

## Just and Upright Legislative Assembly Election and Patriots Governing Macao are of Great Significance



The seventh Legislative Assembly Election was held on 12 September 2021. This was an election of great political significance after the full implementation of the principle of “patriots governing Macao”.

After reunification with the motherland, the MSAR Government and all sectors of society have comprehensively and correctly upheld the principles of “One country, two systems”, “Macao people governing Macao” and a high degree of autonomy, strictly following the Constitution and the Basic Law. The Government is continuously improving the systems related to the implementation of the Constitution and the Basic Law, and implementing the principle of “Macao people governing Macao” with patriots paramount.

The process for confirming applications by the nomination committee for the direct election and indirect election of the seventh Legislative Council Election was completed on 15 June. The Electoral Affairs Commission for the Legislative Assembly Election (CAEAL) received a total of 27 applications, 22 of which were for direct elections and five for indirect elections; while two candidacies were waived. According to the Legislative Assembly Electoral Law and the election calendar, on 24 June, the CAEAL confirmed the legal existence of 19 direct election nomination committees and five indirect election nomination committees. As at 5 July, the deadline for the nomination committee to submit the candidate lists and manifestos to the CAEAL, the CAEAL received a total of 19 candidate lists and manifestos for direct elections and five for indirect elections.

On 9 July, the Chairman of the Electoral Affairs Commission for the Legislative Assembly

Election, Tong Hio Fong, said that the CAEAL had examined the candidate lists aiming to contest the elections in accordance with the law and found that among the 19 candidate lists for direct elections, one was not qualified as a voter; in addition, it was proven that in six candidate lists, a total of 21 candidates did not support the Macao Basic Law and had not sworn allegiance to the Macao SAR, thus were not eligible for election. Hence, a total of 23 persons were not eligible to be elected.

### **Election Upholding the Basic Principle of “Patriots Governing Macao”**

During a press conference on 12 July, the Electoral Affairs Commission for the Legislative Assembly Election reiterated that, in order to determine whether a person is ineligible for being elected, the CAEAL must examine not only the declaration signed by the candidate, but also whether the candidate has committed acts that do not support the Basic Law of the Macao Special Administrative Region of the People’s Republic of China or has not sworn allegiance to the Macao Special Administrative Region of the People’s Republic of China. If a candidate is found to have committed relevant acts, he or she will be ineligible for election. The relevant regulations of the Electoral Law also stipulate that the candidates must be patriots.

The CAEAL stated that the Constitution of the People’s Republic of China is the fundamental law of the country and the basis for the formulation of the Basic Law. To support the Basic Law is to support the Constitution and its established principles, especially “One country, two systems”, “Macao people governing Macao”, “a high degree of autonomy” and “the leadership of the Communist Party of China”.

Additionally, “One country, two systems” is the basic principle of the Central People’s Government in governing the Macao SAR. “One country” is the premise and foundation of “two systems”, and “patriots governing Macao” is an important principle that must be followed in order to comprehensively and properly implement the “one country, two systems” principle.

Therefore, candidates must truly uphold the Basic Law, the Constitution and the principles established therein, and must be patriots. As patriots, candidates must safeguard national sovereignty, safety and development interests, and must respect and safeguard the fundamental system of the nation and the constitutional order of the Macao SAR. Candidates must not engage in any activities that endanger national sovereignty and security, challenge the authority of the Central People’s Government and the authority of the Basic Law of Macao, or use Macao to infiltrate and cause damage to mainland China.

The CAEAL mentioned in particular that the Amendment to the Constitution of the People’s Republic of China, which was voted on and passed in the first session of the 13th National People’s Congress Standing Committee on 11 March 2018, added to Clause 2 of Article 1, “The leadership of the Communist Party of China is the most essential feature of socialism with Chinese characteristics”, which more fully reflects the ruling status of the Communist Party of China. Therefore, upholding the leadership of the Communist Party of China has become an important basis for determining whether a candidate is eligible to stand for election, or disqualified from standing for election in the current Legislative Assembly Election.

