevant national organisations.
 - 19 constituencies to be returned by eligible body electors: Agriculture and Fisheries, Industrial (First), Industrial (Second), Textiles and Garment, Commercial (First), Commercial (Second), Commercial (Third), Finance, Financial Services, Insurance, Real Estate and Construction, Transport, Import and Export, Tourism, Catering, Wholesale and Retail, Technology and Innovation, Sports, Performing Arts, Culture and Publication and Labour.
 - Each candidate shall be nominated by no less than 10, but no more than 20 electors of the respective constituency, and no less than 2 but no more than 4 Members from each of the five sectors of the Election Committee.
 - Each Member of the Election Committee can only nominate one candidate in the functional constituency election.
 - Electors of each constituency shall elect the LegCo Member of their respective constituency by secret ballot.
- Members returned by geographical constituencies through direct elections
- The territories of Hong Kong will be divided into 10 constituencies. Each constituency shall return 2 Members.
 - Each candidate shall be nominated by no less than 100, but no more than 200 electors of the respective constituency, and no less than 2 but no more than 4 Members from each of the five sectors of the Election Committee.
 - Each Member of the Election Committee can only nominate one candidate in the direct election of the geographical constituencies.

- Electors may select one candidate by secret ballot, and the 2 candidates who obtain the greatest number of votes shall be returned in the election.

Procedures for voting in the LegCo

- The passage of bills and motions introduced by the government shall require a simple majority vote of the Members of the LegCo present.
- The passage of motions, bills or amendments to government bills introduced by individual Members shall require a simple majority vote of each of the two groups of Members present: Members returned by the Election Committee and Members returned by functional constituencies and geographical constituencies through direct elections.

Establishment of the Candidate Eligibility Review Committee

- The HKSAR establishes the Candidate Eligibility Review Committee which is responsible for assessing and validating the eligibility of candidates in the Election Committee, Chief Executive and LegCo elections.
- Pursuant to the assessment made by the National Security Department of the Police of the HKSAR Government, the Committee for Safeguarding National Security of HKSAR ("Committee on National Security") will decide whether a candidate complies with the legal requirements and conditions for upholding the Basic Law and bearing allegiance to the HKSAR of the People's Republic of China, and issue an opinion to the Candidate Eligibility Review Committee for those who do not comply with the legal requirements and conditions.
- The Candidate Eligibility Review Committee's decision made pursuant to the Committee on National Security's review advice is not subject to any judicial proceedings.

Other Issues

- The delineation of organisations and eligible corporate electors involved in the Election Committee Subsectors and the functional constituencies of the LegCo, the delineation of geographical constituencies through direct elections, nomination procedures for candidates, the voting method, the composition of the Candidate Eligibility Review Committee, etc., shall be specified by electoral laws introduced by the HKSAR.
- The HKSAR should take measures in accordance with the law to regulate acts that manipulate or sabotage elections.

Timetable for Improving the Electoral System



- For the proper conduct of the Sixth Term Chief Executive Election, Seventh Term LegCo Elections and the elections for the reconstituted Election Committee, the HKSAR Government will spare no effort to complete the relevant tasks according to the timetable below:

2021

- Mid April** Introduction of the Bill on amendments to relevant local electoral legislation into the LegCo
- End May** Resumption of second reading of the Bill in the LegCo
- June** Voter registration upon passage of the Bill by the LegCo
- July** Publication of the Election Committee Subsector final register of voters
- September** Election Committee Subsector Elections
- October** Publication of the final register of electors for the LegCo Elections
- December** Seventh Term LegCo Elections

2022

- March** Sixth Term Chief Executive Election

Note: The arrangement of election activities must have regard to the actual pandemic situation in Hong Kong.

Frequently Asked Questions



The Central Authorities have taken action twice proactively in a year. Firstly, there was the National Security Law and the establishment of the Office for Safeguarding National Security of the Central People's Government in the HKSAR, and now the Central Authorities have substantially changed the electoral system of the HKSAR. Is it a departure from the principles and policies of “One Country, Two Systems”, “Hong Kong people administering Hong Kong” and a high degree of autonomy?

