

Electing Hong Kong's Chief Executive

**Simon N. M. Young
Richard Cullen**

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History and Development of the Election Committee¹

1 Introduction

In this chapter we first briefly outline the development of Hong Kong’s unique political structure. This overview covers the period from the establishment of British Hong Kong until the current era, following the reversion of sovereignty over Hong Kong from the United Kingdom (UK) to the People’s Republic of China (PRC), when, on 1 July 1997, British Hong Kong became the Hong Kong Special Administrative Region (HKSAR) of the PRC.

Next, we trace the origins of the EC and analyse official justifications for its inclusion in the political structure of the HKSAR. We complete this chapter with a review of the operation, first of the pre-handover Selection Committee, and secondly, the several ECs which have functioned post-1997. Reference can be made to Appendix 1 which contains a chronology of key events from 1984 to 2008.

2 Hong Kong’s Political Structure — An Historical Overview²

Right through until the handover in 1997, Hong Kong retained a colonial-style system of

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1. We are indebted to Angela Lai for her excellent work in researching and drafting large portions of this chapter. This chapter repeats discussion and arguments made in earlier work by Richard Cullen, including, Cullen, R. and Krever, T., *Taxation and Democracy in Hong Kong* (Civic Exchange, Hong Kong, 2005), available at: <http://www.civic-exchange.org/publications/2005/taxdemo-E.pdf>.
 2. Note: the institutions of government discussed briefly here are reviewed in more detail in chapter 3. We use the term “political structure” to include all the laws of Hong Kong (including the constitutional documentation) plus the significant institutions of government in

government in which the Governor and his senior bureaucrats acted as combined ministers and administrators. They were accountable in an administrative sense to their superiors and the bureaucrats had to abide by civil service regulations, but neither the Governor nor his senior officers were accountable politically. They were answerable in the sense that they provided answers to the public directly and via Hong Kong's Legislative Council (LegCo).³

The Governor's position was dominant right through until the handover, in 1997. This was especially so until the period of limited political-constitutional reform initiated by the British in the 1980s.⁴ The Governor's Executive Council was established, with three members nominated by the Governor, in 1843. The first Chinese member of the Executive Council was not appointed until after a general strike and boycott by Hong Kong workers in 1925–26.⁵ As Ghai notes (citing Martin Wight), the governance of Hong Kong was based on the (British-colonial) double principle of subordination: the Hong Kong Executive Government was subordinate to the Executive Government in London and the Hong Kong Legislature was subordinate to the Hong Kong Executive Government.⁶

The British made the establishment of an organised system of law a high priority in all their colonies, not least in Hong Kong, where its immediate role as a trading port made this more necessary than ever.⁷ The Supreme Court Ordinance was passed by the Hong Kong Legislature in 1844. Characteristic institutions of a British common law system, including a substantially independent judiciary and a separate (from government) legal profession began to put down roots in Hong Kong soon after the colony was established.⁸

Hong Kong (including the electoral regime, executive/administrative organs of government, the legislature and the judiciary). We do not use this term to include relevant and key — but not comparably central — bodies and institutions like the media and political parties. When we speak of constitutional reform, we refer to reform of Hong Kong's core constitutional documentation and related legislative and system-operation changes. We use the term "Hong Kong" in two ways in this chapter — which will be clear from the text — first, to indicate the enduring jurisdictional entity under both British and Chinese sovereignty. Next, the term is used as shorthand to identify the period when Hong Kong was British Hong Kong.

3. Civil service regulations are in the form of subsidiary legislation. The Public Service (Administration) Order and Public Service (Disciplinary) Regulation spells out civil service appointment, dismissal, suspension and disciplinary procedures. See http://www.csb.gov.hk/hkgcsb/showdisplay.jsp?page_no=408&lang_iso=en_uk.
4. Chen, Albert H.Y., "The Development of Representative Government in Hong Kong" in Chan and Lim (Eds.) *Hong Kong's Constitutional Law (forthcoming)* (draft chapter on file with authors). See, also, Ghai, Yash, *Hong Kong's New Constitutional Order* (2nd ed.) (Hong Kong University Press, Hong Kong, 1999) chapter 1.
5. Chen, *ibid.*
6. Ghai, *Hong Kong's New Constitutional Order, supra*, 15.
7. Ghai, *ibid.*, 22.
8. *Ibid.*, 24.

Hong Kong's first ever LegCo was established by 1843. It comprised four members, one of whom was the Governor, who was also the President of LegCo.⁹ LegCo was expanded steadily over the following 140 years, but all LegCo members remained appointed until 1985 when the first ever, limited, non-direct election of members occurred.¹⁰ By this time LegCo had increased to a total of 57 "Official Members" and "Unofficial Members".¹¹

In 1991, the first 18 directly elected members joined LegCo in accordance with the agreement reached between the UK and the PRC on the limited political development allowed in Hong Kong prior to the 1997 handover.¹²

The 1995 LegCo was more fully elected than any other, under the reforms introduced by the last British Governor of Hong Kong, Chris Patten. These reforms sought, *inter alia*, to enlarge the franchise by which functional constituency (FC) members were chosen and to use certain other strategies to widen democratic participation in Hong Kong. All the measures were designed so as to conform with the letter, at least, of the Basic Law.¹³ They were bitterly opposed by Beijing which replaced the 1995 LegCo with a Provisional Legislative Council (PLC) for approximately one year from 1 July 1997. The primary constitutional document for the new HKSAR, the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Basic Law) made no provision for the creation of a body such as the PLC. The PLC was, however, subsequently found

