

**THE PROMISE OF  
DEMOCRATIZATION IN HONG KONG  
THE 2005 CHIEF EXECUTIVE ELECTION**

**NDI Hong Kong Report #10**

*June 21, 2005*



2030 M Street, NW, Fifth Floor  
Washington, DC 20036  
(202) 728-5500  
fax: (202) 728-5520  
[www.ndi.org](http://www.ndi.org)

2010 Hopewell Centre  
183 Queen's Road East  
Wanchai, Hong Kong  
852-2547-2400  
fax: 852-2547-9400

**The Promise of Democratization in Hong Kong:  
The 2005 Chief Executive Election**

**NDI Hong Kong Report #10**

**June 21, 2005**

For further information, please contact:

Peter M. Manikas

Regional Director, Asia Programs

or

Christine Chung

Director, China Program

National Democratic Institute for International Affairs

2030 M Street, NW

Washington, DC 20036

Telephone: (202) 728-5500

Fax: (202) 728-5564

2010 Hopewell Centre

183 Queen's Road East

Wanchai, Hong Kong

Telephone: (852) 2547-2400

Fax: (852) 2547-9400

Previous reports in NDI's series, *The Promise of Democratization in Hong Kong*, include:

*Report of the NDI Survey Mission*, NDI Hong Kong Report No. 1, July 13, 1997.

*The New Election Framework*, NDI Hong Kong Report No. 2, October 23, 1997.

*Autonomy and the Rule of Law*, NDI Hong Kong Report No. 3, May 1, 1998.

*The May 24, 1998 Elections - A Pre-Election Report*, NDI Hong Kong Report No. 4, May 15, 1998.

*The May 24, 1998 Elections*, NDI Hong Kong Report No. 5, July 30, 1998.

*The 2002 Chief Executive Election and the Transition Five-Years after Reversion*, NDI Hong Kong Report No. 6, March 11, 2002.

*Accountability without Democracy? The Principal Officials Accountability System in Hong Kong*, NDI and Civic Exchange, October 16, 2002.

*The Impact of July's Protest Demonstrations on the November 23 District Council Elections - A Pre-Election Report*, NDI Hong Kong Report No. 8, November 17, 2003.

*The September 12, 2004 Legislative Council Elections - A Pre-election Report*, NDI Hong Kong Report No. 9, August 31, 2004.

These reports are available on the World Wide Web at <http://www.ndi.org>.

Copyright © National Democratic Institute for International Affairs (NDI) 2005.

All rights reserved. Portions of this work may be reproduced and/or translated for noncommercial purposes provided NDI is acknowledged as the source of the material and is sent copies of any translation.

## **NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS**

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

Democracy depends on legislatures that represent citizens and oversee the executive, independent judiciaries that safeguard the rule of law, political parties that are open and accountable, and elections in which voters freely choose their representatives in government. Acting as a catalyst for democratic development, NDI bolsters the institutions and processes that allow democracy to flourish.

***Build Political and Civic Organizations:*** NDI helps build the stable, broad-based and well-organized institutions that form the foundation of a strong civic culture. Democracy depends on these mediating institutions—the voice of an informed citizenry, which link citizens to their government and to one another by providing avenues for participation in public policy.

***Safeguard Elections:*** NDI promotes open and democratic elections. Political parties and governments have asked NDI to study electoral codes and to recommend improvements. The Institute also provides technical assistance for political parties and civic groups to conduct voter education campaigns and to organize election monitoring programs. NDI is a world leader in election monitoring, having organized international delegations to monitor elections in dozens of countries, helping to ensure that polling results reflect the will of the people.

***Promote Openness and Accountability:*** NDI responds to requests from leaders of government, parliament, political parties and civic groups seeking advice on matters from legislative procedures to constituent service to the balance of civil-military relations in a democracy. NDI works to build legislatures and local governments that are professional, accountable, open and responsive to their citizens.

International cooperation is key to promoting democracy effectively and efficiently. It also conveys a deeper message to new and emerging democracies that while autocracies are inherently isolated and fearful of the outside world, democracies can count on international allies and an active support system. Headquartered in Washington D.C., with field offices in every region of the world, NDI complements the skills of its staff by enlisting volunteer experts from around the world, many of whom are veterans of democratic struggles in their own countries and share valuable perspectives on democratic development.

## **The Promise of Democratization in Hong Kong:**

### **The 2005 Chief Executive Election**

From May 24 to 28, the National Democratic Institute for International Affairs (NDI) conducted an assessment mission to Hong Kong in the lead-up to the Chief Executive election scheduled for July 10. However, as in 2002, the election started and finished at the June 3-16 nomination stage, which effectively ended on June 15 with Donald Tsang emerging as the sole candidate. The assessment team comprised: Sam Gejdenson, NDI board member and former member of the U.S. House of Representatives; Peter Manikas, NDI Director of Asia Programs; Christine Chung, NDI China Program Director; and NDI Asia Program Officer Anne Tsai Bennett. The team's meetings included: current and former government officials, including Secretary for Constitutional Affairs Stephen Lam, Solicitor General Robert Allcock, and Deputy Solicitor General James O'Neil; political party leaders and legislators; nongovernmental organization representatives; academics; prominent business persons and representatives of business organizations; journalists; diplomats; and others. Peter Manikas, Christine Chung, Anne Tsai Bennett, and Sam Gejdenson contributed to this report.

This report of the assessment mission is the tenth in a series prepared by NDI about the promise of democratization in Hong Kong. Since early 1997, NDI has monitored the status of autonomy and the prospects for democratization in the Hong Kong Special Administrative Region (HKSAR) in light of international standards and benchmarks outlined in Hong Kong's Basic Law. NDI has also organized study missions and issued periodic reports on political developments in the region. These reports have assessed: the development of Hong Kong's post-reversion election framework; the political environment on the eve of reversion to Chinese sovereignty; the status of autonomy, rule of law and civil liberties under Chinese sovereignty; the various elections in the HKSAR under Chinese sovereignty; the Principal Officials Accountability Systems; and the prospects for democratization beyond the 10-year transition period set forth in the Basic Law. The Institute hopes that its efforts will contribute to better understanding of the ongoing transition process and provide support to those interested in advancing democratization in Hong Kong.

