Political Development in Hong Kong

State, Political Society, and Civil Society

Ma Ngok

Hong Kong University Press is honoured that Xu Bing, whose art explores the
complex themes of language across cultures, has written the Press's name in his
Square Word Calligraphy. This signals our commitment to cross-cultural thinking
and the distinctive nature of our English-language books published in China.

"At first glance, Square Word Calligraphy appears to be nothing more unusual
than Chinese characters, but in fact it is a new way of rendering English words
in the format of a square so they resemble Chinese characters. Chinese viewers
expect to be able to read Square Word Calligraphy but cannot. Western viewers,
however are surprised to find they can read it. Delight erupts when meaning is
unexpectedly revealed."

— Britta Erickson, *The Art of Xu Bing*

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Political Development in Hong Kong

THIS BOOK IS A STUDY on the political development of Hong Kong in the last two decades, with special emphasis on the development after the sovereignty handover in 1997. To many Hong Kong people, the performance of the Hong Kong government went downhill after Hong Kong became a Special Administrative Region (SAR) of China after 1997. Many local scholars described post-1997 Hong Kong as being in a state of crisis (Chan and So, 2002; Lau, 2002a); some went as far as to argue that Hong Kong has gone on the road of political decay (Lo, 2001). The 500,000-people demonstration on July 1, 2003, directed against the impending enactment of the National Security Bill, which was also a general outburst against post-1997 SAR governance ills, all but confirmed that the SAR government was in a deep legitimacy and governance crisis.

The governance crisis came as a surprise to many Hong Kong people, at least in the manner in which it was unfolded. Before 1997, most people in or outside Hong Kong thought the major political problems after 1997 would originate from intervention from Beijing, and if Beijing left Hong Kong alone Hong Kong should be fine both politically and economically. The irony was that though Beijing largely refrained from intervening in Hong Kong's daily affairs after 1997,[1] SAR governance was fraught with its own problems of leadership, policy and administration. The inability of pre-1997 Hong Kong studies to predict the post-1997 crisis implied a deficiency in related academic works in the past, calling for a resuscitation of the direction of Hong Kong studies.

The SAR governance crisis was multi-faceted, with deep roots in Hong Kong's political transition process as well as in its state and social formation. Any attempts to attribute the crisis to one single cause, or analyze it from a single perspective, would only make this author one of the proverbial blind men at the elephant. This book is a modest attempt to fill a void in the study of Hong Kong politics in the past 20 years. I argue that the post-1997 crisis should be understood from the perspective of changing state-society relationships since the 1980s, a

perspective seldom discussed by scholars on Hong Kong politics. In this light, the post-1997 governance crisis was due to the inability of the political institutions to cope with the governance needs, in particular in providing a coherent leadership, a good governing political machine, and also in incorporating and aggregating social and political interests from society. A big gap appeared between state and society, with few institutional mechanisms that could bridge it. The underdevelopment of the political society in Hong Kong disabled interest aggregation and mitigation between state and society, and also deprived the SAR of possible political machines for governance. As a result the state was exposed to various challenges from the civil society after 1997, aggravating confrontation between the government and the people. While the civil society was relatively good at defending against encroachment from the state after 1997, it was organizationally too weak or too diverse to accumulate enough resources to force progressive social and political reforms from the state. All these brought strained state-society relations, with the state unable to garner enough social support or pacify social dissatisfaction to deliver effective governance, which was a key reason for the post-1997 crisis.

The study of Hong Kong politics

Compared to other Asian tigers such as Taiwan and South Korea, Hong Kong does not boast a large volume of studies on its early stages of political and social development, i.e., before the 1980s. On the one hand, there was underdevelopment of the academic circle and tertiary education in Hong Kong, and colonial discouragement of any political discussion in the society. On the other hand, the very few scholars who wrote on the subject before the 1980s tended to treat Hong Kong as a place with no politics but only administration. Studies before the 1980s or later studies on pre-1980s politics focused on explaining the "lack of politics" phenomenon in Hong Kong (for example, King (1975), Lau (1984), Rear (1971), Davies (1977), Harris (1978)). The general picture was that Hong Kong had no meaningful elections, no political parties or full-time politicians, and relatively few open political conflicts in the territory. To many scholars, before the 1980s politics in Hong Kong was effectively "administerized" by the bureaucratic polity (King, 1975; Lau, 1984).

The study of Hong Kong politics enjoyed a boom after the Sino-British negotiations began in 1982. The negotiations, concluded with the signing of the Sino-British Joint Declaration in 1984 which returned the sovereignty of Hong Kong to China in 1997, promptly brought Hong Kong into a more politicized era. The political development in the tiny colony became an interesting study topic to the international academic community. The novelty was a relatively free capitalist haven being incorporated into an autocratic and socialist motherland, under the auspices of the innovative political formula of "one country, two

systems". Many saw the degree of democracy in the post-1997 political structure as crucial for protecting the freedom, rule of law, autonomy, and economic viability of Hong Kong, and studies on democratization dominated the study of Hong Kong politics in the transition period from 1984 to 1997. These "transition studies" mostly focused on the attitude of the Chinese government towards democratization, on the democracy movement in Hong Kong, and on the tug of war between China, Hong Kong, and Britain over the Basic Law and future political development. (For examples, see Cheng (1989); Chan (1991); Lo (1990); So (1997a & b)) All in all, the paramount concern of the transition studies was "What would happen to Hong Kong in and after 1997?"[2] The politics in the transition period was always analyzed with respect to its implications for the Hong Kong after 1997.

The volumes produced by these studies left several voids. Firstly, the focus was mostly on governing elites and the sovereign masters, with few studies on other social actors, grassroots movements, and social changes in Hong Kong. Even the study of the indigenous democracy movement focused mostly on the movement leaders and how they negotiated with the sovereign masters. There were few studies on social movements and on how the civil society had interacted with the state and shaped policy outputs since the 1980s.[3] In short, the change in society and input from societal forces were largely neglected in the transition studies.

Secondly, the "transition studies" focused too much on the struggle for democratization and the debate on the future political system, with special attention to the introduction of elected legislators. Democratization no doubt was the most important political change and center for discord in Hong Kong, but the changes in state form and social formation during the political transition in the 1980s and 1990s, which might be independent of the democratization process, also have much impact on the political development in Hong Kong, and warrant much deeper academic attention.

Thirdly, most "transition studies" were interested in predicting what would happen after 1997. The interest was in the "future" rather than in the "current" developments. They overlook many social and political changes during the transition era, let alone analyzing these changes theoretically. This explains why international attention and interest on Hong Kong politics quickly rescinded after 1997, when there was no ostensible intervention, let alone oppression, from the Chinese government. The transition studies was more-or-less embedded in some sort of Cold War perspective, envisaging a Leviathan-like Red China engulfing a feeble, small, free and capitalist Hong Kong. And when the images after 1997 did not match these doomsday prophecies, the international community, and maybe the local community as well, has lost the spectacle to understand the complicated social and political fabric of Hong Kong that has changed so much since the 1980s.

In retrospect, the inability of Hong Kong society to cope with or even understand the political and social crisis after 1997 is similar to the deficiency of

the "transition studies." During Hong Kong's political transition, too much attention (from the academic community, mass media, and the public at large) was paid to the political front. And on the political front, most only focused on the constitutional structure, the methods of election of the chief executive and the Legislative Council, and the relations with the Chinese government.[4] There was relatively little attention to the role of state, society and culture, or the economy, all of which have undergone rapid changes since the 1980s. Without notice, our state form, our society, and the state-society relationship have changed a lot at the same time when the political transition had brought about a lot of changes in high-level politics. All the discussions in the 1980s and beyond about the post-1997 political system were made seemingly without regard to these changes. Even the Basic Law drafters assumed that the social and political situation in the mid-1980s, when the Basic Law was drafted, could be used as a reference framework after 1997.[5]

To this author, a central defect of the political formula in the Basic Law is that it copied the principles and structural characteristics of the colonial political structure, without due regard to the changing political and social environment in Hong Kong in the last few decades. The drafters believed that this had given political stability to the territory over the years, and believed that it could continue to do so for post-colonial Hong Kong. Hence they tried to write the features of the colonial setup into the Basic Law.[6] These inherited features include vesting most powers of policy decision, government leadership and appointment of public officials in the hands of a non-popularly-elected chief executive. They include making the Legislative Council (Legco) rather toothless. They involve relying on civil servants and political appointees to make policies, while dwarfing political parties and elected politicians in the policy-making process. To this author the logic is like the Chinese fable of "looking for the sword by marking the boat."(刻舟求劍)[7] The society, the citizens, the political culture, and even the state have all changed a lot since the beginning of the transition. Even if the old political formula might have been effective before the 1980s, it may not be able to cope with the new situations after the handover.

As Lui (2002) put it, the fear for rapid change after 1997 among Hong Kong people during the 1980s led to an inclination to "freeze" the *status quo* of the early 1980s, and project it beyond 1997. The Basic Law was thus an attempt to "freeze" the features of the Hong Kong "system" (including the political system, the economic system and other aspects of the social system) by constitutional provisions. "Freezing" the system means that Hong Kong missed out on a major opportunity to renegotiate or restructure the relationship between the state and the society during the transition (Lui, 2002, pp. 464–5). This sowed the seeds of the gap and incongruence between state and society after 1997.

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The above discussion implies that to better understand the post-1997 governing crisis, we need a re-understanding of the state, the society, and the state-society relationship in post-1997 Hong Kong. It also, of course, suggests that we need to reconsider the changes since the 1980s (or earlier) to understand the post-1997 state-society relations. Space and resource does not allow this author to make a thorough recount of all the changes in the last quarter of a century. This book will focus on the changes that had major impacts to the state-society relationship after the handover. It will analyze how the political structure stipulated by the Basic Law did not work out as planned to provide effective governance, partly as a result of the political and social changes since the 1980s.