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9. See *History of the Legislature*, at: http://www.legco.gov.hk/general/english/intro/hist_lc.htm.
 10. All the non-appointed 1985 LegCo members were indirectly elected by functional constituencies (FCs) or through forms of electoral colleges, see *ibid*. None of these elected members were directly elected by ordinary residents of Hong Kong. The FC members primarily represented the interests of (non-Chinese and Chinese) business and professional elites.
 11. *Ibid*. The Official Members were those senior government officials appointed by the Governor to act, also, as LegCo members. The Unofficial Members were also (until the process of limited elections began) all appointed by the Governor. These Unofficial Members were not government officials but members largely drawn from the non-Chinese and Chinese business elites in Hong Kong.
 12. The directly elected members were voted into office by the residents of Hong Kong using a "first past the post" voting system. Of the 18 directly elected seats on offer in the 1991 LegCo election, 17 were taken by pro-democracy candidates, see Ma, N. and Choy, C.K., "The Evolution of the Electoral System and Party Politics in Hong Kong" in Sing, Ming (ed.) *Hong Kong Government and Politics* (Oxford University Press, Hong Kong, 2003) 285–287. On the reluctant agreement by Beijing to this limited democratic reform for the 1991 LegCo elections see, Sing, Ming, *Hong Kong's Tortuous Democratization* (RoutledgeCurzon, London, 2004) 121–122.
 13. Tsang, Steve, *A Modern History of Hong Kong* (Hong Kong University Press, Hong Kong, 2004) 254ff. Tsang is of the view that the serious conflict between London and Beijing dating from the announcement of the Patten Reforms was driven largely (from Beijing) by a combination of a visceral suspicion of Patten (and the British) and a very poor understanding of the operational reality of British Hong Kong's political structure. Tsang also notes that Patten "pushed the grey area of the Basic Law to the limit but did not actually violate it."

to be constitutional by the new Court of Final Appeal (CFA) of the HKSAR¹⁴ during the course of hearing what has come to be known as the “Right of Abode” litigation.¹⁵

In 1998, a two year, partly directly elected LegCo replaced the PLC. The National People’s Congress (NPC) had, in April 1990, stipulated that the first LegCo in the HKSAR would have a term of office of two years. This decision is also reflected in the Basic Law.¹⁶ The intention was that, had the pre-handover legislature met with Beijing’s approval, it would have continued on a “through-train” after 1997 and served a full four year term. Instead, three differently constituted legislatures exercised limited terms of legislative authority during the transitional period from 1995 to 2000.

In the LegCo elections in 1998 (for the two-year term) 10 LegCo members and in 2000 (for the first full, four year term) six LegCo members were elected by the EC (see further below). In the LegCo elections of 2004 and 2008, 30 of the total of 60 LegCo members were returned by direct elections and the remaining 30 members were returned under the (British introduced) FC system.¹⁷

14. *Ng La Ling & Others v Director of Immigration* [1999] 1 HKLRD 315, 355ff.

15. On the substantive issues in dispute, it was found that a number of the key provisions in the HKSAR Immigration Ordinance restricting the right of certain Mainland persons to claim a right of abode in Hong Kong, were invalid because they were inconsistent with the relevant right of abode related provisions in the Basic Law. The CFA also concluded that the Basic Law was the fundamental constitutional instrument of the HKSAR. It followed from the above (the CFA said) that the CFA enjoyed a jurisdiction to examine, in certain cases, if legislative acts of the National People’s Congress (NPC) were consistent with the Basic Law (see, *Ng Ka Ling & Others v Director of Immigration* [1999] 1 HKLRD 315. See, also, *Chan Kam Nga & Others v Director of Immigration* [1999] 1 HKLRD 304, which dealt with certain other aspects of the right of abode claimants, including whether they were born before or after a parent became a Hong Kong permanent resident. Certain aspects of these decisions were reversed by Beijing (at the request of the HKSAR Government) in the first Article 158 Interpretation of the Basic Law by the National People’s Congress Standing Committee (NPCSC). For a full discussion of all the issues involved, including the constitutional matters and the substantive right of abode claims, together with transcripts of all the relevant cases and key documents and details of the public debate, see, Chan, J.M.M., Fu, H.L. and Ghai, Y. (eds) *Hong Kong’s Constitutional Debate: Conflict Over Interpretation* (Hong Kong University Press, Hong Kong, 2000). This litigation proved to be a seminal constitutional shaping experience for the HKSAR. It has also played a key part in “learning through experience” for the HKSAR about what the deep substance of the relationship with Beijing may be — and what, operationally, the guiding political formula for the HKSAR, “One Country — Two Systems” may mean. For a full review see Chan *et al*, *ibid*.

16. See the Decision of the National People’s Congress on the Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region (adopted by the 7th National People’s Congress (3rd Session) 4 April 1990) (hereinafter Formation Decision April 1990); and Basic Law, Annex II.

17. See *History of the Legislature*, at: http://www.legco.gov.hk/general/english/intro/hist_1c.htm. For a detailed review of Hong Kong’s democratic development and especially the development of LegCo since World War II, see, generally, Sing, *Tortuous Democratization*,

From the outset, LegCo's powers were limited and to this day, they remain curtailed. In particular, LegCo members have only very restricted rights to introduce new legislation (most legislation must be introduced by the HKSAR Government) and the voting rules for LegCo provide that whenever legislators propose motion debates, new laws or amendments to government legislation, these can only be passed if separate majorities of FC members and directly elected members are achieved.¹⁸ Hong Kong laws are, thus, not made by a fully representative, primary law making body. Moreover, LegCo has inadequate powers to hold the still, effectively, entirely Beijing-appointed HKSAR Government properly to account.¹⁹

As we explain more fully in the next Chapter, the governance system that ultimately evolved in Hong Kong under British rule was something of a hybrid — part presidential, part parliamentary — but embedded in an enduring colonial tradition. In Hong Kong, most power formerly rested in the hands of the Governor; now it lies in the hands of the CE.

The HKSAR thus commenced political life with a deliberately maintained, colonial-style governance system. The Basic Law enabled the colonial “executive-led” (that is, civil service-led) system to continue essentially unchanged. The Basic Law envisaged that, together with the CE, civil servants would continue to play the most important political role in post-1997 Hong Kong.

3 Origins of the Election Committee

The EC, an elected body,²⁰ is established by the Basic Law.²¹ Under the Basic Law, a key role of the EC is to elect the CE of the HKSAR.²² The system established in the Basic Law to elect the CE provides a method of indirect election for the CE. This system is meant, according to the Basic Law, to enable a “broadly representative” EC to choose the CE.²³

The political structure of the HKSAR had long been a matter of discussion. The Sino-British Joint Declaration of 1984²⁴ provides that the CE “shall be selected by elections or

supra. For a comprehensive review of the background to and operational drawbacks of Hong Kong's Functional Constituency system see: Loh, C. and Civic Exchange (eds.) *Functional Constituencies: A Unique Feature of Hong Kong's Legislative Council* (Hong Kong University Press, Hong Kong, 2006) (hereinafter *FC Book*).

