

**\* Decision of the Standing Committee of the  
National People's Congress on Issues Relating to the  
Qualification of the Members of the Legislative Council  
of the Hong Kong Special Administrative Region**

(Adopted at the Twenty Third Session of the Standing Committee of  
the Thirteenth National People's Congress on 11 November 2020)

The Standing Committee of the Thirteenth National People's Congress deliberated at its Twenty-third Session the motion submitted by the State Council requesting a decision on issues relating to the qualification of the members of the Legislative Council of the Hong Kong Special Administrative Region. The motion was moved following the request of the Chief Executive of the Hong Kong Special Administrative Region. The Session is of the view that it must be ensured that relevant public officers of the Hong Kong Special Administrative Region, including members of the Legislative Council, meet the legal requirements and conditions on upholding the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, in order to fully and faithfully implement the principle of "One Country, Two Systems" and the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, safeguard national sovereignty, security and development interests and safeguard the long-term prosperity and stability of Hong Kong. Accordingly, the Standing Committee of the National People's Congress has approved the motion moved by the State Council on 7 November 2020 and made the following decision pursuant to Articles 52, 54 and 67(1) of the Constitution of the People's Republic of China, the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Decision of the National People's Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security, the relevant provisions of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region and

the Interpretation of Article 104 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Standing Committee of the National People's Congress, and 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:

1. A member of the Legislative Council of the Hong Kong Special Administrative Region does not meet the legal requirements and conditions on upholding the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and bearing allegiance to the Hong Kong Special Administrative Region of the People's Republic of China if the member advocates or supports "Hong Kong independence", refuses to recognize the People's Republic of China's sovereignty over Hong Kong and the exercise of the sovereignty, solicits intervention by foreign or external forces in the Hong Kong Special Administrative Region's affairs, or carries out other activities endangering national security. Once the member is decided as such in accordance with law, he or she is immediately disqualified from being a member of the Legislative Council.

2. This Decision is applicable to the members of the sixth term Legislative Council of the Hong Kong Special Administrative Region whose nominations were decided to be invalid in accordance with law by the Hong Kong Special Administrative Region due to the circumstances mentioned above during the nomination period of the election for the seventh term Legislative Council of the Hong Kong Special Administrative Region originally scheduled for 6 September 2020.

This Decision is applicable to any person standing for an election in respect of or taking up the office of a member of the Legislative Council in future where the circumstances mentioned above apply.

3. The disqualification of the members of the Legislative Council of the Hong Kong Special Administrative Region pursuant to the above provisions is to be announced by the Government of the Hong Kong Special Administrative Region.

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Note:

- \* This English translation is prepared by the Department of Justice, Government of the Hong Kong Special Administrative Region. It is for reference purposes and has no legislative effect.