



Citizenship and Social Development

Theme 1: Hong Kong under “One Country, Two Systems”

Topic: The meaning and implementation of “one country, two systems”

Learning focus:

Political structure of the Hong Kong Special Administrative Region (HKSAR)

Translated version

July 2021



Learning Objectives

Knowledge

- To understand the features of the political structure of Hong Kong
- To understand the powers and functions of the Chief Executive of the Hong Kong Special Administrative Region and the major executive authorities
- To understand the decision-making process of the Government of the Hong Kong Special Administrative Region
- To understand the principle of “patriots administering Hong Kong”

Skills

- To acquire generic skills, including communication, collaboration, critical thinking, synthesis and analytical skills

Values

- To cherish Hong Kong and to appreciate its political system
- To respect and safeguard Hong Kong’s political structure under “one country, two systems”
- To develop a sense of national identity

Lead-in



Questions:

Which aspects of public affairs in Hong Kong are illustrated in the above? Which government bureaux / departments are in charge of these public affairs?

Answers

Office of the Government Chief Information Officer



Constitutional and Mainland Affairs Bureau



Education Bureau



Health Bureau; Centre for Health Protection

Questions:

Which aspects of public affairs in Hong Kong are illustrated in the above? Which government bureaux / departments are in charge of these public affairs?



In 2021, the National People's Congress exercised the power to decide on the system of special administrative regions and adopted a *Decision on Improving the Electoral System of the Hong Kong Special Administrative Region*.




On 11 March 2021, *The Decision on Improving the Electoral System of the Hong Kong Special Administrative Region* was passed in the fourth Session of the 13th National People's Congress.

Question: Why is the political structure of the Hong Kong Special Administrative Region (HKSAR) decided by the Central Authorities?

Suggested Answers:


The decision on the political structure of the HKSAR lies with the Central Authorities



The HKSAR shall be a local administrative region of the People's Republic of China (PRC), which shall come directly under the Central People's Government.



The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy.



The systems instituted in special administrative regions, including political structure of special administrative regions shall, in light of specific circumstances, be prescribed by laws enacted by the National People's Congress.

Features of the political structure in the HKSAR

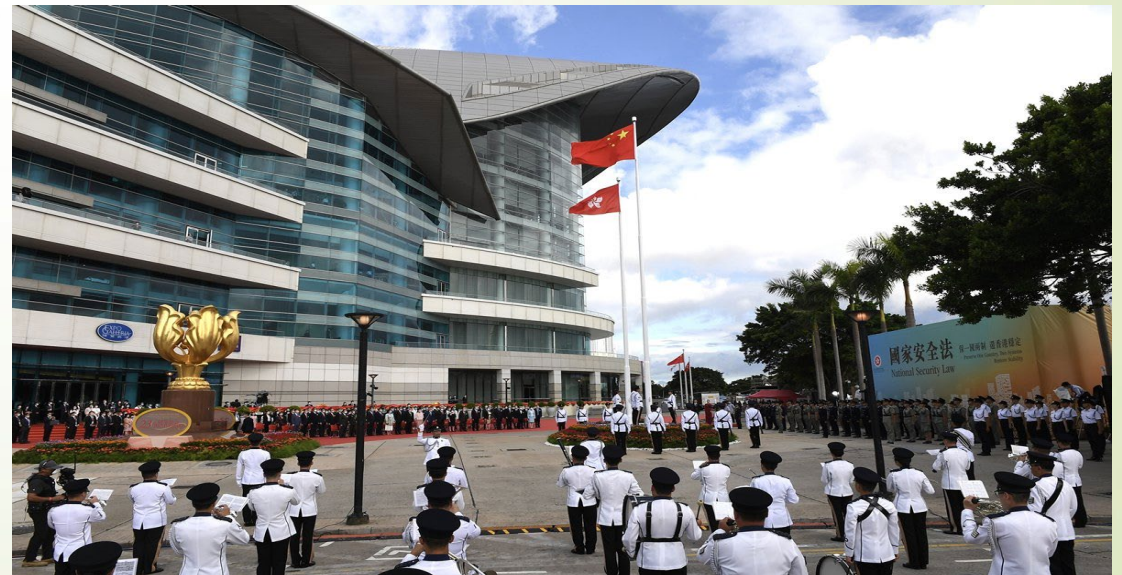
- **The political structure of the HKSAR is an executive-led system. The executive authorities and the legislature both complement, and keep a check and balance on, each other's functions; the courts of Hong Kong exercise judicial power independently.**
- **The Chief Executive represents the Hong Kong Special Administrative Region and shall be accountable to the Central People's Government.**

The powers that the HKSAR enjoy are authorised by the Central Authorities. Its political structure is an executive-led system. The executive authorities, the legislature and the judiciary perform their respective functions, complementing each other and exercising judicial independence. The Chief Executive shall be accountable to the Central People's Government.

Sources:

https://www.news.gov.hk/chi/2020/09/20200901/20200901_110605_194.html

https://www.doj.gov.hk/en/community_engagement/sj_blog/20200905_blog1.html



What is an executive-led system?

- An executive-led system refers to a system where the executive authorities headed by the Chief Executive, plays a leading role in the operation of the government.
- The executive authorities play an active and leading role in formulating public policies, legislative agenda as well as government's operation.



Photo credit: <https://www.ceo.gov.hk/eng/contactus.html>

What is an executive-led system?

Executive-led system

- Before Hong Kong's return to China, it was functioned under an executive-led system. When drafting the Basic Law, the Central People's Government clearly stated that it should draw on the experience of the existing effective system in Hong Kong in order to better maintain the stability and overall interests of Hong Kong.
- Articles 43 and 48 of the Basic Law stipulate the legal status and powers of the Chief Executive, manifesting the executive-led principle.



What is an executive-led system?

- The “three powers” under the framework of the Basic Law refer to executive power, i.e., the power to administer public affairs and to provide public services; legislative power, i.e., the power to enact, amend or repeal laws; and judicial power, i.e., the power to adjudicate according to laws.
- The National People's Congress authorizes the Hong Kong Special Administrative Region to enjoy executive, legislative and judicial power. In the executive-led system, the “three powers” belong to different branches. They perform their respective functions, complementing each other and operate with due checks and balances.

