China adopts decision to improve Hong Kong electoral system

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The National People's Congress (NPC), China's top legislature, on Thursday (11/3/2021) adopted a decision on improving the electoral system of the Hong Kong Special Administrative Region (HKSAR).

The decision was passed by an overwhelming majority vote at the fourth session of the 13th NPC.

The decision is another major step taken by the state to improve the HKSAR's legal and political systems since the Law on Safeguarding National Security in the HKSAR was adopted in June 2020.

While deliberating a draft of the decision, the NPC session was of the view that the return of Hong Kong to the motherland put the region once again under the overall governance system of the country, and China's Constitution and the Basic Law of the HKSAR jointly form the constitutional basis of the HKSAR.

The electoral system of the HKSAR, which includes the methods for the selection of the Chief Executive and for the formation of the Legislative Council (LegCo), is an important part of the political structure of the HKSAR.

The electoral system should conform to the policy of "one country, two systems," meet the realities in the HKSAR and serve to ensure that Hong Kong is administered by people who love the country and love Hong Kong.

The electoral system should be conducive to safeguarding China's national sovereignty, security, and development interests and help maintain the long-term prosperity and stability of Hong Kong.

The NPC made the decision for the purpose of improving the electoral system of the HKSAR and developing a democratic system suited to the HKSAR's realities, in accordance with China's Constitution, the HKSAR Basic Law and the Law on Safeguarding National Security in the HKSAR.

The decision has nine articles:

- Improving the electoral system of the HKSAR must fully and faithfully implement the policy of "one country, two systems" under which the people of Hong Kong administer Hong Kong with a high degree of autonomy, uphold the constitutional order in the HKSAR as established by the Constitution and the Basic Law, ensure the administration of Hong Kong by Hong Kong people with patriots as the main body, effectively improve the governance efficacy of the HKSAR, and safeguard the right to vote and the right to stand for election of permanent residents of the HKSAR.

- The HKSAR shall establish an Election Committee which is broadly representative, suited to the HKSAR's realities, and representative of the overall interests of its society. The Election Committee shall be responsible for electing the Chief Executive designate and part of the members of the LegCo. The Election Committee shall also be responsible for nominating candidates for the Chief Executive and LegCo members, as well as for other matters. The Election Committee shall be composed of 1,500 members from the following five sectors: industrial, commercial and financial sectors; the professions; grassroots, labour, religious and other sectors; LegCo members and representatives of district organizations; Hong Kong deputies to the NPC, Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference and representatives of Hong Kong members of related national organizations.

- The Chief Executive shall be elected by the Election Committee and appointed by the Central People's Government. Candidates for the office of the Chief Executive shall be nominated jointly by not less than 188 members of the Election Committee, among whom the number of members of each sector should be not less than 15. The Election Committee shall elect the Chief Executive designate by secret ballot on a one-person-one-vote basis. The election of the Chief Executive designate shall require a simple majority vote of all the members of the Election Committee.

- The LegCo of the HKSAR shall be composed of 90 members in each term. Members of the LegCo shall include members returned by the Election Committee, those returned by functional constituencies, and those by geographical constituencies through direct elections.

- A candidate qualification review committee of the HKSAR shall be established.

The committee shall be responsible for reviewing and confirming the qualifications of candidates for the Election Committee members, the Chief Executive, and the LegCo members. The HKSAR shall improve the system and mechanisms related to qualification review, to ensure that the qualifications of candidates are in conformity with the Basic Law, the Law on Safeguarding National Security in the HKSAR, the NPC Standing Committee's interpretation of Article 104 of the Basic Law, the NPC Standing Committee's decision on the qualification of HKSAR LegCo members, and provisions of relevant local laws of the HKSAR.

- The NPC Standing Committee is authorized to, in accordance with the decision on improving the electoral system of the HKSAR, amend Annex I: Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region and Annex II: Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures, to the Basic Law.

- In accordance with the decision and the Basic Law's Annex I and Annex II amended by the NPC Standing Committee, the HKSAR shall amend relevant local laws, and organize and regulate election activities accordingly.

- The Chief Executive of the HKSAR shall submit in a timely manner reports to the Central People's Government on relevant important situations including the institutional arrangements for elections of the HKSAR and the organization of the elections.

- The decision shall go into effect as of the date of promulgation.