

## Explanations on the Draft Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region

关于《全国人民代表大会关于完善香港特别行政区选举制度的决定（草案）》的说明

## Political Parties From Around the World Express Their Opposition to the Interference in Other Countries' Internal Affairs Under the Pretext of Human Rights

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# Explanations on the Draft Decision of the National People's Congress on Improving The Electoral System of the Hong Kong Special Administrative Region

## 关于《全国人民代表大会关于完善香港特别行政区选举制度的决定（草案）》的说明

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Deputies,

Entrusted by the Standing Committee of the National People's Congress (NPC), I hereby make the following explanations about the Draft Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region (SAR).

### I. The imperative and importance of improving the electoral system of the Hong Kong SAR

The return of Hong Kong to the motherland put the region once again under the overall governance system of the country. The Constitution of the People's Republic of China and the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China jointly form the constitutional basis of the Hong Kong SAR. The electoral system of the Hong Kong SAR, which includes the methods for the selection of the Chief Executive and for the formation of the Legislative Council, is an

各位代表：

我受全国人大常委会的委托，作关于《全国人民代表大会关于完善香港特别行政区选举制度的决定（草案）》的说明。

### 一、完善香港特别行政区选举制度的必要性和重要性

香港回归祖国后重新纳入国家治理体系，《中华人民共和国宪法》和《中华人民共和国香港特别行政区基本法》共同构成香港特别行政区的宪制基础。香港特别行政区实行的选举制度包括行政长官的产生办法和立法会的产生办法，是香港特别行政区政治体制的重要组成部分，应

important part of the political structure of the Hong Kong SAR. The electoral system should conform to the policy of One Country, Two Systems, meet the realities in the Hong Kong SAR and serve to ensure “patriots administering Hong Kong”. It 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. Since Hong Kong’s return, the State has all along fully and faithfully implemented the policy of One Country, Two Systems under which the people of Hong Kong administer Hong Kong with a high degree of autonomy, and has run Hong Kong affairs according to law, upheld the constitutional order in the Hong Kong SAR as established by the Constitution and the Basic Law, supported the development of democracy in the SAR and guaranteed the exercise of democratic rights by residents of the SAR in accordance with the law. However, it must be noted that in recent years, especially after the turbulence over the amendment bill in 2019, anti-China, destabilizing forces and radical localists in Hong Kong have openly called for “Hong Kong independence”. They used the electoral platforms of the Hong Kong SAR and the deliberation platforms of the Legislative Council and the District Councils or their position as public servants to blatantly carry out anti-China and destabilizing activities. They resorted to every possible means to paralyze the functioning of the Legislative Council and obstruct the law-based administration of the SAR government. They masterminded and perpetrated the so-called “primary election”, in an attempt to obtain a majority in the Legislative Council so that they could step further to grab the power to administer Hong Kong. Some foreign countries and external forces, by way of their own legislative bills or administrative means and through their consular agencies and NGOs in the Hong Kong SAR and other channels, blatantly meddled with Hong Kong affairs. They also grossly imposed so-called “sanctions” on the relevant Chinese personnel and flagrantly emboldened and covered those anti-China, destabilizing forces in Hong Kong. These activities seriously jeopardized the constitutional order and the order of rule of law in the Hong Kong SAR. They posed a grave challenge to the authority of the Constitution, the Basic Law and the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong SAR. Such activities put China’s national sovereignty, security and development interests into serious jeopardy and severely disrupted social stability of the Hong Kong SAR. They must be resolutely opposed, and forceful measures must be taken to prevent and defuse risks arising therefrom.

The rioting and turbulence that occurred in the Hong Kong society reveals that the existing electoral system in the Hong Kong SAR has clear loopholes and deficiencies, which the anti-China, destabilizing elements jumped on to take into their hands the power to administer the SAR. To remedy the situation, it is important to take necessary steps to improve the electoral system and remove existing institutional deficiencies and risks to ensure the administration of Hong Kong by Hong Kong people with patriots as the main body. This in turn will ensure effective and law-based administration in the SAR and keep the implementation of One Country, Two Systems always on the right track.

Back in June 1984, Mr. Deng Xiaoping pointed out that there must be “some requirements or qualifications with regard to the

当符合“一国两制”方针，符合香港特别行政区实际情况，确保“爱国者治港”，有利于维护国家主权、安全、发展利益，保持香港长期繁荣稳定。香港回归以来，国家始终坚持全面准确贯彻落实“一国两制”、“港人治港”、高度自治的方针，坚持依法治港，维护宪法和香港基本法确定的香港特别行政区宪制秩序，支持香港特别行政区民主发展，保障香港特别行政区居民依法行使民主权利。同时必须看到，近几年来，特别是2019年香港发生“修例风波”以来，反中乱港势力和本土激进分离势力公然鼓吹“港独”等主张，通过香港特别行政区选举平台、立法会和区议会议事平台或者利用有关公职人员身份，肆无忌惮进行反中乱港活动，极力瘫痪香港特别行政区立法会运作，阻挠香港特别行政区政府依法施政；策划并实施所谓“预选”，妄图通过选举掌控香港立法会主导权，进而夺取香港管治权；一些外国和境外势力通过立法、行政等方式和驻港领事机构、非政府组织等渠道公然干预香港事务，对我国有关人员粗暴进行所谓“制裁”，明目张胆为香港反中乱港势力撑腰打气、提供保护伞。这些行为和活动，严重损害香港特别行政区的宪制秩序和法治秩序，严重挑战宪法、香港基本法和香港国安法权威，严重危害国家主权、安全、发展利益，严重破坏香港社会大局稳定，必须予以坚决反对并采取有力措施防范和化解风险。

