

CRS Insights

China's Leaders Quash Hong Kong's Hopes for Democratic Election Reforms

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An August 31 [decision](#) by China's National People's Congress Standing Committee (NPCSC) placed strict conditions on any possible electoral reforms in Hong Kong—setting the stage for a contentious and difficult process as the city's political bodies begin work on possible legislation to alter the rules for selecting Hong Kong's Chief Executive.

Reactions to the NPCSC's decision varied widely. While Hong Kong's current [Chief Executive Leung Chun-ying](#) welcomed the "[precious offer](#)" from the NPCSC, pro-democracy advocates expressed a mixture of disappointment and outrage at the decision. While all concerned, including the NPCSC, accept that the Chief Executive may be elected in 2017 by universal suffrage for all eligible Hong Kong voters, there is sharp disagreement over procedures for the nomination of candidates.

The NPCSC Decision

The decision responded to a [report](#) submitted to the NPCSC in July by Chief Executive Leung on the "need to amend the methods for selecting" the Chief Executive in 2017 and the Legislative Council (Legco) in 2016. While the NPCSC decision concluded that the "existing formation method and voting procedures for the Legislative Council" are not to be amended, it determined, among other things, that for the Chief Executive's selection:

- "A broadly representative *nominating committee* shall be formed ... in accordance with the number of members, composition, and formation method of the *Election Committee* for the Fourth Chief Executive" [emphasis added];
- "The nominating committee shall nominate two to three candidates...";
- "Each candidate must have the endorsement of more than half of all members of the nominating committee";
- All eligible voters in Hong Kong will have the right to vote for the Chief Executive; and
- The winner of the election will be subject to the approval of the NPCSC.

An element in the decision that also sparked a strong reaction was the NPCSC's statement that "the principle that the Chief Executive has to be a

person who loves the country and loves Hong Kong [爱国爱港] must be upheld." This principle has sparked controversy as the concept does not appear in the [Basic Law](#) (Hong Kong's "constitution") as a requirement to serve as Chief Executive.

The fourth Chief Executive, Leung Chun-ying, was nominated and selected in 2012 by an Election Committee consisting of 1,200 members, most of whom are viewed as supportive of the government of People's Republic of China (PRC). Under the Basic Law, the Election Committee is divided into four equal groups representing: (1) the industrial, commercial, and financial sectors; (2) various professions; (3) labor, social services, religious, and other social sectors; and (4) members of Legco, Hong Kong's District Councils, Hong Kong deputies to the National People's Congress, and Hong Kong's representatives to the National Committee of the Chinese People's Political Consultative Conference, an official PRC body.

Hong Kong's Response

Several prominent political leaders expressed their views publicly. Martin Lee, founder of Hong Kong's Democratic Party, told protesters at a rally, "[Hong Kong people will have one person, one vote, but Beijing will select all the candidates—puppets. What is the difference between a rotten apple, a rotten orange, and a rotten banana?](#)" Rita Fan, Hong Kong's representative on the NPCSC, expressed support for the decision, pointing out that [there is room for discussion on legislating universal suffrage](#). Chan Kin-Man, one of the leaders of [Occupy Central with Love and Peace](#) [和平佔領], a pro-democracy civil disobedience movement, wrote in a press release, "[There does not seem to be any room for genuine universal suffrage under this framework.](#)"

Occupy Central immediately called for a rally in Tamar Park, home to Hong Kong's Legco and the Chief Executive office. More than 5,000 people attended the August 31 rally in the pouring rain, including many of the pro-democracy Legco members.

Prospects

Occupy Central has [announced](#) it will go ahead with its plans to hold a peaceful act of civil disobedience in Hong Kong's Central District on an undisclosed date. The 27 Legco members generally considered pro-democracy have all reportedly [pledged to oppose](#) any plan based on the NPCSC's decision. Li Fei, chairman of the NPCSC's Basic Law Committee, reportedly indicated that the NPCSC [may impose its decision](#) if the Legco fails to pass acceptable legislation regarding the Chief Executive's election.

While current prospects for compromise look bleak, some observers see some room for negotiations in the specific legislation considered by Legco.

The wording of the original Chinese may provide some flexibility in the manner by which the individual nominating committee members are selected. Also, the legislation will have to set new rules governing the voting process of the nominating committee to permit the nomination of two or three candidates. The new nominating rules may create sufficient space for greater choice in candidates. The legislation must be passed by a two-thirds majority of Legco, and obtain the Chief Executive's consent and the approval of the NPCSC.

Options for Congress

Some members of the 113th Congress have already expressed concern about the situation in Hong Kong. Senator Sherrod Brown, co-chair of the Congressional-Executive Commission on China, told reporters in May 2014, "[The future of freedom and democracy in Hong Kong is under serious threat.](#)" During their visit to Washington, Anson Chan and Martin Lee asked some Members of Congress and the Obama Administration to reinstate the State Department's annual report to Congress on the status of Hong Kong that had been required under the [U.S.-Hong Kong Policy Act](#) until 2007. The recent events in Hong Kong could also affect congressional consideration of Hong Kong's possible participation in the U.S. visa waiver program (contained in [H.R. 15](#), [H.R. 1923](#), [S. 703](#), and [S. 744](#)), as well as aspects of U.S. relations with China.