

Roundtable on Issues Relating to the 2017 Chief Executive Election

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Panel 3: Voting Arrangement, Chief Executive Appointment Procedure, and Chief Executive's Political Affiliation

Part B: Chief Executive's Political Affiliation

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Outline

General Comment

It is common knowledge and common practice as well that political leaders are always chosen from, and backed up by political organizations, namely, political parties/groups.

A political party is an organization of people which has a specific political agenda, and seeks to achieve political (public policy) goals common to its members through the acquisition and exercise of political power. In democracies, political parties are elected to run a government by the electorate.

In the context of the HKSAR, "political party (政黨) means - (a) a political body or organization (whether operating in Hong Kong or elsewhere) which purports to be a political party; or (b) a body or organization the principal function or main object of which is to promote or prepare a candidate for election as a member of the Legislative Council or any District Council." (Section 31 (2), Cap 569 - *Chief Executive Election Ordinance*)

Most political parties have an ideological core, but some do not. There exist bi-party system, multi-party system, single dominant party system, and one-party system today all over the world.

In the narrowest sense, political party can be understood as the machine of election. Its major function is the political mobilization.

The above should apply to the HKSAR.

The Basic Law and the Situation of the HKSAR

However, the design and the text of the Basic Law suggest differently. There is no sign in it that the central authorities favor the establishment of political party system in the HKSAR. Arts 43, 48 and 64 together paint the Chief Executive as a politically neutral figure. As institution, the Chief Executive is required to be accountable to both the central government and the HKSAR.

The reality is that the multi-party system does exist in the HKSAR. The currently active political parties are generally categorized as pro-establishment parties and pro-democracy parties.

Contradiction, Tension and Solution

The aforementioned Section 31 (2) demonstrates that political party purports to “promote or prepare a candidate for election as a member of the Legislative Council or any District Council”. We note that political party is not there for the election of the Chief Executive.

I consider this unconventional, and against general political rule.

Interestingly, under Section 31 (1) “Winning candidate to declare he is not a member of political party” (Cap 569 - *Chief Executive Election Ordinance*), it is stated that:

A person declared under section 28 as elected at an election shall, within 7 working days after the declaration -

(a) publicly make a statutory declaration to the effect that he is not a member of any political party; and

(b) lodge with the Returning Officer a written undertaking to the effect that he will not, if appointed as the Chief Executive -

(i) become a member of any political party; or

(ii) do any act that has the effect of subjecting himself to the discipline of any political party,

during his term of office as the Chief Executive.

I see some ambiguity in the text. On the one hand, it affirms that the Chief Executive should not have any formal political relationship with any political party; on the another, it indirectly suggests that the Chief Executive might have had / have some kind of political relationship with political party/parties.

There are many reasons to support the thesis that the Chief Executive should be politically affiliated with a political party or political parties. These reasons include: legitimacy of the government, good governance, democracy, efficient administration, and popularity of the Chief Executive.

To conclude:

1. The central authorities should reconsider the rationale of the law-making, recognize the actual need to have political party/parties to openly, vigorously and institutionally support the Chief Executive in reinforcing his/her legitimacy, in his/her administration, in organizing the election, and even in lifting his/her popularity;
2. Consequentially, the HKSAR government should consider amending the Chief Executive Election Ordinance and particularly deleting the above-mentioned section to pave the way for party politics.

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