

## Hong Kong's Undemocratic Chief Executive Selection (May 2022)

On May 8, 2022, Hong Kong's Election Committee will be scheduled to select the next Chief Executive (CE) of Hong Kong Special Administrative Region (HKSAR), the highest political office in the city. The so-called "election" is a small-circle selection process that is inherently undemocratic and favours CE candidates who are loyal to the leadership of the Chinese Communist Party (CCP) and the People's Republic of China (PRC).

### Backgrounder: Hong Kong's "Election" Processes

The election committee is a Hong Kong electoral college and its function is to select the CE. The current "election" process is based on electoral changes enacted by PRC's National People's Congress (NPC) on March 11, 2021. The entire "election" process of the CE, including nomination of candidates, is reliant on the 1500 members of Hong Kong's Election Committee: CE candidates must be nominated by at least 188 members of the Election Committee, and candidates may win the "election" with more than 750 votes.

### Composition of the Election Committee in Hong Kong

The Election Committee in Hong Kong has a predetermined set of members, selected from five sectors with 300 members each. Each sector is further divided into sub-sectors, individual members selected from a small circle of registered voters within each sub-sector. There are fewer than 8000 voters that may select members of Hong Kong's Election Committee and only Beijing loyalists are selected to be in the Election Committee.<sup>1</sup>

Sector & sub-sectors	# registered voters
<b>1. Industrial, commercial, and financial sectors, 18 sub-sectors including...</b> Hotel                      Real estate                      Tourism                      Insurance Employers' Federation of Hong Kong                      Small and medium enterprises	1,646
<b>2. The professions, 10 sub-sectors including...</b> Engineering                      Legal                      Education                      Accounting Medical & Health Services                      Chinese medicine                      Social Welfare	2,488
<b>3. Grassroots, labour, religious, and other sectors, with 5 sub-sectors...</b> Agriculture and fisheries                      Associations of Chinese Fellow Townsmen Religious                      Labour                      Grassroots associations	1,286+
<b>4. Hong Kong's political representatives, 5 sub-sectors including...</b> <ul style="list-style-type: none"> <li>• Members of Legislative Council</li> <li>• Members of Area Committees, including District Fight Crime Committees and District Fire Safety Committees</li> <li>• Heung Yee Kuk (advisory body comprising of leaders from rural committees)</li> <li>• Representatives of Associations of Hong Kong residents in the Mainland</li> </ul>	2,100+
<b>5. HKSAR representatives to the People's Republic of China, with 2 sub-sectors...</b> <ul style="list-style-type: none"> <li>• Deputies to the NPC and Members of the Chinese People's Political Consultative Conference</li> <li>• Representatives of Hong Kong Members of Relevant National Organizations</li> </ul>	451+

<sup>1</sup> [Only hand-picked pro-Beijing 'patriots' get to vote for committee that will choose Hong Kong's next government](#), *The Globe and Mail* (September 19, 2021)

## Analysis

The entire selection process for Hong Kong's CE is skewed to favour the local industrial, corporate and business sector, and to preserve the CCP's political control over the HKSAR administration. The undemocratic selection of HKSAR's CE is part of the ongoing and deteriorating political environment in Hong Kong.<sup>2</sup>

The city of Hong Kong has 7.5 million residents, and the majority of residents will never be granted the right to directly nominate or vote for the CE. Hongkongers may vote for members of Legislative Council and Area Committees, who become members of the Election Committee, but Beijing has revamped the electoral system to only allow "patriots" to run for office in Hong Kong.<sup>3</sup> Hong Kong and mainland Chinese governments are actively dismantling any democratic features within HKSAR's electoral processes.

Hong Kong Basic Law,<sup>4</sup> a de facto constitution of HKSAR, Article 45 clearly states: "The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." Hong Kong Basic Law was enacted as per the Sino-British Joint Declaration, which guarantees Hong Kong's autonomy from the mainland Chinese government.

Despite the explicit language on adopting universal suffrage to elect Hong Kong's CE, Beijing had already rejected the idea of universal suffrage without its endorsed candidates in 2014.<sup>5</sup> Dual universal suffrage is one of the five demands that arose at the start of Hong Kong's protest movement in 2019,<sup>6</sup> for Hong Kong residents to fully participate in the electoral processes for the Legislative Council, Area Committees, and the CE.

In the upcoming CE selection, there is only **one** candidate nominated and approved by Beijing.

## **The Sole Candidate: John Lee Ka Chiu 李家超**

### Professional Experiences

- **Chief Secretary for Administration**, the most senior minister in HKSAR: June 25, 2021 ~ April 7, 2022. Lee resigned to join the Chief Executive race, his resignation was approved by the State Council of China.
- **Secretary for Security**: July 1, 2017 ~ June 25, 2021
- **Under Secretary for Security**: October 1, 2012 ~ July 1, 2017
- Joined the **Royal Hong Kong Police Force** in 1977, Lee transitioned into **Hong Kong Police Force** (HKPF) and ended service in HKPF in 2012.