香港社会出现的一些乱象表明，香港特别行政区现行的选举制度机制存在明显的漏洞和缺陷，为反中乱港势力夺取香港特别行政区管治权提供了可乘之机。为此，必须采取必要措施完善香港特别行政区选举制度，消除制度机制方面存在的隐患和风险，确保以爱国者为主体的“港人治港”，确保在香港特别行政区依法施政和有效治理，确保香港“一国两制”实践始终沿着正确方向前进。

早在1984年6月，邓小平同志就明确指出：“港人治港有个界线和标准，就是必须由以爱国者为主体的港人来治理香港。”“什么叫爱国者？爱国者的标准是，尊重自己民族，诚心诚意拥护

administration of Hong Kong affairs by the people of Hong Kong. It must be required that patriots form the main body of administrators". According to him, "A patriot is one who respects the Chinese nation, sincerely supports the motherland's resumption of exercise of sovereignty over Hong Kong, and wishes not to impair Hong Kong's prosperity and stability". Hong Kong has been a Chinese territory since ancient times. The Hong Kong SAR is an inalienable part of the People's Republic of China, a local administrative region with a high degree of autonomy that directly comes under the Central People's Government. "Patriots administering Hong Kong" is a necessary requirement of the One Country, Two Systems policy. All provisions in the Basic Law regarding Hong Kong's Chief Executive and those working in the executive authorities, the legislature and the judiciary reflect the principle of Hong Kong people administering Hong Kong with patriots as the main body. It is stipulated that the Chief Executive, principal officials, members of the Executive Council and of the Legislative Council, judges of the courts at all levels and other members of the judiciary in the Hong Kong SAR must uphold the Basic Law of the Hong Kong SAR and swear allegiance to the Hong Kong SAR of the People's Republic of China. In a decision released in October 2019, the fourth plenary session of the 19th Communist Party of China (CPC) Central Committee called for upholding and improving the system and institutions of One Country, Two Systems, improving the SAR's institutions and mechanisms related to the implementation of the Constitution and the Basic Law, and upholding the administration of Hong Kong by Hong Kong people with patriots as the main body. On January 27, 2021, when listening to a 2020 work report from Chief Executive of the Hong Kong SAR, President Xi Jinping noted that Hong Kong's major shift from chaos to stability once again testifies to the unfailing truth that to ensure the steady practice of One Country, Two Systems in Hong Kong in the long run, we must always uphold the principle of "patriots administering Hong Kong". This is a fundamental principle crucial to the sovereignty, security and development interests of our country and crucial to the sustained prosperity and stability of Hong Kong. Only when the principle of "patriots administering Hong Kong" is observed can the Central Authorities' overall jurisdiction over the SAR be effectively implemented, the constitutional order as established by the Constitution and the Basic Law be effectively maintained, and the various deep-seated problems be effectively resolved. Only in this way can Hong Kong achieve durable stability and make its due contributions to realizing national rejuvenation. The electoral system of the Hong Kong SAR, including the methods for the selection of the Chief Executive and for the formation of the Legislative Council, must strictly follow and fully reflect the political principle and criterion of the administration of Hong Kong by Hong Kong people with patriots as the main body and provide institutional safeguards for this purpose.

## II. Overall requirements, important principles, basic approach, and the way to proceed for improving the electoral system of the Hong Kong SAR

The overall requirements for improving the electoral system of the Hong Kong SAR are: following the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New

祖国恢复行使对香港的主权，不损害香港的繁荣和稳定。”香港自古以来就是中国的领土，香港特别行政区是中华人民共和国不可分离的部分，是中华人民共和国的一个享有高度自治权的地方行政区域，直辖于中央人民政府。“爱国者治港”是“一国两制”方针的应有之义。香港基本法关于香港特别行政区行政长官以及行政机关、立法机关、司法机关组成人员的规定，贯穿着由以爱国者为主体的港人治港的原则，要求行政长官、主要官员、行政会议成员、立法会议员、各级法院法官和其他司法人员都必须拥护中华人民共和国香港特别行政区基本法，效忠中华人民共和国香港特别行政区。2019年10月，党的十九届四中全会《决定》提出，坚持和完善“一国两制”制度体系，完善特别行政区同宪法和基本法实施相关的制度和机制，坚持以爱国者为主体的“港人治港”。2021年1月27日，习近平主席在听取香港特别行政区行政长官2020年度述职报告时强调，香港由乱及治的重大转折，再次昭示了一个深刻道理，那就是要确保“一国两制”实践行稳致远，必须始终坚持“爱国者治港”；这是事关国家主权、安全、发展利益，事关香港长期繁荣稳定的根本原则；只有做到“爱国者治港”，中央对特别行政区的全面管治权才能得到有效落实，宪法和基本法确立的宪制秩序才能得到有效维护，各种深层次问题才能得到有效解决，香港才能实现长治久安，并为实现中华民族伟大复兴作出应有的贡献。香港特别行政区实行的选举制度，包括行政长官的产生办法和立法会的产生办法，必须切实贯彻和全面体现以爱国者为主体的“港人治港”的政治原则和标准并为此提供相应的制度保障。

### 二、完善香港特别行政区选举制度的总体要求、重要原则、基本思路 and 推进方式

完善香港特别行政区选举制度的总体要求是，坚持以习近平新时代中国特色社会主义思想为指导，全面贯彻党的十九大和十九届二中、三中、四中、五中全会精神，坚持和完善“一国两