The core position of the Chief Executive in the political structure of the HKSAR

➤ The selection of the Chief Executive

After Hong Kong's return to China, according to the Basic Law and Annex I, the Chief Executive shall be elected in accordance with this Law by an Election Committee which is broadly representative, suited to the actual situation in the Hong Kong Special Administrative Region (HKSAR), and represents the overall interests of society, and shall be appointed by the Central People's Government.

Eligibility and the term of office of the Chief Executive

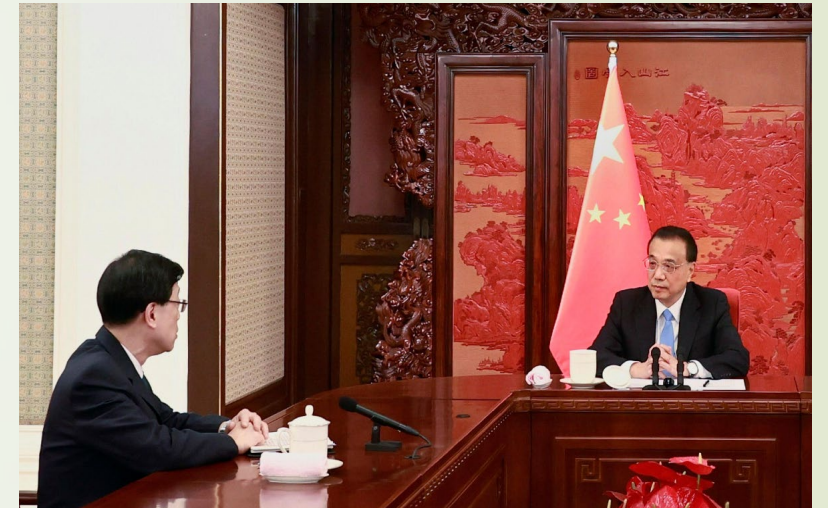
Articles 44 and 46 of the Basic Law stipulate the eligibility and the term of office of the Chief Executive:

- The Chief Executive of the Hong Kong Special Administrative Region shall be a Chinese citizen of not less than 40 years of age who is a permanent resident of the Region with no right of abode in any foreign country and has originally resided in Hong Kong for a continuous period of not less than 20 years.
- The term of office of the Chief Executive of the Hong Kong Special Administrative Region shall be five years. He or she may serve for not more than two consecutive terms.



The Central People's Government appoints the Chief Executive of the HKSAR

On 30 May 2022, the Chief Executive-elect, Mr John Lee, was received by President Xi Jinping and awarded the instrument of appointment as the sixth-term Chief Executive of the Hong Kong Special Administrative Region (SAR) of the People's Republic of China by Premier Li Keqiang in Beijing.



Source:

<https://www.info.gov.hk/gia/general/202205/30/P2022053000570.htm?fontSize=1>

On 30 March 2021, the 27th Session of the Standing Committee of the 13th National People’s Congress adopted the amended Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China on Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region.

The Election Committee shall be composed of 1 500 members from the following sectors:

The First Sector: Industrial, commercial and financial sectors - 300

The Second Sector: The professions - 300

The Third Sector: Grassroots, labour, religious and other sectors - 300

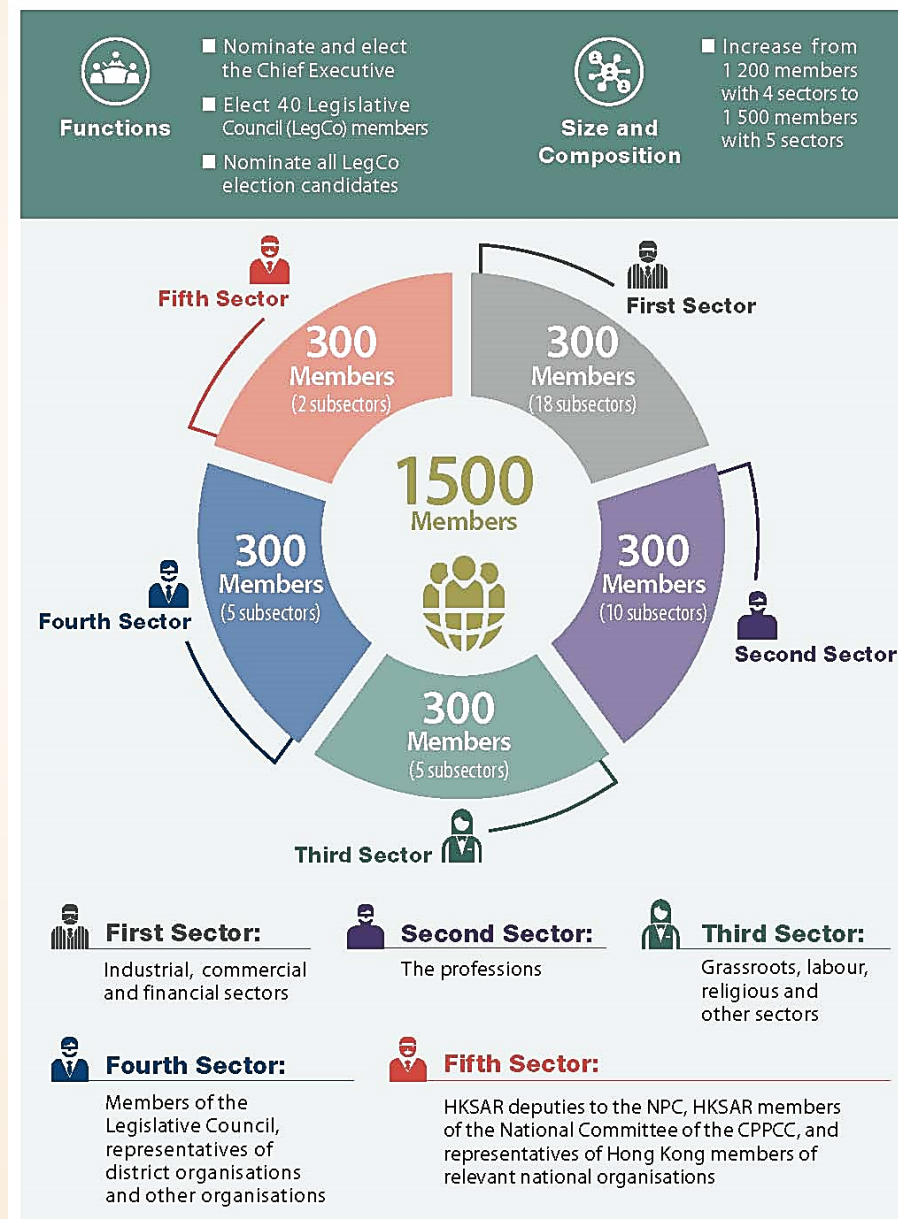
The Fourth Sector: Members of the Legislative Council, representatives of district organisations and other organisations - 300

The Fifth Sector: HKSAR deputies to the National People’s Congress, HKSAR members of the National Committee of the Chinese People’s Political Consultative Conference, and representatives of Hong Kong members of relevant national organisations - 300

Members of the Election Committee must be permanent residents of the HKSAR.