Kenneth Wollack  
President

Peter M. Manikas  
Director of Asia Programs

## TABLE OF CONTENTS

<b>INTRODUCTION.....</b>	<b>1</b>
<b>BACKGROUND: THE SEQUENCE OF EVENTS .....</b>	<b>2</b>
<b>THE ELECTION FRAMEWORK .....</b>	<b>3</b>
<b>1997 AND 2002 CHIEF EXECUTIVE ELECTIONS.....</b>	<b>4</b>
<b>THE ELECTION COMMITTEE .....</b>	<b>5</b>
<b>DONALD TSANG’S RACE FOR CHIEF EXECUTIVE.....</b>	<b>7</b>
<b>THE BROADER ISSUES .....</b>	<b>8</b>
<b>THE INTERPRETATION OF THE BASIC LAW BY THE NPCSC.....</b>	<b>8</b>
<i>Two Years versus Five Years .....</i>	<i>8</i>
<i>Was an interpretation necessary?.....</i>	<i>9</i>
<i>Interpretation versus amendment.....</i>	<i>10</i>
<i>Problem of referral.....</i>	<i>10</i>
<i>The political aspects of the interpretation.....</i>	<i>11</i>
<b>DONALD TSANG’S CANDIDACY .....</b>	<b>12</b>
<b>THE CE ELECTION AND POLITICAL PARTIES .....</b>	<b>13</b>
<b>ANTICIPATING BEIJING’S ACTIONS .....</b>	<b>14</b>
<b>CONCLUSION .....</b>	<b>14</b>
<b>APPENDICES.....</b>	<b>16</b>

## INTRODUCTION

Hong Kong's Chief Executive election process, which unfolded under the watchful eye of Beijing, was not one that would have been recognized as democratic in much of the world.<sup>1</sup> On June 15, Donald Tsang was nominated for Chief Executive by an overwhelming majority of the Election Committee (EC), making him the sole candidate and therefore Hong Kong's new Chief Executive. The 800-person EC is drawn from business and social sectors, many of which are widely viewed as favoring close ties to Beijing. The EC is composed of just 0.02 percent of the eligible voting population. Less than 6 percent of Hong Kong's eligible voters are permitted to participate in electing the EC itself.<sup>2</sup> It would be a mistake, however, to view Hong Kong's election as one entirely dominated by elites or manipulated by mainland China officials. The process, while falling far short of international standards, is nevertheless one in which the press and political parties have engaged in vigorous public discussions about the electoral process and Hong Kong's relationship to the mainland.

Donald Tsang, a career civil servant, is not only favored by Beijing, but is popular with the people of Hong Kong as well. The debate that swirled around his candidacy was focused not on his suitability for the position, but rather on the process itself and on the intricacies of the Basic Law, which spells out the relationship between Hong Kong and the mainland. Indeed, public discourse about the election often seems less like a political debate than a discussion among lawyers. An important political issue, however, underlies the legal debate: What questions of public policy are to be resolved by the people of Hong Kong, and which by the national government in Beijing? How the issue is resolved will help determine how Hong Kong is governed and at what pace the democratic process will advance.

This report describes Hong Kong's election process as it transpired over the past month. It is one of a series of periodic assessments that the National Democratic Institute for International Affairs (NDI) has conducted since 1997. Since NDI's last report on the previous Chief Executive election process in 2002, there have been a number of important events, including mass protests in July 2003 and 2004, and an interpretation of the Basic Law in April 2004 by the National People's Congress Standing Committee (NPCSC) that precluded electing Hong Kong's Chief Executive or the entire Legislative Council through universal suffrage in 2007 and 2008, respectively. While these events

---

<sup>1</sup> Hong Kong is a sub-national unit of government and it might be argued that leaders of such units, such as province or territories, are often appointed. However, where this is the case in most democratic nations, the appointment power is exercised by officials or legislative bodies that were, themselves, elected through a process that rested on a universal franchise.

<sup>2</sup> These percentages are based on figures from the Hong Kong Electoral Affairs Commission website, [http://www.info.gov.hk/eac/index\\_en.htm](http://www.info.gov.hk/eac/index_en.htm). There are 3,207,227 total registered voters in Hong Kong based on the number of registered voters for the 2004 Legislative Council Geographical Constituencies elections; registration is open to any HKSAR permanent resident 18 years and older. There are 178,985 registered voters for the Election Committee sub-sectors, based on the total number of registered voters for the EC sub-sector elections in 2000. EC sub-sector voter registration is limited to eligibility in a sub-sector; sub-sector voters only elect representatives of their respective sub-sectors. There are 664 elected EC members who represent 35 sub-sectors.

raised the concerns of democratic activists, they also have focused public attention on more immediate issues. For instance, how can the EC be reformed to make it more representative? How can the process for electing a Chief Executive become more competitive? Yet, the basic issue persists. Beijing is quite understandably being asked, if not in 2007, when can universal suffrage be expected?

## **BACKGROUND: THE SEQUENCE OF EVENTS**

The HKSAR's former Chief Executive (CE) Tung Chee-hwa unexpectedly resigned in March. The events leading up to Tung's resignation unfolded over 10 days, beginning with press speculation over the significance of his imminent appointment to the position of Vice-Chair of the Chinese People's Political Consultative Conference (CPPCC). Many believe that this appointment allowed him to gracefully step down from the position of Chief Executive. The 67-year old CE cited health concerns as he announced that he had submitted his resignation to Beijing on March 10, leaving Chief Secretary Donald Tsang in the role of acting CE. According to the Basic Law, Hong Kong's constitution, a new CE would have to be elected within six months. The Chief Executive Election Ordinance (CEEO) states 120 days; the law was amended on May 25 in order to set the legal groundwork for the election.

As the public awaited Tung Chee-hwa's formal announcement of his resignation, controversy developed over whether his replacement would be elected to a new five-year term or simply complete the remainder of Tung's term, which is due to expire in 2007. Many political activists in the pro-democracy camp, as well as Hong Kong-based legal scholars argued that the Basic Law is clear; it should be a five-year term. Beijing, on the other hand, signaled that the new CE should only serve the remaining two years of Tung's term. The Hong Kong government asked the National People's Congress Standing Committee (NPCSC) for an interpretation of the Basic Law to resolve the issue. The government justified making the request on the need for a quick decision to avoid a protracted legal battle that would have delayed a July 10 election for a new CE. In addition, a delayed election would have led the HKSAR into uncertain constitutional territory (given the limited term of office for the acting CE and the July 13 expiration of the term of office of the current 800-member Election Committee which is to elect the CE). The dispute led to the third Basic Law interpretation by the NPCSC, although two applications for judicial review were still pending in the Hong Kong courts. On April 27, the NPCSC ruled that the term of the next CE "shall be the remainder of the previous Chief Executive."

