



Updated March 27, 2017

## Hong Kong's 2017 Chief Executive Elections

On March 26, 2017, the Election Committee of the Hong Kong Special Administrative Region of China (Hong Kong, or HKSAR) selected Carrie Lam Cheng Yuet-ngor to be the HKSAR's next Chief Executive. Lam will be Hong Kong's first woman Chief Executive and the fourth Chief Executive since Hong Kong reverted to Chinese rule on July 1, 1997, after nearly 150 years as a British colony. She defeated two other candidates, John Tsang Chun-wah and Woo Kwok-hing. Lam is scheduled to assume office on July 1, 2017.

Hong Kong's Chief Executive has to balance the role of representing the interests of Hong Kong with the policy directives of China's central government. Tsang was the most popular candidate according to two major public opinion polls (see below), but Lam appeared to be the candidate supported by China's central government. The HKSAR government's decision to bring charges against several of the leaders of the 2014 pro-democracy protests known as the "Umbrella Movement" (see CRS In Focus IF10005, *Protests in Hong Kong: The "Umbrella Movement" (Update)*) the day after Lam's selection may have offset goodwill possibly generated by her acceptance speech in which she said, "My priority will be to heal the divide and to ease the frustration—and to unite our society to move forward."



**Carrie Lam Cheng Yuet-ngor,  
selected to be Hong Kong's  
next Chief Executive**

### The Role of the Chief Executive

China's National People's Congress established an executive-led government in Hong Kong in 1990 through a mechanism known as the "Basic Law." Although the Basic Law establishing the Chief Executive also provides for a Legislative Council (Legco) (see CRS In Focus IF10500, *Hong Kong's Legislative Council (Legco)*), most administrative power resides in the hands of the Chief Executive.

The Basic Law, which many observers refer to as its mini-constitution, states that "[t]he ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures" (Article 45). The Chief Executive, however, has never been selected by universal suffrage, and despite the hopes of many Hong Kong citizens, was not selected by universal

suffrage in 2017. On June 18, 2015, Hong Kong's Legco rejected proposed reforms that would have adopted the election of the Chief Executive by universal suffrage because the nomination process was seen as too restrictive (see CRS Report R44031, *Prospects for Democracy in Hong Kong: The 2017 Election Reforms (Update)*).

### The Election Process

The Election Committee comprises 1,094 members chosen by 36 designated subsectors of Hong Kong society, plus all 70 Legco members and Hong Kong's 36 deputies to China's National People's Congress. Fewer than 250,000 of Hong Kong's nearly 3.8 million registered voters were eligible to vote in the subsector elections held on December 11, 2016. As a result, many observers do not see the Election Committee as being "a broadly representative nominating committee," as provided for in the Basic Law.

The Election Committee also serves as the official nominating committee for Chief Executive candidates. Candidates had to secure the written support of no fewer than 150 Election Committee members between February 14 and March 1, 2017, in order to be nominated. Three candidates were able to secure the necessary 150-member support—Lam, Tsang, and Woo. A fourth candidate, Regina Yip Lau Suk-ye, did not gain sufficient support.

On December 9, 2016, current Chief Executive Leung Chun-ying announced he would not seek reelection for family reasons. Some observers think he chose not to run because of waning support from China's central government and his low popularity ratings among Hong Kong residents.

To be selected as Chief Executive, a nominee must receive the support of no fewer than 601 of the 1,200 Election Committee members. Lam won the election by securing 777 votes. Tsang and Woo received 365 and 21 votes, respectively.

### The Chief Executive Elect

Carrie Lam (59) was a career civil servant in the Hong Kong government from 1980 to 2017. Most recently, she served as Chief Secretary for Administration, the top civil service position in Hong Kong, from which she resigned on January 16, 2017, to run for Chief Executive.

Lam was a prominent representative of the HKSAR government during the Umbrella Movement, and is generally seen as supporting the government's decision to break up the protests. She also headed the HKSAR government's Task Force on Constitutional Development, which was responsible for drafting the proposed changes in electing the Chief Executive that would have permitted universal suffrage in 2017. The proposal, however, also

created a restrictive nomination process in compliance with an August 2014 decision by China's National People's Congress Standing Committee. The proposed election reforms were rejected by Legco in June 2015.