18. See Article 74 and Part 2, Annex 2, Basic Law.

19. Loh, C. and Cullen, R., “Political Reform in Hong Kong: the Principal Officials Accountability System — The First Year (2002–2003)” (2005) 14 *Journal of Contemporary China* 147.

20. There are 38 subsectors in the EC. EC Subsector elections are held for 35 of them. See below for a more detailed discussion.

21. Annex 1 of the Basic Law.

22. *Ibid.*

23. *Ibid.*

24. Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong,

through consultations held locally”, and LegCo “shall be constituted by elections”.²⁵ Yet details of selection/election methods and democratic development were only discussed and decided during the Basic Law drafting process. There was no agreement in the community at that time on choosing a particular proposed model,²⁶ but the idea of using an electoral college, that is, employing an indirect election system, found manifestation in various proposals.²⁷ Among others, the following advantages arising from using an electoral college were cited in the report on the first public consultation on the Basic Law:

- The selection of the [CE] by the electoral college will allow representation and will not be easily manipulated. Moreover, Hong Kong people have considerable experience in functional constituencies elections.²⁸
- It will ensure that the [CE] will not be controlled by [LegCo] nor by any of the organizations or social strata, as the electoral college is not a power organ which will be dissolved after the election is completed.²⁹
- The electoral college represents the most important step in the political ladder in Hong Kong, and includes the elements of ‘functional constituencies’ and ‘regional constituency’ in the politics of election.³⁰
- The industrialists and businessmen may continue to stay in the establishment in order to maintain the economic prosperity of Hong Kong.³¹

These stated advantages of an electoral college match the underlying principles for the political structure of the HKSAR. As articulated by Ji Peng-fei, Chairman of the Basic Law Drafting Committee (BLDC), in submitting the Basic Law (Draft) to the NPC for approval in 1990:

The political structure of the [HKSAR] should accord with the principles of ‘one country, two systems’ and aim to maintain stability and prosperity in Hong Kong in line with its legal

19 December 1984, UKTS 1984 No. 26, reprinted in (1984) 23 *ILM* 1366 (hereinafter Joint Declaration).

25. Annex I, Section I of the Joint Declaration.

26. See pp. 102–103 of Consultative Committee for the Basic Law (CCBL) (1989), *The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Draft) Consultation Report (Volume 2): Report on Special Issues*.

27. See Special Group on the Political Structure of the SAR of the CCBL, *Report on the Summary of Proposals Regarding Elections by an Electoral College or a Grand Electoral College*, passed by the CCBL Executive Committee on November 23, 1987; cf. Special Group on the Political Structure of the SAR, *Report on the Summary of Proposals Regarding Direct Elections*, passed by the CCBL Executive Committee on November 23, 1987.

28. See p.979 of CCBL (1988), *The Draft Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (for Solicitation of Opinions) Consultation Report (Volume 5): General Report on the Articles*.

29. *Ibid.*, p.979.

30. *Ibid.*, p.980.

31. *Ibid.*, p.986.

status and actual situation. To this end, consideration must be given to the interests of the different sectors of society and the structure must facilitate the development of the capitalist economy in the Region. While the part of the existing political structure proven to be effective will be maintained, a democratic system that suits Hong Kong's reality should gradually be introduced.³²

The leading commentator on the Basic Law, Professor Yash Ghai, makes essentially the same point when he notes that:

A fundamental purpose of the Basic Law is the preservation of a special kind of capitalism.... [This] is evident from the provisions for political institutions of the HKSAR.... In the Basic Law regime [political institutions and arrangements] are drawn from the logic of a special kind of capitalism prescribed for the HKSAR ... which works against democracy and favours a powerful executive.³³

During the discussion on constitutional development in 2004–2005, Ji Peng-fei's speech was cited by the HKSAR Government's Constitutional Development Task Force to illustrate the legislative intention of the Basic Law. Furthermore, the principles were reiterated by the National People's Congress Standing Committee (NPCSC) in deciding that the EC should continue to be used to elect the CE in 2007, in other words, defending the EC's role within the HKSAR's political structure:

The [NPCSC] Session is of the view that Articles 45 and 64 of the Basic Law ... already expressly provide that the methods for selecting the [CE] and for forming the [LegCo] shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress, and that the ultimate aims are the selection of the [CE] by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures and the election of all the members of the [LegCo] by universal suffrage. The methods for selecting the [CE] and for forming [LegCo] shall conform to the above principles and provisions of the Hong Kong Basic Law. Any change relating to the methods for selecting the [CE] and for forming [LegCo] shall conform to principles such as being compatible with the social, economic, political development of Hong Kong, being conducive to the balanced participation of all sectors and groups of the society, being conducive to the effective operation of the executive-led system, being conducive to the maintenance of the long-term prosperity and stability of Hong Kong.³⁴ [Emphasis added]

32. Ji Peng-fei, "Explanations on 'the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Draft)' and its Related Documents", dated 28 March 1990, to the 7th National People's Congress (3rd Session), in *The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and Related Documents*, Hong Kong: Joint Publishing (HK) Co Ltd, 2007, pp. 193–208, especially p. 202. The Chinese version is available on Basic Law Drafting History Online (BLDHO), accessible at <http://sunzil.lib.hku.hk/bldho/>.

33. Ghai, *supra*, 139.

34. Decision of the Standing Committee of the National People's Congress on Issues Relating

The EC was incorporated in the Basic Law to ensure, it was said, orderly political development and stability. The requirement for such gradually paced reform was justified on the ground that Hong Kong people had not had much experience with democracy in colonial times.³⁵

4 From Selection Committee to Election Committee

The Selection Committee, formed before the reunification in 1997, with similar types of members and functions as the EC established afterwards, can be regarded as the latter's predecessor. This section gives an overview of the historical development of the Selection Committee and the Election Committee, highlighting and comparing: (i) their legal bases; (ii) their formation procedures; (iii) their compositions; and (iv) the significance of their role in HKSAR elections.

4.1 Selection Committee 1996

In electing the first CE and the PLC, the Selection Committee played an integral role in the political transition process and laid the foundations for the first administration of the HKSAR. The PLC, as noted above, was a product of the dispute which arose between the British administration in Hong Kong (and London) and Beijing. Its legal basis was an NPC Decision and not any local law of Hong Kong. It was constituted largely by a form of elections, less than two weeks before nominations for election of the first CE began.

