



Hong Kong Electoral System Reform Process and Reason Analysis from 2012–2021

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Abstract. The composition of the Legislative Council is a major issue in the development of Hong Kong’s electoral system. This not only concerns Hong Kong’s political environment but also its social stability and economic development. This paper mainly discusses the following contents: the Hong Kong legislative council directly elected seats in the list of the voting system, the government to avoid small parties caused by the measures taken by political turmoil, and an election by the largest remainder method shortcomings and advantages of two seats one vote per set by the electoral law amendment in 2021, the change in the electoral system and electoral system changes. It is concluded that the reform of Hong Kong’s legislative system from a “proportional representation system” to a “double seat single vote system” has improved the way of seat generation, which is conducive to the democracy and stability of Hong Kong society.

Keywords: Hong Kong · Electoral system · Electoral reform · Voting system

1 Introduction

At the fourth session of the 13th National People’s Congress (NPC) in 2021, Wang Chen, vice chairman of the NPC Standing Committee, made a speech on the NPC’s Decision (draft) on improving the electoral system in the Hong Kong Special Administrative Region (HKSAR). This paper aims to explore the impact of the electoral system reform in Hong Kong, mainly using literature research and quantitative analysis to explain the process of electoral system reform in Hong Kong. It mainly analyzes the reform of the electoral system after 2012. The general idea for improving the electoral system of the Hong Kong Special Administrative Region is to reorganize and enhance the power of the Election Committee of the Hong Kong Special Administrative Region, carry out overall system design, adjust and optimize the size, composition and selection method of the Election committee, and continue to elect the Chief Executive by the Election Committee. Chairman, and gave the Election Committee new functions to elect a greater proportion of Leg-Co members and to participate directly in nominating candidates for all Leg-CO members.

Table 1. The process of some reforms

Time	Content
1998	The members of the Provisional Legislative Council are elected by the Selection Committee, and there are no district-directed seats. The 33 members of the Provisional Legislative Council are also Hong Kong members. Hong Kong Legislative Council.
2005	The number of seats will be increased from 60 to 70, and the number of seats in regional direct elections and functional constituencies will be increased by 5 seats each. The five new functional groups are all elected by district councilors.
2012	According to the government's original plan, the new functional constituencies are composed of elected district councilors, so that citizens who do not have the right to vote outside the traditional functional constituencies can elect their representatives on a one-person, one-vote basis [2].
After 2012	The Hong Kong Legislative Council has a total of 70 Legislative Council seats, of which 35 are returned by functional constituencies. The remaining 35 seats are directly elected by the districts. To elect 35 directly elected seats, Hong Kong is divided into five constituencies.
2021	The electoral committee increased from 1,200 to 1,500 members, and the Legislative Council from 70 to 1,500 members. The Legislative Council consists of 90 seats, with 40 seats, 30 seats and 20 seats. There are 40 seats in the Election Committee, 30 seats in functional constituencies and 20 seats in direct elections. This change will ensure that patriots and Hong Kong enthusiasts have access to the Legislative Council.

2 The Outline of the Evolution of the Legislative Council Election System After the Return of Hong Kong and the Process of Some Reforms

When the Basic Law Drafting Committee drafted the membership ratio of the Legislative Council in “Annex II,” it made the following provisions on how to set up the legislative council formation system in Hong Kong after 1997: The composition of the Legislative Council will not change drastically in the first ten-year period (1997–2006); gradual changes will be made to increase the proportion of directly elected members and reduce the proportion of indirectly elected members during the second ten-year period (2007–2016). While the method of production needs to be revised according to certain legal procedures after the third Ten years [1] (Table 1).

3 Major Changes in the Legislative Council Election System

Not only has the electoral system changed in terms of proportional elections, but the role of district councilors has also changed.

3.1 The Proportional Representation System was Changed to the Dual-Seat Single-Vote System

According to the provisions of Article 49 of the Legislative Council Ordinance, the election system adopted by the district directly elected seats in the Hong Kong Legislative Council is one of the proportional representation systems—a list voting system. The largest remainder method is adopted [3]. The formula for calculating the base of the proportional representation system is:

$$Q = V/N \quad (1)$$

*Q represents the base number, V represents the total number of votes cast for all lists in the election, and N represents the number of seats that should be elected in the relevant constituency.

When directly electing seats in a district, each voter has the right to vote. Political parties or other groups list their candidates on an electoral list. Voters can only vote for a certain list and not for a single vote candidate. When the number of votes obtained on a certain list reaches a certain base, a candidate on the list is elected as a member of the Legislative Council. When the remaining votes on the list reach the base, another candidate on the list is elected a Member of the Legislative Council.