Absolutely not. These two major initiatives of the Central Authorities aim to put “One Country, Two Systems” back on the right track, and ensure the resolute and firm implementation of the principles of “One Country, Two Systems”, “Hong Kong people administering Hong Kong” and a high degree of autonomy in Hong Kong. The two decisions of the NPC have filled the long-standing gaping hole of national security in Hong Kong and plugged the loopholes in the existing electoral system. They safeguard national sovereignty, security and development interests, and provide a solid foundation for Hong Kong’s prosperity and stability. For many years, a small number of extremists in Hong Kong have taken advantage of inadequate national education and a weak sense of national identification among members of the public in the HKSAR. They spread anti-China sentiments and set “One Country” against “Two Systems”. With the support of external elements, they have gone further in recent years and blatantly advocated “Hong Kong Independence”, “self-determination” and “mutual destruction”, and incited violence and seize power through election. All these actions have seriously endangered national security and undermined HKSAR’s governance. If the institution and system in relation to the implementation of Basic Law are not improved with determination in good time, “One Country, Two Systems,” “Hong Kong people administering Hong Kong”, and the high degree of autonomy will be at risk.

In October 2019, the fourth plenary session of the 19th Central Committee of the Communist Party of China adopted the decision on “upholding the principle of ‘One Country, Two Systems’, maintaining lasting prosperity and stability of Hong Kong and Macao, and promoting the peaceful reunification of China” as one of the notable institutional strengths of the State and governance systems of our Country. This clearly illustrates the Central Authorities’ unwavering determination in upholding the “One Country, Two Systems” principle.

Is improving the electoral system contrary to the aim of selecting the Chief Executive and electing all the Members of the LegCo by universal suffrage in accordance with the principle of gradual and orderly progress as enshrined in the Basic Law?

Since the establishment of the HKSAR, the Central Authorities have genuinely and sincerely supported the development of the democratic system in light of the actual situation of the HKSAR and in accordance with the principle of gradual and orderly progress. The Standing Committee of the NPC has approved further development of the democratic system in HKSAR on three different occasions. However, due to the opposition camp's obstruction, democratic development materialised only once in the past.

In particular, the "8.31 Decision" of the Standing Committee of the NPC in 2014 stipulated that the HKSAR might implement the selection of the Chief Executive by universal suffrage in 2017 in accordance with the requirement as enshrined in Article 45 of the Basic Law in 2017. However, the opposition camp initiated the illegal "Occupy Central Movement" and insisted the adoption of so called "civic nomination" which was contrary to the Article. They also voted down the constitutional development proposal which has since frustrated further democratic development of the HKSAR.

In the wake of the illegal "Occupy Central Movement", the opposition forces have become even more blatant. The radical localists have exploited the loopholes in the electoral system, got elected into the LegCo and paralysed its operation. They initiated the most severe social unrest since the establishment of the HKSAR amid the saga over the proposed legislative amendments to the Fugitive Offenders Ordinance in 2019. If these actual circumstances in Hong Kong are not rectified in good time, national security, social stability and people's livelihood cannot be safeguarded, and the aim of universal suffrage will never be attainable.

The Standing Committee of the NPC's Decision this time has not revised the ultimate aim of attaining universal suffrage in relation to Article 45 and Article 68 of the Basic Law. We strongly believe that improving the electoral system, ensuring "patriots administering Hong Kong" and safeguarding the overall interests of society are conducive to the stable development of Hong Kong's democracy.

Why the steadfast and faithful implementation of "One Country, Two Systems" could only be guaranteed by "patriots administering Hong Kong"? Is there a higher patriotic standard for those who are involved in the administration of HKSAR?

HKSAR is an inalienable part of the People's Republic of China. It is a local administrative region which enjoys a high degree of autonomy and comes directly under the Central People's Government. Sovereignty and jurisdiction are not separable. Only by keeping the authority to administer Hong Kong firmly in the hands of those who love the Country and love Hong Kong can the Central Authorities' overall jurisdiction over the HKSAR be effectively implemented. When Mr. Deng Xiaoping put forward the principles of "One Country, Two Systems", "Hong Kong people administering Hong Kong" and "a high degree of autonomy", he had already made it clear that "Hong Kong people administering Hong Kong" had its scope and criteria, and that is to say Hong Kong should be managed by Hong Kong people, with patriots forming the mainstay. In other words, "patriots administering Hong Kong" has been a central plank to the principle of "One Country, Two Systems" from the very beginning. Ask yourself: is there any country in the world which allows people who do not safeguard national sovereignty, security and development interests to administer a local administrative region within the country? Loyalty to one's country is a politician's most basic political ethics, and a universally applicable and steadfastly upheld principle and standard. As such, "patriots administering Hong Kong" is natural and in line with justice, and allows no ambivalence.