Political development: democracy, capacity and stable governance

If the post-1997 political system is to effectively govern Hong Kong, it must undergo significant "development" from the archaic colonial system into a more sophisticated and "developed" political system. Political scientists have debated for many years the definition of "political development," or what is a "developed" or sophisticated political system. In the early stages of development studies, not a few scholars took political development to mean only democratization and enhancement of political participation (Deutsch, 1961; Lerner, 1958; Almond and Coleman, 1960). Later, the focus moved to the performance of political systems, including capabilities of systems and their ability to deliver political goods such as security, liberty, welfare and justice (Almond, 1965; Pennock, 1986). Huntington put forward the famous formulation of political development as institutionalization (Huntington, 1968). To him, the benchmark of a developed political system should be its ability to provide stable governance (Huntington, 1968 & 1986). The building of good political institutions and institutionalization was the key to stable governance.

The debate that started in the 1980s about the future political development of Hong Kong also centered around these two values: democratization and stability. Political conservatives opposed rapid democratization on the grounds that it would hurt stability by bringing about political confrontation, and hurt prosperity by bringing about a welfare state. The democrats claimed that a democracy was the best system to reflect public opinion, to implement "Hong Kong people ruling Hong Kong," and to prevent abuse of power or intervention from Beijing. The two sets of values, of course, need not be mutually exclusive. Democracy or the process of democratization does not always bring instability, and democracy and stability are perfectly able to co-exist, as testified by the current situation of many Western democracies. Democratic stability had been seen as the yardstick for political development, standards to which other less-developed polities aspired (see Almond and Verba (1989)).

Political development in Hong Kong during the transition period and after 1997 was thus faced with multiple tasks. Hong Kong needs to change from an autocratic colonial system to a democratic post-colonial system, to fulfill the promise of "Hong Kong *people ruling* Hong Kong" and to respond to the democratic aspirations of the Hong Kong people. It needs to devise a system that is capable of delivering stable governance, which should mean a conflict resolution mechanism that can mitigate and resolve social and political conflicts, and allocate interests and values authoritatively in the territory. It also involves the development of state and other institutions to provide good government capacity to deliver the government services to bring stability and prosperity.

Judged by these criteria, the governance of the HKSAR was failing on multiple counts. Many had pointed to the retrogression of democratic development after 1997 (Sing, 2001 & 2004). Others pointed to similar warning signals in the realms of rule of law, press freedom and civil liberties (Chan, 2002; Ching, 2001), which are major indicators of a democratic and free society. The SAR government entered a severe governing crisis after 1997, with low levels of popularity, governability and legitimacy. (For accounts of the crisis, see Chan and So (2002), Lau (2002a), Lo (2001).) Surveys from 2000 to 2004 showed consistently half or more of the Hong Kong population being dissatisfied with the performance of the SAR government (see Figure 1.1). Lo (2001, p. 13) pointed to a decreasing level of institutionalization, involving more personal styles of governance, chaotic implementation of policies, politicization of the judiciary, and the inability of the institutions to absorb public opinion. The economic adversity brought by the Asian Financial Crisis in 1997 and the SARS crisis in 2003 exposed the insufficient capability and capacity of the SAR leadership to deal with crises (Ma, 2003a & 2004). Administrative mistakes after 1997 included chaos at the opening of the
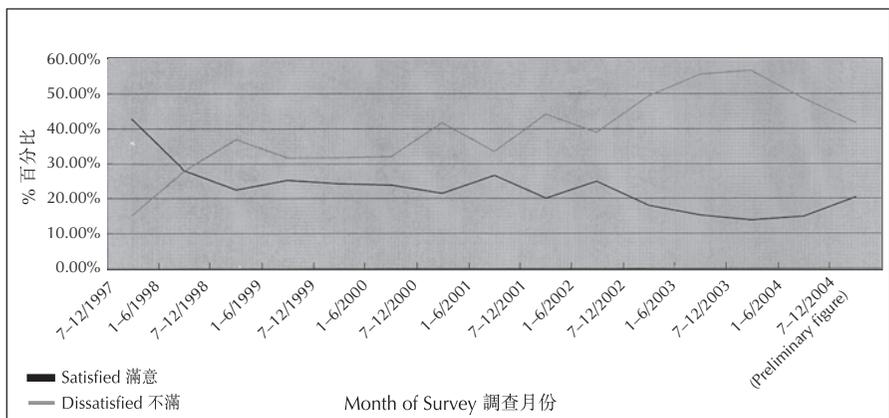
Source: Public Opinion Program, University of Hong Kong, various years

Figure 1.1 Citizens' satisfaction level with the SAR government

Chek Lap Kok Airport, the problematic handling of the avian flu, and numerous blunders and scandals involving the public healthcare system and public housing, cast doubts on the governing capacity of the SAR government.

What went wrong? Pro-democracy politicians in Hong Kong blamed it on the lack of a democratic system. People on the street might attribute the crisis to the incompetence of Chief Executive Tung Chee-hwa. Academic studies, though concurring that there was a crisis, provided different answers as to its source. Lee (1999) asserted that the crisis stemmed from institutional incongruity, from the inability of the executive-led administrative state to drive social and economic development in times of crisis. Fractured executive leadership, weakened legislature, and the insufficient policy-making capacity of the civil servants all led to the inability to deal with the governing crisis. Lo (2001) mostly attributed the crisis to problems of political communication. Lau (2002b) claimed that Tung's governing strategy was at fault, that he failed to engineer a strong governing coalition and a broad social support base.

This book tries to explain the crisis in governance and the slow growth in democracy in Hong Kong after 1997 by an analysis of state-society relations in Hong Kong. A fragmented state elite and fragmented state institutions after 1997 failed to provide effective governance and leadership. The underdevelopment of political society made it difficult to bridge the gap between state and civil society, channel public opinion, aggregate interests or mediate conflicts. The gap between the political society and the civil society also disabled a strong democratic or social movement to push social and political reforms. I do not intend to say that the weakness of political society is the *only* factor that led to the slow development of democracy or the crisis of governance in Hong Kong. I argue that it is an important factor that has been overlooked over the years in the study of Hong Kong politics.

Political society and political development in Hong Kong

There have been different explanations for the underdevelopment of democracy in Hong Kong. To modernization theorists, the slow democratization of Hong Kong was an anomaly (Sing, 1996a & 2004). Hong Kong has had a high per capita income, a sizeable middle class, free flow of information, a free market economy, and few irresolvable ethnic and religious cleavages. Hong Kong also has had a sound foundation of rule of law and civil liberties. Yet by 2004, twenty years after democratic transition started in the 1980s, only half of the legislature was elected by universal suffrage, and the SAR executive branch is not elected by popular elections.

The "cultural theorists," most notably Lau Siu-kai, explained the slow democratization by the political apathy of the Hong Kong people. Scholars such as Huntington (1991, 300–301) and Pye (1985, 56–57) had claimed that Confucian

culture is not favorable to democratic development. In their views, Confucian culture prefers harmony to conflict and competition, stresses authority rather than freedom, and does not have traditional concepts of individual rights. Instead of simply arguing that Confucian culture is inhospitable to democracy, Lau (1984) painted a more complicated cultural picture for Hong Kong. He claimed that the political culture of the Hong Kong Chinese was a special mix of traditional Confucian culture and the nature of Hong Kong as a refugee society. The political culture of the Hong Kong Chinese was marked by "utilitarian familism," as the Hong Kong Chinese put family values over societal values, and relied on kinship networks and not political participation to solve their livelihood problems (Lau, 1984). The Hong Kong Chinese also had insufficient understanding or a "partial vision" of democracy, focusing on instrumental values of democratic reform rather than seeing democratic participation as a right in itself (Kuan and Lau, 1995). Surveys in the 1980s and 1990s showed that while the Hong Kong Chinese had a satisfactory level of political knowledge, they usually had low political efficacy and thus seldom participated in political affairs (Lau and Kuan, 1995).

To the cultural theorists, the Hong Kong Chinese had low political efficacy and were difficult to mobilize to fuel a formidable democracy movement. Recent surveys by the same scholars, however, cast doubts on this argument. Surveys that compared the political attitudes in mainland China, Taiwan and Hong Kong showed that influences of modernization and political institutions can very much strengthen or suppress the impact of traditional orientations on political attitudes (Kuan and Lau, 2002a). The political attitudes of Hong Kong people were in some respects more liberal or "modern" than the Taiwan people who are living under a democratic government. The implication is that the studies on political attitudes made in Hong Kong in the 1970s and 1980s may fail to capture the changes in political attitudes in recent years. If Hongkongers' political attitude was deemed more modern in some aspects than the Taiwanese's, then the cultural explanation was not alone sufficient to explain the slow development of democracy in Hong Kong.

Hong Kong's "partial democratization" could also be explained by power dependence (Kuan, 1991; Lau and Kuan, 2000). Hong Kong's democratization process was constrained by the two sovereign masters, China and Britain, with the Hong Kong people unable to participate in the negotiation over its future. With a grave imbalance of power and with the local elites divided over the pace of democratization, Hong Kong had very little bargaining power vis-à-vis the two sovereign states (Kuan, 1991). The democrats in Hong Kong had no choice but to settle for a partial democracy as stipulated in the Basic Law.

Some others paid attention to the interplay between elite groups and class actors. So and Kwitko (1990) saw the democracy movement in Hong Kong as originating from the rise of a new middle class. There were different explanations as to why this movement faltered. Firstly, the middle-class movement was weakened by the wave of emigration in the 80s and early 90s (Sing, 1996a; Cheng, 1989).