The establishment of the Selection Committee was provided for early in 1990, but it did not come into existence until late 1996, after deliberation about its composition and debate over the scope of its powers. The 1990 NPC Decision authorised the Preparatory Committee (PC) to set up a Selection Committee to select the first CE.³⁶ The PC was established by the NPC in 1996 under the general principles of “state sovereignty and smooth transition”. The principal tasks given to the PC were: (A) to choose the first CE; and (B) to decide on the composition of the first LegCo of the HKSAR. In completing Task B, it was left open for the PC to allow for a LegCo “through train” under specified conditions — that is, the PC was able, if these conditions were satisfied, to make the final

to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region in the Year 2007 and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2008, adopted by the Standing Committee of the Tenth National People's Congress (9th Session), dated April 26, 2004. This decision is discussed further, below.

35. It is arguable that the consensus reached on the desirability of retaining a powerful (non-democracy-based) electoral college system resonated with and possibly drew on Mainland familiarity with and liking for similar, controlled consultation and political decision-making bodies (especially post-1949).

36. See Formation Decision April 1990, *supra*.

British Hong Kong LegCo, formed in 1995, the first LegCo of the HKSAR.³⁷ As we noted above, Beijing was notably unhappy with the 1995 LegCo elections which proceeded following significant constitutional-electoral reforms by the last British Governor of Hong Kong. The “through train”, it was said, had been “derailed”. The creation of the PLC, described earlier, was a direct result.³⁸

After the PC was formed in January 1996, a series of consultation activities on the precise methods for forming the Selection Committee (to select and appoint the first HKSAR CE) were held.³⁹ They were intended to garner public support and gauge political opinion.⁴⁰

Responses from the Hong Kong community to the consultation were mixed. In particular, many were uneasy about Beijing’s plan to have the Selection Committee elect the PLC, as opposed to only the CE, as this had not been mentioned at all in the 1990 NPC Decision.⁴¹ This power was argued to be necessary by the Chinese side: the 1990 NPC Decision was premised on the “through-train” model, that is, it was expected that the 1995 LegCo could largely be adopted as HKSAR’s first legislature. Governor Patten’s electoral reforms, however, Beijing said, went against the agreed principles of the Joint Declaration and made the 1995 LegCo inconsistent with the requirements of the Basic Law.⁴² While the Chinese Government maintained,⁴³ and the HKSAR’s Court of Final Appeal eventually confirmed, that the establishment of the PLC was within the power of the PC, and thus constitutional, many saw the PLC as Beijing’s expedient way of exerting control. As such, during the consultation process, responses were varied: some groups decided to support the use of the Selection Committee to form the PLC; some would only participate in the consultation process reluctantly; some hoped the Selection Committee would take part only in the election of the CE but not the PLC; and some opposed the PLC so vehemently that they were no longer welcomed by the PC.⁴⁴

37. Ghai, *Hong Kong’s New Constitutional Order*, *supra*, 66.

38. *Ibid.*, 78.

39. 馮道仁, 《香港回歸千日風雲(下冊)》(香港: 新天出版社, 1997), 第三十三章。

40. *Ibid.*

41. *Ibid.* See also Leung, B. and Chan, S.H., *Changing Church and State Relations in Hong Kong, 1950–2000* (Hong Kong University Press, Hong Kong, 2003) Chapter 4.

42. See Working Report of the Political Subgroup of the Preliminary Working Committee of the Preparatory Committee (PWCPC), dated 7 December 1995, in *The Collection of Documents for the Sixth Plenary Meeting of the PWCPC of NPCSC*. The Chinese version is available on BLDHO.

43. Measures on the Formation of the Provisional Legislative Council of the HKSAR, passed by the Preparatory Committee (PC) on 5 October 1996. The Chinese version is available on BLDHO.

44. For example, the PC Secretariat withdrew the invitation to the consultation exercise to the Hong Kong Professional Teachers’ Union after the latter resolved to oppose the PLC.

Finally, in August 1996, methods to form the Selection Committee were announced and implemented.⁴⁵ First, individuals from designated professions, businesses, religious or other organisations could apply to their respective organisations for nomination.⁴⁶ Secondly, eliminations were conducted by the PC and at the PC Chairmen's Meeting, resulting in a list of 20% more candidates than the 400 Selection Committee seats available.⁴⁷ On 2 November 1996, the PC elected 340 candidates, who formed the Selection Committee together with 36 Hong Kong deputies to the Chinese People's Political Consultative Conference (CPPCC) and 24 Hong Kong deputies to the NPC who were Hong Kong permanent residents (making a total of 400, overall).⁴⁸ While senior Hong Kong civil servants were prohibited from standing for election to the Selection Committee, Executive Council members were eligible and two were elected.⁴⁹

Preparation for the first CE election ran parallel to the formation exercise of the Selection Committee. While the Selection Committee was in the making, the PC determined, on 5 October 1996, the "Measures on the Selection of the First Chief Executive of the HKSAR", prescribing six necessary requirements. Before the list of final candidates to the Selection Committee was confirmed on 31 October 1996, the application period for the first CE election (from 14–28 October 1996) had already closed. Out of a total of 31 applicants, eight were determined to be eligible.⁵⁰

The Selection Committee elected the first CE of the HKSAR from among the eight eligible applicants in a three-stage exercise which one might liken to a glorified job application and interview process. First, members of the Selection Committee cast nomination votes. Applicants had to obtain 50 or more nominations in order to proceed to the next stage as valid candidates. Only three candidates satisfied this requirement, C.H. Tung (206), Sir T.L. Yang (82) and Peter Woo (54). Next, the three candidates campaigned for votes via presentations to and question and answer sessions with the Selection Committee.⁵¹ Finally, on 11 December 1996, ballots were cast by the Selection Committee and Tung won with 320 votes. He became the first CE of the HKSAR.⁵²

45. Measures on the Formation of HKSAR's First Selection Committee, passed by the PC on 10 August 1996. The Chinese version is available on BLDHO.

46. *Ibid.*

47. *Ibid.*

48. See Formation Decision April 1990, *supra*. See also Hong Kong and Macao Affairs Office of the State Council (ed.), *Textbook on Hong Kong Issues* (CCP Central Party Academy, Beijing, 1997) 239.

