

Hong Kong's Legislative Council Votes Down Chief Executive Election Reform

June 22, 2015

On June 18, Hong Kong's Legislative Council (Legco) defeated a proposal to reform the city's Chief Executive (CE) selection method by a vote of 28 to 8, dimming the prospects for election reforms in Hong Kong before the 2017 CE election. To pass, the proposal had to receive the support of at least 47 of the 70 Legco members (see CRS Report R44031, *Prospects for Democracy in Hong Kong: The 2017 Election Reforms*). While the outcome was not surprising, the final tally was unexpected—the result of a walkout by 32 Legco members in an attempt to force a lack of quorum (35 members) and stop the vote.

The official vote was taken with 37 Legco members present (including the Legco president, who did not vote). The 27 “pan-democrats” who had publicly pledged to vote against the proposal did so, as did one more member.

Pan-democrat Legco member Alan Leong told reporters, “[The message we sent is that Hong Kong people do not want this fake democratic package.](#)” A spokesperson for China's Hong Kong and Macau Affairs Office stated, “Such a result is a departure from the mainstream public opinion of Hong Kong. [It is also not what the central government likes to see.](#)” The [last joint university rolling public opinion survey](#) taken before the Legco vote found 47.0% of respondents supported passage of the election reforms and 38.0% opposed passage.

The [official resolution](#), as submitted by Chief Secretary Carrie Lam on June 17, would have created a 1,200-member Nominating Committee, largely based on the current Election Committee that nominates and selects the CE as required by China's National People's Congress Standing Committee (NPCSC) in an August 2014 decision. That decision triggered widespread public demonstrations in Hong Kong last year (see CRS Report IF10005, *Protests in Hong Kong: The “Umbrella Movement” (Update)*). The pan-democrats opposed the resolution because they said the Nominating Committee would have precluded the nomination of a pro-democracy candidate.

What Next?

The defeat of the resolution does not necessarily end the possibility of CE election reforms by 2017, but prospects appear dim. Among the options are:

- **Legco reconsiders the resolution**—Given that an insufficient number of Legco members were present to pass the resolution when the vote was taken, Legco could reconsider the matter. However, it is unlikely that the pan-democrats would change their tactic or their vote to alter the outcome.

- **The Hong Kong government submits a new resolution**—The Hong Kong government could introduce a new resolution that would be sufficiently flexible for a pro-democracy candidate to be nominated. However, current CE Leung Chun-ying has indicated that he considers the NPCSC’s August 2014 decision binding, which would appear to make it difficult for him to offer such a new resolution.
- **The NPCSC revises or amends its August 2014 decision**—The NPCSC could revise or amend its decision in light of the Legco vote. However, China’s official news agency, Xinhua, reports that [the NPCSC August 2014 decision “will remain in force in the future.”](#)
- **CE Leung restarts the process for consideration of election reform**—Under the provisions of a NPCSC decision of April 2004, to alter the CE selection process as proscribed in Annex I of Hong Kong Basic Law, the Chief Executive must first submit a report to the NPCSC indicating that conditions in Hong Kong are sufficient to demonstrate a need to alter the election process. CE Leung did this in July 2014, which led to the NPCSC’s August 2014 decision. In theory he could submit another report, but observers suggest he is not likely to do so.

The organizers of last year’s protests have stated that they have [no intention of attempting new large-scale events](#) in support of democracy and have [agreed to dismantle their tents](#) around the Legislative Council building. The [focus of the pan-democrats appears to have shifted](#) to organizing around the District Council elections to be held in November 2015 and the next Legco elections to be held in 2016. However, some new groups have emerged, including a [Hong Kong independence movement](#). It is possible that a new group or groups could attempt to organize new protests.

Options for the U.S. Congress

Congress has demonstrated its support for democratic reforms in Hong Kong by various means. The House Committee on Foreign Affairs Subcommittee on Asia and the Pacific held [a hearing on democracy in Asia](#) on June 11, 2015, that included a focus on Hong Kong among other locations. The Hong Kong Human Rights and Democracy Act ([H.R. 1159](#)) states that it is U.S. policy “to support the establishment by 2017 of a genuine democratic option to freely and fairly nominate and elect the Chief Executive of Hong Kong....” Section 4 of the act would reinstate the State Department’s annual report to Congress as provided for in Section 301 of the United States-Hong Kong Policy Act of 1992 ([22 U.S.C. 5731](#)) for 10 years or “until such earlier date that the Secretary of State certifies that Hong Kong has held free and fair elections for two consecutive Chief Executive and two consecutive Legislative Council periods.” Section 5 of the act would amend the United States-Hong Kong Policy Act of 1992, to require the Secretary of State to certify to Congress not later than 90 days after enactment and annually thereafter “whether Hong Kong is sufficiently autonomous to justify separate treatment different from that accorded the People’s Republic of China in any new laws, agreements, treaties, or arrangements entered into between the United States and Hong Kong after the date of the enactment of such Act.”

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