In summary, in order to review the eligibility of all candidates, and in particular implement the relevant stipulation of Clause 8 of Article 6 of the Election Law, the Electoral Affairs Commission

for the Legislative Assembly Election has formulated the following criteria:

1. Candidates must uphold the authority of the Constitution and the Basic Law: if it is proven that a candidate has organised or participated in activities to overthrow or undermine the fundamental system of the nation established by the Constitution of the People's Republic of China, or intended to do so, or has made statements related to such acts, the candidate is deemed ineligible for election under the law.
2. Candidates must uphold a unified China and territorial integrity of the country: if it is proven that a candidate has committed acts that endanger the unity and territorial integrity of the nation, made secessionist remarks or participated in any way in these activities, the candidate is deemed ineligible for election under the law.
3. Prevent candidates from colluding with foreign countries or with external elements to infiltrate the authorities of the Macao SAR: if it is proven that a candidate has participated in training activities that are anti-China and aim to disrupt Macao that are arranged by overseas anti-China forces or organisations, including but not limited to accepting funding from these organisations, the candidate is deemed ineligible for election under the law.
4. Candidates must respect the political structure established by the Constitution and the Basic Law: if it is proven that a candidate has maliciously attacked, smeared or vilified the People's Republic of China or the Macao Special Administrative Region of the People's Republic of China, or has made remarks related to these acts, the candidate is deemed ineligible for election under the law.
5. Candidates must not engage in acts that endanger national sovereignty and security: if it is proven that a candidate has violated the stipulations of Law No. 2/2009 - "Law on the Defence of National Security", the candidate is deemed ineligible for election under the law.
6. Candidates must respect the authority conferred on the National People's Congress and its Standing Committee by the Constitution and the Basic Law: if it is proven that a candidate has maliciously attacked or smeared the legislation, interpretations or decisions passed by the National People's Congress and its Standing Committee, the candidate is deemed ineligible for election under the law.
7. Candidates must not play a supporting role in activities as stipulated in items 1 to 6: if it is proven that a candidate has provided tangible support, assistance or increased convenience in any way for the implementation of activities as stipulated in items 1 to 6, the candidate is deemed ineligible for election under the law.

The CAEAL emphasised that the above-mentioned criteria are for assessing the eligibility of candidates for election. The criticisms of candidates regarding the governance of the MSAR Government do not fall under the fourth criterion. In fact, the more stringent requirements of the Electoral Law on the eligibility of candidates are in consideration of the higher requirements of the MSAR Government for its governing team and the full implementation of the principle of "patriots governing Macao".

The CAEAL reiterated that, in accordance with the Basic Law, all Macao residents enjoy

freedom of speech. Macao residents will not be penalised for voicing their opinions unless otherwise stipulated by law.

On 13 July, the CAEAL announced that the list of candidates for the direct election of the Legislative Assembly had been reduced from 19 to 14, and the total number of candidates was reduced from 159 to 128. The candidate lists had decreased by five groups due to non-replacement of candidates, the replacement of candidates who were not eligible to stand for election, and as some candidates quit the election, resulting in the number of eligible candidates in a list falling to below the statutory minimum of four.

Twenty-one of the original candidates were ineligible to be elected because it was proven that they failed to uphold the Basic Law of the Macao Special Administrative Region of the People's Republic of China, or did not swear allegiance to the Macao Special Administrative Region of the People's Republic of China; they became 20 candidates, as one of the candidates proposed a replacement. The indirect election remained unchanged, with 12 candidates in five lists of candidates.

On 13 July, the Government issued a statement, stating that in accordance with the stipulations of Articles 6 and 10 of the Legislative Assembly Election Law, the seventh Electoral Affairs Commission for the Legislative Assembly Election of the Macao Special Administrative Region had legally deemed 20 candidates ineligible for election as they failed to uphold the Basic Law of the Macao Special Administrative Region of the People's Republic of China, or had failed to swear allegiance to the Macao Special Administrative Region of the People's Republic of China. The MSAR Government expressed its strong support for the rejection of the list of five electoral groups.

The government further stated that upholding the Basic Law of the Macao Special Administrative Region of the People's Republic of China and swearing allegiance to the Macao Special Administrative Region of the People's Republic of China are the basic standards that members of the Legislative Assembly should meet. In accordance with the powers conferred on it by law, the Electoral Affairs Commission for the Legislative Assembly Election is responsible for safeguarding the overall interests of the Macao SAR, upholding the authority of the Macao SAR established by the Constitution and the Basic Law, and implementing the fundamental principle of patriots governing Macao.

The statement mentioned that deeming some of the candidates ineligible for the election does not affect the fundamental rights enjoyed by Macao residents in accordance with the law, nor does it affect their freedom of speech, or affect their right to know about and play a role in supervising the administration of the Government. The MSAR Government will continue to protect the legal rights and interests of the general public in strict accordance with the stipulations of the Basic Law and the laws of Macao, and support the Electoral Affairs Commission for the Legislative Assembly Election in performing its duties in accordance with the law, so as to ensure the successful implementation of "One country, two systems" with Macao characteristics, and to maintain the prosperity and long-term stability of Macao.