49. Vincent Cheng Hoi-cheun and Raymond Chin Guo-fung were both eligible candidates and elected. See eg 馮道仁, 《香港回歸千日風雲(下冊)》, 第三十四章。

50. See eg 馮道仁, 《香港回歸千日風雲(下冊)》, 第三十四及三十六章。

51. Suzanne Pepper notes, "the new selection process was clearly more open to prior public scrutiny and comment than all past appointments of British governors had been", see Pepper, S. "Elections, Political Change and Basic Law Government: The Hong Kong System in Search of a Political Form", in Diamond, L. & Myers, Ramon H. (eds), *Elections and Democracy in Greater China* (Oxford: Oxford University Press, 2001) 46, 68.

52. Tung was appointed by the State Council on 16 December 1996.

The Selection Committee was impressed by Tung; Rita Fan, for instance, cited Tung's concrete responses and sense of duty.⁵³ Among the public, Tung enjoyed mild popularity as well, with his low profile and Western educational background. Unfortunately for Tung, the prevailing public opinion would soon change as his government encountered administrative difficulties aggravated by a lack of governing experience and a major economic downturn (in the form of the Asian Financial Crisis (AFC), which many say began on 2 July 1997, when the Thai Baht collapsed).⁵⁴ Tung's standing was further undercut by the narrow electoral base of the Selection Committee.

The Selection Committee then moved on to elect the PLC. Candidates had to first obtain nominations from ten Selection Committee members, each of whom could nominate a maximum of five candidates.⁵⁵ During the election, each Selection Committee member voted for 60 candidates and the 60 candidates with the most votes were elected to the PLC.⁵⁶ Ultimately, most members from the 1995 LegCo were returned, except those in the democratic camp who chose to sit out the PLC election.⁵⁷ The PLC was sworn

53. See eg 馮道仁，《香港回歸千日風雲（下冊）》，第三十六及三十七章。

54. The difficulties encountered by the First Tung HKSAR Government are discussed in Loh and Cullen, *Political Reform in Hong Kong*, *supra*. The AFC, combined with a range of other factors, triggered a huge collapse in asset values in Hong Kong. These other factors included: (a) the competency problems within the new HKSAR Government; (b) an inflexible currency, the Hong Kong Dollar, pegged (bolted perhaps is a better term) to the United States Dollar via an adapted Currency Board system and (c) “bubble-economy” property values established during the final years of British rule. Property prices began to collapse in the HKSAR by 1998, shortly after the AFC hit. By 2003, at the height of the Severe Acute Respiratory Syndrome (SARS) crisis, residential property prices had fallen by about 70% from their bubble-market peak. This, in turn, had a devastating impact on the revenue flow to the HKSAR Government. The Government came to rely, over a period of years (and for the first time in living memory) on substantial deficit financing to meet recurrent expenditure. Mass market residential property prices have recovered significantly since the low point in 2003 (up by some 50–60%). Nevertheless, it is well recognised today that Hong Kong's narrow (land revenue related) tax base is a serious systemic fiscal flaw which needs to be fixed. These systemic flaws in the revenue regime retain the potential to be politically destabilising in the longer term. See further: Crampton, Thomas, “Hong Kong Moves to Curb Deficit”, *International Herald Tribune*, 9 January 2003, at http://www.ihf.com/articles/2003/01/09/a7_6.php; and “The Economy, Public Finance — Need to Broaden Tax Base”, *Hong Kong Yearbook 2004*, available online at http://www.info.gov.hk/yearbook/2004/en/03_05.htm. See also the proposals put forward by the British Chamber of Commerce in Hong Kong at <http://www.britcham.com/asp/ArticleDetail.asp?ArticleId=259>; and Brown, S., Fung, K.W., Loh, C., Uebergang, K. and Xu, S., *The Budget and Public Finance in Hong Kong* at <http://www.civic-exchange.org/publications/2003/BudgetReport.pdf>.

55. Measures on the Formation of the Provisional Legislative Council of the HKSAR, passed by the PC on 5 October 1996. The Chinese version is available on BLDHO.

56. *Ibid.*

57. We have used the term “democratic camp” — and “pro-democracy camp (or group)” — as shorthand expressions for the political parties and groups who are widely recognised as

in at midnight, 1 July 1997 to hold office for one year and to pass legislation necessary to facilitate a smooth transition. Composed mainly of the pro-establishment legislators, the PLC was able to enact certain controversial laws with little difficulty, such as the immigration legislation affecting the right of abode of children born in Mainland China of a Hong Kong parent or parents. Some of these controversial PLC-enacted laws would eventually lead to protracted court battles (for example, during the right of abode crisis).⁵⁸ They also generated much ongoing local political debate.

4.2 Election Committee

4.2.1 Overview

Drawing on the Basic Law and other local enactments, this section provides an overview of the EC in practice. The Basic Law: (i) broadly defines the composition of the EC, which consists of members from four sectors; and (ii) stipulates the EC's responsibilities for electing the CE and certain seats in the LegCo (up to and including the 2000 LegCo elections); while local laws and regulations detail the operation of the EC, such as demarcation of different sectors and specific qualifications for membership of each of these sectors.

The EC has a constitutional basis in the Basic Law but relies heavily on local laws in practice. The Basic Law provides that the EC shall be composed of the following four sectors, each making up one-fourth (200 seats) of the total EC membership (800 seats): (i) Industrial, Commercial and Financial Sector; (ii) Professional Sector; (iii) Labour, Social Services and Religious Sector; and (iv) Political Sector.⁵⁹ Yet it is Schedule 2 to the Legislative Council Ordinance (Cap. 542) and the Schedule to the Chief Executive Election Ordinance (Cap. 569) (CEEEO) which delineate the corresponding subsectors in respect of each EC sector and establish eligibility criteria for candidates and voters.

The composition of the EC resembles that of the Selection Committee, and follows, at least in large part, delineation of FCs.⁶⁰ A table listing out the composition of each EC

supporting a faster pace of political structure reform in Hong Kong. These parties and groups, in fact, identify themselves with these same labels. Those political parties and groups which favour a slower pace of political structure reform in the HKSAR are commonly referred to as being "pro-Beijing", "pro-government" or "pro-establishment".