The term of office of the Election Committee shall be five years.

Reconstitution of the Election Committee (EC)



➤ **Dual head and dual responsibility**

“Dual head”

The Chief Executive is the head of the HKSAR, representing the SAR; he or she is also the head of the Government of the HKSAR.

“Dual responsibility”

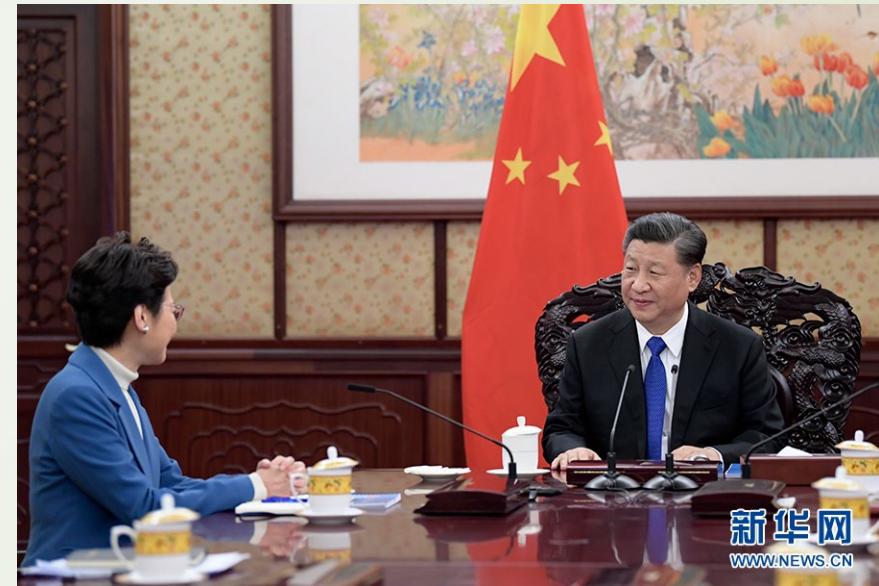
The Chief Executive shall be accountable to the Central People’s Government, and shall report to the Central People’s Government. The Chief Executive shall also be accountable to the HKSAR.

Among all the officials in the HKSAR, only the Chief Executive has the legal status of “dual head and dual responsibility”, which manifests the core position of the Chief Executive.

The Chief Executive of the Hong Kong Special Administrative Region shall be accountable to the Central People's Government and the HKSAR in accordance with the provisions of the Basic Law.

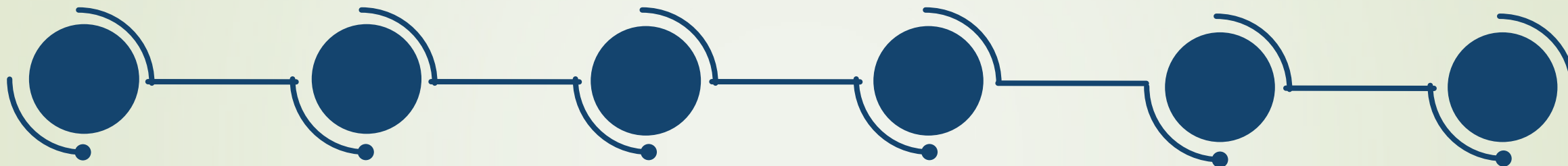


As the head of the HKSAR, the Chief Executive attended APEC CEO Summit 2018 on behalf of the HKSAR.



The Chief Executive Carrie Lam Cheng Yuet-ngor reported to President Xi Jinping in 2019.

➤ **The powers and functions of the Chief Executive**



Duties relating to implementation of the Basic Law and other laws, which apply in the HKSAR

Duties relating to law-making

Duties relating to the management of administrative affairs of the government

Duties relating to the appointment and removal of officials

Duties relating to the implementation of the directives issued by the Central People's Government, and to conduct affairs authorized by the Central Authorities

Other important duties

Article 48 of the Basic Law

The Chief Executive of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

- (1) To lead the government of the Region;
- (2) To be responsible for the implementation of this Law and other laws which, in accordance with this Law, apply in the Hong Kong Special Administrative Region;
- (3) To sign bills passed by the Legislative Council and to promulgate laws;
To sign budgets passed by the Legislative Council and report the budgets and final accounts to the Central People's Government for the record;
- (4) To decide on government policies and to issue executive orders;
- (5) To nominate and to report to the Central People's Government for appointment the following principal officials: Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise; and to recommend to the Central People's Government the removal of the above-mentioned officials;

- (6) To appoint or remove judges of the courts at all levels in accordance with legal procedures;
- (7) To appoint or remove holders of public office in accordance with legal procedures;
- (8) To implement the directives issued by the Central People's Government in respect of the relevant matters provided for in this Law;
- (9) To conduct, on behalf of the Government of the Hong Kong Special Administrative Region, external affairs and other affairs as authorised by the Central Authorities;
- (10) To approve the introduction of motions regarding revenues or expenditure to the Legislative Council;
- (11) To decide, in the light of security and vital public interests, whether government officials or other personnel in charge of government affairs should testify or give evidence before the Legislative Council or its committees;
- (12) To pardon persons convicted of criminal offences or commute their penalties; and
- (13) To handle petitions and complaints.

Executive Council

Composition of the Executive Council

The Executive Council of the HKSAR is an organ for assisting the Chief Executive in policy-making. Its president is the Chief Executive, and it comprises official members and non-official members.

Members of the Executive Council shall be Chinese citizens who are permanent residents of the HKSAR with no right of abode in any foreign country.

The Chief Executive may, as he or she deems necessary, invite other persons concerned to sit in on meetings of the Council.