So (1997a) saw the strategy of the "service professionals," the leaders of the democracy movement, as flawed because they did not form an effective alliance with the grassroots, and subsequently had their demands thwarted by an "unholy" alliance between Hong Kong big businesses and the Chinese government. Lui (1997b) explained the failure by "middle class personality": the middle class in Hong Kong in general feared their bourgeois way of life would be affected, but they lacked political determination to organize themselves into a strong group to express their views politically. They wavered, hesitated, and were shy of speaking up. Cynicism replaced participation, as the middle class could easily find excuses to rationalize their non-participation. The very few who joined the fray and became the leaders of the democratic movement were too calculating to confront the authorities to push for drastic change. So (1999a & b) also argued that the middle class by nature was moderate and inclined to compromise, thus ready to settle for a "partial democracy" as laid down in the Basic Law.

Sing (2004) used a bargaining perspective to explain the "tortuous democratization" of Hong Kong. To him, if the Hong Kong democracy movement had enough mobilization power, it would be able to force the Chinese state into more concessions on the pace of democratization. Seeing the Chinese government as the primary constraint, he pointed to the weakness of the civil society and political society, marked by the presence of the bourgeoisie as an anti-democratic element and internal divisions within the opposition, as a major factor for the failure of the democracy movement. A colonial system that brought good economic performance and civil liberties, which was relatively free of corruption, accorded the *ancien régime* some legitimacy, which served to weaken the public's support for democratization (Sing, 2004).

All the above perspectives have at least partial validity, but they failed to resolve some major puzzles. The cultural explanation failed to address the rising political awareness and participation in Hong Kong since the 1980s, especially after the Tiananmen crackdown in 1989. It also failed to explain "participation explosions" of the Hong Kong people, including the million-strong demonstrations in support of democracy in China in 1989, the record-breaking 53% voter turnout in the 1998 Legislative Council election and then the 55% turnout in 2004, protests against Article 23 legislation in December 2002 and July 2003, and waves of social protests after 1997.

Hong Kong's destiny and survival obviously depend on China, but power dependence does not necessarily imply low mobilization for the local democracy movement. Cultural explanations aside, how could we explain the generally low level of participation in Hong Kong? Was low efficacy due to power dependence, that grave imbalance of power between Hong Kong and China making Hong Kong people believe they could not change the wishes of the Chinese leaders? The low mobilization and inability to form cross-class alliance of Hong Kong people aggravated the power imbalance with the Central Government. If Hong Kong can mobilize as strong a movement as the Taiwan democratic movement,

will the scenario be changed? The inclination for the democrats or middle class to compromise may be a result of their low level of resources, including the lack of a highly mobilized mass movement. "Faulty" strategies may be determined by environmental factors, and should not be seen as the most important reason of the failure of the democracy movement. The power imbalance between Hong Kong and China and successive failures in fighting for democracy since the 1980s certainly lowered the political efficacy of the Hong Kong people, which in turn had a de-mobilizing effect on the Hong Kong public. The power dependence and cultural arguments thus bring a series of chicken-and-egg problems.

Other explanations are not without problems. Good economic performance and corruption-free governance was not the norm throughout postwar colonial rule. Corruption in both the public and private sectors was rampant in Hong Kong before the establishment of the Independent Commission Against Corruption (ICAC) in 1974, and the working class shared few benefits of economic growth before the 1970s. Sing's explanation for colonial legitimacy may have held true only for a very narrow time frame in the 1970s and 1980s, but not for the whole colonial period. In addition, if good economic performance was the chief reason for low political participation in Hong Kong (as argued by Sing (1996a, 2004)), we should have seen more support for democracy immediately after 1997 when economic recession set in. Instead, the support for the democrats dwindled in the 2000 Legislative Council election (Ma, 2001) and only rebounded after the struggle against national security legislation in 2002–03. The economic downturn after 1997 in fact turned the attention of Hong Kong people towards livelihood issues and not political issues, which served only to dampen the democracy movement before 2003.

I suggest that the underdevelopment of political society in Hong Kong was a crucial factor in the futility of the democracy movement, a factor overlooked by various scholars. "Political society" is defined as the arena in which the polity and society organize themselves for political contestation to gain control over public power and the state apparatus (Stepan, 1988; Shain and Sussman, 1998; Linz and Stepan, 1996, p. 8). The concept is different from that of civil society. "Civil society" is the arena in which manifold social movements and civil organizations constitute themselves, whereby individuals and groups pursue personal or collective interests and express themselves in autonomous organizations (Stepan, 1988; Weigle, 2000). Unlike the political society, the civil society does not seek state power. The political society can be considered part of both the civil society and the state. It is that part of civil society that seeks to influence state power directly or affect public policy through institutional channels of political participation (Weigle, 2000, pp. 49–50). It plays a mediating role between the civil society and the state, and is responsible for reconciliation of political interests in civil society (Kuan, 1998; Weigle, 2000).

Political parties and the legislature are the most important components of the political society in democratizing polities or consolidated democracies.

Without using the concept of civil society and political society, Almond and Powell (1977) claimed that political parties played a most important role in interest aggregation, while interest groups were responsible for interest articulation in political systems. To the system theorists, both interest aggregation and articulation are major input functions in a "developed" political system, which have to be fulfilled to make the system stable. Similarly, Huntington (1986) pointed to the primacy of parties in political institutionalization, in providing legitimacy and stability. To Huntington, strong party organization is the only long-run alternative to a corrupt or mass society in modernizing polities. In this sense political society plays a critical role in political development, democratization and democratic consolidation. Similarly, elected legislatures channel public opinion and social interests into the policy-making process. The legislature, which accommodates different political parties representing different societal groups, is the arena where different social interests and cleavages reconcile themselves via party politicking.

There is voluminous literature on the role of civil society in fostering democratization, in particular on the theme of "civil society against the state." Civil society in various forms was seen as instrumental in bringing about the democratic opening in communist Eastern Europe. The "resurrection of civil society" was also crucial for pressuring the incumbents of an authoritarian regime to open up (Arato, 1981; O'Donnell and Schmitter, 1986; Bernhard, 1993; Weigle and Butterfield, 1992; Geremek, 1996; Diamond, 1996 & 1999). As an autonomous realm independent of state control, civil society provides the basis for social movements and political opposition, protecting social life from the encroachment from an autocratic or even totalitarian state. Civil society plays an important role in checking and limiting state power. A vibrant civil society also provides resources and mechanisms to control those elected to power after the onset of democratic elections, thus serving as an important requisite for democratic consolidation (Diamond, 1996 & 1999).

On the other hand, there have been fewer studies on the role of political society in democratization. Stepan (1988) pointed out that the study of democratization has focused too much on civil society, but not enough on political society. This led to several problems:

(a) there were few studies on the horizontal relationship between civil society organizations;
(b) there was relatively little analysis on how to bridge the gap between civil society and political society;
(c) the "civil society against the state" perspective assumes the unity of state and neglects the internal contradictions within the state.

Friedheim (1993) claimed that distinguishing civil society from political society is the first step towards bringing society back into the theory of democratic transition. The crucial point is that there is no guarantee that civil society will transform into a mature political society when the regime opens up. To begin

with, civil society organizations are *not* set up with a purpose to seek political office, and they may not be very adept at interest aggregation in that regard. Many of them will choose to remain in the civil society even after the regime opens up, and refuse to enter the establishment after democratization. In addition, the basic philosophy of civil society operation is different from that of political society. Stepan (1997) claimed that the oppositional role of civil society made it difficult to construct a political society necessary for consolidation of democracy. Civil society generally emphasizes immediacy, spontaneity, and detests formal modes of operation. These values were elevated to the level of ethical standards of personal and collective behavior, translating to what Polish analysts called "ethical civil society" (Linz and Stepan, 1996, p. 271). The ideas of ethical civil society had a distinct flavor of "politics of anti-politics," repugnant of formal politics as in common representative democracies (Linz and Stepan, 1996, p. 271; Ost, 1990, p. 2). By stressing originality, truth and ethics, civil society groups naturally do not like formalized participation and the inclination to compromise and mediate interests which are imperative of a mature political society.

The conceptual distinction between civil society and political society brought the interesting case of Hong Kong into perspective. Hong Kong has had a relatively autonomous civil society, with the society getting more pluralized after the economic take-off in the 1970s and the politicization of Hong Kong society since the Sino-British negotiations in 1982–84. Hong Kong has had a relatively free media, with good foundations of rule of law and has been one of the freest economies of the world for some years. Civil liberty in Hong Kong after the 1970s rivaled that of Western democracies. Compared to most non-democracies, Hong Kong has had a relatively free and robust civil society.

In contrast, 15 years after the first partial popular election into the legislature, Hong Kong's political parties were still at an infant stage. The largest local party (in terms of membership), the Democratic Alliance for the Betterment of Hong Kong (DAB), had only about 2,000 members in 2005, less than 0.1% of the population. The resources and mobilization power of the parties were weak by international standards. Lau and Kuan (2002) attributed the underdevelopment of political parties to the political structure in the Basic Law that was designed to limit the growth of parties. With the SAR government adopting an anti-party stance and Chief Executive Tung Chee-hwa refusing to form a ruling party of his own, political parties were marginalized in the policy-making process of the SAR. The business elites were reluctant to enter the popular election game, and there were few political cleavages to mobilize the amorphous and fragmented society. As a result, the stunted political party system in Hong Kong only disabled stable and effective governance (Lau and Kuan, 2002). The Legislative Council was also weak in power under an "executive-dominant" system that accords most policy-making power to the executive branch. Constitutional constraints on Legco further weakened its policy influence, reducing the legislature to a role of oversight and controlling the government (Ma, 2002a).

Sing (2004, pp. 148–150) used the divisions between groups in civil society and political society in Hong Kong to explain the low level of mobilization of the democracy movement. In his book he largely treated the political society as part of the civil society or political opposition, and did not really discuss the role of the legislature and political parties in the role of democratization and political development.