However, the government changed the 20 directly elected seats from the “proportional representation system” to the “dual-seat single-vote system.” in the newly revised Basic Law Annex in 2021. All political parties or independent candidates form an alliance, and each electoral district with 2 candidates puts forward a list of the same number, and voters vote for the candidates among them. The way of assigning seats is based on the total number of votes obtained by the two-person list. The highest-voted list must get twice the votes of the other lists in order to win two elected seats. As shown in the Table 2, the left-wing coalition gets 60% of the votes and the right-wing coalition gets 30% of the votes. Then the two seats will be elected by the left-wing coalition candidate A and candidate B at the same time. If it does not double, the league with the highest vote and the second highest vote will each get one seat.

This method of direct elections is conducive to balancing the disputes between the parties and allowing the contest for seats to return to rationality.

3.2 The Role of District Councilors is Depoliticized

Another major change in the reform is that the abolition of district councilors’ seats on the Election Committee is a return to the original intent of the Basic Law. The seats of the “super district councils” in the Hong Kong Legislative Council may be canceled, and some seats nominated and elected by the Election Committee may be added. The Hong Kong District Council no longer has any political function but is a regional advisory service organization [4]. This adjustment means that the Election Committee will play a more important role in Hong Kong’s political life. Hong Kong’s political system has added an indirect democratic element. It is not easy to be controlled by small parties and has “political veterans ascend to the sky”.

Table 2. The hypothetical result of the vote

Name List	The proportion of votes
Left-wing coalition	60%
Candidate A	50%
Candidate B	10%
Right-wing coalition	30%
Candidate C	18%
Candidate D	12%
Other	10%
Candidate E	6%
Candidate F	4%

4 The Reform of the Proportional Representation System in the Electoral System

4.1 Reasons for Changing from “Proportional Representation System” to “Dual-Seat Single-Vote System”

Before direct elections by regions, the “proportional representation system” of the list was adopted and the votes were counted with the largest remainder method. The advantages of proportional representation are focused on expressing diverse public opinions. Each political party allocates seats based on votes, so that various ideologies, political opinions, and class interests can have the opportunity to express themselves in the parliament. Voters consider more factors such as the party’s class interests, ideology, and political platform, rather than being affected by factors such as the personal charm of candidates [5]. The proportional representation system in Hong Kong prevents the emergence of one-party dominance. However, the proportional representation system also has its drawbacks. The following will analyze the reasons why the “proportional representation system” is replaced by the “dual-seat single-vote system”.

4.2 Caused Political Instability

Assuming that a certain electoral district has 200,000 votes and 5 seats, and there are a total of four parties A, B, C, and D running for the election, then an average of 40,000 votes will get one seat. If Party A gets 80,000 votes and gets 2 seats, Party B gets 50,000 votes and can only get 1 seat, and the remaining 2 seats will be counted according to the maximum remainder method. If Party C gets 50,000 votes and Party D gets 20,000 votes, both parties C and D can get 1 seat according to the counting method. The disadvantage of this is that although Party D has less than half of Party B’s votes, the balance is more than Party B. Therefore, it has the same number of seats as Party B.

This shortcoming once benefited the chaos in Hong Kong. In the 2016 Legislative Council election, the highest party in the Kowloon West Constituency won 52,000 votes

and finally won 1 seat, while the Hong Kong independence activist Yu Huizhen was elected as an independent individual with more than 20,000 votes below the average [6]. Also won 1 seat. The chaos in Hong Kong also won seats with less than half of the DAB's votes. Regardless of fairness, at least the subsequent political decisions will be adversely affected.

4.3 Hong Kong's Radical Democrats Grow Stronger

Since Hong Kong adopts an electoral list system with no "threshold", any party can obtain seats as long as the valid votes obtained by any party can reach the "base number" of being elected. It does not need to obtain a relative or absolute majority in the constituency, nor does it need to reach a certain "threshold". "This makes it easy for small parties to get seats. The seats that big parties can get are relatively limited. In addition, although the supporters of radical parties are not in the majority, they also have a considerable voter base under the electoral list system without a "threshold" [7]. As long as the number of these voters can reach the base number, the radical party will be able to get seats.

Suppose a country has a total population of 10 million. The country will elect 100 members in the Legislative Council election, divide the country into 10 electoral districts and elect 10 members in each electoral district. There are five political parties A, B, C, D, and E running for the election, of which E is the Radical Party. Next, suppose that the supporters of each political party are evenly distributed across the country. The support rates of the five political parties are A (40%), B (30%), C (10%), D (10%), and E (10%).

When adopting the electoral list system with no "threshold" adopted by the Hong Kong Legislative Council, the number of seats each party finally gets is very proportional to its support rate. The final seats obtained are A (40 seats), B (30 seats), c (10 seats), D (10 seats) and E (10 seats), this means all parties including the radical party E do not need to unite with any other parties to obtain seats equivalent to their own support rate. This system allows small parties, including radical parties, to have a larger living space. Under this kind of system, even some big party splits have provided institutional space.