Operation of the Executive Council (Article 56 of the Basic Law)

- The Executive Council of the Hong Kong Special Administrative Region shall be presided over by the Chief Executive.
- Except for the appointment, removal and disciplining of officials and the adoption of measures in emergencies, the Chief Executive shall consult the Executive Council before making important policy decisions, introducing bills to the Legislative Council, making subordinate legislation, or dissolving the Legislative Council.
- If the Chief Executive does not accept a majority opinion of the Executive Council, he or she shall put the specific reasons on record.

Body of power, district organisations, and public servants of Hong Kong

The Executive Authorities

- The Government of the Hong Kong Special Administration Region shall be the executive authorities of the Region.
- A Department of Administration, a Department of Finance, a Department of Justice, and various bureaux, divisions and commissions shall be established in the Government of the Hong Kong Special Administrative Region.

(refer to the Articles 59 and 60 of the Basic Law)

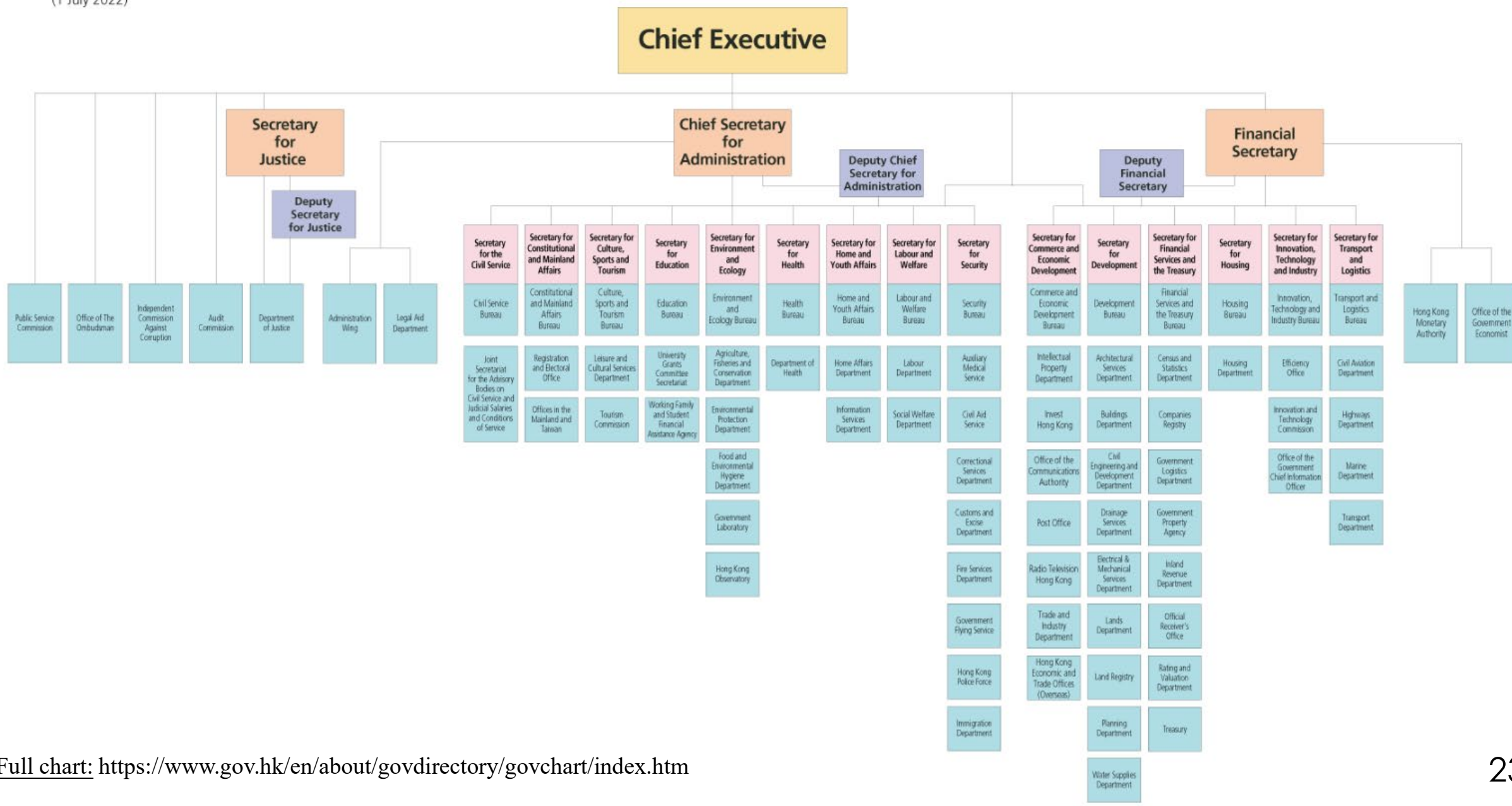
- Article 61 of the Basic Law stipulates: The principal officials of the Hong Kong Special Administrative Region shall be Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country and have ordinarily resided in Hong Kong for a continuous period of not less than 15 years.
- Principal officials: below the Chief Executive are the three secretaries of departments, namely, Chief Secretary for Administration, Financial Secretary, Secretary for Justice; below them are directors of bureaux, Commissioner of Police, Commissioner of the Independent Commission Against Corruption, Director of Audit, Commissioner of Customs and Excise, and Director of Immigration.

* Source: <https://www.gov.hk/en/about/govdirectory/po/>



**ORGANISATION CHART OF
THE GOVERNMENT OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION**

(1 July 2022)



The Executive Authorities

According to Article 62 of the Basic Law, the Government of the Hong Kong Special Administration Region shall exercise the following powers and functions:

1. To formulate and implement policies;
2. To conduct administrative affairs;
3. To conduct external affairs as authorised by the Central People's Government under this Law;
4. To draw up and introduce budgets and final accounts;
5. To draft and introduce bills, motions and subordinate legislation; and
6. To designate officials to sit in on the meetings of the Legislative Council and to speak on behalf of the government.