The plan of this book

This book analyzes political development in Hong Kong in the last 20 years by discussing the changing state-society relations in Hong Kong. The central thesis is that the state, political society and civil society all underwent a lot of changes in the last two decades, leading to incongruities between state institutions and societal demands. The colonial state underwent numerous processes of changes since the 1980s, resulting in fragmented state institutions and a non-cohesive state elite, weakening the governing capacity of the SAR state. The political society, namely the legislature and the political parties, had phenomenal growth and change in function since the early 1980s, but further development was arrested by post-1997 institutional and political changes. As a result, both the legislature and political parties mostly focused on checking the government instead of mitigating between the state and the civil society after 1997. Developments in civil society since the early 1990s led to its increased detachment from the political society and a lower propensity for horizontal and vertical linkage between civil society organizations (CSOs). Post-1997 events showed that the civil society in Hong Kong was relatively successful in self-defense, in fighting off encroachments from the state, but less effective in coalescing in territory-wide coalitions to push progressive social and political reforms.

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The main body of this book is divided into three parts: on the state, the political society, and the civil society of Hong Kong respectively.

Part A discusses the changing nature of the state since the early colonial era. Chapter Two reviews the nature of the colonial state, analyzing different images of the nature of the colonial state. Chapter Three discusses the social and political changes since the 1980s that served to transform the nature of the colonial state. It analyzes how the Chinese government attempted to engineer the post-colonial state elite by co-option and a united front strategy. It also discusses how the administrative state transformed itself with more intervention into society, marketization of the state services, and other institutional metamorphoses, which in the end brought new state forms and a new state-society relationship. Chapter Four is an institutional analysis of the nature of the post-colonial state, showing

that although the Basic Law gave much power to the chief executive, the CE's power and control is by no means complete in the post-colonial state. Elite fragmentation, the lack of a governing party, the diversity of institutions and built-in institutional checks all led to fragmented state power, weakening the governing capacity of the post-colonial state.

Part B discusses the role and functioning of the political society in Hong Kong. Chapter Five delineates the evolution of the role and functions of the Legislative Council. It shows how institutional change since the 1990s have affected the functions of Legco, and how institutional changes after 1997 curtailed its policy influence and reduced it to an oversight role after 1997. Chapter Six discusses how party development was constrained by various institutional factors, and how institutional changes after 1997 inhibited party development. The gradual detachment of political parties from civil society groups since the 1990s weakened the mobilization power of the political parties. Weak political parties and the abhorrence of party politics by the SAR government brought with it a host of problems to governance, including the inability to bridge the gap between state and society and absence of political machines to help implement government policies.

Part C discusses the situation of civil society in Hong Kong in relation to the state, in particular the evolution of social movements and their relations with the state. Chapter Seven discusses encroachments on civil society since 1997, including encroachments on the mass media, on civil liberties, and how state policies have posed constraints to civil society organizations in various ways. Chapter Eight discusses the change in the social movement industry in the last 30 years. While the civil society saw increased detachment from the political society, the counter united front was used as a flexible organizational form for social movements after 1997. This organizational form, however, was good for self-defense but unfavorable for forming territory-wide resourceful coalitions to further social reforms.

* * *

As an institutionalist, this author believes that the long-term solution of the governance problems of Hong Kong lies in fundamental institutional reforms. The "one country, two systems" formula and the political design envisaged by the Central Government promises a system of multiple contradictions, creating legitimacy and governance problems for the SAR. The constitutional promise of ultimate democracy, and the lack of institutionalized bargaining mechanisms between the state and major social groups, brought a perennial legitimacy crisis. Institution-building in the forms of democratizing institutions, strengthening state capacity, fostering political society, and re-engineering of a state-society contract is vital to the successful future governance of the HKSAR.

An Institutionalist's Conclusion

THIS BOOK STARTED WITH THE ambitious goal of explaining the governing crisis of the SAR and the lack of democratic progress in Hong Kong after 1997. This concluding chapter analyzes the plight of SAR governance and of democratic development in Hong Kong, by combining an institutional analysis of SAR politics and discussion of state-society relations in Hong Kong.

Summary of arguments

Part A pointed to the fragmented state institutions of the SAR as a major obstacle in delivering good governance after 1997. The Central Government was reluctant to use the Communist Party *apparat* in Hong Kong to govern the SAR, and the united front or corporatist regime it had engineered since the 1980s, comprising the traditional leftists, business leaders, the former pro-British politicians, and the administrative elite in the civil service, served better to marginalize the democrats than to build a cohesive governing coalition for effective rule. The expansion of the administrative state, the public sector reform, and gradual democratization since the 1980s also brought a fragmentation of state institutions. Although constitutionally the chief executive possesses most of the executive power, post-1997 events show that the state's power is very much constrained by multiple institutions within and outside the state, particularly with the monitoring of the civil society. The lack of a governing political machine, in the form of a governing party, was a root cause of the weak capacity for the post-colonial state, as the governing elites had little unified vision, insufficient social support base, and little societal mobilization power, all of which contributed to the post-1997 governance crisis of the SAR.

Part B showed how the growth of the nascent political society in Hong Kong was arrested by institutional and political changes after 1997. While both the political parties and Legco began to play more important roles in policy influence,

interest aggregation and cleavage formation in 1991–97, the institutional constraints imposed by the Basic Law disabled the policy-making functions of Legco after 1997. In addition, the limited constitutional power of Legco was not put into full use after 1997 because of a pro-government majority and fragmentation of Legco. As a result, the legislature's role in aggregating and channeling social interests was much weakened because of its limited policy influence. The legislators, especially the pro-democracy opposition, then devoted most of their effort to controlling the government and struggling for mandate and legitimacy. Similarly, while the political parties enjoyed considerable growth in 1991–97 due to the opening up of the regime, their continual development was much hindered after 1997. The institutional setup, with so few power positions open for electoral contestation and a weak legislature, was not favorable to the development of political parties. Post-1997 change in electoral rules and abolition of the municipal councils further hampered the development of political parties.

The detachment of the political society from the civil society in Hong Kong in the 1990s, in this sense, was both a cause and result of the weak political society. Weak influence of the political society, partly due to the limited nature of the democratization, turned the liberal civil society organizations away from mainstream politics. As endorsing political parties will not usually bring policy changes, many liberal CSOs preferred to conserve energy and resources outside the establishment, leading to a "hollowing out" of the pro-democracy parties after 1997 (Ma, 2003b, p. 25). The low level of mobilization and weak roots in society in turn weakened the political and social influence of the parties. With the political society unable to bridge the gap between state and civil society, state institutions after 1997 were left to face directly the challenge of CSOs in case of policy disputes, with few intermediary institutions to mitigate the conflicts. With an inherent legitimacy problem, compounded by policy and administrative mistakes after 1997, the SAR government found itself in constant conflict with the civil society, which aggravated its legitimacy and governance problem.

The lack of institutionalized channels for state-society dialogue, or of a consensual state-society contract, made the state apprehensive of the challenge from the civil society. As a result, the SAR government resorted to negative means of controlling the opposition movement and challenges to its authority from the civil society. Part C showed that the civil society in Hong Kong faced multiple sources of pressure and control, some of which originating from the state. Economic and political pressures, institutional and statutory power of control, and resource allocation mechanisms controlled by the state all served to constrain the autonomy of civil society in Hong Kong. The selective application of power and influence and the general negative attitude against dissidence by the government created an aura of uncertainty which worked against the healthy growth of civil society action and social movements. Post-1997 events showed that selected elements in the civil society were active in defending their autonomy with qualified success. However, the stress on more "ethical" and autonomous aspects

of civil society, lack of organizational resources and mutual trust, and reluctance to coalesce with the political society, all drove CSOs to adopt *ad hoc* organizational forms that were unfavorable for the accumulation of experience and resources to effect a bigger movement. In short, civil society in Hong Kong was better able to defend itself from encroachment from the state, but less able to unite to push progressive reforms against the wishes of the state.

Politics of multiple contradictions

The politics of the SAR is one of multiple contradictions. To begin with, the very idea of "one country, two systems" promised to bring multiple contradictions between Hong Kong and mainland China: a small, rich, free-market, capitalist, low-intervention city with a respect for rule of law and civil liberties is to be subordinated to a vast, developing, socialist, state-directed country still wanting in rule of law and protection of rights. The different values and philosophy about state power and liberty, different concepts to the role of law and institutions, and different political cultures all pointed to potential conflicts and contradictions between the two systems. While the Central Government has been highly restrained of itself, and refrained from intervening into social and economic policy-making in Hong Kong after 1997, they were always wary of the potential political influence Hong Kong could have on the mainland and they dreaded the possibility of the democrats' taking political control in Hong Kong. This brought the first basic contradiction of SAR politics. The basic rationale of the SAR political design, by according little power to the legislature, was to exclude the representatives of the majority from the policy-making process, and vest most powers in the CE and the executive branch which was not popularly elected. In the partial Legco elections since 1991, the democrats had steadily obtained about 60% of the popular votes (see Ma, 2005a), yet they were always in the minority in Legco. This created an inherent problem of governance and legitimacy for the non-elected SAR government, which had to work extra hard to get public support for its policies, and was especially sensitive to challenge from civil society and public opinion.

The second contradiction is that Hong Kong was promised high autonomy without being granted full democracy. Lapidoth (1997, p. 200) and Ghai (2000, p. 22) concurred that autonomy of a region could be better guaranteed if both the central and local governments had a democratic structure. However, with a *de facto* appointment system, the SAR CE is inherently dependent on the Central Government for his or her power. When it comes to political decisions that may violate the Central Government's wishes, it is highly unlikely to see the CE not toeing Beijing's line. When it comes to political reform or civil liberties, post-1997 events showed that there is little protection against boundary violation by the government. In cases when Beijing's intervention conflicted with local public

opinion, the SAR government, as the proxy of the Central Government, usually had to pay the price in terms of popularity.

