Improving Hong Kong’s Electoral System

The 13th National People’s Congress (NPC) adopted a Decision on March 11, 2021 on improving the electoral system of the Hong Kong Special Administrative Region (HKSAR).

Background

In recent years, Hong Kong has faced unprecedented challenges that have risked undermining the “one country, two systems” principle and have revealed loopholes and deficiencies in Hong Kong’s electoral system. Groups advocating “Hong Kong independence”, organising resistance against the governance of the Central Authorities, and even colluding with external elements to stir up disorder in society have placed Hong Kong’s stability and prosperity at risk.

If people who oppose the Central Authorities’ overall jurisdiction over the HKSAR and disregard the law and order of Hong Kong enter the political system of the HKSAR through elections, they may harm Hong Kong’s prosperity and stability and place “one country, two systems” in jeopardy. This may undermine the fundamental principle of safeguarding national sovereignty, security and development interests of the country. The Decision aims to preserve the prosperity and stability of Hong Kong under the “one country, two systems” principle.

Improve the Electoral System

- The political structure of the HKSAR, of which the electoral system is an essential component, is the prerogative of the Central Authorities. The Decision is fully constitutional and legal.
- The electoral system of the HKSAR, including the methods for selecting the Chief Executive and for forming the Legislative Council (LegCo), must strictly follow and fully reflect the principle and criterion of the administration of Hong Kong by Hong Kong people with patriots as the main body.
- The improvements to the electoral system are designed to ensure that whoever is administering Hong Kong is patriotic.

Patriots Administering Hong Kong

- The principle of “patriots administering Hong Kong” is fundamental to safeguarding national sovereignty, security, development interests, as well as maintaining the long-term prosperity and stability of Hong Kong.
- The electoral system shall serve to ensure that Hong Kong is administered by people who love the country and love Hong Kong.
- The criteria for a patriot are to respect the Chinese 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 addition to the Chief Executive and officials working in the executive authorities, “persons administering Hong Kong” includes members of the legislature, judges in the Judiciary, members of district organisations which are not organs of political power, i.e. District Councils, as well as civil servants.

The Decision

The NPC adopted the Decision in accordance with China’s Constitution, the Basic Law of the HKSAR and the Law on Safeguarding National Security in the HKSAR. The Decision comprises 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 organisations; 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 organisations.

- 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 (NPCSC)’s interpretation of Article 104 of the Basic Law, the NPCSC’s Decision on the qualification of HKSAR LegCo members, and provisions of relevant local laws of the HKSAR.

- The NPCSC is authorised 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 HKSAR and Annex II: Method for the Formation of the Legislative Council of the HKSAR 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 NPCSC, the HKSAR shall amend relevant local laws, and organise 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 organisation of the elections.

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

Constitutional Development

- Article 45 and Article 68 of the Basic Law, which refer to the election of the Chief Executive and LegCo members respectively, have not been changed.

- Taking into account Hong Kong’s actual situation, in a gradual and orderly manner, the HKSAR can move forward and achieve the ultimate aim of universal suffrage in the selection of the Chief Executive and in forming the LegCo in future.

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