The Chief Executive and the legislators selected through election are the core components of Hong Kong's political structure. Only through the implementation of "patriots administering Hong Kong" can the constitutional order of the HKSAR as set out in the Constitution and the Basic Law be complied with and the "One Country, Two Systems" be implemented steadfastly and faithfully.

People placed in important positions, in possession of important powers and shouldering important governing responsibilities in Hong Kong's political structure must be staunch patriots. They are expected to meet an even higher standard of patriotism, including having a deep understanding of the essence of the principle of "One Country, Two Systems", always being mindful of the fundamental interests of the Country and the overall interests of Hong Kong, as well as being conversant with the faithful application and capable of leveraging the strengths of "One Country, Two Systems".

Are there any detailed and objective criteria for patriots? Does loving our country mean loving the Chinese Communist Party?

As early as in 1984, Mr. Deng Xiaoping clearly articulated that the criteria of patriots are to respect one's own nation, sincerely support the resumption of the exercise of sovereignty over Hong Kong by the Motherland, and not to impair Hong Kong's prosperity and stability.

Article 104 of the Basic Law stipulates that the Chief Executive, principal officials, members of the Executive Council and of the Legislative Council, judges of the courts at all levels and other members of the judiciary must, in accordance with law, "swear to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China" when assuming office. In response to the improper behavior during oath taking by a number of legislators of the Sixth Term of the LegCo, the Standing Committee of the NPC made the Interpretation of Article 104 of the Basic Law in November 2016. The LegCo is now scrutinising the Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Bill 2021 introduced by the HKSAR Government. The Bill specifies the oath taking requirement, the legal requirements and conditions of "upholding the Basic Law and bearing allegiance to the HKSAR", and provides a set of detailed and objective criteria with a positive list and a negative list as prescribed in the law.

The patriots in HKSAR's political structure must always adhere to the principle of "One Country" and respect the differences of "Two Systems". Article 1 of the Constitution of the People's Republic of China clearly stipulates that the socialist system is the fundamental system of the People's Republic of China. Leadership by the Communist Party of China is the defining feature of socialism with Chinese characteristics. It is prohibited for any organisation or individual to damage the socialist system. Patriots must respect and should not attack the fundamental system and characteristics of our Country. Article 5 of the Basic Law stipulates that the socialist system and policies shall not be practised in the HKSAR, and the previous capitalist system and way of life shall remain unchanged for 50 years. As mentioned by President Xi Jinping in his speech at the meeting celebrating the 20th Anniversary of Hong Kong's Return to China and the Inaugural Ceremony of the Fifth-term Government of the HKSAR on 1 July 2017, the Central Authorities should ensure the success of development on the Mainland which practises the socialist system as well as the success of development in Hong Kong which practises the capitalist system.

Adjusting the Election Committee is the core element of improving electoral system this time. It is endowed with the new function of electing 40 legislators and nominating candidates for the LegCo elections. Does it imply that the Central Authorities would like to control the composition of the LegCo?

As pointed out by Mr. Wang Chen, the Vice Chairman of the Standing Committee of the NPC in the Explanation of the Draft Decision, the overarching approach for improving the electoral system of the HKSAR is to enhance the balanced and orderly political participation in the political structure and ensure broader representation in the political structure through the reconstituted Election Committee which is entrusted with the new functions, and creating a Candidate Eligibility Review Committee to ensure that candidates comply with the "patriot" requirement, thereby establishing a new democratic electoral system according to the actual situation of Hong Kong and with Hong Kong characteristics. In the new system, the Election Committee will comprise 1 500 Members from five sectors, thereby enhancing its representation. The number of seats in the LegCo will be increased from 70 to 90 and all of them will be returned by election, thereby upholding HKSAR permanent residents' right to vote and to stand for election.

The Election Committee, being broadly representative, will be composed of representatives from different sectors and classes of Hong Kong community. The broadly representative Election Committee will elect some of the legislators and nominate candidates for the LegCo elections. It will help go beyond the vested interests of specific sectors, specific district and specific groups, which are inadequacies in the existing system, and make the LegCo more representative of the overall interest of Hong Kong.

On the other hand, the broadly representative Election Committee will elect the Chief Executive and some legislators, creating common ground in the electorate of Chief Executive and that of LegCo. It is conducive to the communication between the executive authorities and the legislature as well as the implementation of executive-led governance structure as enshrined in the Basic Law.