Meanwhile, the prospect of a July 10 election prompted many actors across Hong Kong's political spectrum to demand at least the semblance of a contest, unlike the previous CE election. In 2002, the election by the 800-member Election Committee was aborted when Tung Chee-hwa secured more than 700 nominations, thereby making it mathematically impossible for a contender to emerge (a contender must secure at least 100 nominations to be a candidate). For the CE election process this time, some prominent figures, who observers had speculated would run for CE, chose not to contest.

After Finance Secretary Henry Tang, who was thought to have been a potential rival to Donald Tsang, stated he would not compete in the election, Liberal Party Chair and Legislative Council (LegCo) member James Tien announced that he might run. It was not long, however, before he declared that he had consulted Beijing on his potential candidacy and decided not to run. Popular legislators from the pro-democracy camp—members of the Article 45 Concern Group—also decided not to run. Instead, Democratic Party (DP) Chairman Lee Wing-tat formally announced his candidacy, though he had also repeatedly expressed his doubt that he could garner enough nominations to get onto the CE election ballot. LegCo member Chim Pui-chung, representative for the financial services sector, announced his bid shortly after Lee Wing-tat's announcement.

Donald Tsang formally announced his intention to run for CE by resigning as Acting CE and Chief Secretary on May 25. His announcement came just hours after the LegCo amended the Chief Executive Election Ordinance to allow for a replacement CE to carry out only the remainder of a former CE's term. Beijing formally accepted his resignation as Chief Secretary on June 2.

The nomination period began on June 3 and lasted until June 16. Donald Tsang campaigned aggressively despite his position as the clear front-runner, with support from both Beijing and the Hong Kong public. On June 15, Tsang submitted his nominations from 674 Election Committee members and statements of support from 36 more members, essentially receiving support from 710 EC members. The CE election process thus ended at the nomination stage with Tsang as the sole candidate.

## **THE ELECTION FRAMEWORK**

The HKSAR's legal framework is largely based on the Basic Law, a statute adopted by the National People's Congress to govern Hong Kong, a sub-national unit of the People's Republic of China (PRC). The Basic Law, in turn, is grounded on an international agreement between the PRC and the United Kingdom—the Sino-British Joint Declaration (on the Question of Hong Kong)—which provided for Hong Kong's reversion to Chinese sovereignty. The Chief Executive is the head of the HKSAR and is accountable to both the Central People's Government of the PRC and the HKSAR. According to the Basic Law, a "broadly representative" Election Committee (EC) will elect the Chief Executive,<sup>3</sup> at least until 2007. The elected Chief Executive must ultimately be approved by the Central Government in Beijing.

Many pro-democracy advocates hoped that following the 10-year transition period laid out in the Basic Law beginning with Hong Kong's reversion to Chinese sovereignty in 1997, universal suffrage would apply to the 2007 Chief Executive election and to the 2008 LegCo election for all LegCo seats. These hopes were founded on provisions in the Basic Law. Article 45 states, "The ultimate aim is the selection of the Chief Executive by universal suffrage," and Article 68 contains similar language for electing members of the LegCo. However, on April 26, 2004, after months of unofficial

---

<sup>3</sup> Basic Law, Annex I.

statements, the NPCSC issued an interpretation on the Basic Law, ruling out the application of universal suffrage for the 2007 Chief Executive election and for electing all members of the LegCo in the 2008 election. The NPCSC's statement reiterates that the "final goal" of the current process is selecting the Chief Executive (after nomination by a "broadly representative" nominating committee) and all LegCo members through general elections. However, as in the Basic Law, no timeline is attached to this goal.

### **1997 and 2002 Chief Executive Elections**

The first CE election in 1997 was a more competitive exercise than the elections that followed. In 1997, candidates could put themselves forward for nomination for Chief Executive by submitting their names to a 150-person Preparatory Committee before November 1, 1996.<sup>4</sup> The 400-member Election Committee (subsequently increased to 800 prior to the second CE election in 2002), which the Preparatory Committee had established, chose nominees through a secret ballot from among eight candidates who met the technical qualifications.<sup>5</sup> Even though it was widely accepted that Beijing had indicated its preference for Tung Chee-hwa, three candidates received at least the minimum 50 votes required to be officially nominated and thus eligible for further consideration in an election.<sup>6</sup> The successful candidate then had to win more than half the Election Committee votes. After a month-long campaign period, the Election Committee chose Tung by secret ballot from among the three candidates on December 11, 1996. Tung assumed office as Hong Kong's first Chief Executive upon the HKSAR's reversion to Chinese sovereignty on July 1, 1997.

On September 21, 2001, the Legislative Council enacted the Chief Executive Election Ordinance (CEEEO). The CEEEO established that the Election Committee's nominations for CE must be public.<sup>7</sup> Prospective nominees are required to secure public nominations from at least 100 EC members, and each member is allowed to nominate only one candidate.<sup>8</sup> If there is more than one nominee by the end of the nomination period, the Election Committee would then elect the CE by secret ballot from the list of nominees on a one-person-one-vote basis. However, the CEEEO stipulates that the election process can close at the end of the nomination stage if only one candidate is able to garner the necessary minimum of 100 nominations.<sup>9</sup> Therefore, the open nomination process can replace the election itself, without the need to hold an election by secret ballot on a sole nominee. This system came into effect for the 2002 CE election and is in effect for the current election process.

---

<sup>4</sup> The Preparatory Committee was established in December 1995 to oversee Hong Kong's transition to Chinese sovereignty. The Committee was chaired by the PRC's Foreign Minister.

<sup>5</sup> The requirements include being a Chinese citizen no younger than 40 years of age, without right of abode in any foreign country, and having lived in Hong Kong continuously for at least 20 years.

<sup>6</sup> The three were Tung, who received 206 of 385 ballots, businessman Peter Woo (54 ballots) and Chief Justice Sir Ti Liang Yang (82 ballots).

<sup>7</sup> Chief Executive Election Ordinance, Section 18.

<sup>8</sup> Ibid, Section 16.

<sup>9</sup> Ibid, Section 23.