The third contradiction is that while the Basic Law vests most of the power in the hands of the CE, there were no supporting institutions to give him/her a strong state capacity. The Central Government may have Singapore as its model for Hong Kong's governance. To the Beijing leaders, Hong Kong should focus its energies on economic development, with as little political debate and struggle as possible. The SAR should be economically open and politically conservative, with stability the priority. A minimal opposition can be tolerated as long as it does not touch the dominance of both the Central Government and the SAR executive. But the SAR state can never be like the Singaporean state. It does not have an omnipotent People's Action Party that can control the legislature, the media, labor unions, and penetrate various sectors of society to mobilize support for government policies. Beijing's grand strategy for Hong Kong pre-determines that there will be no governing party with deep roots in society and strong mobilization power. The Central Government does not want to see too much power concentrated in the hands of a CE or a political party, because fragmented power will guarantee that the CE is ultimately dependent on the Central Government (Chu, 1995). However, years of gradual political reform and changes in state formation since the 1980s have brought more constraints to state power and more fragmented state institutions. The SAR CE was no longer like the pre-1980s governor who appointed all legislators, sat on top of a lean administrative state, and faced few challenges from civil society. To handle the post-1997 governing task of the SAR, the SAR CE, democratically elected or not, needs a more sophisticated and strong set of state institutions.

The fourth contradiction is that the Hong Kong people are granted full civil liberties by constitution, but denied the fundamental political right of electing their government. SAR citizens and groups are equipped with the political freedom to oppose government policies, expose government misdeeds, resist state encroachment, demand democratic reforms, practice Falun Gong, criticize SAR and Beijing officials, and commemorate the Tiananmen crackdown. The only thing they cannot do is replace their unpopular leaders by the ballot box. The constitutional guarantee of freedom also gives the civil society in Hong Kong ample autonomy and rights to defend itself, as any manifest violations of civil liberties will be seen as violations of constitutional rights guaranteed in the Basic Law, and hence a breach of the solemn promise made by the Chinese government in the Joint Declaration. Non-democracies usually do not allow autonomous political society or even civil society; legalized political opposition is taken as the benchmark of some form of democracy (Dahl, 1971). While bad governance is common in non-democracies, open criticisms against badly performing governments are seldom tolerated in autocracies as they are in Hong Kong. The full range of civil liberties in Hong Kong enables bad governance and policy mistakes to be adequately exposed and criticized by the media and the public,

weakening the authority and legitimacy of the non-elected government. But no matter how low the popularity of the SAR government and its leader(s), the Hong Kong people cannot replace them peacefully through the ballot box. This contradiction is a fundamental source of alienation and instability in the SAR political setup.

These contradictions, most of them originated from the institutional setup or grand strategy by Beijing, are directly related to the governance problems of the HKSAR. The SAR government has a very difficult task of convincing the Hong Kong citizens that the above contradictions are reasonable. It has to convince the Hong Kong people that the non-elected executive branch, and not the partly elected Legco, is the true embodiment of public interests. It has to convince the Hong Kong people that they are smart enough to exercise all their social and economic freedoms, yet too stupid to elect their leaders. It has to convince the Hong Kong people that high autonomy can be protected without a democratic system, because the Central Government will know the boundaries when it comes to intervention. It has to do all these tasks and solve the legitimacy problem commonly faced by authoritarian regimes without a strong state machine, and without resorting to the repressive and/or penetrative tools that many non-democracies use.

The political saga related to Article 23 legislation, which culminated in the 500,000-people march on July 1, 2003, marked the point where all the above efforts at solving the legitimacy problem became totally unconvincing for the people of Hong Kong. The Article 23 saga made Hong Kong citizens fear that the Central Government would unduly intervene into Hong Kong affairs, that the unelected executive would violate public opinion and interests and legislate to infringe on people's rights, and that the civil society would be curtailed under the undemocratic regime. The civil society then rose in self-defense, and asked the very question that why they were not granted the basic political right of electing their leaders. The governing strategy and the legitimacy basis of the SAR government unraveled under this challenge. By bringing the issue of democratization onto the political agenda after 2003, the SAR government's legitimacy problem was fully exposed by the fifth contradiction of SAR politics: Hong Kong people were promised a democracy that might never come.

Democracy that never comes

As O'Donnell and Schmitter (1986, p. 15) pointed out, the Achilles' heel of many postwar authoritarian regimes was that they did not rely on fascist or communist ideologies to govern, and they promised a future democratic and free system. In this sense, they could only justify themselves in political terms as transitional powers, and tried to shift the public's attention to substantive issues such as social peace and economic development to justify their autocratic rule. However, this

promise of a democratic future will invite demands for democratic reforms from time to time, demands that the authoritarian regime cannot legitimately refuse forever.

The SAR government is in a similar situation. Article 45 of the Basic Law promised that "[t]he ultimate aim is the selection of the Chief Executive by universal suffrage…." Article 68 promised "[t]he ultimate aim is the election of all the members of the Legislative Council by universal suffrage." Nobody knows when these ultimate moments will come. In theory, the current system in which a partly-popularly-elected legislature co-exists with a non-popularly-elected executive may last for decades or even longer. But it creates an eternal legitimacy problem for any current unelected SAR government and the functionally elected Legco members as well, for the constitutional principle enshrined in the Basic Law suggests that they are nothing more than transitional. The SAR government and the Central Government can only justify the current government form by good governmental and economic performance, and when these goods were not effectively delivered after 1997, the "myth of authoritarian advantage" (Maravall, 1995) perished. Unlike in colonial days, when many in Hong Kong chose not to ask the question of legitimacy (Lui, 2002, p. 469), the perishing of the authoritarian myth had left the SAR government constantly looking for a new basis of legitimacy.

Post-1997 Hong Kong belonged to a group of political systems that are neither totally authoritarian nor democratic. These systems are "democracy with adjectives," with different scholars giving different terminologies: hybrid regimes, competitive authoritarianism, semi-democracies, semi-authoritarianism, pseudo-democracies, and the like (Collier and Levitsky, 1997; Diamond, 2002; Share, 1987; Levitsky and Way, 2002; Case, 1996). The current state of Hong Kong is akin to Levitsky and Way's (2002) "competitive authoritarianism" or Case's "semi-democracy" (Case, 1996). Their common feature was that there is some form of electoral contestation, but the rules are usually bent or restricted to prevent the opposition from gaining power. Unlike authoritarian states, the media and judiciary in these hybrid regimes have some independence and can exercise some control on the state. Their legislatures may be weak but can still be an arena for opposition activities. Most scholars agreed that these hybrid regimes are inherently unstable. Partial elections may provide for outlets for social grievances, at the cost of radicalizing the underprivileged classes. When the regime is partly open and the people are free to express their views and/or organize opposition, it is very difficult to suppress demands for a full opening for a long period of time (Levitsky and Way, 2002; Case, 1996). The partial elections may provide for outlets for social grievances, and some of these regimes can fend off pressures for full democratization for some years, but there will be governing difficulties for the partially open regime. As Kuan (1998, p. 1444) pointed out, "[a]n authoritarian regime which has pre-committed itself to democracy is an inherently unstable regime, because it will be taken to task to deliver."

Hong Kong, as a hybrid regime in this sense, is going to witness struggles over democratization for a long period of time. The Basic Law only stipulates the electoral methods of the CE and Legco before 2007, and promises that the CE and Legco will *ultimately* be elected by universal suffrage. The SAR government cannot rule by an authoritarian ideology; it has to say that public opinion is the root of its policy decisions. It has to say that democracy, as the ultimate constitutional goal guaranteed by the Basic Law, is a good thing, and that the government is trying hard to achieve that goal. The SAR government is also afraid of challenge from civil society and the pro-democracy minority, for want of legitimacy of the regime. Because of this, social protests and Legco oversight pose more constraints to state power than in ordinary authoritarian states. The promise of democracy invites constant challenges from the democrats for an early implementation of full democracy. The NPCSC verdict on April 26, 2004, which ruled that the CE will not be elected by universal suffrage in 2007, and Legco will still be half-popularly-elected and half-elected by FCs in 2008, served only to delay the issue. The NPCSC verdict may quell the opposition or dampen mobilization for democracy for a few years, but years later the challenge to the SAR government will resurface. Hong Kong will be embroiled in a constant political struggle over the pace of democratization and its government form, and the legitimacy problem will continue to trouble SAR governance for years to come.

In search of political development

To this author, a key problem of post-1997 governance is institutional incongruity.[1] The Central Government adopted most of the features of the colonial political system which had ruled Hong Kong relatively effectively before the 1980s, to govern a Hong Kong in the twenty-first century. The system might have coped well in the postwar years, when the Hong Kong population was relatively non-participative, the legislature was made up of co-opted appointees, the state had relatively little engagement with society, and the society was less pluralistic. However, years of gradual democratization and economic and social development had brought more pluralized social interests and rising aspirations from the Hong Kong population. With increased government engagement in social services, the state-society relationship since the 1980s was much more intimate than that in the 1970s, which called for more institutionalized channels to deal with conflicts between diverse social interests, and between state and society. As an international city vested with high autonomy, the SAR government has to make independent policy decisions in a wide range of economic and social policies. The job is much more complicated than managing the industrial colony before the 1980s. In systems theory jargon, Hong Kong's political system now faced many more input demands compared to the pre-1980 days, which the antiquated political system was unable to deal with effectively.