## **Deepening Formulation of the Contingency Plans for Pandemic Prevention During the Election**

This was the first Legislative Assembly Election held during the pandemic. In the face of the

pressure to prevent and control COVID-19, the CAEAL continued to maintain close contact with the health departments, continued to intensify its campaigning and polling day prevention measures, formulated contingency plans for any changes in the pandemic, and adopted stringent pandemic prevention measures during the election campaign stage to ensure that the entire campaign and polling activities were conducted healthily and smoothly while ensuring public health and safety.

On the polling day, there were strict requirements for pandemic prevention measures, with a one-metre pandemic prevention distance and advisory signs. Voters were required to undergo body temperature checks and present Health Codes, clean their hands, wear masks, and maintain an appropriate social distance. It is also worth mentioning that the Government specially set up three mobile polling stations, to ensure that voters who were under medical observation in designated hotels could exercise their right to vote.

### **Working Together to Support a Clean Election**

To support the seventh Legislative Assembly Election, the Commission Against Corruption (CCAC) continued organising publicity activities at different levels to spread anti-bribery messages to the public through a variety of publicity and educational methods, such as organising community roadshows and a WeChat quiz for promoting a clean election, working meetings with various candidate lists, and briefing sessions for direct election groups, to enhance public understanding of the laws of the Legislative Assembly Election. The CCAC also urged the public to report any illegal acts involving election bribery by immediately calling the election complaint hotline, to jointly uphold a corruption-free election.

From the beginning of the Legislative Assembly Election campaign to polling day, the CCAC conducted about 8,000 inspections, with satisfactory results.

### **Half of the Directly Elected Members are New Faces**

Polling for the seventh Legislative Assembly Election ended smoothly at 9pm on 12 September. The preliminary polling results were announced in the early hours of 13 September: 14 directly elected and 12 indirectly elected legislators were elected, and 50 percent of the directly elected legislators were new faces.

After polling ended, the Chairman of the CAEAL, Tong Hio Fong, said that from 9:00 am to 9:00 pm, a total of 137,281 voters cast their votes in direct elections, representing a turnout rate of 42.38 percent, while 7,000 legal persons cast their votes in indirect elections, representing a turnout rate of 87.33 percent.

On 14 September, the General Audit Committee of the seventh Legislative Assembly Election announced the audited results of the vote counting. The Chairman of the Committee, Kuok Kin Hong, said that after auditing, 15 direct election ballots were deemed valid, including six contested and nine void ballots, and one indirect election void ballot was declared valid. According to the counting results, 137,279 voters had cast their votes in the direct election, with 132,071 valid votes, 3,141 blank votes and 2,067 invalid votes.

The 14 directly elected legislators were as follows: Si Ka Lon, Lei Cheng I, José Maria Pereira



Coutinho, Zheng Anting, Leong Hong Sai, Wong Kit Cheng, Song Pek Kei, Leong Sun Iok, Che Sai Wang, Lam U Tou, Lo Choi In, Ngan Iek Hang, Ma Io Fong, and Lei Leong Wong.

The *Macao SAR Gazette* published an Executive Order, through which Chief Executive Ho Iat Seng appointed Ma Chi Seng, Iau Teng Pio, Pang Chuan, Wu Chou Kit, Kou Kam Fai, Chan Hou Seng and Cheung Kin Chung as legislators of the seventh Legislative Assembly of the Macao SAR. On 16 October, 33 legislators were sworn in, with their oaths administered by Chief Executive Ho Iat Seng, before their four-year term of office commenced.

## Safeguarding National Security and Comprehensively Protecting the Safety of Macao



In 2021, public order in Macao remained stable and peaceful, and a comprehensive variety of crimes were stringently combatted. The Government fulfilled its constitutional responsibility to safeguard national sovereignty, safety, and development interests; continued perfecting the legal system and law enforcement system for safeguarding national security; and strengthened law enforcement. Also, the Government enhanced promotion of national security education, to strengthen public awareness of national security; consolidated patriotism as the social and political foundation, through cooperation and coordination; and implemented every effective measure to prevent infiltration and interference by external forces, to fully demonstrate the principle of “patriots governing Macao”, thereby safeguarding the overall stability of Macao and national security.