

# **OFFICIAL RECORD OF PROCEEDINGS**

**Wednesday, 14 April 2021**

**The Council met at half-past Twelve o'clock**

## **MEMBERS PRESENT:**

THE PRESIDENT

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.M., G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, G.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, G.B.S., J.P.

THE HONOURABLE STARRY LEE WAI-KING, S.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN, B.B.S., J.P.

THE HONOURABLE CHAN KIN-POR, G.B.S., J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, S.B.S., J.P.

THE HONOURABLE WONG KWOK-KIN, S.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN, B.B.S.

THE HONOURABLE FRANKIE YICK CHI-MING, S.B.S., J.P.

THE HONOURABLE YIU SI-WING, B.B.S.

THE HONOURABLE MA FUNG-KWOK, G.B.S., J.P.

THE HONOURABLE CHAN HAN-PAN, B.B.S., J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, S.B.S., M.H., J.P.

THE HONOURABLE ALICE MAK MEI-KUEN, B.B.S., J.P.

THE HONOURABLE KWOK WAI-KEUNG, J.P.

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, S.B.S., J.P.

THE HONOURABLE ELIZABETH QUAT, B.B.S., J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, G.B.S., J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.

DR THE HONOURABLE CHIANG LAI-WAN, S.B.S., J.P.

IR DR THE HONOURABLE LO WAI-KWOK, S.B.S., M.H., J.P.

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE JIMMY NG WING-KA, B.B.S., J.P.

DR THE HONOURABLE JUNIUS HO KWAN-YIU, J.P.

THE HONOURABLE HOLDEN CHOW HO-DING

THE HONOURABLE SHIU KA-FAI, J.P.

THE HONOURABLE WILSON OR CHONG-SHING, M.H.

THE HONOURABLE YUNG HOI-YAN, J.P.

DR THE HONOURABLE PIERRE CHAN

THE HONOURABLE CHAN CHUN-YING, J.P.

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE LUK CHUNG-HUNG, J.P.

THE HONOURABLE LAU KWOK-FAN, M.H.

THE HONOURABLE KENNETH LAU IP-KEUNG, B.B.S., M.H., J.P.

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE VINCENT CHENG WING-SHUN, M.H., J.P.

THE HONOURABLE TONY TSE WAI-CHUEN, B.B.S., J.P.

## **PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.M., G.B.S., J.P.

CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE PAUL CHAN MO-PO, G.B.M., G.B.S., M.H., J.P.  
FINANCIAL SECRETARY

THE HONOURABLE WONG KAM-SING, G.B.S., J.P.  
SECRETARY FOR THE ENVIRONMENT

DR THE HONOURABLE LAW CHI-KWONG, G.B.S., J.P.  
SECRETARY FOR LABOUR AND WELFARE

THE HONOURABLE FRANK CHAN FAN, J.P.  
SECRETARY FOR TRANSPORT AND HOUSING

PROF THE HONOURABLE SOPHIA CHAN SIU-CHEE, J.P.  
SECRETARY FOR FOOD AND HEALTH

THE HONOURABLE EDWARD YAU TANG-WAH, G.B.S., J.P.  
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE KEVIN YEUNG YUN-HUNG, J.P.  
SECRETARY FOR EDUCATION

THE HONOURABLE PATRICK NIP TAK-KUEN, J.P.  
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE ALFRED SIT WING-HANG, J.P.  
SECRETARY FOR INNOVATION AND TECHNOLOGY

THE HONOURABLE ERICK TSANG KWOK-WAI, I.D.S.M., J.P.  
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

THE HONOURABLE CHRISTOPHER HUI CHING-YU, J.P.  
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

**CLERK IN ATTENDANCE:**

MR KENNETH CHEN WEI-ON, S.B.S., SECRETARY GENERAL

**GOVERNMENT BILL****First Reading and Second Reading of Government Bill****First Reading of Government Bill**

**PRESIDENT** (in Cantonese): Government Bill: First Reading.

**IMPROVING ELECTORAL SYSTEM (CONSOLIDATED AMENDMENTS) BILL 2021**

**CLERK** (in Cantonese): Improving Electoral System (Consolidated Amendments) Bill 2021.

*Bill read the First time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.*

**Second Reading of Government Bill**

**PRESIDENT** (in Cantonese): Government Bill: Second Reading.

**IMPROVING ELECTORAL SYSTEM (CONSOLIDATED AMENDMENTS) BILL 2021**

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I move the Second Reading of the Improving Electoral System (Consolidated Amendments) Bill 2021 ("the Bill").