Even with the addition of the legislators to be elected by the Election Committee, why can we not adopt a more balanced proportion where Election Committee constituency, functional constituencies and geographical constituencies each sharing 30 seats?

Central Authorities' overall requirements of improving the electoral system are to enhance the balanced and orderly political participation by the community and ensure broader representation in the political structure of Hong Kong. The reconstituted Election Committee is broadly representative, and its composition best demonstrates the balanced and orderly political participation. Mr. Wang Chen, the Vice Chairman of the Standing Committee of the NPC, has pointed out in the Explanation on the Draft Decision that the Election Committee will be entrusted with the new function of electing a larger proportion of legislators. The arrangement that the Election Committee elects 40 out of 90 legislators will help meet the objective of going beyond the vested interests of various groups and districts, which in turn helps the LegCo reflect the overall interests of the Hong Kong society and enhance efficacy of the HKSAR's administration.

Having the Election Committee playing a larger role in the LegCo does not mean that the interests of particular sectors or districts would be ignored. According to the amended Annex II to the Basic Law, the passage of bills and motions introduced by the Government shall require at least a simple majority vote of the Members of the LegCo present. Sole reliance on the 40 votes of the Election Committee will not secure passage of a Government motion. As regards motions and bills introduced by individual Members of the LegCo, a simple majority vote of each of the two groups of Members present is required. Therefore, the 50 Members returned by functional constituencies and by geographical constituencies through direct elections are in effect holding the veto power for such motions and bills. In other words, even if the 40 Members of the Election Committee constituencies are unanimous, both Government's and Member's motions can only be passed with the support of Members returned by functional constituencies and those returned by geographical constituencies through direct elections, ensuring that diverse views are attached importance.

Why is the proportional representation system adopted in returning legislators by geographical constituencies through direct elections replaced by a "double seats and single vote" system? Is this not a retrogression in democracy and is it intended to favour the pro-establishment camp?

Currently, the direct elections of geographical constituencies adopt the largest remainder method under the proportional representation system. Its merit is that it prevents the dominance of a single party while its drawback is that it leads to fragmentation of political parties. Some radical candidates may make use of demagogical, extreme methods to appeal to a small proportion of voters and gain seats in the LegCo, making it hugely challenging for the executive authorities to work with the legislature. It also renders the political ecology more radical, which is not conducive to the stability of Hong Kong. The system of "double seats and single vote" will help ensure the stability of district politics and be beneficial to political parties' long-term development. Under the "double seats and single vote" system, Hong Kong permanent residents' rights to vote and to stand for election remain unaffected.

In selecting which political system to adopt, protection of any particular political camp has never been a deciding factor. Theoretically, the two camps face the same challenges and have equal chance in gaining seats in the LegCo under the system of "double seats and single vote". A fair electoral system allows for a more broadly representative legislature that can reflect public opinion in a balanced manner. Within the overall framework of checks and balances, the legislature can also cooperate with the executive authorities, thereby attaining better governance. The system of "double seats and single vote" is better suited to achieve these objectives.

Why does the reconstituted Election Committee exclude district councillors who are elected by the public through direct elections?

District Councils are not organs of political power as stipulated in Article 97 of the Basic Law. They should tender advice to the Government on district administration, including provision of services in such fields as culture, recreation and environmental sanitation, and work for the well-being of all the residents in the district. It is however apparent in recent years that District Councils have become politics-driven platforms and been turned into anti-China and anti-government bridgeheads hampering the governance of the HKSAR. District Council elections have bred politicisation and extremism, and as a result these district organisations have deviated from their original non-political nature and status, and are on the verge of breaking down, causing public grievances. If District Councillors are given certain seats in the Election Committee and the LegCo, the loopholes in the electoral system will continue to exist.

The amended Annex I to the Basic Law by the Standing Committee of the NPC adds grassroots associations (60 seats) and clansmen associations (60 seats), representatives of committees which are genuinely concerned about local affairs in Hong Kong and Kowloon (76 seats) and in the New Territories (80 seats). In so doing, the Election Committee will have a broader representation and accord with the actual situation of Hong Kong, and can better attend to the overall interests of the Hong Kong society.

Individual electors of the professional subsectors of the reconstituted Election Committee will be replaced by eligible bodies, resulting in a substantial shrinkage of electorate of the professional sectors. Nevertheless, individuals remain the electorates of professional functional constituencies of the LegCo. What are the justifications of the differential treatment?