### Analysis

John Lee's professional career in HKPF and Hong Kong's Security Bureau reveals Beijing's political agenda to securitize the city by sustaining a police state.<sup>7</sup> Lee, among other officials, was sanctioned by the United States government for "undermining autonomy".<sup>9</sup>

Under Lee's leadership, HKPF and the Security Bureau's hardline approach against the protest movement were criticised for the systemic violence against protestors, detainees, and prisoners.<sup>10</sup> Police brutality, such as rape, sexual violence, torture, and denial of medical assistance, are documented by human rights organizations extensively.<sup>11</sup> Lee defended the ongoing police brutality and supported arming HKPF with electroshock weapons.<sup>12</sup>

<sup>2</sup> [Democratic Crisis in Hong Kong: Recommendations for Policymakers](#), *Freedom House* (2019)

<sup>3</sup> [Hong Kong Sees Lowest Ever Voter Turnout After Beijing's New Election Rules](#), *Time* (December 20, 2021)

<sup>4</sup> [Hong Kong Basic Law](#) (Accessed in 2022)

<sup>5</sup> [China's Decision on Universal Suffrage in Hong Kong](#), *The Brookings Institute* (September 2, 2014)

<sup>6</sup> [The Hong Kong protests explained in 100 and 500 words](#), *BBC News* (November 28, 2019)

<sup>7</sup> [Hong Kong's New Police State](#), *The Diplomat* (June 1, 2021)

<sup>8</sup> [China's Choice for Hong Kong's Chief Executive Reveals Its Own Insecurity](#), *The Diplomat* (April 9, 2022)

<sup>9</sup> [US sanctions Hong Kong leader Carrie Lam, police chief and 9 other top officials for 'undermining autonomy'](#), *Hong Kong Free Press* (August 7, 2020)

<sup>10</sup> [Hong Kong Protests](#), *Human Rights Watch*.

<sup>11</sup> [Hong Kong: Arbitrary arrests, brutal beatings and torture in police detention revealed](#), *Amnesty International* (September 19, 2019)

<sup>12</sup> [Hong Kong security chief defends police tactics amid reports of electroshock weapons being introduced](#), *Hong Kong Free Press* (January 15, 2020)

During Lee's tenure as the Secretary for Security and Chief Secretary in HKSAR, Lee was also a member of the Committee for Safeguarding National Security, founded by the enactment of the National Security Law, the Committee's decisions are not subjected to judicial review for any of its decisions.<sup>13</sup>

As a result of the National Security Law and ongoing suppression of journalism, Hong Kong has fallen to 148th in press freedom rankings this year.<sup>14</sup> The decline in press freedom began in 2019 at the start of the protest movement. HKPF targeted journalists with tear gas, rubber bullets, kettling, verbal and physical abuse to limit their ability to record police operations. HKPF had also ordered journalists from five different media platforms to leave their official press conference.<sup>15</sup> As the candidate for CE, Lee responded to questions by saying there is no need to "defend" press freedom.<sup>16</sup>

The winner of this so-called "election" has already been chosen by Beijing's political elites. The events on May 8th are merely a political facade facilitated by the HKSAR and mainland Chinese governments, aimed to present this selection as a democratic process. Media have reported that 7000 HKPF officers will be deployed to manage the events related to the CE "election."<sup>17</sup>

## Recommendations

In the past, Canada and Canadian leaders have released various statements to the deteriorating situation in Hong Kong. Though it is crucial to see Canada and our democratic allies vocalize their concerns, we urge you to support concrete actions in holding perpetrators of human rights abuse and political suppression accountable.

### 1. Demand dual universal suffrage for Hong Kong

The existing "election" processes for HKSAR's CE is inherently un-democratic and contradicts the agreement as outlined in the Sino-British Joint Declaration. We urge Canadian leaders to echo Hongkongers' demands for genuine dual universal suffrage, where every Hong Kong resident may freely participate in democratic electoral processes for the Legislative Council, District Committees, and the CE.

### 2. Invoke Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law) to sanction John Lee and other HKPF, HKSAR, CCP, and PRC officials

We strongly urge the Government of Canada to invoke sanctions to target individual officials who are directly responsible for the police brutality, human rights violations in Hong Kong; and those who contributed to the non-compliance of the Sino-British Joint Declaration. ACHK had previously published [a list of officials](#) who are responsible for the human rights atrocities happening in occupied Tibet, occupied East Turkestan, and Hong Kong.

### 3. Provide diverse humanitarian pathways for Hongkongers, including family members of overseas Canadians, to resettle in Canada

Hongkongers, including family members of Canadian citizens, are seeking to exit the city. Though the Government of Canada has offered Open Work Permit and Permanent Residence pathways for Hongkongers, the majority of Hongkongers and activists under persecution do not qualify for these measures. ACHK had previously published an [updated policy brief](#) outlining recommendations for the Government of Canada's considerations, including:

- Waive police checks and biometric testing requirements
- Amend family reunification measure for long-term visas and to include extended family members
- Modify private and blended sponsorship program to resettle activists facing persecution
- Allow applicants from Hong Kong to enter Canada as they wait for their applications to be processed

<sup>13</sup> [2022 Hong Kong Policy Act Reform](#), U.S. Department of State (March 31, 2022)

<sup>14</sup> [Hong Kong plunges to 148th in world press freedom rankings](#), *Al Jazeera* (May 3, 2022)

<sup>15</sup> [Police order journalists from five media platforms to leave press conference](#), *Hong Kong Free Press* (August 1, 2020)

<sup>16</sup> [No need to 'defend' press freedom 'because it exists.'](#) *Hong Kong leadership candidate John Lee says*, *Hong Kong Free Press* (April 25, 2022)

<sup>17</sup> [Hong Kong chief executive election 2022: police to mobilise as many as 7,000 officers to ensure 'event runs smoothly and peacefully'](#), *South China Morning Post* (May 3, 2022)

## **Additional Readings**

Here is a list of ACHK's previous publications that you may find helpful:

[Summary of 2019-2020 Protest Movement and Hong Kong's Current Situation Under the National Security Law](#)

*Policy Brief & Recommendations, published January 2022*

[Immediate Program Options for Hong Kongers Seeking Protection](#)

*Policy Brief, published in May 2021*

[Hong Kong Exit Bans – Gaps and Barriers for Activists to Leave](#)

*Issue Brief, published in May 2021*

[In Plain Sight: Beijing's Unrestricted Network of Foreign Influence in Canada](#)

*Research Report & Recommendations, published in May 2021*