Honourable Members, I believe all of you should have a lot of mixed feelings about this Bill on improving the electoral system which I am moving today. I trust that scenes of chaos at this Chamber in recent years, and even the unlawful intrusion into as well as occupation and wanton vandalism of the Legislative Council in 2019 are still vivid in our minds. The Legislative Council had been paralysed by the opposition camp as a result of a failure to elect the

Chairman and Deputy Chairman of the House Committee ("HC") for seven months. The National Anthem Bill which seeks to uphold the dignity of the country ...

(Mr WONG Kwok-kin indicated his wish to raise a point of order)

**PRESIDENT** (in Cantonese): Secretary, please hold on.

Mr WONG Kwok-kin, what is your point of order?

**MR WONG KWOK-KIN** (in Cantonese): President, is there a problem with the Secretary's microphone? The volume seems to be so low that I cannot hear his speech clearly.

(The Secretary for Constitutional and Mainland Affairs adjusted the position of the microphone he was wearing)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, is the volume acceptable now?

**PRESIDENT** (in Cantonese): Secretary, please continue with your speech.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Let me read out one more time.

President, I move the Second Reading of the Improving Electoral System (Consolidated Amendments) Bill 2021 ("the Bill").

Honourable Members, I believe all of you should have a lot of mixed feelings about the Bill on improving the electoral system which I am moving today. I trust that scenes of chaos at this Chamber in recent years, and even the unlawful intrusion into as well as occupation and wanton vandalism of the

Legislative Council in 2019 are still vivid in our minds. The Legislative Council had been paralysed by the opposition camp as a result of a failure to elect Chairman and Deputy Chairman of HC for seven months. The National Anthem Bill which seeks to uphold the dignity of the country had been delayed for more than a year; various bills that are beneficial to people's livelihood and the economy have been postponed indefinitely, thereby making it almost impossible for Hong Kong to be properly governed. We empathized with Members' feeling of helplessness back then because we were all in the same boat. Each and every one of us in the governance structure kept wondering when Hong Kong would be able to get out of the predicament and make a fresh start.

In the past few years, a serious blow was dealt to "one country, two systems" and there were unprecedented challenges to the prosperity and stability of Hong Kong. This is particularly so since the onset of the disturbances arising from the opposition to the proposed legislative amendment in June 2019, and henceforth the year-long social unrest had thrown citizens of Hong Kong into great fear. Some members of the community advocated "Hong Kong independence", organized resistance against the governance of the Central Authorities, and even colluded with external elements to interfere with Hong Kong's affairs. These anti-China disruptors and radicals entered the political structure of SAR through the electoral system. They paralysed the operation of the Legislative Council and obstructed governance by the SAR Government in accordance with the law; supported violence outside the Council and orchestrated plans to gain dominance in the Legislative Council in order to achieve "mutual destruction". They forced the Chief Executive to step down and even attempted to seize power. They seriously jeopardized Hong Kong's constitutional order, challenged the bottom line of national sovereignty as well as jeopardized national sovereignty, security and development interests. Such chaos has exposed the blatant loopholes and deficiencies of SAR's electoral system, thereby giving those anti-China disruptors opportunities to take advantage of them.

Last year, the Central Authorities took action to enact the National Security Law, which immediately produced a major shock-and-awe effect. It has not only quelled the months-long social unrest and "black-clad violence", but also brought to justice some anti-China disruptors and lawbreakers who intended to endanger national security. However, there are still deficiencies and loopholes in SAR's electoral system. Some anti-China disruptors have continued to use

the Council as a platform and their capacities as Legislative Council Members to attempt to subvert state power as well as undermine national sovereignty, security and development interests. To completely solve the relevant problems and prevent the recurrence of the situation, the Central Government has taken action again this time to improve SAR's electoral system at the national level to bring SAR back on track, set things right and restore order from chaos.

On 11 March this year, the Decision on improving the electoral system of the Hong Kong Special Administrative Region ("the Decision") was passed by an overwhelming majority vote at the fourth session of the 13<sup>th</sup> National People's Congress ("NPC"). The political structure, of which the electoral system is an essential component, is the prerogative of the Central Authorities. The Decision, made in accordance with the relevant provisions of the Constitution, the Basic Law and the National Security Law, is constitutional and lawful, well-founded, justified, sensible and reasonable.

