

Date: 8 May 2015
To : Clerk to Subcommittee on Proposals on the
Method for Selecting the Chief Executive in 2017
Legislative Council Secretariat
From: Alan Ka-lun LUNG

Suggested method for selecting the 2017 Chief Executive of Hong Kong:

1. The Nomination Committee should be restructured in order to replace the corporate votes by individual votes. The structure and proportion of the four sectors to remain the same.
2. **Entry (Nomination)** -- 1/10 of 1,200 Nomination Committee to nominate a prospective candidate..
3. **Screening down to 2-3 candidate s by Legco members** – endorsement by 20 Legco members is needed for each individual candidate to get past the second stage. There is good chance that there will be two or three candidates being endorsed by the seventy Legco members.
4. **Exit to the CE Candidate List** – “The CE Candidate List” will need 50% approval by Nomination Committee. The Nomination Committee will reject or accept the entire list. If rejected, all nomination become void and the nomination process starts from Nomination (Step One) again. There is no restriction for any participant to seek nomination again.
5. All eligible voters to vote for the Chief Executive. If there are more than two candidates, second round voting among the top two will proceed until one candidate gets more than 50% of the valid votes. The elected candidate to be appointed by the Central Government in Beijing.

Explanatory Notes

1. We take the view that Hong Kong's prosperity and stability is closely linked to a widely accepted 2017 CE Election solution. We also take the view that suggesting Hong Kong should "Pocket" an electoral arrangement that allows the Nomination Committee to pre-select candidates individually does not preserve procedural justice. If this is allowed to happen, the legitimacy of the Chief Executive elected through such a process will not be preserved and disruptive mass protests will keep coming back in one form or another.
2. We seek a genuine choice without allowing the Nomination Committee to pre-select or target candidates. Our proposal complies to and seeks reference to Articles 26, 45 and 68 of the Basic Law and the decisions of the Standing Committee of the National People's Congress (NPCSC). We also seek genuine democracy in compliance with international standards for free and fair election, such as Article 25 of the ICCPR.

3. While we accept any electoral proposal must address abide by the Basic Law and decisions of the Standing Committee of the National People's Congress (NPCSC), we urge to the Government to propose a solution that:
 - Offers a “*Genuine Choice*” ,
 - *Does not target individual candidates* during the nomination process;
 - Conforms to *international standards* of free and fair election.
4. We propose this election method after thorough deliberation. However, we regret that we are not able to propose “Three Tracks Nomination Method” proposed by the Pan Democrats which was well accepted by a significant part of the Community. Since there is no “Civic Nomination” in our proposal, we urge the Chief Executive to be elected by universal suffrage in 2017 to re-consider civic nomination and to activate the 5 steps process after being elected.
5. We take the view that that “Political Party Nomination” enables the Administration to have support in Legco. By and large, our Legco Member endorsement is comparable to “Political Party Nomination”. We believe that candidates representing major political groups in Legco could be nominated under our proposed nomination method. We also take the view that the proposed method should be acceptable to most scholars who attended the international forum on ICCPR hosted by the University of Hong Kong in 2014.
6. We accept that the electoral proposal should address the national security concerns of the Central Government. The Central Government will have direct influence on the election process at three stages: Firstly, the pro establishment Legislative Council members may nominate at least one candidate who is acceptable by the Central Government in Beijing. Secondly, the Nomination Committee is also in a position to reject a Candidate List containing candidate who is not acceptable to Central Government. Thirdly, Beijing may refuse to appoint an elected Chief Executive who is not acceptable. We believe that the Nomination Committee would take a balanced view and exercise their nomination power cautiously when the evaluating the full candidate list put before them.
7. We echo the concerns of the community that failure in achieving a reform package would damage the prosperity and stability of Hong Kong. We believe our proposal is a pragmatic one and that it offers the best chance for a solution.

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