The major lesson of Almond and Verba (1989)'s seminal study on political culture was that political institutions must be congruent with the political culture in which they operate. The executive-dominant system of Hong Kong may be congruent with the pre-1970s political culture, when Hong Kong people were less participative, when Hong Kong had a weak identity, and when the civil society was less active. But the system can no longer cope with the demands of the Hong Kong people after 20 years of politicization and gradual opening of the political system. As Kuan and Lau's (2002a) latest survey on political attitudes demonstrated, Hong Kong citizens showed comparatively few traces of traditional Confucian values if compared to Taiwan and mainland Chinese. Economic development has transformed the attitudes of Hong Kong citizens, and only institutional constraints have prevented a more modern democratic political culture from evolving.

Huntington (1968) saw the major sources of instability in developing polities as the gap between rising aspirations of the masses to participate and the low level of institutionalized political participation. He pointed to the vital role of political parties in channeling institutionalized participation in these developing polities. The functions of political parties and political society to bridge the gap between state and society, channel societal participation or mitigate social conflicts in Hong Kong was much weakened after 1997. The weakness of the political society meant there were few institutional mechanisms to reconcile the differences and conflicts between state and society. Scott (1989) saw the repeated engineering of state-society contracts, by inclusion of key groups in corporatist structures, as the key to colonial legitimacy. It followed that to solve the post-1997 legitimacy crisis of the SAR, a new state-society contract is needed.

The lack of a post-1997 state-society contract made both state and society view the other side with suspicion and fear. The result was that major political actors in Hong Kong tended to use their power or influence negatively, to contain the influence of others and defend themselves. A lot of the government's energy was expended in controlling the challenge from the pro-democracy opposition and the civil society. To this end the SAR government was moderately successful, but a weakened opposition and civil society did not guarantee good governance. With little confidence that their views would be effectively channeled into the establishment, the CSOs invariably chose to confront the state and shunned mainstream politics. Again they spent a lot of effort in fighting off encroachments from the state and maintaining civil society autonomy, but they were seldom involved in decision-making in various policy areas and were too weak organizationally to force the government into more fundamental reforms. Instead of bridging the gap between state and society, the pro-democracy political opposition focused on finding fault with government's policies and actions, in the course of which justifying their value and the need for further democratic reforms. As Dahl (1984, pp. 43–4) said, political power as control or influence does not have to be one-way; it can be mutual and reciprocal, in the process of

which augmenting the influence of both sides. However, most political actors in Hong Kong tended to see the game of political influence as a zero-sum game, with most effort devoted to controlling other actors. A weak legislature does not necessarily bring a strong executive (Ma, 2002a, p. 367), and vice versa. Similarly, a weak government does not imply a strong opposition, and vice versa; a weak state does not necessitate a strong society, and vice versa. The story of post-1997 Hong Kong was a weak or constrained state facing a weak or constrained civil society, with a weak political society in between.

The *Second Report of the Constitutional Task Force* led by Donald Tsang, then chief secretary, issued in 2004 in response to the democrats' demand for universal suffrage, pointed to several conditions in Hong Kong that were unfavorable for implementation of full democracy.[2] These problems included the lack of political talent, the immaturity of political groups, and the paucity of public policy research. The logic was clearly problematic: if a political system had little political talent, weak policy research and immature political groups, no form of government would work. It was also a weak argument to defend the current system or deny democratization, as the government could not prove that the current system could govern better under these adverse constraints than a fully democratic system, or it could solve these problems better. All it did was admit that the SAR's political system is archaic, does not have sufficient channels of political recruitment, has weak research capacity, and has a weak political society.

The above discussions pointed to the need for institution-building for the post-colonial state, something both the central and SAR governments have overlooked since 1997. Simply put, post-1997 Hong Kong needs a more developed political system to tackle the much more complicated task of governing the SAR, to solve the legitimacy problem, and to mitigate state-society conflicts. Formidable institution-building tasks lie ahead for the current political system to catch up with the environmental changes in the last 20 years. In view of the governance problems after 1997, future institution building in the HKSAR should at least: (a) strengthen state capacity; (b) foster growth of political society; and (c) re-engineer a state-society contract. The institution of a popularly elected executive and legislature can be part of the formula, a vital part as far as legitimation is concerned. Progression to a fully elected government and legislature will provide the ultimate motive for the growth of political parties and strengthen the role of the legislature in representing and aggregating social interests. A fully elected government should also bring a closer relationship between the CSOs and the political society, as lobbying to change government policies through the elected institutions becomes a not-so-remote goal. Fully democratic institutions should also create a fairer playing field in which various social and economic interests can be adjudicated, which helps to mitigate societal and state-society conflicts.

Even without full-fledged democratization, there are other possibilities of institutional reform. To strengthen state capacity, the SAR government needs to reform its institutions to bring about a more coherent executive. A governing

party will help, and that can be done with or without full elections to the executive, as long as the Central Government turns on the green light.[3] The SAR state also needs to strengthen its policy research capacity by including research capacity from the academic circle, think-tanks and CSOs. It needs to increase venues of political recruitment by allowing more lateral entries into the administration, enlarge the politically appointed stratum, permit party members and other social elites to enter the government to acquire political and administrative experience, and decentralize administrative power to positions outside the civil service. All these point to an overhaul of the monopoly of the administrative elite in policy-making, policy knowledge, and political training. It should also point to engaging more social elites of different sectors into the executive to build a more inclusive regime to engineer a broader social base for the SAR state.

There is no royal road to party development and institutionalization. The key issue is the opening up of top executive positions for public contestation, which would attract resources and talent into political parties and hence the legislature. Even without full-fledged democratization, removing unnecessary institutional fetters on party development in the current system would foster healthier party growth. The CE Election Ordinance could be amended to allow the CE to form his or her own governing party. Legal recognition to parties, in electoral laws, concerning fundraising and privileges in other public affairs, will better institutionalize their role. More generous public funding would help the development of parties, but the ultimate incentive depends on the possibility of accession to power, and that depends a lot on the general openness of the Central Government towards the development of party politics in Hong Kong.

While the establishment of a full democracy is necessary for bridging the state-society gap, it is not sufficient for it to rebuild a healthy state-society contract. The latter mandates inclusion of the major interest groups and CSOs in the policy-making process. With the diversity of social interests in Hong Kong, it needs a more sophisticated and complicated mechanism than the old "administrative absorption" system to rebuild the state-society contract. If full democratization is not to come in the short run, a more inclusive corporatist formula is imperative for effectively mitigating state-society conflicts. This entails setting up institutionalized bargaining mechanisms linked to or embedded in the administrative machinery, policy communities that involve major stakeholders to facilitate social bargaining. The traditional advisory committee system is too diverse and informal to satisfy the CSOs and/or enable societal views to effectively affect policy-making. This, again, entails wrestling power away from the traditional administrative state.

The democrats' demands for universal suffrage in 2007/08 in fact provided a very good chance for a fundamental resuscitation of the limitations of the current system, and the beginning of comprehensive institutional reforms. In denying the demands for a full democracy by the NPCSC verdict in April 2004, it seems that the Central Government did not see democratization as an important

formula in solving Hong Kong's governance problems. Chinese Vice President Zeng Qinghong, the central leader who was responsible for Hong Kong after July 2003, said in June 2004 that economic development was the "eternal theme" of Hong Kong (*South China Morning Post*, June 7, 2004). Seeing Hong Kong as mostly an "economic city" without politics, the Central Government might easily turn a blind eye to the importance of institutional reforms in Hong Kong. The stepping down of Tung Chee-hwa as CE and the coming to office of Donald Tsang as CE in 2005 temporarily tempered citizens' dissatisfaction, but the long-term effects remained to be seen. Delay of reform, however, will only mean a higher level of institutional incongruity at a later stage, as social and economic changes will bring an increasing gap between state and society. The legitimacy and governance crises of the SAR government can be temporarily alleviated by rebounds in the economy or improvements in government performance, which unfortunately will make the authorities complacent and further delay institutional reforms. Institutional incongruities and strained state-society relations predetermine that crises will continue to plague SAR governance. Short of more comprehensive and fundamental institutional reforms, the governability of Hong Kong will face continued challenges in the foreseeable future.

Notes

CHAPTER ONE

1. For discussion on Hong Kong's autonomy after 1997, see Holliday, Ma, and Yep (2002 & 2004).
2. Some of this sentiment can be reflected from the title of the works in that period. For example, Johnson's 1986 article was titled, "1997 and After: Will Hong Kong Survive?". Similarly, Hicks' book in 1989 was named *Hong Kong Countdown* (Johnson, 1986; Hicks, 1989).
3. For significant academic work on social movements in Hong Kong, see Chiu and Lui (2000).
4. This "relation with China" was understood largely in terms of how to stand off the possible intervention from China, and/or the Hong Kong's position with respect to the Chinese government, especially after the Tiananmen crackdown. The conception of the relationship was more or less ideological or moral, and not organically conceived as the symbiotic relationship between two subsystems, or between a subsystem and a system.
5. This mode of thinking, unfortunately, has been pervasive when the Chinese leaders designed Hong Kong's various post-1997 blueprints. The very idea of "50 years unchanged" is the best manifestation of this logic: that the constitutional drafters can freeze society at a certain point in time by some abstract principles, as laid down in a written constitutional document in the form of the Basic Law.
6. This attempt of course is not limited to the political setup. The Basic Law drafters tried to write down their perceived features of the Hong Kong brand of free capitalism into Chapter V of the Basic Law. The chapter hence stipulates low tax, private property, a balanced budget, free port, free trade, Hong Kong as an international financial center, and the like.
7. The fable goes like this: A man crossed a river by boat. He dropped his sword in the middle of the trip. He then immediately made a mark on the boat and said, "This is where I dropped my sword." When the boat reached the other shore of the river, he jumped into the river, by the mark, to look for his sword. Of course the boat has already traveled a long distance down the river since he dropped the sword, and the sword was nowhere to be found. The lesson: old methods will become obsolete if you are not aware that time has changed.