The Executive Authorities

Chief Secretary for Administration, Financial Secretary, Secretary for Justice

- Secretaries of the three departments, i.e. Chief Secretary for Administration, Financial Secretary, Secretary for Justice, perform their different powers and functions.
- The Chief Secretary for Administration is the leading principal official of the HKSAR Government, who plays a key role in ensuring harmonisation in policy formulation and implementation. This is particularly important in areas which cut across policy bureaux.
- The primary responsibility of the Financial Secretary is to oversee policy formulation and implementation of financial, monetary, economic, trade, development matters, etc.
- Secretary for Justice is the head of the Department of Justice. Article 63 of the Basic Law stipulates: “The Department of Justice of the Hong Kong Special Administrative Region shall control criminal prosecutions, free from any interference. ”

Reference:

- <https://www.cso.gov.hk/eng/home/home.htm>
- <https://www.fso.gov.hk/eng/>

The Legislature



Chamber of the Legislative Council of the HKSAR

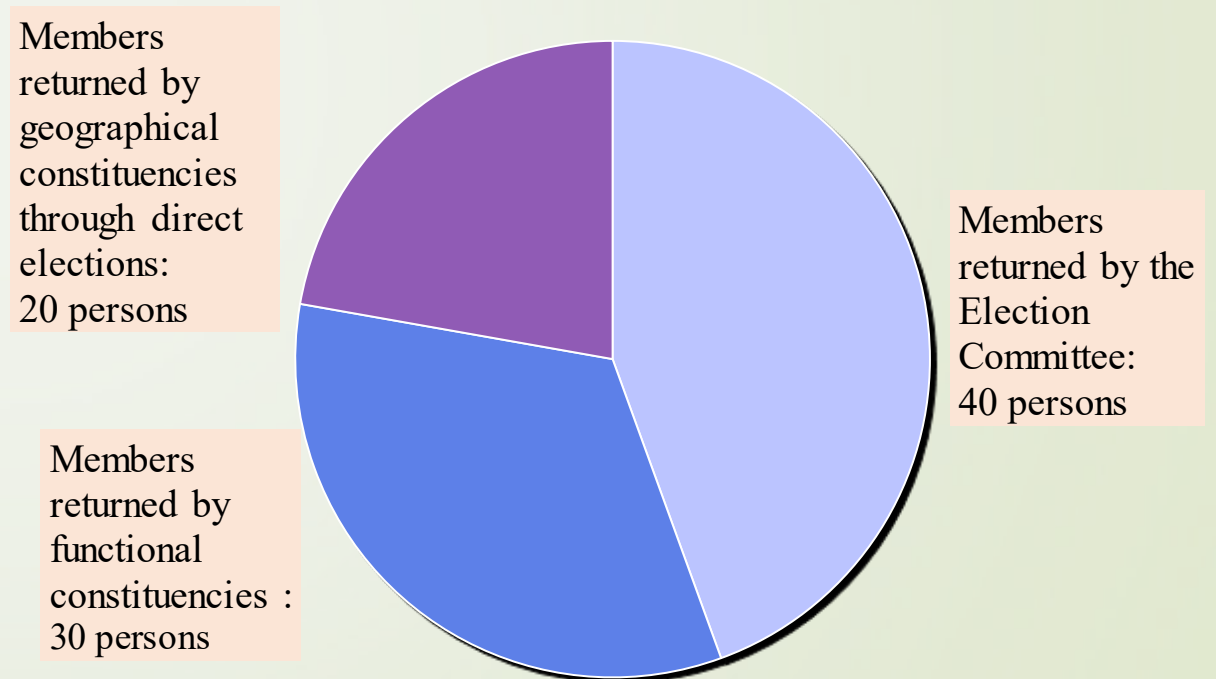
- The Legislative Council is the legislature of the HKSAR.
- Method for the formation of the Legislative Council of the HKSAR and its voting procedures are stipulated in Annex II to the Basic Law.
- On 30 March 2021, Annex II to the Basic Law – *Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures* was amended and adopted at the 27th Session of the Standing Committee of the 13th National People’s Congress, and came into effect on 31 March 2021.

Composition of the Legislative Council

Article 67 of the Basic Law stipulates:

“The Legislative Council of the Hong Kong Special Administrative Region shall be composed of Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country. However, permanent residents of the Region who are not of Chinese nationality or who have the right of abode in foreign countries may also be elected members of the Legislative Council of the Region, provided that the proportion of such members does not exceed 20 percent of the total membership of the Council.”

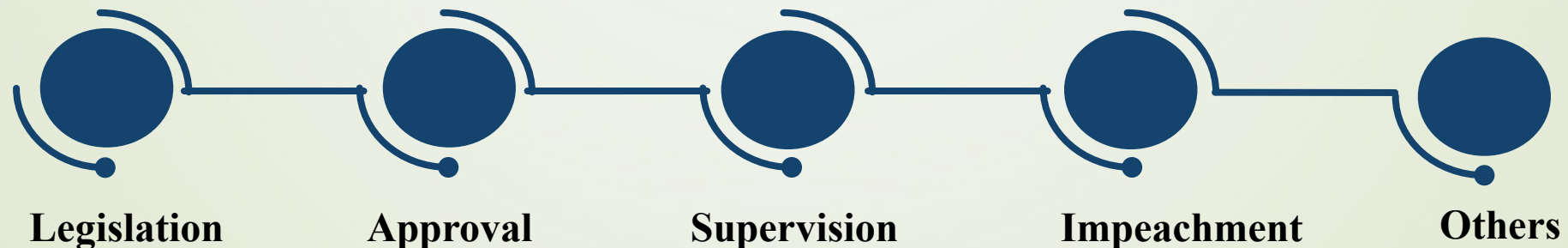
With effect from 31 March 2021, the Legislative Council of the Hong Kong Special Administrative Region (HKSAR) shall be composed 90 members for each term. The composition should be as follows:



Powers and functions of the Legislative Council

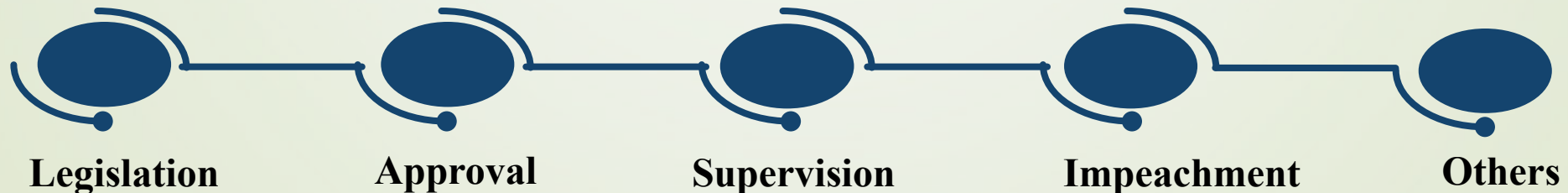
Pursuant to Article 73 of the Basic Law, the Legislative Council of the Hong Kong Special Administrative Region shall exercise the following powers and functions:

