

# **NDI POST-ELECTION STATEMENT ON THE FIRST LEGISLATIVE ELECTIONS IN THE HONG KONG SAR**

***May 25, 1998***

Residents of Hong Kong went to the polls yesterday for the first time since reversion to Chinese sovereignty. These elections are a positive step because they bring a measure of democracy to the Hong Kong Special Administrative Region and because they mark the establishment of a legislature constituted in accordance with the Basic Law, the constitution of the new Special Administrative Region. The elections were well organized and well administered. But the successful execution of the elections does not resolve the underlying problem that democratic processes were restricted.

The Electoral Affairs Commission and the government administered these elections in a highly competent and professional manner. Balloting and counting generally proceeded smoothly. The process was transparent and open, and important and extensive information was made available to voters outside polling places. This included information, among other things, about location and setup of polling places, the grievance process, the candidates, the polling officials and the turnout on an hourly basis. Polling officials appeared well trained and efficient.

Despite predictions of a disappointing turnout, the percentage of registered voters and the total number of voters substantially exceeded the corresponding figures for 1995. This suggests that the people of Hong Kong are interested in choosing their representatives.

The election framework, however, did not allow for fully democratic elections. The Basic Law provided that only one third of the seats in the legislature would be directly elected. Even beyond this constitutional limitation, the new election law interfered with the will of the majority and limited participation in indirect elections. While proportional representation (the list system) is used in democratic countries around the world to ensure broad representation of various interests, proportional representation for just one third of the legislature is an unfortunate choice for Hong Kong because the system already ensures extensive representation of minority interests through indirect elections for the other two-thirds. Furthermore, the new election law limited participation in the indirect elections by reintroducing corporate voting and otherwise dramatically reducing the eligible electorate. Many people criticized the system of indirect elections as unfair. The system was the third in as many elections, and neither the list system of voting for the directly elected seats nor the system of functional constituencies and an election committee for indirect elections was widely understood.

Candidate lists on ballots did not include any party identification. The proportional representation system necessarily reinforces and depends on the role of political parties, and in most countries ballots typically identify the party affiliations of candidates, under both proportional and majoritarian electoral systems. The absence of party affiliations may have confused some voters.

Competition was often lacking in the small circles involved in the indirect elections. In 10 of the 28 functional constituencies, candidates

objections to independent observation of polling places. Election observation by nonparty domestic organizations, international groups and members of the media increases transparency and is a common practice around the world. Given the efficient and otherwise open management of the elections, such observation would not disrupt or interfere with the process.

The newly elected legislature, like past Hong Kong legislatures, has relatively narrow powers and will not form a government. Rather, the legislature is essentially a monitoring body that can block or amend government legislation and call on the administration to defend government policy. At some point Hong Kong will likely need to address the structure of its new political institutions, including the legislature, the office of the chief executive and local government bodies.

The Basic Law establishes the "ultimate aim" of fully democratic elections through universal suffrage for the legislature and the Chief Executive in the future. Support for universal suffrage seems widespread in Hong Kong, and many political leaders and citizens have said they support accelerating the pace of democratization. If the HKSAR is to live up to the promise of democratization, it must allow the people of Hong Kong to directly choose their entire legislature as well as their chief executive. Only then can residents truly assume the role of "Hong Kong people ruling Hong Kong."

The team in Hong Kong from the National Democratic Institute for International Affairs (NDI) is led by Eugene Eidenberg, member of the Institute's Board of Directors and former Assistant to U.S. President Carter. The delegation also includes Kamal Hossain, former Foreign Minister of Bangladesh; Somchai Homlaor, Secretary General of the Asian Forum for Human Rights and Development; and NDI staff members Eric Bjornlund, Maryam Montague, Sophie Richardson and Andrew Fuys.

Over the past five days, the delegation has met with senior government and election officials, candidates and party leaders, and others. The delegation visited polling sites and the counting center yesterday and today. This is the fifth in a series of study missions to Hong Kong that NDI has organized since early 1997.

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