Prior to the changes made to the CE election process outlined by the CEEC in 2001, the LegCo increased the size of the Election Committee to 800 members in July 2000. For the 2002 CE election, Tung Chee-hwa secured 714 nominations during the nomination stage, thereby making it impossible for any other candidate to receive the minimum 100 nominations in order to proceed with an election. This happened even though only 16 percent of the Hong Kong public wanted Tung to run for a second term.<sup>10</sup> The open nomination process replaced an actual election and Tung moved on uncontested to his second term as Chief Executive.

### **The Election Committee**

The 800-member EC is comprised of 664 members elected from 35 sub-sectors representing various economic and social groups; 40 members nominated by six designated religious bodies; and 96 *ex officio* members. The 35 sub-sectors represent sectors such as: agriculture and fisheries; insurance; education; legal; accountancy; medical; hotel; catering; finance; social welfare; and real estate and construction.<sup>11</sup> The six designated religious bodies are the Catholic Diocese of Hong Kong, Chinese Muslim Cultural and Fraternal Association, Hong Kong Christian Council, Hong Kong Taoist Association, The Confucian Academy, and the Hong Kong Buddhist Association.<sup>12</sup> The *ex officio* members consist of the 60 LegCo members and the 36 Hong Kong deputies to the National People's Congress. According to the Basic Law and Chief Executive Election Ordinance, an Election Committee's term is five years. The current Election Committee's term is due to expire on July 13, 2005.

The current Election Committee was established in July 2000 and has remained mostly the same, except for some changes due to by-elections in January 2002 and May 2005 to replace vacancies from natural attrition. In 2000, there were 178,985 eligible registered voters to elect EC members (the 664 members representing the 35 elected sub-sectors).<sup>13</sup> Each sub-sector's registered voters elect their respective members onto the Election Committee.

While the EC is supposed to be "broadly representative" according to the Basic Law,<sup>14</sup> it does not cover all major economic, social, or professional sectors and there is no clear systematic method for inclusion or exclusion on the committee. In addition, there is substantial variation in the representation and composition of the sub-sectors. There does

---

<sup>10</sup> According to a poll by the Hong Kong Transition Project at Hong Kong Baptist University. See Ambrose Leung, "Only 16 percent want Tung to run again; Public satisfaction with Chief Executive at lowest level in four years as he prepares to stand again," *South China Morning Post*, December 13, 2001.

<sup>11</sup> See Appendix I for detailed breakdown of the 35 sub-sectors on the Election Committee.

<sup>12</sup> See Appendix II for general breakdown of the Election Committee, including membership breakdown of the religious bodies.

<sup>13</sup> Statistics compiled from Electoral Affairs Commission website, <[http://www.info.gov.hk/eac/en/ecse/ecse\\_2000elect.htm](http://www.info.gov.hk/eac/en/ecse/ecse_2000elect.htm)>. By-elections were held on January 6, 2002 in advance of the 2002 CE election to fill four vacant seats in four sub-sectors of the Election Committee (Finance, Architectural/Surveying/Planning, Legal, and Heung Yee Kuk).

<sup>14</sup> According to the Basic Law, Annex I, Section 1, "The Chief Executive shall be elected by a broadly representative Election Committee in accordance with this Law and appointed by the Central People's Government."

not seem to be a correlation between the size of a sub-sector's constituency and its representation on the EC. For example, the education sub-sector is the largest group, with 66,562 registered voters in July 2000 to elect 20 members onto the EC; at the other end of the spectrum, the Heung Yee Kuk (representing indigenous villagers in the New Territories) had 143 registered voters to elect 21 members to the EC. A starker contrast can be seen in the Chinese People's Political Consultative Conference sub-sector, which had 128 registered voters in 2000 to elect 41 members onto the EC.

The imbalance in this system can also be seen in the recent Election Committee by-elections on May 1, 2005, which were held to fill 27 seats in 16 sub-sectors that had become vacant through natural attrition such as death or loss of a seat on a District Council. Voter turnout was just under 15 percent overall. However, turnout in each sub-sector varied greatly. The highest turnout rates were in the agriculture and fisheries sub-sector and the Hong Kong and Kowloon District Councils sub-sector, with 85 percent turnout of 162 registered voters and 86 percent turnout of 230 registered voters respectively. The accountancy sub-sector had the largest number of voters but the lowest turnout rate, with 2,124 voters translating to 12 percent turnout of 17,498 registered voters. The legal sub-sector had the second largest number of voters with 1,056 voters but low turnout as well, translating to 21 percent turnout of 5,070 registered voters.<sup>15</sup>

Another peculiarity of the Election Committee system (like the functional constituencies in the LegCo) is the use of both corporate and individual voting in the sub-sectors.<sup>16</sup> Some sub-sectors use corporate voting, some use individual voting, and others use a mix of both corporate and individual voting.<sup>17</sup> A corporate voter represents an organization, such as a professional association or a company, rather than an individual. Sub-sectors that use corporate voting therefore have constituencies that are comprised of organizations rather than individuals, and a corporate voter in a sub-sector is an individual selected by his or her organization to represent the organization's interests. The use of corporate voting contributes to distorted representation and composition on the EC.

An issue that arose in the recent CE election process, which further highlights the uniqueness of Hong Kong's Chief Executive Election Committee system, regards the eligibility of Committee members who are no longer in positions that originally made them eligible. There are approximately 30 such members, including district councilors who failed to win re-election, and Heung Yee Kuk representatives and Chinese People's Political Consultative Conference delegates who have stepped down or not been reappointed. The Hong Kong government raised doubts about the members' eligibility to vote but would not provide guidance to the members in question other than telling them

---

<sup>15</sup> Statistics compiled from Electoral Affairs Commission website, <<http://www.elections.gov.hk/elections/ec2005/eng/turnout.htm>>.

<sup>16</sup> The EC sub-sectors do not exactly match the LegCo Functional Constituency sectors. For example, while the EC has 35 sub-sectors, there are only 28 Functional Constituency sectors. Sub-sectors that are represented on the EC but not represented as Functional Constituency sectors include: Employers' Federation of Hong Kong; Hong Kong Chinese Enterprises Association; Chinese medicine; and the Chinese People's Political Consultative Conference.

