

# HKSAR Government supports Returning Officers' decisions to invalidate certain nominations for Legislative Council General Election

The Hong Kong Special Administration Region (HKSAR) Government today (July 30) agrees with and supports the decisions of Returning Officers to invalidate 12 nominees for this year's Legislative Council (LegCo) General Election. The HKSAR Government notes that Returning Officers clearly state that, in determining the validity of nominations, the core question is whether the nominee has complied with the declaration requirement under section 40(1)(b)(i) of the Legislative Council Ordinance (Cap.542), i.e. to uphold the Basic Law (BL) and pledge allegiance to the HKSAR of the People's Republic of China (PRC).

Under section 40(1)(b)(i) of the Legislative Council Ordinance, nominees for LegCo elections must submit the nomination form in accordance with the statutory nomination procedures. The nomination form must include a signed declaration to the effect that the person will uphold the BL and pledge allegiance to the HKSAR of the PRC.

Returning Officers have pointed out that, making reference to the HKSAR Court of First Instance's judgment on the Chan Ho Tin case, an intention to uphold the BL in the context of the section 40(1)(b)(i) declaration denotes not just compliance with it, but also an intention to support, promote, and embrace it (paragraphs 132(1) and 142 of the judgment).

The HKSAR Government reiterates that upholding the BL is a fundamental constitutional duty of every LegCo Member. People having the following behaviours could not genuinely uphold the BL and could not therefore perform the duties of a LegCo Member, i.e. advocating or promoting Hong Kong independence, self-determination or changing the system of the HKSAR by supporting Hong Kong independence as an option for self-determination; soliciting intervention by foreign governments or political authorities in relation to the HKSAR's affairs; expressing an objection in principle to the enactment of the National Security Law by the Standing Committee of the National People's Congress and its subsequent promulgation as a national law listed in Annex III to the BL; expressing an intention to exercise the functions of a LegCo Member by indiscriminately voting down any legislative proposals, appointments, funding applications and budgets introduced by the HKSAR Government after securing a majority in the LegCo so as to force the Government to accede to certain political demands; and refusal to recognise the PRC's exercise of sovereignty over the HKSAR and the HKSAR's constitutional status as a local administrative region of the PRC.

The HKSAR Government states that the nominations of these 12 nominees have been invalidated by Returning Officers since these nominations are not

in compliance with the requirement under the Legislative Council Ordinance. Returning Officers are still reviewing the validity of other nominations according to the laws. We do not rule out the possibility that more nominations would be invalidated. The decisions of Returning Officers aim to ensure that the Election is held in strict accordance with the BL and other applicable laws in an open, honest and fair manner. There is no question of any political censorship, restriction of the freedom of speech or deprivation of the right to stand for elections as alleged by some members of the community. The HKSAR Government fully supports Returning Officers in the discharge of statutory duties in accordance with the laws. Any insults and threats targeting Returning Officers will not be tolerated. The Office of the Privacy Commissioner for Personal Data and law enforcement agencies including the Police will follow up on such hostile behaviours.

The HKSAR Government respects and safeguards the lawful rights of Hong Kong people, including the right to vote and the right to stand for elections. It also has a duty to implement and uphold the BL and ensure that all elections will be conducted in accordance with the BL and relevant electoral laws.