CHAPTER TWO

1. Wong and Lui (2000) shared a similar doubt.
2. In fact the Hong Kong government had been able to finance rising welfare and government expenditure in the 1990s, while retaining a big budget surplus without much difficulty in 1990–97. Financing rising government expenditure became a real problem only after 1998, when Hong Kong was hit by the Asian financial crisis, and the government suffered from huge revenue losses because of reduced tax incomes and the plummeting of the property market.

CHAPTER THREE

1. The memoirs of Xu Jiatun, NCNA director from 1983 to 1990, claimed that the Beijing leadership in the early 1980s had criticized the party work in Hong Kong in the 1970s as "both radical and narrow" (*yizuo erjai*). See Xu (1993, p. 19 and p. 27).
2. Note that both Lee and Szeto were representative figures in their own professions. Martin Lee was Queen's Counsel and had served as the Chairman of the Hong Kong Bar Association. Szeto Wah founded and was President of the Hong Kong Professional Teachers' Union, the largest union in Hong Kong which represented most of the schoolteachers in Hong Kong.
3. Note also that a lot of these pro-China politicians, including NPC and CPPCC delegates, or representatives of rural interests, were usually businesspersons by profession.
4. With the exception of two members from the Association for Democracy and People's Livelihood (ADPL), a moderate pro-democracy group, no democrats were represented in the 400-strong SC.
5. Of the 60 incumbents, 34 ran for the Provisional Legco and all but one were elected.
6. In the early 1990s, the HKFTU claimed it had 180,000–200,000 members. By 2003, it claimed it has close to 300,000 members.
7. Pepper (1999, p. 329) claimed that an important reason for the DP's failure was that their platform was politically too sensitive. Their platform included discussion of human rights issues in China, and demanded investigation of the "June Fourth Incident," with the aim of reversing the official verdict, exonerating protesters and compensating victims. However, with a view to the attitude of the Chinese government towards the united front and the Democratic Party at that period, it would be highly unlikely that they would welcome DP candidates even if they had a more moderate election program.
8. Since all Legco members were members of the Election Committee and hence the Electoral Conference, and DP itself had 11 Legco members, the DP had enough nominators even within their own party in 2002.
9. Note that there was no "pre-election" in the 1997 election. In fact the DP candidates had very little chance of actual getting elected in 2002. In the 2002 CE election, the democrats tried to field a candidate to challenge Tung, but they found that they had difficulty in garnering 100 nominations for a possible candidate. That means, the maximum support that the DP candidates could get from the Electoral Conference members was not much more than 100 members.
10. Some of these quangos actually have functions in more than one area. For example, the Monetary Authority is the regulatory body for banks in Hong Kong, but it also has major executive functions in controlling the money supply, maintaining currency stability, etc.

11. The Education Department was merged with the Education and Manpower Bureau after the adoption of the Principal Official Accountability System (POAS).
12. For concepts on different types of accountability, see Romzek and Dubnick (1987).
13. On July 6, 1998, the state-of-the-art Chek Lap Kok Airport of Hong Kong, which together with related infrastructural projects cost US$20 billion, began its operation. Obviously ill-prepared, the flight information system and the cargo handling system both failed miserably, causing severe delays in flights and a breakdown in cargo services. The fiasco brought huge economic losses and was one of the first major scandals of the SAR government.

CHAPTER FOUR

1. According to the Basic Law (Art. 73 and 89), the appointment of the judges of the Court of Final Appeal, and the Chief Justice of the High Court needs the consent of Legco.
2. A caveat is in order. Before 1991, a majority of appointed members guaranteed that the government would get majority support in Legco. From 1991 to 1995, with about one third being appointed members and other pro-government members from the business sector also made it relatively easy for the government to secure majority support. Only in 1995–97 was Legco a real constraining power for the colonial executive. See discussions in Chapter Five for the evolution of the influence and role of Legco.
3. However, with the election of Donald Tsang as CE in 2005, many predicted that former civil servants would play a more important role in the future, especially if Tsang could win another full term of five years in 2007.
4. Before 1985 the government never felt much pressure to explain and defend government policy in Legco, as Legco members were all appointed by the governor. In 1985–91, senior members such as Allen Lee, Selina Chow or Rita Fan, would be responsible for defending government policy and soliciting Legco support. Patten "de-linked" Exco and Legco, making it impossible for a member to serve on both bodies simultaneously, and demanded that civil servants take up the political task of promoting and defending government policies to the public.
5. Among the bureau secretaries (named branch secretaries before the handover) that were serving before July 1997, only Attorney General Jeremy Mathews, who is not a Chinese citizen, was not appointed as a secretary after July 1997.
6. A well-known case was related to Radio Hong Kong Television (RTHK). In March 1998, Xu Simin, member of Hong Kong's NPPCC delegation, criticized RTHK's role in a session of NPPCC meeting in Beijing. RTHK is a government-funded broadcaster but has proclaimed editorial independence. While Anson Chan defended RTHK, saying that its role should not be discussed in Beijing, Tung issued a statement saying that while RTHK enjoyed editorial independence, it was also important to present government policies in a positive light. (See Ching, 2001, p. 122–3.)
7. In July 2000, Robert Chung, a pollster at the Public Opinion Programme of the University of Hong Kong who had been monitoring the CE's popularity for years, revealed that the CE had put pressure on him to stop polling his popularity. It turned out that an aide to Tung, Andrew Lo, had visited HKU Vice-Chancellor Cheng Yiu-chung, who had asked Pro-Vice-Chancellor Wong Siu-lun to talk to Chung. The incident led to much criticism against Tung for using his power to infringe academic freedom.

8. Anson Chan reached the civil service retirement age of 60 in 2000. It was reported that for the sake of maintaining stability and popularity of the SAR government, Tung succeeded in asking her to serve a further two years on contract terms, up until mid-2002, when the first term of Tung will also expire.

9. For details of the features and changes under POAS, see also Loh and Cullen (2005).

10. Constitutionally of course the Basic Law does not stipulate that the CE has to appoint the major officials from civil servants. However, before the adoption of the POAS there was always the expectation that civil servants could be or would be promoted when there was vacancy for a secretary, which at least posed pressures and constraints on CE's selection.

11. Opinion polls in 2002 showed consistently that on average only about 15% were satisfied with the performance of Tung as CE and with the performance of the SAR government, while about 40–50% were unsatisfied. Source: University of Hong Kong, Public Opinion Program, at: http://hkupop.ust.hk/chinese/popexpress/sargperf/sarg/month/chart/month10.gif.

12. Arthur Li was quoted to have said, "The power lies with the government. I make the ultimate decision," (權在政府，最後由我決定), that if the universities oppose to the proposal he will "first be courteous and then use force" (先禮後兵). See reports in *Ming Pao*, October 6, 2002, p. A1. For more comprehensive discussion on the CUHK-HKUST merger saga, go to http://merger.ust.hk

13. Leung later stepped down in July 2003, after the half-million-people protest against national security legislation had created an immense political crisis for the SAR government.

14. Exco meetings are supposed to be confidential. All Exco members are not supposed to tell anyone outside Exco about the contents of discussions in Exco meetings.

15. The Hong Kong NPC and CPPCC delegates had a large contingent from the business sector, largely due to the united front strategy mentioned in Chapter Three. For some businessmen, the NPC and CPPCC titles served as honorific positions which could help their business dealings in the mainland.

16. This in fact violated the stated "6-6" rule of the government in appointing advisory committee members. The rule was that nobody should serve on the same committee for more than six years, or serve on more than six committees or bodies at the same time.

17. The remuneration for the membership in these appointed bodies varies greatly. For many of these bodies, participation was largely voluntary, with members getting a token allowance of about $700 per meeting. For some of the bodies with statutory powers, (e.g., the Equal Opportunities Commission) the chairman can enjoy a handsome salary and other fringe benefits and allowances.

18. This may be a crucial difference between the Hong Kong system and more institutionalized corporatist regimes in the West. There was no real legalized and institutionalized organizational representation for the committees and bodies, which hindered the consolidation of these interests in political participation.

19. The list of consensual items did not even include free markets; as various business groups and sectors repeatedly asked the SAR government for help or subsidy after 1997.

20. The Health and Welfare Bureau was named the Health and Welfare Branch before 1997. After taking over responsibilities over food hygiene in 2002 under POAS, the Bureau was renamed the Health, Welfare and Food Bureau in July 2002.

21. An explanation for this institutional confusion was that most of the statutes related to infection and epidemic control were enacted before the 1970s, when epidemics like cholera were still common in Hong Kong. At that time, the Departments still had a lot of policy-making powers. It was after the McKinsey report of 1973 that the branches (bureaus after 1997) were made chiefly responsible for policy-making, with the departments responsible for implementation.

22. For example, MTRC's discount plan at the time was that a passenger who traveled for ten trips in a week will get one free trip, and KCRC's plan was one free trip for eight trips in a week. This of course was quite different from real discounts, as only frequent patrons of the rails can be benefited from the discount schemes.

23. The Protection of the Harbour Ordinance, result of a private member's bill proposed by environmentalist legislator Christine Loh and passed in 1997, ruled that future reclamation plans needed the approval of Legco. The government must consider options other than reclamation, and prove that reclamation is urgent and necessary, before they can proceed with reclamation.

24. The three projects include the Wan Chai one mentioned, Central Phase III and another project on the Kowloon southeast coast.

25. The MRIR is computed by calculating the Rent-to-Income Ratios (RIRs) of all the public housing residents, about 600,000 households of them, and get the median figure of the RIRs after ranking all of them. The policy of keeping the MRIR at the 10% mark means that an average public housing tenant household should use no more than 10% of their income to pay the rent. It does not mean that all the public housing residents should pay a rent value of less than 10% of their income.

