

August 6, 2020

The Daily Mail

Dear Editor,

I write to draw your attention to the misinformation in your article “Hong Kong government’s decision to delay the upcoming election ‘due to coronavirus’ may be unlawful, says the city’s bar association” on 3 August 2020

The decision of the Government of the Hong Kong Special Administrative Region (HKSAR) to postpone the election is reasonable, legal and in public interest.

Contrary to what the Bar Association seems to imply, the HKSAR Government attaches importance to protecting the constitutional right of Hong Kong residents to participate in elections. With the current stringent social distancing measures in place, no meaningful electioneering activities could be conducted. Furthermore, the boundary control measures make it virtually impossible for voters from Mainland and overseas to return to cast their vote.

On the other hand, postponing the election for 14 days as suggested by the Association is not a practical solution. It will also create highly undesirable uncertainties for all parties concerned, and likely be regarded as a mis-use of power if such power to postpone the election for 14 days is repeatedly invoked. The Legislative Council performs important substantive functions, and has an annual business cycle.

The HKSAR Government thus does not agree with the Bar Association’s allegation that this is contrary to the principles of legality and legal certainty and degrades the rule of law in Hong Kong. The HKSAR is an inalienable part of the People’s Republic of China. The National People’s Congress is the highest organ of state power. Under the Constitution of the People’s Republic of China, the National People’s Congress Standing Committee has the authority to tackle this constitutional issue encountered by the HKSAR.

Miss Winky So
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