<sup>17</sup> See Appendix I.

to seek legal advice. Secretary for Constitutional Affairs Stephen Lam said at a Legislative Council panel on May 30 that “the fact that the Election Committee members in question had not been struck off the electoral roll did not mean they were eligible. Whether they can vote depends on if they still have a ‘close connection’ with their sector, he said. But he declined to elaborate on what that constitutes, saying the circumstances of individual cases would vary. He said voters should seek legal advice.”<sup>18</sup> As there are no clear legal guidelines and no guidance from the government for the 30 Election Committee members in question, some of them said they would abstain from participating in the nomination process or voting in an election. At one point during the nomination period, Lee Wing-tat was reported to be exploring the option of lodging a petition over the eligibility of those 30 EC members.

### **Donald Tsang’s Race for Chief Executive**

There were three contenders who vied for nominations to make it onto the Chief Executive ballot: former acting CE and Chief Secretary Donald Tsang; Democratic Party Chairman and LegCo member Lee Wing-tat; and LegCo member Chim Pui-chung, who represents the financial services functional constituency and is a convicted felon. Tsang, who has spent 38 years in the Hong Kong government beginning as a civil servant under the British colonial administration, has Beijing’s support and is also favored by the public.<sup>19</sup> Throughout the nomination period, it always looked highly unlikely that either of the other two candidates would come close to receiving the minimum 100 nominations to make it to the next round.

The fundamental issue of the recent Chief Executive election process was whether there would be an election at all. It appeared all along that the process would end at the nomination stage with Donald Tsang as the sole nominee. Despite the unlikely scenario that either Lee or Chim would gain the necessary nominations to go to an election, news reports indicated that Tsang (and Beijing) aggressively pursued a campaign to ensure that no other candidate would make it to the election round to guarantee his position as Hong Kong’s next Chief Executive. On June 2, following his speech to launch his campaign, Tsang declared, “I will go for each and every vote. I will do all I can until no one can beat me.”

Tsang’s critics contended that it was unnecessary for him to aggressively pursue over 700 nominations. Ma Lik, the chairman of the Democratic Alliance for Betterment and Progress of Hong Kong (DAB) had stated that Tsang would appear “tyrannical” and would give the public a bad impression if he chose to shut out his competitors by seeking more than 700 votes. Meanwhile, Tsang’s competitor Chim, who acknowledged Tsang as a sure winner, still sought a “fair election” and asked Tsang to not make competition impossible by pursuing so many nominations.<sup>20</sup>

---

<sup>18</sup> Jimmy Cheung, “Government accused of shirking its duty on eligibility,” *South China Morning Post*, May 31, 2005, p A3.

<sup>19</sup> See Ambrose Leung and Gary Cheung, “Mainland blesses Tsang’s decision to stand,” *South China Morning Post*, May 27, 2005.

<sup>20</sup> See Cannix Yau, “Tsang’s approach branded as unwise,” *The Standard*, June 2, 2005.

Since public officials are not allowed to campaign while in office, Donald Tsang had to await Beijing's acceptance of his resignation as Chief Secretary before he could launch his official campaign for CE. On June 2, Beijing accepted Tsang's resignation, and Tsang announced the launch of his campaign on June 2. The nomination period began on June 3 and ended on June 16. If more than one candidate were nominated, then an election would have been held on July 10. However, this was always unlikely to happen, and the process was expected to end at the public nomination stage. Some democracy advocates were calling for the election to go forward even if there was only one candidate. In essence, they wanted the election to be a vote of confidence in the sole candidate, following the system used in the Macau Special Administrative Region.

Donald Tsang submitted his nominations on June 15, a day before the nomination period officially closed. He secured nominations from 674 Election Committee members and statements of support from 36 more members. He essentially had the support of 710 EC members. The CE election process thus ended at the nomination stage with Tsang as the sole candidate. After Tsang submitted his nominations, Lee decided to end his campaign after winning only 50 nominations. Chim, who was always the most unlikely candidate, had approximately two dozen nominations and was left without any possibility of securing anywhere close to the 100 nominations necessary to make it to an election round. However, despite his lack of support and the fact that Tsang had already submitted his nominations and was clearly to be the next CE, Chim continued to campaign through the end of the nomination period. Despite all the campaigning, the 2005 CE election, as in 2002, was another non-election.

## **THE BROADER ISSUES**

### **The Interpretation of the Basic Law by the NPCSC**

There are differing views of the impact of National People's Congress Standing Committee (NPCSC)'s interpretation on Hong Kong's rule of law and the election process.

#### *Two Years versus Five Years*

A basic question was whether the next Chief Executive should serve five years or only two. The Basic Law makes no provision for a CE term to be anything other than five years. Article 46 simply states, "The term of office for the CE of the HKSAR shall be five years. He or she may not serve for more than two consecutive terms." In fact, both Secretary for Justice Elsie Leung and Secretary for Constitutional Affairs Stephen Lam, when questioned prior to Tung's actual resignation about whether a prospective mid-term resignation by the CE would result in a new term or the remainder of that current term, responded that it should be a new 5-year term. However, when Tung Chee-hwa resigned, Acting CE Donald Tsang and Secretary for Justice Elsie Leung both

declared that after consultations in Beijing it was clear that the new CE's term of office should be only two years.

According to the barristers of the Article 45 Concern Group and other democracy advocates, both the Sino-British Joint Declaration and the Basic Law guarantee that the HKSAR maintains its previous legal system, which is based on the common law tradition.<sup>21</sup> Under common law principles, the courts are supposed to determine the meaning of a law by the actual language used. The Secretary for Justice admitted that a legal system based on the common law tradition does not allow judges to consider legislative intent when the law itself is clear.

However, legal scholars from mainland China cited the need to respect the drafters' legislative intent. They also argued that Article 46 did not anticipate situations in which a CE resigned before the expiration of his or her full term. In addition, the rationale presented for the two year term was that the CE's term of office had been intended to match that of the Election Committee (simultaneous five year terms). Furthermore, some mainland officials commented that international practice in places, including the United States, would allow new mid-term elected officials in cases of resignation to fill out only the remaining term of office. However, the Secretary for Justice explained, "While Hong Kong has adopted the common law system for over a century, China adopts the continental law system. After the reunification, it can only be expected that the two systems of legal thinking, which have been developing under different historical and cultural backgrounds, have to be reconciled."<sup>22</sup> The HKSAR government and supporters of the decision to seek the interpretation emphasize the point that the Basic Law is enacted by the People's Republic of China. In other words, the dilemma is caused by the Basic Law being drafted and enacted by a civil (continental) law power for a common law system.