58. For more on the right of abode crisis, see *Conflict Over Interpretation*, supra.

59. Annex I of the Basic Law.

60. Only 5 out of 38 subsectors do not have corresponding FCs. They are (i) Chinese Medicine; (ii) Chinese People's Political Consultative Conference (CPPCC); (iii) Employers' Federation of Hong Kong; (iv) Hong Kong Chinese Enterprises Association; and (v) Social Welfare, but only to the extent of corporate votes. See Electoral Affairs Commission (EAC) (2006), "Appendix F: Relationship of the 28 Functional Constituencies and the 38 Election Committee Subsectors", in *Guidelines on Election-related Activities in respect of the Election Committee Subsector Elections*, see http://www.eac.gov.hk/pdf/ecse/en/ecss_appf.pdf, last accessed 31 August 2007.

sector can be found in Appendix 3 of this book. Two types of votes may be cast when electing EC members: individual or corporate. Some subsectors have only individual electors, some have only corporate electors and many have both individual and corporate electors. The electoral mechanism is discussed in greater detail in Chapter 4.

The Basic Law stipulates that the EC is responsible for electing the CE and specified numbers of LegCo members in the first two legislatures.⁶¹ To ensure that the EC is fully constituted by members duly qualified to vote in the relevant CE (or, previously, LegCo) election, each CE or LegCo election is preceded by EC subsector elections or by-elections. For EC subsector elections, elections are held for all EC subsectors except for: (i) the LegCo subsector (to be filled (*ex officio*) by LegCo Members); (ii) the NPC subsector (to be filled (*ex officio*) by Hong Kong deputies to the NPC); and (iii) the Religious subsector (to be filled by nominated representatives from designated religious bodies).⁶² The non-elected EC members make up 136 of the 800 members.

As of January 2010, the Election Committee has undergone and participated in the following elections:

Table 2.1 Timeline of Key EC Activities

Time Period	Elections constituting EC	Elections with EC votes
Mar–Apr 1998	EC Subsector Elections	
May 1998		LegCo Election (10 seats returned by EC)
Jun–Jul 2000	EC Subsector Elections (Term of office: 14 July 2000 – 13 July 2005)	
Sep 2000		LegCo Election (6 seats returned by EC)
Aug–Sep 2001		LegCo By-election (1 vacant seat returned by EC)
Jan 2002	EC Subsector By-elections	
Feb 2002		CE Election (uncontested) (EC nominations resulted in winner)
Apr–May 2005	EC Subsector By-elections	
Jun 2005		CE Election (uncontested) to fill Tung's remaining term of office (EC nominations resulted in winner)
Nov–Dec 2006	EC Subsector Elections (Term of office: 1 February 2007 – 31 January 2012)	
Mar 2007		CE Election (contested) (EC voted in election)

61. Annex I and Annex II of the Basic Law.

62. As will be discussed below, where the number of nominated candidates in the Religious Subsector exceeds the number of seats in the Subsector, lots are drawn to determine the results in most cases.

The table below summarises the steps by which the EC has elected LegCo members and the CE. These mechanisms are analysed in greater detail in Chapters 4 and 5.

Table 2.2 Role of EC in LegCo and CE Elections

Role	LegCo Election	CE Election
1. Nomination	<ul style="list-style-type: none"> • Each EC member can nominate any number of candidates (who do not need to be EC members) up to the number of LegCo EC seats available • A validly nominated candidate requires nominations by 10 or more EC members 	<ul style="list-style-type: none"> • Each EC member can only nominate 1 candidate • A validly nominated candidate requires nominations by 100 or more EC members
2. Poll	<ul style="list-style-type: none"> • Block vote system • First-past-the-post is used to determine winners 	<ul style="list-style-type: none"> • Before 2006: A poll was conducted only if there are 2 or more validly nominated candidates • Since 2006: A poll is required whatever the number of validly nominated candidates • Each EC member has 1 vote in each round of voting

Sources: EAC (2000), “Notes on Completion of Nomination Form for the Election Committee (Election of a member of the Legislative Council)” and “Election Committee Election”, 2000 Legislative Council Elections, see <http://www.eac.gov.hk>; Basic Law, Annex I; Chief Executive Election Ordinance (Cap. 569), ss. 16, 23–25, 26A.

4.2.2 Election Committee 1998

The EC formed in 1998 had a particularly short tenure because its role was only to elect the EC members of the first LegCo (the Selection Committee had already chosen the first CE of the HKSAR). The power of the PLC expired one year after the handover, and, according to the Basic Law (and the relevant decision of the NPC),⁶³ 10 members of the first LegCo of the HKSAR had to be elected by the EC.⁶⁴ This LegCo, as explained above, was only to serve for two years from 1998 to 2000.

Among the 683 seats open for election,⁶⁵ 95 went uncontested.⁶⁶ As the results of the 1998 EC Subsector elections were gazetted, the nomination period for the first LegCo

63. See Formation Decision April 1990, *supra*.

64. Annex II of the Basic Law.

65. As noted already, certain EC seats are filled by means other than elections.

66. EAC (1998), *Report on the 1998 Legislative Council Elections*, see http://www.eac.gov.hk/en/legco/1998_report.htm, last accessed 31 August 2007, chapter 7.

election began.⁶⁷ On 24 May 1998, the EC elected 10 members to the first LegCo from 25 validly nominated candidates.⁶⁸

4.2.3 Election Committee 2000

Prior to the second LegCo election in 2000, a new EC was constituted pursuant to the Legislative Council Ordinance. This 2000 EC was the first EC established in accordance with the (then mooted) Chief Executive Election Ordinance (CEEEO) of 2001.⁶⁹ The 2000 EC was to have a term of office of five years, running from 14 July 2000 to 13 July 2005.⁷⁰ It participated in both LegCo and CE elections.

Among the 664 seats open for election, 182 went uncontested.⁷¹ In the Religious Subsector, lots were drawn to fill the seats as the number of nominated candidates exceeded the number of available seats.⁷² In September 2000, this EC returned six members to LegCo from 10 validly nominated candidates, one being an EC member himself (Kaizer Lau).⁷³ In the following year, the EC elected Ma Fung-kwok in a LegCo by-election to fill the seat of Professor Ng Ching-fai, an EC-elected LegCo member who had resigned.⁷⁴

As the 2002 CE Election approached, subsector by-elections were organised for the EC. Four vacant seats were identified and subsequently filled as a result of the by-elections, with one being uncontested.⁷⁵ Strictly speaking, however, a vote was never

67. *Ibid.*, chapter 8.