The Central Authorities has improved the electoral system of Hong Kong at the national level by plugging the loopholes therein. This will provide a solid institutional protection for the principle of "patriots administering Hong Kong", so that the implementation of "one country, two systems" will be back on track, steadfast and successful. This will also strengthen the constitutional foundation of SAR, safeguard national security as well as the prosperity and stability of Hong Kong. We deeply believe an improved electoral system will greatly enhance the effectiveness of governance. It will also enable the Executive Authorities and the legislature to both keep checks and balances on and complement each other, and stay true to the original aspiration in working together for the overall interests of Hong Kong, people's welfare and economic development. The Government and people from all walks of life should focus our strength on developing the economy, improving people's livelihood, and even solving some deep-seated problems that we have failed to solve throughout the years. We will be able to achieve good governance and long-term prosperity and stability on this basis.

The Decision of NPC has authorized the Standing Committee of NPC ("NPCSC") to amend Annex I and Annex II to the Basic Law according to the following five important principles, namely: (1) upholding and implementing the principles of "one country, two systems", "Hong Kong people administering Hong Kong", and a high degree of autonomy; (2) firmly safeguarding the



constitutional order of HKSAR as enshrined under the Constitution and the Basic Law; (3) ensuring "patriots administering Hong Kong"; (4) effectively enhancing the governance capability of HKSAR; and (5) upholding HKSAR permanent residents' right to vote and the right to stand for election in accordance with law. From this, we can see that the Central Authorities genuinely and sincerely hope that by improving the electoral system this time around, SAR cannot only ensure steadfast and successful implementation of "one country, two systems", but can also ensure that it is consistent with the overall interests and safety of the country and Hong Kong; while at the same time taking into consideration Hong Kong's long-term prosperity and stability as well as healthy democratic development.

On 30 March, NPCSC adopted the amended Annexes I and II to the Basic Law. According to the amended Annexes I and II to the Basic Law, the specific election or selection method of the Chief Executive, the Election Committee ("EC") and the Legislative Council, including the delineation of eligible corporate electors involved in the subsectors or functional constituencies, the delineation of geographical constituencies, the nomination procedures for candidates and the voting method, etc., shall be specified by electoral laws introduced by HKSAR. According to the seventh article of the Decision, the SAR Government shall amend relevant local laws, and organize and regulate election activities in accordance with the Decision and the amended Annexes I and II to the Basic Law. Thus, the SAR Government has a constitutional responsibility to implement the electoral system that accords with the actual situation in Hong Kong by way of local legislation.

The present improvement of the electoral system will be centered around the reconstitution of EC and its endowment with new functions. The number of EC members will be increased from 1 200 to 1 500. The newly added Fifth Sector can enhance representation of the country's interests, which will facilitate EC in considering issues from the perspectives of the country and Hong Kong and conducting elections in the interests of the country and Hong Kong. Meanwhile, the enhancement and adjustments of the subsectors have not only reflected the development and changes in the social, political and economic situations of Hong Kong, but have also further amplified the voices representing the interests of the grass roots, so as to better demonstrate the principles of promoting a more balanced participation and developing quality democracy. In relation to the functions of EC, it is entrusted with two new important functions. Apart from electing 40 Members of the Legislative Council from the EC Sector, it

will also nominate candidates for the Legislative Council elections. Given that EC is an electoral body with the broadest representation which best demonstrates balanced participation; adding that its subsectors and members are representatives from different sectors and classes of Hong Kong and can best represent the overall interests of Hong Kong, therefore it is entirely consistent with the overall interests of Hong Kong for EC to elect a relatively large share of Members of the Legislative Council.

The requirement that EC members shall nominate candidates for the office of Chief Executive and participate in nominating candidates for the Legislative Council will enhance the representativeness and acceptance of the candidates. Apart from obtaining approval of his own sector or geographical constituency, a candidate also needs to demonstrate a certain degree of acceptance in all of the five sectors of EC. This design of the system ensures that the candidate will consider the interests and demands of different sectors, and at the same time incorporate the interests of different sectors, organizations and districts with the overall interests of Hong Kong society. This requires the candidates to possess the ability to unite different sectors.