The third interpretation of the Basic Law was adopted on April 27. Specifically referencing the second paragraph of Article 53, the NPC Standing Committee ruled that prior to 2007 if the CE vacates the office before his or her full term of office is up, the new CE only serves the remainder of the previous CE's term. (See full text in Appendix III) Whatever the reasons for the interpretation, it has the effect of linking Hong Kong's political system more closely to the mainland's. In mainland China, leadership transitions align in five-year cycles and also utilize by-elections to fill important offices (in as much as they use elections to fill these posts).

*Was an interpretation necessary?*

Lawyers in the pro-democracy camp have argued that no interpretation of the Basic Law by the NPC Standing Committee was needed. They contend, first, that the

---

<sup>21</sup> Basic Law, Article 8 states "The laws previously in force in Hong Kong, that is, the common law, rules of equity, ordinances, subordinate legislation and customary law shall be maintained, except for any that contravene this Law, and subject to any amendment by the legislature of the HKSAR."

<sup>22</sup> Statement by the Secretary for Justice, Ms. Elsie Leung, on the Term of the New Chief Executive on Saturday, 12 March 2005.

law is clear and requires no further elaboration. Second, cases were pending before Hong Kong's courts regarding the law, and those courts should have been permitted to decide the cases under the common law. In any case, it is argued, the NPCSC should have awaited the decisions by Hong Kong's courts so that it would have the benefit of their reasoning even if the Standing Committee decided to interpret the law. If one believes that the HKSAR government has to consider its integration with the mainland legal tradition as part of the reversion, then the government did need to respond to signals about a difference in opinion about the appropriate length of CE term of office. The principle of legislative intent apparently would allow the NPCSC to add or supplement the existing law through a process of legislative interpretation that is different from the common law understanding of judicial interpretation.

### *Interpretation versus amendment*

At the beginning of the controversy, some observers called for the NPCSC to make an interpretation of the Basic Law and then to amend it if the Central authorities still wished to truncate the next CE's term. Some legal experts have argued that the constitutionally correct process under Hong Kong's current legal system would have been to amend the Basic Law rather than interpret it. However, the power of amendment rests with the full National People's Congress which meets only once a year for approximately two weeks in March. The NPC Standing Committee is only empowered to interpret. The amendment option seems to have been bypassed because of the problem of timing.

The current 800-member Election Committee's term expires July 13. The Basic Law requires that a new CE would have to be elected within six months of a CE stepping down from the position. Under those constraints, since Tung Chee-hwa resigned on March 10, a new CE could not be elected in time if a new EC had to be elected according to current election rules or a different system negotiated for this election. Theoretically, Hong Kong could then have been without a Chief Executive for an indefinite period of time during which insecurity could have wreaked havoc in the territory. Some legal experts argued that the election could have proceeded on July 10 as scheduled while the exact length of term of office could have been left undetermined until a judicial ruling.

### *Problem of referral*

Although much of the focus has been on the NPCSC's decision on the length of the next CE's term, the question emerged as to whether the process of the referral itself was legal. According to the barristers, the Basic Law clearly stipulates that it is the courts who must request an interpretation from the NPCSC.<sup>23</sup> According to the HKSAR

---

<sup>23</sup> Basic Law, Article 158: "The power of interpretation of this Law shall be vested in the Standing Committee of the National People's Congress. The Standing Committee of the National People's Congress shall authorize the courts of the Hong Kong Special Administrative Region to interpret on their own, in adjudicating cases, the provisions of this Law which are within the limits of the autonomy of the Region. The courts of the Hong Kong Special Administrative Region may also interpret other provisions of this Law in adjudicating cases. However, if the courts of the Region, in adjudicating cases, need to interpret the

government, not only can the courts seek an interpretation, but the Chief Executive is also allowed to request the NPCSC via the State Council to interpret the Basic Law. The rationale is to be found in Articles 43 and 48(2) which address the Chief Executive's constitutional powers and functions: the CE is accountable not only to the HKSAR but also the Central People's Government, and he (or she) is responsible for implementing the Basic Law. Moreover, the NPCSC can on its own decide to interpret the Basic Law as it did during the second interpretation in April 2004 on universal suffrage for the 2007 and 2008 election.<sup>24</sup>

Complicating the referral question were the two pending applications for judicial review when the NPCSC announced its ruling. The HKSAR government chose not to allow the courts to settle the matter. In fact, the Acting CE used the court cases to further justify the interpretation request as he claimed that a constitutional crisis was pending.

*The political aspects of the interpretation*

Beyond the legal dimensions of the controversy over the interpretation are the political ones. These seem to be readily conflated. A prominent lawyer explained that from a legal perspective there was no need for an interpretation; whether or not to make a referral was ultimately a political decision. According to the HKSAR government, the need for an interpretation was essentially the pressing issue of timing and ultimately maintaining stability and consequently prosperity. According to the HKSAR government, the interpretation "removes the uncertainties affecting the normal operation of the government and the community, and ensures that the new chief executive will be elected smoothly and in time on July 10."<sup>25</sup>

Furthermore, the HKSAR government tried to address the objections to the interpretation by reasoning that an abbreviated term of office was in fact good for democracy because a full five year term would have meant that no progress towards "greater democracy" could have been made until 2010 rather than in 2007. Opponents point out that universal suffrage has already been ruled out for the 2007 and 2008 elections by the second NPCSC interpretation made in April 2004, thus prohibiting any

---

provisions of this Law concerning affairs which are the responsibility of the Central People's Government, or concerning the relationship between the Central Authorities and the Region, and if such interpretation will affect the judgments on the cases, the courts of the Region shall, before making their final judgments which are not appealable, seek an interpretation of the relevant provisions from the Standing Committee of the National People's Congress through the Court of Final Appeal of the Region. When the Standing Committee makes an interpretation of the provisions concerned, the courts of the Region, in applying those provisions, shall follow the interpretation of the Standing Committee. However, judgments previously rendered shall not be affected. The Standing Committee of the National People's Congress shall consult its Committee for the Basic Law of the Hong Kong Special Administrative Region before giving an interpretation of this Law."

<sup>24</sup> Speech by the Secretary for Justice, Ms. Elsie Leung, at the Adjournment Debate moved by the Hon Albert HO Chun-yan on the seeking of the NPCSC's interpretation of the Basic Law on the term of office of the Chief Executive on Wednesday, 6 April 2005, "These three approaches are lawful procedures stipulated in the Basic Law."

