



**Consultation Document on ‘Method for Selecting the Chief Executive
by Universal Suffrage’
Response by Hong Kong 2020**

Background

On 20 March 2014 Hong Kong 2020 submitted our response to the Hong Kong SAR Government’s Consultation Document on ‘Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016’. Our former proposals are summarised in the Attachment to this paper.

Decision of the NPCSC on 31 August 2014

The 31 August 2014 Decision of the Standing Committee of the National People’s Congress (NPCSC) has dealt a potentially fatal blow to the aspirations of Hong Kong people for genuine universal suffrage for the election of the Chief Secretary (CE) in 2017 and for all members of LegCo in 2020.

First, we strongly refute the conclusion recorded in the Chief Executive’s Report and reflected in the Decision that:

“.....as relatively substantial amendments had been made to the method for forming the LegCo in 2012, it is generally agreed that there is no need to amend Annex II to the Basic Law regarding the method for forming the LegCo in 2016.”

This completely ignores views expressed during the public consultation, as well as the findings of numerous public opinion surveys that have shown clearly that a majority of Hong Kong people consider that functional constituencies and the ‘split voting system’ must be completely abolished in order to achieve genuine universal suffrage for the election of all members of the Legislative Council.

The failure to propose any changes to the method of forming LegCo in 2016 effectively rules out any possibility of achieving universal suffrage in 2020 as envisaged in the Decision of the NPCSC on 29 December 2007.

Last year’s Decision also seeks to impose a sham form of universal suffrage for the election of the CE, under which the nomination of no more than three candidates can effectively be manipulated by a Nominating Committee (NC) that is not, in any sense, broadly representative of the Hong Kong community. This Decision constitutes a gross betrayal of the expectations created by the 2007 NPCSC Decisions which appeared to pave the way for the election of the CE by **genuine** universal suffrage in 2017.

The August 2014 Decision has led to unprecedented social unrest and polarisation of society. If the HKSAR Government attempts to implement it in its present form, it will fail to obtain the necessary two-thirds majority of votes in LegCo. While the Government and local pro-Beijing elements will seek to lay the blame for the failure to achieve genuine universal suffrage at the door of pan-democrat members of LegCo, the majority of Hong Kong people and the wider international community will be

in no doubt as to where responsibility truly lies, as well as what it means for the future of Hong Kong and 'one country, two systems'.

Hong Kong 2020 fully shares the anger and dismay with which the 31 August 2014 Decision has been received by Hong Kong people, in particular younger and highly educated sectors of the community who are well aware that their freedoms, values and future way of life are at stake. We are nevertheless prepared to continue to engage in the consultation process.

Our Proposals

If there is to be any possibility of obtaining the support of two-thirds of LegCo members for the method of electing the CE in 2017, the Government, with the support of the Central Authorities, must be prepared to recommend substantive modifications to the current proposals to ensure that the outcome of the CE election reflects the will of the voters.

In line with our previous submission, we propose that the following reforms be made to the composition and formation of the NC:

- all corporate votes in the First, Second and Third Sectors of the NC be abolished and replaced by voting by individuals, who may each vote in only one sub-sector.
- the composition of the Fourth Sector be revised by replacing District Councillors with directly elected representatives of all other registered voters who are not entitled to elect representatives in the First, Second or Third Sectors. Given that the size of the Fourth Sector cannot be increased, this would provide for the election to the NC of 117 members from geographically based constituencies, as opposed to the 317 proposed in our earlier submission.

As regards the nomination process:

- any person who meets the criteria in Article 44 of the Basic Law, and who obtains nominations from at least one-tenth of the total number of NC members in the Four Sectors (120 nominations) should be 'recommended' for nomination by the full NC.
- there should be a cap on the number of votes for recommended candidates, to ensure that potentially promising candidates are not squeezed out of the running from the outset; we suggest an appropriate cap would be 20% of the total number of NC members.
- procedures of the NC should be open and transparent and provide an opportunity for all aspiring candidates to publicise and promote their electoral platforms.
- when it comes to selecting the two or three final candidates, each member of the NC should be able to cast three votes.

As regards the election process:

Our proposals for the election process of the CE are based upon the following principles:

- (1) There must be a threshold majority of the votes cast by the electorate, to ensure that there is sufficient support for the winning candidate to confer political legitimacy on the Chief Executive; how that threshold majority is determined is a matter for local legislation.

- (2) The role and obligation of the NC is to present to the electorate candidates who are electable, meaning candidates who are able to secure the majority as prescribed by law, guaranteeing the political legitimacy of the winning candidate in an election.
- (3) That political legitimacy is best secured by demonstrating that the winner has been chosen over a range of competitors who have not only the support of the NC, but broad public support that validates the formal nomination process.