Based on the Decision as well as the amended Annex I and Annex II to the Basic Law, the Bill will make the necessary legislative amendments in respect of the improvement of the electoral system and other arrangements for improving public elections. These legislative amendments mainly include reconstituting EC; updating the method for selecting the Chief Executive and related matters; updating the composition and formation of the Legislative Council; updating the eligibility of becoming candidates in the Chief Executive elections, the EC Subsector elections and the Legislative Council elections; establishing the Candidate Eligibility Review Committee and amending the Elections (Corrupt and Illegal Conduct) Ordinance to regulate in accordance with the law acts that manipulate or sabotage elections, etc.

Besides, in the light of the public elections in the past, there are different voices and demands in the community requesting the Electoral Affairs Commission ("EAC") to enhance the existing electoral arrangements. In the report submitted to the Chief Executive on 9 October 2020, EAC has made a number of recommendations on improving the existing electoral system and arrangements. Meanwhile, the Constitutional and Mainland Affairs Bureau has, in collaboration with the Registration and Electoral Office and the Department of

Justice, reviewed the existing legislation on the regulation of various electoral arrangements. With reference to EAC's report and various views in society, the Bill has also included legislative amendments on improving public election arrangements to enhance the electoral procedure, which include implementing electronic poll register, enhancing the inspection and compilation of the registers of electors, making caring arrangements for electors in need in public elections, etc. In addition, we have also proposed to empower the Chief Electoral Officer to require schools and non-governmental organizations receiving grants from the Government to make available their premises for use as polling stations and counting stations in public elections, so as to enable the elections to be conducted more efficiently and bring more convenience to the public. Besides, we have also proposed to lift the requirement of withholding financial assistance payable until disposal of election petitions arising from the Legislative Council and District Council elections, so that the candidates who have not been affected by petitions will be able to obtain financial assistance as soon as possible.

Details of the aforesaid proposed amendments have been set out from paragraphs 7 to 81 of the Legislative Council Brief.

I wish to take this opportunity to thank the Legislative Council once again for its full support and cooperation. It has expediently set up a subcommittee under HC and five meetings have been conducted to allow Members to thoroughly discuss the main contents of the Decision and the amended Annex I and Annex II to the Basic Law. At the subcommittee meetings, Members have also put forward many valuable opinions, which are of great assistance to us in drawing up the Bill.

In addition, the Government has been explaining to various sectors of the community about the necessity and urgency of improving the electoral system as well as the solid constitutional basis of the Decision through different publicity means and channels. After all, the improvement of the electoral system does have a bearing on the future long-term development of Hong Kong, the successful implementation of "one country, two systems" as well as the well-being of the entire community. Therefore, we are very eager to solicit the active participation and support of various sectors in society and the community at large, so that we can complete this arduous work successfully.

The entire government team has held over a hundred seminars and briefing sessions to explain to stakeholders from various sectors the importance, necessity and legality of improving the electoral system, so as to solicit the support of the community and members of the public. Apart from widely disseminating a booklet which sets out the details of the improvement to the electoral system, the Government has also prepared a leaflet outlining the points to note about this local legislative exercise. A dedicated website has been set up for providing up-to-date information on a constant basis to facilitate the public's understanding of the progress of this exercise.

I believe Members and the general public have already gained some understanding of the improvement of the electoral system, so I will not go into the details of the Bill here today. The Government will continue with its efforts to extensively explain the matters to the public, which include providing detailed briefing and explanation on the specific contents of the Bill and the rationale behind this exercise at the Bills Committee meetings later. We are eagerly looking forward to Members' valuable feedback to improve the Bill and further refine the future electoral arrangements, with a view to providing institutional safeguards and ensuring the due implementation of the principle of "patriots administering Hong Kong".

In the next 12 months, three sets of important elections will be held. According to the current plan, the EC Subsector Elections will be held on 19 September this year, and the seventh-term Legislative Council General Election will take place on 19 December this year, to be followed by the Chief Executive Election on 27 March next year. Therefore, the legislative exercise will have a very tight time frame. The Government will do its utmost to complement the work of the Legislative Council in scrutinizing the Bill. We are also very grateful for the full support of the Legislative Council and the arduous efforts of Members. We hope that the scrutiny and Third Reading of the Bill will be completed smoothly by the end of May so as to kick-start the extensive preparatory work for the elections.

With these remarks, President, I implore Members to support the Bill. Thank you.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Improving Electoral System (Consolidated Amendments) Bill 2021 be read the Second time.

In accordance with the Rules of Procedure, the Second Reading debate is adjourned and the Bill is referred to the House Committee.

## **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 11:00 am on Wednesday, 21 April 2021.

*Adjourned accordingly at 12:47 pm.*