The Members of the ten subsectors under the professional sector of the Election Committee, be they ex-officio Members, nominated Members or elected Members, are all person-in-charge or representatives of organisations which are closely associated with and representative of the respective profession. It not only gives due regard to the actual situation of Hong Kong under which these statutory bodies, organisations and committees have been established for years, but also meets the requirement of a broadly representative Election Committee.

As regards the professional functional constituencies in the LegCo, we respect that their electorates have all along been the eligible electors who have professional registration status, hence the retention of the feature.

In fact, the core change in the improvement to the electoral system this time round is the Election Committee's size, composition, function and formation method. The changes to the functional constituencies in the LegCo are relatively minor.

Is improving the electoral system tailor-made for the pro-establishment camp with the aim to exclude the opposition camp from the LegCo?

No. Patriotism is not the monopoly of any specific groups. Whoever meets the requirements and criteria of patriots, irrespective of whether they are pro-establishment or opposition, or whether they are conservatives or democrats, can participate in elections in accordance with the law and serve the Hong Kong public by entering into the governance structure of HKSAR. Officials of the Central Authorities have reiterated that “patriots administering Hong Kong” does not aim to promote homogeneity in the politics of Hong Kong. Not all members of the opposition camp should be regarded as anti-China and destabilising forces. There can be patriots in the pan-democratic camp who can still stand for election and be elected in accordance with the law.

As a matter of fact, the Central Authorities have all along been very tolerant and considerate of the situation in Hong Kong and the stance of some Hong Kong people. They have never demanded people to “speak with one voice”. President Xi Jinping said, at the meeting celebrating the 20th Anniversary of Hong Kong’s Return to the Motherland and the Inaugural Ceremony of the Fifth-term Government of the HKSAR, that “Hong Kong is a plural society. So it comes as no surprise that there are different views and even major differences on some specific issues. However, making everything political or deliberately creating differences and provoking confrontation will not resolve the problems. On the contrary, it can only severely hinder Hong Kong’s economic and social development”. President Xi clearly stated that “on the part of the Central Government, we are ready to talk to anyone who loves the Country, loves Hong Kong and genuinely supports the principle of ‘One Country, Two Systems’ and the Basic Law of the HKSAR, no matter what political views or position he or she may hold”.

One of the objectives of improving the electoral system is to enhance the efficacy of the HKSAR Government’s governance. Does it mean that the LegCo will become a rubber stamp in future?

No. The LegCo has the checks and balances function and it is monitored by the public. As long as legislators love the Country and Hong Kong, safeguard the national sovereignty, security and development interest, do not impair Hong Kong’s stability and prosperity, they are allowed to be critical of the Government and fulfil their constitutional function and achieve good governance for the public good. In fact, before the LegCo had deteriorated to become so much embroiled with antagonistic politics, the executive authorities were always willing and able to exchange views and cooperate with legislators who had different political stances, such that policies formulated were more in line with public aspirations. Improving the electoral system would actually help the LegCo restore its function as a platform for rational interaction between the executive authorities and the legislature which will enhance efficacy of governance.

With an improved LegCo, the number of legislators will increase from 70 to 90. In terms of composition, legislators returned by Election Committee elections, functional constituencies elections and geographical constituencies elections will make the LegCo wider in coverage, more balanced, more diverse in views and more representative.