In December 2016, a controversy emerged around Carrie Lam's role in the approval of a proposed Palace Museum by the Western Kowloon District's cultural authority, of which Lam is the chair, without the usual public consultation and transparency. Construction of the museum is supported by China's central government. Hong Kong's anti-corruption agency, the Independent Commission Against Corruption (ICAC) is reportedly investigating Lam's role in the approval of the Palace Museum.

## Public Opinion Polls

The University of Hong Kong Public Opinion Programme (HKU-POP) and Lingnan University's Public Governance Programme (LU-PGP), two public opinion research groups with a reputation for independence and objectivity, conducted ongoing surveys of support among Hong Kong residents for the Chief Executive candidates. **Table 1** lists the results for the last surveys done before election day.

**Table 1. Support for Each Candidate According to Independent Public Opinion Polls**

Candidate	HKU-POP	LU-PGP
Carrie Lam	29%	25.1%
John Tsang	56%	52.5%
Woo Kwok-hing	9%	8.3%

**Source:** HKU-POP, 2017 CE Election Rolling Survey; and LU-PGP, 2017 Chief Executive Opinion Poll Results (in Chinese).

## The Role of China's Central Government

China's central government has no direct role in the Election Committee's selection of the Chief Executive, but has authority under the Basic Law to accept or reject the selected candidate. Some Election Committee members claimed that they received phone calls from officials from China's Liaison Office in Hong Kong, encouraging them to support Lam. Some people have asserted that the alleged phone calls may violate a Basic Law provision that prohibits China's central government officials from interfering "in the affairs which the [HKSAR] administers on its own in accordance with this Law."

## The Role of Hong Kong's "Pro-Democracy" Coalition

A loose coalition of "pro-democracy" political parties was able to place over 320 supporters on the Election Committee. As a result, they could have potentially nominated two "pro-democracy" candidates, but did not do so. The "pro-democracy" coalition nominated one of their members in the two previous Chief Executive elections (2007 and 2012). This time, they split their support between Tsang and Woo in the nomination and selection process.

## Charges Against Umbrella Movement Leaders

The day after Lam's selection, the HKSAR government arrested nine leaders of the 2014 Umbrella Movement for alleged creation of a public nuisance. Both current Chief

Executive Leung and Chief Executive-elect Lam deny any knowledge that the arrests were pending. Hong Kong's Department of Justice issued a statement on March 27, 2017, cautioning against speculation on the timing of the prosecution of people involved in the 2014 protests.

The charges are seen by some in Hong Kong as a continuation of an attempt by China's central government and Chief Executive Leung to suppress local support for greater Hong Kong autonomy. Two Legco members have been removed from office following a court decision that they did not take their oaths of office in accordance with prescribed procedure and requirements. They have appealed their removal to Hong Kong's Court of Final Appeal. Four more Legco members are facing similar court challenges filed by the HKSAR government for the pro-autonomy statements they made when they took their oaths of office.

## Implications for U.S. Relations

Hong Kong's next Chief Executive will confront many challenges. The adoption of universal suffrage for future Chief Executive and Legco elections will probably be raised by Legco's "pro-democracy" members. The new Chief Executive reportedly may also face pressure from China's central government to draft and approve legislation regarding sedition, as required by Article 23 of the Basic Law. In addition, the new leader will be pushed to address pressing socio-economic issues, such as slowing economic growth, loss of job opportunities, and the high cost of housing. How the new Chief Executive addresses these issues could be a litmus test of Lam's public legitimacy in Hong Kong, thereby setting the context for Hong Kong's relations with Mainland China, and with the United States.

The U.S.-Hong Kong Policy Act of 1992 (P.L. 102-383; 22 U.S.C. 5701 et seq.) states that "[s]upport for democratization is a fundamental principle of United States foreign policy. As such, it naturally applies to United States policy toward Hong Kong." The act continues the United States' separate treatment of Hong Kong from China under U.S. law unless the President determines and certifies to Congress that Hong Kong is no longer sufficiently autonomous to warrant such treatment.

The Hong Kong Human Rights and Democracy Act of 2017 (S. 417) would require the Secretary of State to provide an annual certification to Congress that Hong Kong is "sufficiently autonomous" to justify separate treatment from China. The bill also would reinstate an annual report to Congress on the status of Hong Kong, impose visa and financial restrictions on persons determined to be responsible for certain human rights violations in Hong Kong, and preclude the denial of U.S. entry visas to otherwise qualified applicants who were arrested or detained for their participation in non-violent protests in Hong Kong in 2014.

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