<sup>25</sup> Press release on the Statement, "The SAR Government welcomes the NPCSC Interpretation on the term of the new Chief Executive," Wednesday, April 27, 2005.

significant progress anyway. They warily argue that political expediency was too high a price to pay for this maneuver.

### **Donald Tsang's Candidacy**

The almost immediate emergence of Donald Tsang as Beijing's preferred candidate for Chief Executive is significant for a number of reasons: the change of attitude by the Central Authorities towards a high-ranking career civil servant whose closeness to the former colonial power is most vividly indicated by his knighthood; the further sidelining of the political parties including the pro-Beijing ones; and acknowledgement of the problem of governance in Hong Kong. Donald Tsang, 60, is the son of a Hong Kong police officer. He joined the civil service in 1967 without ever attending university. Over his 38-year career as a civil servant, Tsang served under several British governors and was made a Knight of the British Empire just before Hong Kong's reversion to Chinese sovereignty in 1997.

Despite some concern in the legal community about the implications of the NPCSC ruling on the integrity of Hong Kong's rule of law, the reality of public opinion in Hong Kong is that there is general confidence about an inevitable improvement in Hong Kong's governance with Tung Chee-hwa's departure. Donald Tsang's popularity rating according to a mid-April University of Hong Public Opinion Programme (HKU POP) poll was 72 percent approval; that rate went up again in mid-May to 77 percent. In the latest poll by Chinese University, 81.4 percent of respondents said that Tsang was the best candidate for the position. Opponents Lee Wing-tat and Chim Pui-chung had only 1.7 percent and 0.7 percent support, respectively.<sup>26</sup>

While there was not a genuine contest, the election campaign proceeded as if there were. The pro-democracy camp as well as Hong Kong groups that would categorize themselves as moderate and professional, such as the New Century Forum and the Hong Kong Democratic Foundation, agreed that everyone should go through the motions of an actual campaign complete with party platforms, participation in public forums, and full media coverage of election news. The resignation of one member of Tsang's campaign team, Lawrence Lam, deputy commandant of the auxiliary police force, or complaints that Tsang broke election rules by canvassing for votes before Beijing's acceptance of his resignation as Chief Secretary, did not appear to damage Tsang's standing with the public or the electorate. This attitude appeared to be both preparation in anticipation of a more genuine contest in 2007 and the belief that going through the formalities of an actual campaign would be more than a mere exercise but also represent democratic progress.

Pro-democracy figures have pointed out that Donald Tsang served as Tung Chee-hwa's second-in-command as Chief Secretary since Anson Chan resigned in 2001 and thus should be held accountable for his role in the unpopular administration. At the same time, pro-Beijing parties seemed to only grudgingly support him as the best available candidate. In April, DAB LegCo member Choy So-yuk set off a minor media frenzy

---

<sup>26</sup> Chinese University survey size was 765 people.

during a radio program when she explained, “He was viewed by some in the pro-Beijing camp as disrespectful of the patriotic values they cherished and treasured over the decades and paid dear prices for. His elevation alienated quite a few in this camp.” She went on to express support for his candidacy as did most of the wary pro-Beijing camp members.<sup>27</sup>

### **The CE Election and Political Parties**

Hong Kong’s political parties have only recently emerged as organizations and are still struggling to gain the public’s allegiances. Hong Kong’s parties did not play a role under British colonial rule until the British decided to withdraw. Today, the “executive-led” Basic Law casts parties in a subsidiary legislative role.<sup>28</sup> NDI has previously reported on the low participation in and public support for Hong Kong’s parties.<sup>29</sup> This was the first CE election in which a political party in the pro-democracy camp—the Democratic Party—decided to participate. The parties in the pro-democracy camp refused to participate in the last CE election process in 2002. However, despite the DP’s participation, this election process still further sidelined the political parties, including the pro-Beijing ones. At some level, Beijing’s embrace of civil servant Tsang seems to indicate the leadership’s discomfort with even these pro-Beijing parties. The problem of “talent” or experience within the parties also appears to be a major aspect of this issue. In an interview with the *South China Morning Post*, a veteran Hong Kong deputy to the National People’s Congress from the pro-Beijing camp commented, “If the government asks our organization to name a minister, honestly, we can’t give one. We must face the harsh reality.”<sup>30</sup>

On May 30, Lee Wing-tat’s campaign held an event to showcase his official nomination by 21 pro-democracy legislators. When he announced on June 15 that he was ending his campaign (shortly after Donald Tsang submitted his nominations), Lee had won only 50 nominations. The Democratic Party’s inability to garner many nominations highlights its lack of political power. The Democratic Alliance for the Betterment and Progress of Hong Kong, with more than 100 members on the Election Committee, held out on ultimately pledging its support to Tsang for some days after others had already begun to do so. DAB Chairman Ma Lik explicitly stated, “The DAB will only support the government willingly if Mr. Tsang pledges to share power with us,” suggesting that he appoint deputy ministers and political advisors from the pro-Beijing parties.<sup>31</sup> While

---

<sup>27</sup> Choy So-yuk, “Letter to Hong Kong,” *RTHK*, April 2, 2005.

<sup>28</sup> See e.g. NDI reports in its series, *The Promise of Democratization in Hong Kong*: “The 2002 Chief Executive Election and the Transition Five-Years after Reversion,” NDI Hong Kong Report No. 6, March 11, 2002, pp. 15-16; “The Impact of July’s Protest Demonstrations on the November 23 District Council Elections – A Pre-Election Report,” NDI Hong Kong Report No. 8, November 17, 2003, pp. 10-16; “The September 12, 2004 Legislative Council Elections – A Pre-election Report,” NDI Hong Kong Report No. 9, August 31, 2004, pp. 25-26.

<sup>29</sup> *Ibid.*

<sup>30</sup> Gary Cheung, “Pro-Beijing camp still simmering over CE candidate,” *South China Morning Post*, June 2, 2005.

<sup>31</sup> Gary Cheung and Jimmy Cheung, “DAB wants Tsang to share power,” *South China Morning Post*, May 30, 2005.

there has been discussion about restructuring the Executive Council (the CE's private consultative body) in the new administration, how the roles of the various parties would change in that advisory body and what impact that would have are still open questions.