However, the basic characteristic of radical democrats in their political views is to confront the central government and even advocate extreme ideas such as "Hong Kong independence" [8]. Whether it was the "five district referendum" in 2010, the illegal assembly of July 1 to block the "Central" in 2011, or the long-term "labour" of the Legislative Council by Liang Guoxiong and Chen Weiye, they all advocated more extreme or radical political propositions [9]. Therefore, the central government issued regulations on the reform of the legislative system.

5 Conclusion

Several major social turbulences have occurred in recent years, ranging from the education turmoil to the launch and hasty demise of "Occupy Central," from fruitless political reforms to the violent disturbance of Hong Kong caused by the "Regulations turmoil." Hong Kong's politics, democracy, and governance quality are on a downward track.

The change from "proportional representation" to a "dual-seat single-vote system" in the reform of Hong Kong's legislative system has improved the way in which seats are

generated and is conducive to the democracy and stability of Hong Kong society. In addition, the promulgation of the Hong Kong National Security Law has also filled the legal loopholes in Hong Kong's safeguarding of national security, and effectively managed the social problems arising from the imbalance between Hong Kong's electoral system and education. The challenge for the argument of this essay is that there will be new scenarios and more reform methods that are conducive to the government process will emerge with the continuous development of society. The government should formulate reasonable and practicable institutional strategies based on different tasks at different stages to contribute to the prosperity and stability of Hong Kong society.

This paper lacks research on the data, and the collected data and the impact of exploration are relatively limited. The time is also relatively limited, and if given the opportunity in the future, it will focus on a longer time and delve into the constructive significance of electoral system reform.

References

1. Gerstein, J., & Teh, C. (2021, Mar 05). China plans to install 'patriots' friendly to Beijing in overhaul of Hong Kong's electoral system. Business Insider <http://0-search.proquest.com.lib.hksyu.edu.hk/newspapers/china-plans-install-patriots-friendly-beijing/docview/2497354524/se-2?accountid=16964>
2. Lam, J. (2019, Aug 06). 'Liberate Hong Kong; revolution of our times': Who came up with this protest chant and why is the government worried?: 'Liberate Hong Kong; revolution of our times' took time to catch on. Now it is everywhere. South China Morning Post <http://0-search.proquest.com.lib.hksyu.edu.hk/newspapers/liberate-hong-kong-revolution-our-times-who-came/docview/2268374558/se-2?accountid=16964>
3. Maggio, M. (1998). The Hong Kong Basic Law: Blueprint for "Stability and Prosperity" under Chinese Sovereignty? *The China Quarterly*, (153), 169–171. <http://0-search.proquest.com.lib.hksyu.edu.hk/scholarly-journals/hong-kong-basic-law-blueprint-stability/docview/220205501/se-2?accountid=16964>
4. Ogden, S. (2006). Unifying China, integrating with the world: securing Chinese sovereignty in the reform era. *Choice*, 43(9), 1671. <http://0-search.proquest.com.lib.hksyu.edu.hk/trade-journals/unifying-china-integrating-with-world-securing/docview/225734571/se-2?accountid=16964>
5. Pannell, C. W. (2008). Hong Kong and Macao under Chinese Sovereignty: A Framing Discourse. *Eurasian Geography and Economics*, 49(3), 362. <http://0-search.proquest.com.lib.hksyu.edu.hk/scholarly-journals/hong-kong-macao-under-chinese-sovereignty-framing/docview/204636662/se-2?accountid=16964>
6. Proctor Gerdes, E. V. (2021). Choreographing "One Country, Two Systems": Dance and Politics in (Post)Colonial Hong Kong (Order No. 28323219). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences Collection. (2508117933). <http://0-search.proquest.com.lib.hksyu.edu.hk/dissertations-theses/choreographing-one-country-two-systems-dance/docview/2508117933/se-2?accountid=16964>
7. Tsang, S. (1996). Maximum flexibility, rigid framework: China's policy towards Hong Kong and its implications. *Journal of International Affairs*, 49(2), 413. <http://0-search.proquest.com.lib.hksyu.edu.hk/scholarly-journals/maximum-flexibility-rigid-framework-chinas-policy/docview/220723059/se-2?accountid=16964>
8. Wang, E. (1993). China's policy toward Hong Kong: A pragmatic view (Order No. 9417173). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences

Collection. (304040747). <http://0-search.proquest.com.lib.hksyu.edu.hk/dissertations-the-ses/chinas-policy-toward-hong-kong-pragmatic-view/docview/304040747/se-2?accountid=16964>

9. Wong, A. (2016). Chinese Official Condemns Calls for Greater Autonomy in Hong Kong.

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