68. *Ibid.*

69. Section 8(3) of the CEEEO.

70. Section 9 of the CEEEO; EAC (2005), *Report on the 2005 Chief Executive Election*, see http://www.eac.gov.hk/en/chief/2005ce_election_report.htm, last accessed 31 August 2007, para. 1.4 (*hereinafter Report on the 2005 CE Election*).

71. EAC (2000), *Report on the 2000 Legislative Council Elections*, see http://www.eac.gov.hk/en/legco/2000_report.htm, last accessed 31 August 2007, chapter 9.

72. *Ibid.*

73. *Ibid.*, chapter 10.

74. EAC (2001), *Report on the 2001 Legislative Council By-election (Election Committee)*, see http://www.eac.gov.hk/en/legco/2001_report.htm, last accessed 31 August 2007.

75. The four vacant seats were:

- (i) Kaizer Lau's seat in the Architectural, Surveying and Planning Subsector. He became a LegCo member and thus had a seat in the LegCo Subsector of the EC. The seat was taken by Ho Sing-tin, uncontested.
- (ii) Antony Leung's seat in Financial Services Subsector. He resigned after becoming Financial Secretary. The seat was filled by Yuen Wai-keung.
- (iii) Audrey Eu, S.C.'s seat in the Legal Subsector. She became a LegCo member in the LegCo By-election in late 2000, and thus had a seat in the LegCo Subsector. Her seat was filled by fellow barrister, Ronny Tong, S.C.
- (iv) Tang Ngai-hoi's seat in Heung Yee Kuk Subsector. He had passed away, and his seat was taken up by Lam Wai-keung.

See Chapter 2 of EAC (2002), *Report on the 2002 Chief Executive Election*, see <http://www.eac.gov.hk/en/chief/report.htm>, last accessed 31 August 2007.

taken for the uncontested 2002 CE election. The law in 2002 allowed that, if there were only one valid candidate, that candidate would be declared the winner.⁷⁶ At the end of the nomination period in 2002, the incumbent C.H. Tung garnered 712 nominations from the EC and thus was the only validly nominated candidate (i.e. with 100 nominations or more).⁷⁷ Despite public discontent with his performance, Tung won a second term uncontested.

In 2003, severe acute respiratory syndrome (SARS) hit Hong Kong. This major health emergency ultimately caused around 300 deaths in Hong Kong alone, serious illness to many others, and worldwide panic. At about the same time, the HKSAR Government's poor (and failed) handling of an attempt to introduce controversial national security legislation added to the sense of political crisis. Tung's popularity continued to fall.⁷⁸ He eventually resigned as CE for health reasons in March 2005.

According to Article 53 of the Basic Law, an election to fill the CE office had to be held. Preparations commenced quickly as the 2000 EC's tenure would expire in July 2005. Procedures similar to those in the 2002 CE election were followed. Donald Tsang, Tung's Chief Secretary and the most senior official after Tung, won 674 EC nominations and was the only valid candidate at the end of the nomination period on 16 June 2005.⁷⁹ He became the new CE. Tsang's initial term ran for two years until the end of June 2007, the original expiry date of Tung's second term.⁸⁰

76. Section 23 of the CEEO.

77. *Ibid.*, chapter 10.

78. As the SARS epidemic was still raging in the HKSAR, the Tung Government decided to recommence work on securing passage of highly controversial legislation designed to strengthen national security laws in the HKSAR. Article 23 of the Basic Law provides, *inter alia*, that the HKSAR Government "shall enact laws to prohibit any act of treason, secession, sedition, subversion against the Central People's Government or theft of state secrets." This special level of manifest political ineptness eventually drew over 500,000 HKSAR residents onto the streets in protest on 1 July 2003. See further, for example: Fu, H.L., Petersen, C.J. and Young, S., *National Security and Fundamental Freedoms: Hong Kong's Article 23 Under Scrutiny* (Hong Kong University Press, Hong Kong, 2005); and Loh, C. and Civic Exchange (eds.), *At the Epicentre: Hong Kong and the SARS Outbreak* (Hong Kong University Press, Hong Kong, 2004).

79. EAC (2005), *Report on the 2005 CE Election*, *supra*, chapter 10.

80. In order to achieve this balance-of-term outcome for Donald Tsang, a further Interpretation (by the NPCSC) of the Basic Law under Article 158 of the Basic Law was sought. This was because Article 46 of the Basic Law says, unambiguously, that the term of office for the CE of the HKSAR is 5 years. There is no mention of a mid-term replacement serving only the balance of a term. Article 53 of the Basic Law, which provides for a CE to be replaced mid-term, similarly is silent on the term to be served by any replacement CE. In April 2005, the NPCSC issued their (third) Article 158 Interpretation, entitled: Interpretation of Paragraph 2, Article 53 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Standing Committee of the National People's Congress, adopted by the NPCSC on 27 April 2005. This interpretation (stating that the replacement CE was to serve

4.2.4 Election Committee 2006

As the 2000 EC's term of office expired in July 2005, a new EC had to be constituted before the 2007 CE Election. The term of office of the 2006 EC is from February 2007 to January 2012.⁸¹ It elected the CE in 2007.

In December 2005, a fairly modest political structure reform package was introduced to LegCo by the new CE, Donald Tsang (discussed further in Chapter 3). This package sought, amongst other things, to introduce District Council members (both elected and appointed) to the EC and consequently would have doubled the size of the EC. Under the Basic Law, any amendment to the method for selecting the CE in the year 2007 and thereafter required the support of a two-thirds majority in LegCo, the consent of the CE and ultimately approval by the NPCSC.⁸² However, on 21 December 2005, opposed by pro-democracy legislators, the Government was unable to obtain the two-thirds majority in LegCo, and the size of the EC remained at 800.

Among the EC seats that were open for election in 2006, 237 went uncontested.⁸³ In the Religious Subsector, lots were again drawn to fill the seats as the number of nominated candidates exceeded the number of available seats.⁸⁴ The 2006 EC elections, held on 10 December, were notable in that the pro-democracy camp secured more than 100 EC seats, making it possible to nominate an opposition candidate to compete in the CE election. More details of the results of the elections are summarised in Appendix 13.

