

Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021 comes into effect today

The Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021 (the Ordinance) has been published in the Gazette and comes into effect today (May 21).

The Ordinance seeks to implement the oath-taking requirements for public officers as stipulated in the Interpretation of Article 104 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China as endorsed by the Standing Committee of the National People's Congress on November 7, 2016, and Article 6 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, thereby fulfilling the Hong Kong Special Administrative Region (HKSAR) Government's constitutional responsibility.

The Ordinance clearly explains the meaning of a reference to "upholding Basic Law and bearing allegiance to HKSAR"; introduces the oath-taking requirement for members of the District Councils (DC); specifies oath-taking requirements; standardises the arrangement of oath administrators; enhances the mechanism to deal with breaching of oaths; and introduces restrictions on participation in public elections for related situations.

"Upholding Basic Law and bearing allegiance to HKSAR" is a fundamental obligation and responsibility of public officers. The Ordinance further ensures that the public officers understand their constitutional responsibility, and safeguards that only a person who meets the fundamental requirement of "upholding Basic Law and bearing allegiance to HKSAR" could hold the relevant public office.

A Government spokesman said, "The Ordinance is important and conducive to upholding the constitutional order of the HKSAR, ensuring 'Hong Kong being administered by patriots', and would contribute to the steadfast and successful implementation of the 'one country, two systems' principle."

The relevant bureaux and departments of the Government will implement the relevant oath-taking requirements, including the taking of oaths by DC members, in accordance with the Ordinance.