### **Anticipating Beijing's Actions**

There has been much speculation over Beijing's influence on the electors in the Election Committee. Many observers claim that most of the EC members who might have wanted a contested election that went beyond the nomination stage, regardless of which candidate they actually supported, would not have considered nominating an opponent to Donald Tsang. They claim that this was because they feared negative ramifications in their professional lives if they nominated an opponent to Tsang. One pro-democracy advocate posed the example of a higher education professional who might find his promotion channels stymied if he nominated someone else. According to media reports, Chim Pui-chung claimed that "some friends" from the mainland sought to discourage him from running.<sup>32</sup> These examples illustrate what seems to be a pervasive mentality in Hong Kong, where individuals appear to base their actions on their perceptions of how Beijing might respond to a situation. Beijing's greatest influence in the HKSAR and on the CE election process may not be through obvious interference, but through the way in which people in Hong Kong try to anticipate Beijing's actions and reactions, and adjust their own behavior accordingly.

### **CONCLUSION**

The people of Hong Kong have expressed their allegiance to mainland China as well as their desire for democratic development. According to the government's public opinion polls, the people of Hong Kong value their unique position within the People's Republic of China and identify with the mainland; 73 percent are proud of being Chinese. At the same time, in a poll conducted by the Committee on the Promotion of Civic Education between last October and December, 59 percent of the 1,054 people surveyed want the Chief Executive and LegCo to be chosen by universal suffrage as soon as possible. Whether Hong Kong citizens can have close ties to the mainland and achieve their democratic aspirations remains an open question.

Did the recent Chief Executive election advance the democratization process in the HKSAR? On the surface, at least, this election signals few signs of change. The electoral process remains uncompetitive and participation in the process is still severely limited. However, the election spurred the already growing public sentiment for reform. A key reform issue is establishing a timeline for moving to a system of universal suffrage. This demand is not a new one. The Hong Kong General Chamber of Commerce made headlines when, in September 2004, it called for a timeline which would identify the benchmarks for Hong Kong's progress toward democratization. If Hong Kong is to become truly democratic, its officials must be elected through the full

---

<sup>32</sup> Gary Cheung, "Mainland keeps tabs on rebel candidate," *South China Morning Post*, May 31, 2005.

participation of its people, or appointed by persons who have been elected in open political competition.

Short of adopting universal suffrage, there are other reforms being discussed. The consultation process on constitutional reform is preparing its fifth report for later this year. The issues under consideration include expanding the Election Committee's electorate (now 178,985) as well as the number of Election Committee members (now 800). Reformers hope that this will enhance the EC's representation and also increase the likelihood that the election process will become more competitive.

Donald Tsang is a moderate and is mindful of Beijing's concerns. Few anticipate that he will push for major changes. During the ceremonial launching of his campaign, Tsang indicated his strategy to manage expectations. He stated, "We must be modest in our stated ambitions. Better by far to promise one candle and deliver two than to promise all the brightness of the sun and deliver only darkness."

**APPENDIX I**

	<b>Election Committee (EC) Sub-sectors elected by registered voters</b>	<b>No. of Seats on EC</b>	<b>No. of Registered Voters for 2000 EC Sub-sector Elections</b>	<b>No. of Registered Voters for 2002 EC Sub-sector By-elections</b>	<b>No. of Registered Voters for 2005 EC Sub-sector By-elections</b>	<b>Type of Voting</b>
1.	Catering	11	6,965	-	-	Corp. & Ind.
2.	Commercial (first)	12	1,263	-	-	Corporate
3.	Commercial (second)	12	1,793	-	-	Corp. & Ind.
4.	Employers' Federation of Hong Kong	11	137	-	-	Corporate
5.	Finance	12	137	149	149	Corporate
6.	Financial services	12	548	-	-	Corp. & Ind.
7.	Hong Kong Chinese Enterprises Association	11	345	-	-	Corp. & Ind.
8.	Hotel	11	92	-	-	Corporate
9.	Import and export	12	1,408	-	1,355	Corp. & Ind.
10.	Industrial (first)	12	814	-	794	Corp. & Ind.
11.	Industrial (second)	12	616	-	493	Corporate
12.	Insurance	12	177	-	-	Corporate
13.	Real estate and construction	12	677	-	-	Corp. & Ind.
14.	Textiles and garment	12	4,693	-	3,891	Corp. & Ind.
15.	Tourism	12	806	-	-	Corporate
16.	Transport	12	146	-	-	Corporate
17.	Wholesale and retail	12	3,363	-	-	Corp. & Ind.
18.	Accountancy	20	12,782	-	17,498	Individual
19.	Architectural, surveying and planning	20	3,829	3,908	5,113	Individual
20.	Chinese medicine	20	2,885	-	2,658	Individual
21.	Education	20	66,562	-	-	Individual
22.	Engineering	20	6,034	-	7,253	Individual
23.	Health services	20	31,655	-	-	Individual
24.	Higher education	20	4,796	-	5,581	Individual
25.	Information technology	20	3,859	-	-	Corp. & Ind.
26.	Legal	20	4,177	4,033	5,070	Individual
27.	Medical	20	7,723	-	-	Individual
28.	Agriculture and fisheries	40	167	-	162	Corporate
29.	Labour	40	455	-	519	Corporate
30.	Social welfare	40	8,105	-	-	Individual
31.	Sports, Publications, Performing arts, and Culture					Corp. & Ind.
	Sports sub-subsector	10	591	-	-	-
	Publication sub-subsector	10		-	-	-
	Performing arts sub-subsector	10	212	-	-	-
	Culture sub-subsector	10	473	-	-	-
32.	Chinese People's Political Consultative Conference	41	128	-	91	Individual
33.	Heung Yee Kuk (Indigenous villagers)	21	143	138	146	Individual
34.	Hong Kong and Kowloon District Councils	21	223	-	230	Individual
35.	New Territories District Councils	21	206	-	-	Individual

Compiled from the Hong Kong Electoral Affairs Commission website <[http://www.info.gov.hk/eac/index\\_en.htm](http://www.info.gov.hk/eac/index_en.htm)>

## APPENDIX II

<b>Election Committee Composition</b>	<b>No. of Members</b>
Sub-sectors (35) – elected	664
Religious bodies – nominated	
Catholic Diocese of Hong Kong	7
Chinese Muslim Cultural and Fraternal Association	6
Hong Kong Christian Council	7
Hong Kong Taoist Association	6
The Confucian Academy	7
The Hong Kong Buddhist Association	7
<i>Ex Officio</i>	
Legislative Council Members	60
Hong Kong Deputies to the National People's Congress	36
<b>TOTAL</b>	<b>800</b>

## APPENDIX III

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 – see next page.