- (1) To enact, amend or repeal laws in accordance with the provisions of this Law and legal procedures;
- (2) To examine and approve budgets introduced by the government;
- (3) To approve taxation and public expenditure;
- (4) To receive and debate the policy addresses of the Chief Executive;
- (5) To raise questions on the work of the government;
- (6) To debate any issue concerning public interests;



Powers and functions of the Legislative Council

- (7) To endorse the appointment and removal of the judges of the Court of Final Appeal and the Chief Judge of the High Court;
- (8) To receive and handle complaints from Hong Kong residents;
- (9) If a motion initiated jointly by one-fourth of all the members of the Legislative Council charges the Chief Executive with serious breach of law or dereliction of duty and if he or she refuses to resign, the Council may, after passing a motion for investigation, give a mandate to the Chief Justice of the Court of Final Appeal to form and chair an independent investigation committee. The committee shall be responsible for carrying out the investigation and reporting its findings to the Council. If the committee considers the evidence sufficient to substantiate such charges, the Council may pass a motion of impeachment by a two-thirds majority of all its members and report it to the Central People's Government for decision; and
- (10) To summon, as required when exercising the above-mentioned powers and functions, persons concerned to testify or give evidence.



Method for the formation of the Legislative Council

Members of the Legislative Council include members returned by geographical constituencies through direct elections, functional constituencies, and the Election Committee.

The specific method for forming the Legislative Council and its procedures for voting on bills and motions are prescribed in Annex II - “Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures.”

The term of office of the members of the Legislative Council shall be four years. Due to COVID-19 in 2020, the Standing Committee of the National People’s Congress unanimously adopted the *Decision of the Standing Committee of the National People’s Congress on the Continuing Discharge of Duties by the Sixth Term Legislative Council of the Hong Kong Special Administrative Region* on 11 August. The decision stipulates that the current Legislative Council continues to discharge duties for not less than one year until a new term of the Legislative Council begins.

Regulation and coordination between the Executive Authorities and the Legislature

Mutual Regulation

- Under the executive-led system, it does not mean that there is no regulation between the executive authorities and the legislature; instead, the Basic Law stipulates the checks and balances between the two.
- Regulations of the executive authorities on the legislature:
 - The executive authorities draft bills and motions, and the power to propose bills by Legislative Council members is limited;
 - The bills passed by the Legislative Council have to be signed and promulgated by the Chief Executive before coming into effect;
 - Under certain specified circumstances, the Chief Executive may dissolve the Legislative Council.

 [Learn more](#)

The power to propose bills by Legislative Council members

In accordance with Article 74 of the Basic Law, members of the Legislative Council of the Hong Kong Special Administrative Region may introduce bills in accordance with the provisions of this Law and legal procedures. Bills which do not relate to public expenditure or political structure or the operation of the government may be introduced individually or jointly by members of the Council. The written consent of the Chief Executive shall be required before bills relating to government policies are introduced.

Regulations of the Legislature on the Executive Authorities

- The Executive Authorities must be accountable to the Legislative Council: it shall implement laws passed by the Council and already in force; it shall present regular policy addresses to the Council; it shall answer questions raised by members of the Council; and it shall obtain approval from the Council for taxation and public expenditure.
- The Chief Executive must resign under any of the following circumstances: When, after the Legislative Council is dissolved because he or she twice refuses to sign a bill passed by it, the new Legislative Council again passes by a two-thirds majority of all the members the original bill in dispute, but he or she still refuses to sign it; or when, after the Legislative Council is dissolved because it refuses to pass a budget or any other important bill, the new legislative Council still refuses to pass the original bill in dispute.
- Under certain specified circumstances, the Legislative Council can impeach the Chief Executive in accordance with the procedures as stipulated in the Basic Law.

Complement each other

The Executive Authorities shall draw up and introduce budgets, which shall be approved by the Legislative Council to ensure the smooth operation of public services and social facilities.

The Executive Authorities shall draft and introduce bills and motions, which shall be reviewed and passed by the Legislative Council, which are effective regulatory documents generally observed by society.

The Executive Council shall be an organ for assisting the Chief Executive in policy-making, and its members shall include members of the legislature to ensure effective communication with the Legislative Council in decision-making.

The Government shall designate officials to sit in on the meetings of the Legislative Council and to speak on behalf of the government to facilitate mutual understanding.

In the elections after 2021, the Election Committee shall elect the Chief Executive and part of Legislative Council members, further strengthening the interaction between the Chief Executive and the Legislative Council.