We therefore propose:

- all persons 'recommended' for nomination by NC members, by way of having secured nominations from at least one-tenth of the total number of NC members, shall have their names included on the ballot paper along with the candidates formally nominated by the NC, unless they do not wish to be included.
- **only** the candidates nominated by the NC will be eligible for election outright in the first round of the election.
- the duly elected candidate shall be any candidate who secures more than 50% of all valid votes.
- a valid vote will be a vote for any name which appears on the ballot paper, whether the name is that of a formally nominated candidate or a recommended candidate, provided that only one name may be ticked.
- in the event that no candidate secures the required 50% of total votes cast in the first round, there will be a second round consisting of a run-off between the persons on the ballot paper securing the highest and the second highest number of votes, whether a formally nominated candidate or not.
- should one or both be persons not nominated as candidates, the NC will proceed to nominate them as a candidate or candidates for the run-off, and the run-off vote will proceed with only the 2 names on the ballot paper.

**Hong Kong 2020 Response on 20 March 2014
to the Hong Kong SAR Government's Consultation Document on
'Methods for Selecting the Chief Executive in 2017
and for Forming the Legislative Council in 2016'**

In relation to Forming the Legislative Council (LegCo) in 2016

- corporate voting in Functional Constituencies (FCs) should be abolished and replaced by voting by individuals, who may vote in only one FC;
- the five so-called 'super seats' in the District Council (Second) FC should be converted into directly elected Geographical Constituency (GC) seats and one additional seat added to each of the five existing GCs;
- the size of LegCo should be maintained at 70, with 40 GC and 30 FC seats;
- the 'split voting' system should be abolished so that FC LegCo members, elected by small groups of vested interests, cannot block the passage of bills and motions supported by the majority of directly elected GC LegCo members.

In relation to the Election of the Chief Executive in 2017

- in line with our proposals for changes to the LegCo FC system in 2016, all corporate votes in the First, Second and Third Sectors of the Nominating Committee (the NC) should be abolished and replaced by voting by individuals, who may each vote in only one sub-sector;
- the composition of the Fourth Sector should be amended to include representatives of all other registered voters who are not entitled to elect representatives in the First, Second or Third Sectors;
- any person who meets the criteria in Article 44 of the Basic Law, and who obtains nominations from at least one-tenth of the total number of NC members in the Four Sectors, that is 140 nominations, will be nominated by the NC;
- each member of the NC should be able to cast only one vote;
- there should be a cap on the number of votes that any individual candidate can secure, to ensure that competing candidates are not squeezed out of the running from the outset; we suggest an appropriate limit would be 25% of the total number of NC members;
- there should be no limit on the number of CE candidates; the number of candidates should be a product of the nomination system, not an artificially imposed constraint on the choice available to voters;
- the current prohibition, in local legislation, on the incoming CE having any political party affiliation should be abolished; this will strengthen the role of political parties and promote greater cohesion between the workings of the executive and the legislature.

香港 2020 「候補人方案」概述

提名委員會有責任提名具能力及認受性的行政長官候選人，讓全港合資格選民有真正的選擇，才符合民主普選的精神。提名委員會不應透過手中的提名權操控選舉結果。為了令行政長官選舉出現有意義的競爭，香港 2020 建議採用「候補人方案」：

1. 參選階段 (俗稱：入閘)

香港 2020 認為提名委員會的「入閘門檻」應為十分之一。任何人取得提名委員會一百二十個提名，即可成為「參選人」，但獲取提名數目的上限為百分之二十，即二百四十個提名。

2. 提名階段 (俗稱：出閘)

根據全國人大常委會於去年八月三十一日的決定：「每名候選人均須獲得提名委員會全體委員半數以上的支持。」因此，任何「參選人」取得提名委員會百分之五十以上的提名，可成為「候選人」。香港 2020 建議每個委員必須投三票。

若未能獲得提名委員會提名的「參選人」，則以「候補人」身份參加全港選民直選。

3. 全港選民直選階段

選票上必須同時有「候選人」及「候補人」供市民投票。若任何一位「候選人」獲得超過百分之五十的有效選票，可立即當選為行政長官。

根據《選舉程序（行政長官選舉）規例》（第541J章）及現行的《行政長官選舉活動指引》，選票上有任何文字或標記，而藉此可能識別選民身分的選票、相當殘破的選票、未經填劃的選票、沒有按照《行政長官選舉程序規例》相關條款而填劃的選票、及選票上無明確選擇，皆屬無效選票。

若沒有「候選人」取得百分之五十以上的有效選票，須進行第二輪全港選民直選投票，由得票最高的兩人（包括候選人及候補人）進行。

4. 重新啟動提名程序

若得票最高的兩人，其中一位是「候補人」，提名委員會必須確認該位「候補人」為「候選人」，讓他/她參加第二輪投票。

5. 第二輪全港選民直選階段

只有兩名候選人參加第二輪投票，任何人取得超過百分之五十之有效選票，即可當選。

