

Improving Electoral System (Consolidated Amendments) Bill 2021 gazetted today

The Improving Electoral System (Consolidated Amendments) Bill 2021 (the Bill) was published in the Gazette today (April 13).

On March 11, 2021, the National People's Congress (NPC) passed the Decision of the NPC on Improving the Electoral System of the Hong Kong Special Administrative Region (the Decision) and authorised the Standing Committee of the National People's Congress (NPCSC) to amend Annex I to the Basic Law on Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region and Annex II to the Basic Law on Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures. The NPCSC on March 30 adopted the amended Annex I and Annex II to the Basic Law.

Pursuant to the Decision, the Hong Kong Special Administrative Region (HKSAR) Government shall, according to the Decision and the amended Annexes I and II to the Basic Law, amend the relevant local legislation and organise and regulate the relevant electoral activities in accordance with the law. According to the amended Annexes I and II to the Basic Law, the specific election or formation methods of the Chief Executive (CE), the Election Committee (EC) and the Legislative Council (LegCo), including matters such as the delineation of eligible corporate electors of the relevant Election Committee Subsectors (ECSSs) or Functional Constituencies (FCs), the delineation of Geographical Constituencies (GCs), the nomination method and the voting method, shall be prescribed by the HKSAR by means of electoral law. It is therefore incumbent upon the HKSAR Government to implement the new electoral system that accords with the actual situation in Hong Kong by way of local legislation.

In addition, it is also necessary to amend the relevant electoral legislation so as to implement a host of improvement measures for public elections.

The Bill mainly comprises the following six key areas of amendments:

- (1) reconstituting the EC, introduction of oath-taking requirement and related matters;
- (2) providing for the method for selecting the CE and related matters;
- (3) updating the composition and formation of the LegCo;
- (4) updating the eligibility of becoming candidates in CE elections, ECSS elections and LegCo elections, and establishing the Candidate Eligibility Review Committee;

(5) amending the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) to regulate in accordance with the law acts that manipulate or sabotage elections; and

(6) implementing a host of measures to improve the electoral arrangements, which include implementing electronic poll register, enhancing the inspection and compilation of the registers of electors, setting up a special queue for electors in need in public elections, empowering the Chief Electoral Officer to require schools and non-government organisations receiving grants from the Government to make available their premises for use as polling station(s) and/or counting station(s) in public elections, and lifting the requirement of withholding financial assistance payable until disposal of election petitions arising from LegCo and District Council elections.

A Government spokesman said, "This legislative exercise seeks to implement the Decision adopted by the NPC and the Annexes I and II to the Basic Law amended by the NPCSC. This fully reflects the Government's underlying notions and principles of upholding the constitutional order established by the Constitution and the Basic Law, as well as of rule of law. We are confident that improving the electoral system can ensure that Hong Kong can stay true to the original aspiration in implementing the principle of 'one country, two systems' and get Hong Kong back on the right track. It is only by putting in place institutional safeguards to ensure 'patriots administering Hong Kong' that the principle of 'one country, two systems' can be fully and faithfully applied in the HKSAR, which is conducive to the long-term prosperity and stability of the city."

The Government spokesman added that the Bill will be introduced into the LegCo for first reading and second reading tomorrow (April 14). The Government will fully complement the work of the LegCo in scrutinising the Bill to strive for its early passage so as to kick start the extensive preparatory work for the elections.