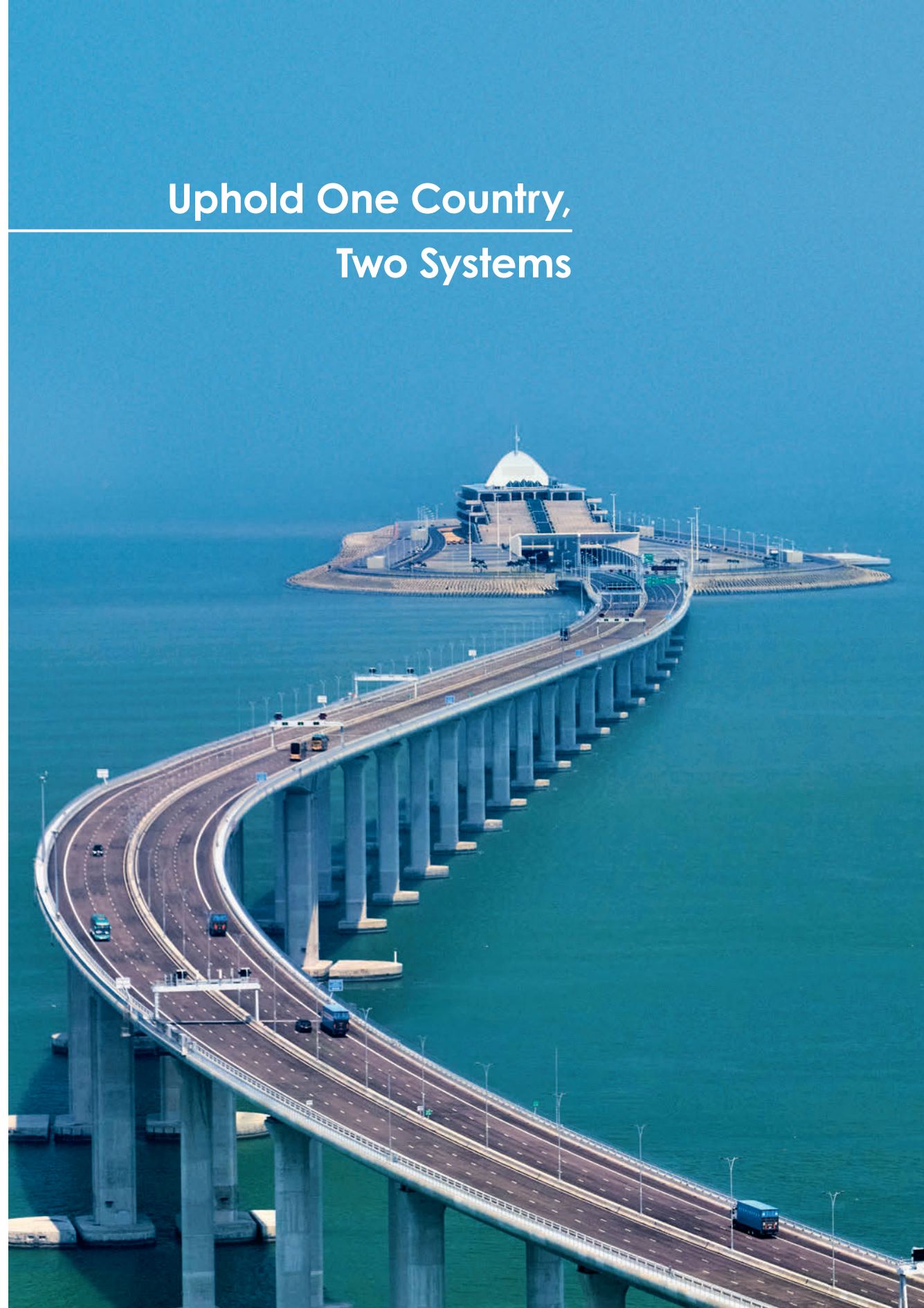
The establishment of the Candidate Eligibility Review Committee to “screen out” candidates will diminish electors’ choices considerably. Also, it is stipulated that the Candidate Eligibility Review Committee’s decision made pursuant to the opinion given by the Committee on National Security is not subject to any judicial proceedings. People who are not allowed to stand for election will then have no chance to appeal. Does this violate the principle of fair and just opportunities to stand for election?

First of all, it is the common practice of many countries in the world that people running for public offices have to undergo an assessment which covers national security. It is the most basic ethical and legal requirement for politicians. Under the existing electoral system in Hong Kong, candidates are already required to confirm in writing to uphold the Basic Law and swear allegiance to the HKSAR in accordance with the law. Returning Officers will then decide whether the candidates meet the eligibility requirement, including whether they are satisfied that the candidates genuinely uphold the Basic Law and swear allegiance to the HKSAR.

The newly established Candidate Eligibility Review Committee will take over the function from Returning Officers in determining candidates’ eligibility in accordance with the law, the purpose of which is to exclude anti-China and destabilising forces from the governance structure of the HKSAR. It is the institutional safeguard of implementing “patriots administering Hong Kong” and has nothing to do with candidates’ political stance or belief.

Article 14 of National Security Law stipulates that information relating to the work of the Committee on National Security shall not be subject to disclosure, and decisions made by the Committee shall not be amenable to judicial review. In this connection, if the Candidate Eligibility Review Committee makes a decision based on the opinion given by the Committee on National Security, by the same token its content should not be subject to disclosure and the determination should not be subject to any judicial proceedings.

Uphold One Country, Two Systems





Secure Hong Kong's Long-term Stability