Unlike its predecessors, the 2006 EC was given the opportunity to vote in the 2007 CE election. The CEEO was amended to provide that a poll had to be conducted even if there was only one valid CE candidate, and that only when a valid candidate had won a majority of votes could he be declared a winner of the election.⁸⁵ Two candidates, the incumbent Donald Tsang and LegCo member (and a member of the Civic Party) Alan Leong, obtained more than 100 nominations and was thus eligible to stand for the election.⁸⁶ Ultimately, Tsang won with 649 votes to Leong's 123. This confirmed Tsang's second and final term of office, running from 2007 to 2012.⁸⁷

out just the unexpired term of the original CE) is reflected in the Chief Executive Election (Term of Office of the Chief Executive) (Amendment) Ordinance (No. 4 of 2005) in the form of section 3(1A) of the CEEO.

81. Section 9 of the CEEO specifies that the term of office of the Election Committee is five years, and that it begins on 1 February "in the year in which the term of office of the Chief Executive is to expire".

82. Annex I and Annex II of the Basic Law.

83. EAC (2007), *Report on the 2007 Chief Executive Election*, see http://www.eac.gov.hk/en/chief/2007ce_election.htm, last accessed 31 August 2007, chapter 6 (hereinafter *Report on the 2007 CE Election*).

84. *Ibid.*, chapter 5.

85. Section 26A of the CEEO.

86. EAC (2007), *Report on the 2007 CE Election*, *supra*, chapter 12.

87. *Ibid.*

The 2007 CE election is reviewed in greater detail in Chapter 5. It is worth noting here, however, that it was an important turning point in Hong Kong's political development. Although there was never any real doubt about the outcome of the election due to the pro-Beijing and pro-government make-up of the EC, a lively and keenly contested campaign, complete with widely watched televised debates, unfolded. Public interest and "participation" in the 2007 CE election were higher than ever before.

4.2.5 Election Committee 2012 and beyond

What changes if any will be made to the method of electing the EC in 2012 and beyond have yet to be decided. The Basic Law only provided for the method of election up to 2007. In the NPCSC interpretation in 2004, it was stated that the method of election provided for in the Basic Law would continue if no amendment was made to the method of election.

In 2007, the Government published a green paper on constitutional development to consult the public's views on issues relating to the election of the CE and LegCo by universal suffrage. Following the CE's report summarising the results of the consultation, the NPCSC decided that there would be no universal suffrage for the election of the CE or LegCo in 2012, but universal suffrage for the CE was possible in 2017, and if such had been achieved, it was also possible for LegCo to be constituted by universal suffrage in 2020. The NPCSC also decided that "appropriate amendments conforming to the principle of gradual and orderly progress" could be made to the method of selecting the CE in 2012.

In February 2008, the CE appointed 30 non-official members to a new Task Group on Constitutional Development under the Commission on Strategic Development. The Task Group was given terms of reference to study "feasible options" for electing the CE and for forming the LegCo in 2012 within the framework of the NPCSC's 2007 decision, "with a view to laying a solid foundation for attaining universal suffrage for the Chief Executive in 2017 and for the Legislative Council in 2020."

After a long delay, the Government published the "Consultation Document on the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012" on 18 November 2009 and began a three-month consultation. The Document sought the public's views on 13 questions in relation to the 2012 elections and indicated a preferred view of expanding the EC by 400 members (an increase of 100 members in each sector with elected District Council members accounting for the increase in the fourth sector) and maintaining the nomination threshold at one-eighth of the EC membership. As for the 2012 LegCo, the Document proposed adding 10 new seats to the legislature: five to the geographical constituencies and five elected District Councillors to the District Council FC. Pan-democratic legislators criticised these proposals for failing to provide sufficient assurances that FCs would be abolished in 2020. In January 2010, the Civic Party and League of Social Democrats announced that one member in each of the five geographical constituencies would resign to effect a *de facto* referendum on universal suffrage for 2012.

5 Conclusion

The HKSAR commenced political life with a deliberately maintained, colonial-style governance system. The Basic Law enabled the colonial “executive-led” system to continue essentially unchanged.

The Basic Law provided that the CE and his government would play the most important political role in post-1997 Hong Kong. A key means of achieving this objective was the use of a limited franchise, electoral college institution — the EC — as a fundamental component in the “new” political structure. Prior to the establishment of the EC, the Selection Committee performed a similar role, although it also had to deal with the controversial task of selecting the, originally unplanned for, interim (1997–1998) legislature, the PLC.

The EC involved in the CE election in 2002 and the CE “by-election” in 2005 had only a single candidate to consider. The EC involvement in selecting 10 LegCo members in 1998 and six LegCo members in 2000, in accordance with Annex II of the Basic Law, was somewhat more demanding as multiple candidates were involved.

The most recently elected EC has been the one whose operation has generated the greatest public interest. First, the election of members to the 2006 EC witnessed increased electoral strategising in various sectors, especially within the legal profession. This time, the pro-democracy camp moved beyond protesting and lobbying for political reform by taking a more active role in the EC elections. Previously there had been reluctance to participate in such “small circle elections” for fear of enhancing the legitimacy of the EC.

Next, as a direct result of this successful EC activism by the pro-democracy groups, two candidates emerged to compete in the 2007 CE election. The incumbent Donald Tsang easily won enough nominations to stand in the election, but pro-democracy LegCo member, Alan Leong, also obtained more than the 100 nominations needed to stand for election, necessitating a vote.

What this process revealed is that apart from the “big debate” about root and branch democratic reform, the existing institutions have, if only slowly, embarked on some level of evolutionary development. Already it is possible to say that the process of the EC selecting/electing the CE has changed for good. For instance, although only EC members could vote, very widely watched televised debates — with public participation — were held. Many other public campaign activities were also organised in the course of the 2007 CE election. In a subsequent LegCo by-election in late 2007, televised debates featured again. It is now hard to imagine any CE election process proceeding in the HKSAR without substantial public, televised participation of some sort.

With this amount of public interest in a CE election, even one whose result was never doubted from the beginning, the pressure on the elected CE to resolve the question of universal suffrage, particularly the question of a timetable, was enormous. Tsang responded to this pressure in a relatively timely fashion, first with the Committee on Governance and Political Development, then the Green Paper leading to the 2007 NPCSC decision, and followed by the Task Group tasked to study the 2012 methods of elections. It is still much too early to suppose that the question of universal suffrage in Hong Kong has been settled, however.

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