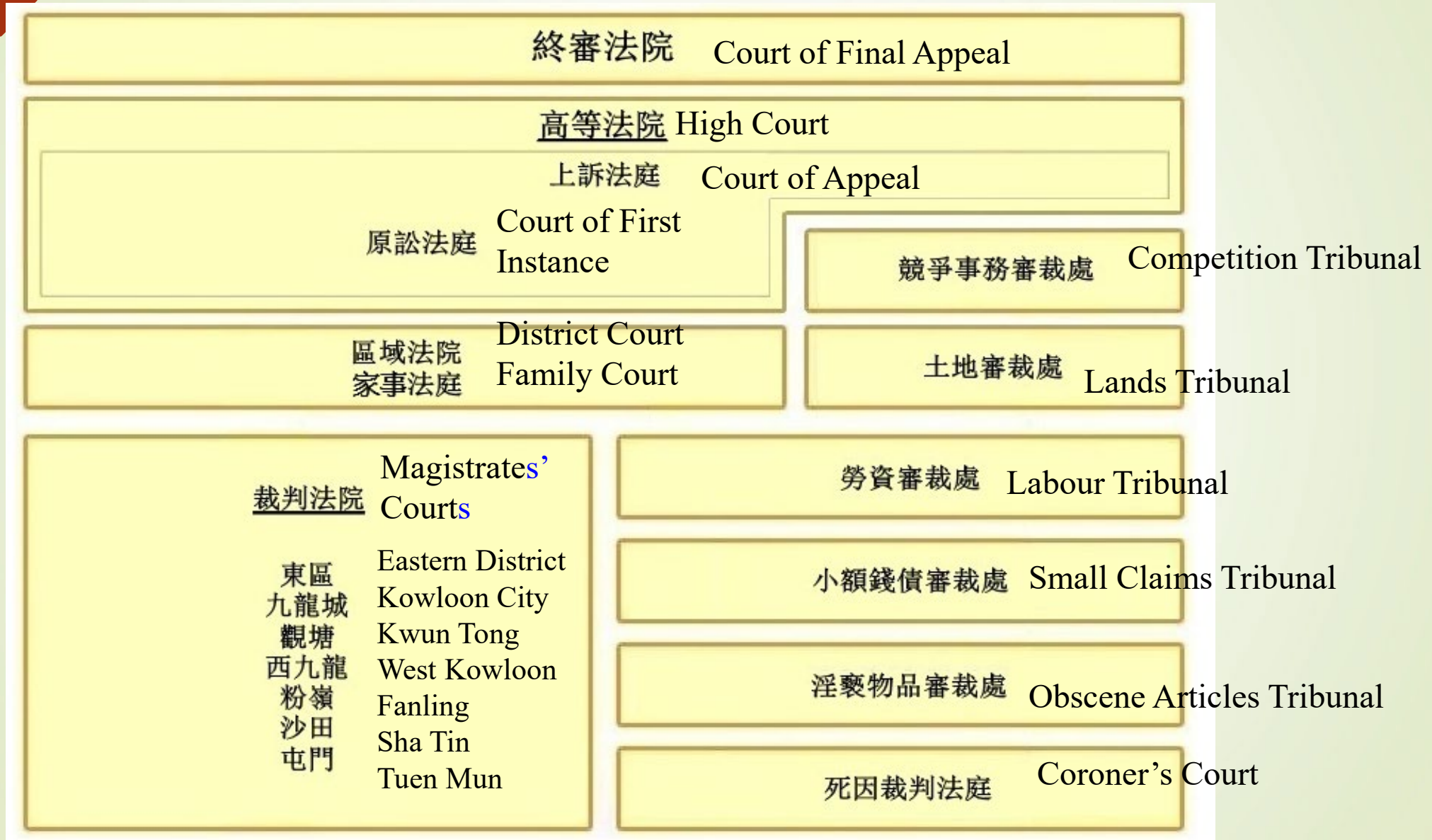
The Judiciary



- The courts of the Hong Kong Special Administrative Region at all levels shall be the judiciary of the Region, exercising the judicial power of the Region.
- The courts of the Hong Kong Special Administrative Region shall exercise judicial power independently, free from any interference. Members of the judiciary shall be immune from legal action in the performance of their judicial functions.

The Judiciary of Hong Kong

Structure of the Judiciary



Court of Final Appeal

- The Court of Final Appeal exercises the power of final adjudication of the HKSAR.
- The Court of Final Appeal exercises its power in accordance with *Hong Kong Court of Final Appeal Ordinance* (Cap.484) and other laws, handling appeals and related matters on civil and criminal judgements of the High Court (Court of Appeal and Court of First Instance).



Source: Website of the Court of Final Appeal
https://www.hkcfa.hk/en/about/cfa_building/CFAB_PhotoGallery/index.html

High Court

- The High Court is made up of the Court of Appeal and the Court of First Instance. It has both appellate and original jurisdiction, i.e. it can both hear appeals sent to it and try cases first taken to it.
- The right of appeal is an important part of Hong Kong's legal system, for it allows a higher court to review the judgement of a lower court. The appeal system seeks to ensure that any failures or mistakes claimed to have been made in or in relation to a court hearing, or indeed during an investigation, can be corrected by way of appeal to a higher court.

Chief Justice of the Judiciary

- Judges of the courts of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive on the recommendation of an independent commission of local judges, persons from the legal profession and eminent persons from other sectors.
- In accordance with Article 90 of the Basic Law, the Chief Justice of the Court of Final Appeal and the Chief Judge of the High Court of the Hong Kong Special Administrative Region shall be Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country.
- In the case of the appointment or removal of judges of the Court of Final Appeal and the Chief Judge of the High Court of the Hong Kong Special Administrative Region, the Chief Executive shall obtain the endorsement of the Legislative Council and report such appointment or removal to the Standing Committee of the National People's Congress for the record.

Appointment of judicial officers

- The Chief Executive appoints judges and other judicial officers based on the recommendation of the Judicial Officers Recommendation Commission, which is an independent statutory body composed of judges, persons from the legal profession and eminent persons from other sectors.
- Judges and other members of the judiciary of the HKSAR shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions.
- According to the Basic Law, the courts of the HKSAR shall be vested with independent judicial power, including that of final adjudication.
- The judiciary of the HKSAR is independent from the executive authorities and the legislature, free from any interference. Members of the judiciary shall be immune from legal action in the performance of their judicial functions.
- The judicial independence does not mean that the judiciary can perform its functions without limits. The Chief Executive has the right to appoint or remove judges.
- The judiciary shall observe the interpretation of the Basic Law made by the Standing Committee of the National People's Congress.

District organisations

- Article 97 of the Basic Law stipulates that district organisations which are not organs of political power may be established in the Hong Kong Special Administrative Region, to be consulted by the government of the Region on district administration and other affairs, or to be responsible for providing services in such fields as culture, recreation and environmental sanitation.
- District Councils are district organisations which are not organs of political power.

Public servants

- Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region. They must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region.



◀ Oath-taking by public servants

Photo credit:

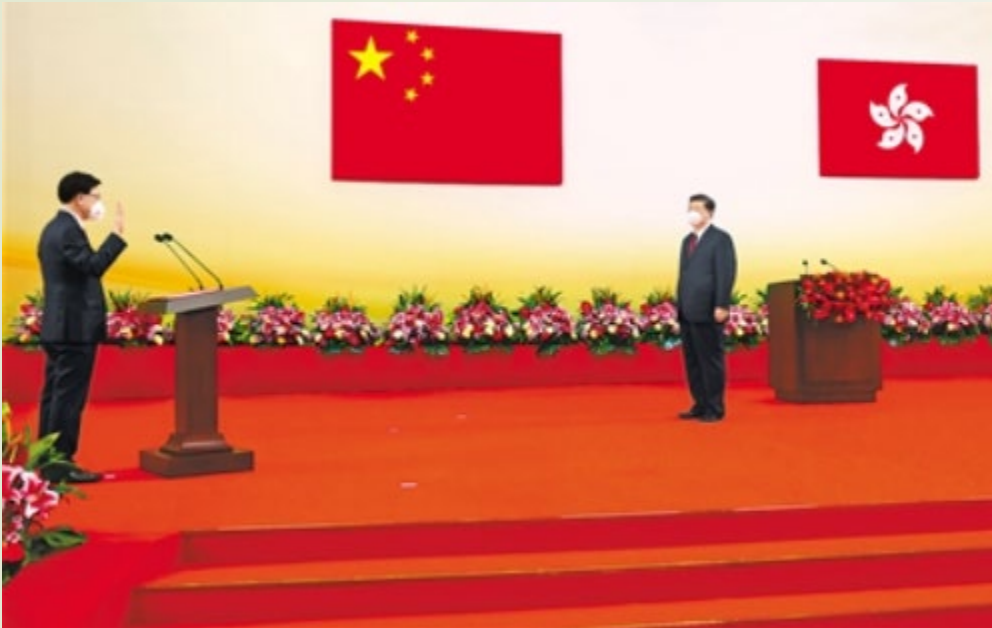
<https://www.info.gov.hk/gia/general/202012/16/P2020121600375.htm>

The Principle of “patriots administering Hong Kong” permeates through the Basic Law

港人治港有個界綫和標準，就是必須由以愛國者為主體的港人來治理香港。甚麼叫愛國者？愛國者的標準是，尊重自己民族，誠心誠意擁護祖國恢復行使對香港的主權，不損害香港的繁榮和穩定。

來源:選自《鄧小平論香港》，第二版，
三聯書店（香港）有限公司，第8頁

- According to the Basic Law, the Chief Executive, members of the Executive Council, the President of the Legislative Council, principal officials, and the Chief Justice of the Court of Final Appeal and the Chief Judge of the High Court of the Hong Kong Special Administrative Region shall be Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country.
- According to the Basic Law, when assuming office, 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 Special Administrative Region must, in accordance with law, swear to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.



◀ The Chief Executive taking the oath

Source: <http://cpc.people.com.cn/BIG5/n1/2022/0702/c64094-32463932.html>

Learn More

Oath-taking by senior civil servants in 2020 ►

<https://www.info.gov.hk/gia/general/202012/18/P2020121800236.htm>



Oath-taking by civil servants

Content of the Oath/Declaration

I declare that, as a civil servant of the Government of the Hong Kong Special Administrative Region of the People's Republic of China, I will uphold the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*, bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, be dedicated to my duties and be responsible to the Government of the Hong Kong Special Administrative Region.

Source:

<https://www.csb.gov.hk/english/admin/oathsgiving/2769.html>

 **Question**

**Why are public servants of the HKSAR
required to take an oath to swear
allegiance to the HKSAR of the PRC?**

Suggested Answers:

- According to the Basic Law, public servants of the Hong Kong Special Administrative Region must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region. It is a statutory requirement.
- They swear to uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region, making a solemn promise to society and manifesting their loyalty and commitment to the Basic Law and the Hong Kong Special Administrative Region, and thus enhance the public confidence in public servants.

香港由亂及治的重大轉折，再次昭示了一個深刻道理，那就是要確保「一國兩制」實踐行穩致遠，必須始終堅持「愛國者治港」。這是事關國家主權、安全、發展利益，事關香港長期繁榮穩定的根本原則。只有做到「愛國者治港」，中央對特別行政區的全面管治權才能得到有效落實，憲法和基本法確立的憲制秩序才能得到有效維護，各種深層次問題才能得到有效解決，香港才能實現長治久安，並為實現中華民族偉大復興作出應有的貢獻。

——節錄自習近平在聽取林鄭月娥2020年度述職報告時的講話

Provisions on “Patriots administering Hong Kong” in *The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region*

Any person

who is convicted of an offence endangering national security by a court



- shall be disqualified from standing as a candidate in the elections of the Legislative Council and District Councils of the HKSAR.
- shall be disqualified from holding any public office in the Region, or serving as a member of the Election Committee for electing the Chief Executive.

- Member of the Legislative Council
- Government official and a public servant
- Member of the Executive Council
- Judge or a judicial officer; or
- Member of the District Councils

who is convicted of an offence endangering national security by a court



- shall be removed from his or her office upon conviction.
- shall be disqualified from standing for the aforementioned elections or from holding any of the aforementioned posts.

Article 35 of The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region:

A person who is convicted of an offence endangering national security by a court shall be disqualified from standing as a candidate in the elections of the Legislative Council and district councils of the Hong Kong Special Administrative Region, holding any public office in the Region, or serving as a member of the Election Committee for electing the Chief Executive. If a person so convicted is a member of the Legislative Council, a government official, a public servant, a member of the Executive Council, a judge or a judicial officer, or a member of the district councils, who has taken an oath or made a declaration to uphold the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, he or she shall be removed from his or her office upon conviction, and shall be disqualified from standing for the aforementioned elections or from holding any of the aforementioned posts.

The End

User guide

- The primary users of this resource are teachers. It aims to provide teachers with content knowledge relevant to the topic to enable teachers to have a deeper understanding of teaching content when preparing for their lessons.
- All data, videos, photos, pictures, questions and suggested answers can be used for multiple purposes, such as teachers' teaching materials, references for curriculum planning and learning and teaching, and student assignments, etc. To align with Citizenship and Social Development Curriculum and Assessment Guide (Secondary 4-6) (2021) (C&A Guide), this resource should be adapted to cater for students' learning diversity and the needs of classroom teaching, etc.
- Teachers may provide appropriate supplementary notes/ explanations to enrich this resource in order to enhance students' understanding of the topic and information provided.
- In accordance with the curriculum rationale and aims, teachers may select other learning and teaching resources which are correct, reliable, objective and impartial to help students build up a solid knowledge base, develop positive values and attitudes as well as enhance critical thinking and problem solving skills, and various generic skills.
- If some information cannot be provided in this resource due to copyright issue, teachers may visit relevant websites provided.
- Some information may have been updated when being used by teachers, teachers may visit the corresponding websites to obtain the up-to-date information.
- Please also refer to the C&A Guide to understand the requirements and arrangements of the learning and teaching of the curriculum. Teachers are welcome to point out the areas need improvement, and welcome to provide updated information to enrich the content for all teachers' reference.



Notice and Disclaimer

- Some sources were not translated into English as the official English version is not available.
- In case of any discrepancy between the Chinese and English versions, the Chinese version shall prevail.