26. Terms of reference of the ombudsman can be obtained at: http://www.ombudsman.gov.hk/english/link_02_about.html.

27. Among other things, the UN Human Rights Commission criticized the SAR government after 1997 for its consistent failure to enact laws to forbid racial discrimination.

28. For the terms of reference of the EOC, see the its website: http://www.eoc.org.hk/CE/eoc/index.htm.

29. Wong was first criticized, before the dismissal of Yu was revealed, that he was receiving "double benefits" because he received both a pension as a retired judge and a lucrative salary package for EOC chair at the same time. He later revealed in a newspaper interview that a local businessman had gifted him and his daughter a luxury flat that worth $30 million, and air tickets, when Wong was still serving as a judge. As Wong did not report these gifts to the judiciary authorities, it was commonly taken as a possible breach of personal conduct for Wong.

CHAPTER FIVE

1. Other mechanisms of administrative absorption should include the Urban Council (the Sanitation Board before 1935), the Heung Yee Kuk, the Po Leung Kuk, Tung Wah Group of Hospitals, the District Watch Committee, and other colonial honors (e.g., Justices of the Peace) and other advisory committees. See Scott (1989, p. 62) and King (1975, p. 135).

2. For details of the electoral system at that time and methods of FCs and the Electoral College, see Ma and Choy (2003a), Chapters Four and Five.

3. For the composition of the UC and RC in this period, see Ma and Choy (2003a), Appendices 1 and 2.

4. The bill was the Criminal Procedure (Amendment) Bill 1990 which would have allowed a wife to give evidence against her husband in court. Since moral values were at stake, official members were instructed to abstain on the second reading, which made it possible for the opposition to defeat the government. See Miners (1994, p. 231).

5. In a Legco debate in 1990, Martin Lee described at length how the In-House Meeting was used to impose majority will on the minority, to pressure them to support the government policies. See Miners (1994, p. 232).

6. Only three candidates, Gary Cheng, Chan Yuen-han and Hau Shui-pui, were considered genuine.

7. The exception was Tam Yiu-chung, who was elected from the labor constituency representing the Hong Kong Federation of Trade Unions (HKFTU) since 1985. Three other members belonged to pro-PRC political groups, but pro-business conservatives were a much stronger force in the 1991–95 Legco.

8. For an analysis of the voting records on the most important issues in 1995–97, see Choy and Tsoi (1998). Appendix 9 of the book gave an account of the most important votes in different policy areas.

9. This structural characteristic had a lot to do with the nature of the colonial state. The colonial government appointed business representatives into Legco in order to pacify their opposition to government spending projects. The design of the colonial political institutions thus accorded Legco more power of financial control, especially in the realm of controlling expenditure and raising revenue.

10. Under Legco Standing Orders, Legco members could only put in amendments that reduce revenue or expenditure, but could not increase revenue or expenditure. This rule applies to both the annual budget and Finance Committee decisions. This rule again had to do with the nature of the colonial state: the role of the colonial legislature was control government finance and not to tell the government to tax and spend.

11. The government's proposed budget only raised the allowance level to $46,000.

12. In that year 46 legislators co-signed a letter to the Financial Secretary, urging him to increase the personal allowance of salary tax.

13. An important reason for the large number of members' bills tabled was the relatively liberal attitude of Andrew Wong, Legco president in 1995–97, who was elected among members. Compared to the governor (Legco president in 1991–95), Wong adopted loose standards in judging whether or not a bill entailed government expenses. This allowed more private members' bills to be tabled in 1995–97. Unlike the governor, as a popularly elected Legco member himself, Andrew Wong did not have an interest in blocking bills that were contrary to current government policy.

14. UMELCO stands for the Office of Unofficial Members of the Executive and Legislative Councils. In 1986, it was decided that the "Unofficial" should be dropped, as a gesture to show that all Exco and Legco members were responsive and responsible to the public. The UMELCO was hence renamed OMELCO (Office of Members of Executive and Legislative Councils).

15. These private bills included the Bank of East Asia Limited Bill (2001), Bank of China (Hong Kong) Limited (Merger) Bill (2001), Alice Ho Miu Ling Nethesole Incorporation (Amendment) Bill 1999, Order of Friars Minors in Hong Kong Incorporation Bill, the Prior of the Order of the Cistercians of the Strict Observance Incorporation

(Amendment) Bill 2000, Mizuho Corporate Bank, Ltd (Hong Kong Consolidation) Bill, CITIC Ka Wah Bank Limited (Merger) Bill, Dao Heng Bank Limited (Merger) Bill, Daughter of Mary Help of Christmas Incorporation (Amendment) Bill 2002, The Bank of East Asia, Limited (Merger of Subsidiaries) Bill, Ling Liang World-Wide Evangelistic Mission Incorporation (Amendment) Bill 2003. The number of private bills was in fact boosted by a wave by bank mergers and re-organizations after 1997.

16. The STV in 1995 worked like this: Every voter had to vote for ten different candidates, ranking them in preferential order. A candidate who got first-choice ballots reaching the electoral quota (1/11 of total valid cast votes) will be declared elected, and his or her remaining vote values transferred to the second-choice candidates on the respective ballots. If nobody reached the electoral quota, the candidate that received the fewest votes would be knocked out, and his or her vote value distributed among the other candidates according to the second choices in the ballot. The process will go on until ten candidates have reached or exceeded the electoral quota.

17. The DAB members who are also Hong Kong Federation of Trade Union members, such as Chan Yuen-han and Chan Kwok-keung, sometimes adopted a more pro-labor position and did not vote with the DAB.

18. Su Zhiyi was a Hong Kong businessman who was convicted of economic crimes in mainland China. His daughter revealed to the press in 2000 that mainland security police had come to their residence in Hong Kong and ransacked their home for documents in 1995. It led to allegations that mainland security officials had carried out their duties in Hong Kong, with or without the consent of the Hong Kong government, which would both be a violation of the "one country, two systems."

19. As a form of honors given by the SAR government to people deemed to have great contributions to Hong Kong, in lieu of the colonial honors such as OBE and MBE, the Grand Bauhinia Medal is the highest honor granted by the SAR government.

20. Some of these issues involved the interests of certain professional sectors, and thus the functional representatives were also under pressure from their fellow professionals to investigate the incident. In the short-piling scandal, both the engineering sector and the real estate sector were eager to find out the truth by a Legco investigation. In the case of SARS, the medical profession supported an independent investigation by Legco. In both cases, the usually pro-government legislators elected by the FCs voted in favor of setting up a Legco investigation committee.

21. For the contents of the report, see http://www.legco.gov.hk/yr02-03/english/sc/sc_bldg/reports/rpt_1.htm.

22. For the contents of the report, see http://www.legco.gov.hk/yr03-04/chinese/sc/sc_bldg/reports/rpt_2.htm.

23. Information from Legco website: http://www.legco.gov.hk/chinese/index.htm.

24. Article 73 of the Basic Law does give power to Legco to impeach the chief executive, but it is confined to the CE committing serious illegality or abuse of office. There is no normal censure power allowed in the Basic Law.

25. A lot of the legitimacy of the pro-democracy opposition of course came from the fact that they did enjoy a majority of voter support in all the geographical elections since 1991. Even at their lowest point of support in the 2000 election, the pro-democracy camp as a whole still obtained 57% of voter support in the geographical constituencies.

CHAPTER SIX

1. The local party that has the most party members by 2004, the DAB, claimed that they had 2,000 due-paying members. Others have no more than a few hundred. The total number of citizens in Hong Kong who are members of local political parties does not exceed 0.1% of the population.
2. A good indicator of the limited scale and resources of these groups was that in the 1988 district board election, the three major pro-democracy groups (MP, ADPL, and HKAS) managed to field candidates in only 29% of all the constituencies. See Ma and Choy (2003, p. 15, fn. 7).
3. For details of the opinion war around the Daya Bay incident, see Ma (1999).
4. The Meeting Point was commonly regarded as more middle-class oriented, intellectual, and had had better relations and connections with the Chinese government. The ADPL was more pro-grassroots. The difference in class positions was one of the major reasons that prevented a merger before 1990.
5. On May 21, 1989, after the Beijing government imposed a martial law in response to the demonstrations in Beijing, more than 100 groups in Hong Kong formed the Alliance in Support of Patriotic Democratic Movements of China (ASPDMC). The ASPDMC then actively supported the Beijing movement, including sending money and other materials to Beijing and mainland cities to support the students. After the Tiananmen crackdown, the ASPDMC also played a major role in smuggling dissidents out of China. It has held a candlelight vigil in Victoria Park every year since 1989, in commemoration of the Tiananmen crackdown, which was joined by tens of thousands of people every year.
6. Ideological differences between the three constituent groups prevented a full merger. Both MP and ADPL considered that it was necessary for their own group to have a separate identity from UDHK: ADPL claimed it was a pro-grassroots party and thus was different from the catch-all approach of the UDHK; the MP claimed that it had better relations with the Chinese government and was more middle-class oriented, and preferred to keep their group identity. Some of the leaders of MP and ADPL did not join UDHK as a result, while most members and leaders of HKAS joined UDHK in 1990. See also Cheng (2001).
7. For public attitudes towards political parties around 1990, see Lau (1992).
8. Sum (1995) pointed out that China's propaganda against Patten in this period had a discourse that clustered around "nationalism," "violation," and "negative metaphors."
9. In the case that people with party background were appointed as major officials, they would leave their party to show that they are politically non-partisan. For example, LP member Henry Tang quit the LP when he was appointed the secretary for commerce, industry and technology in 2002. Tang was later appointed financial secretary in 2003. Elsie Leung was a DAB member before she was appointed secretary for justice.
10. Namely, Shamshuipo, parts of Tuen Mun, Wong Tai Sin, Kowloon City, and Kwai Chung.
11. The Ordinance, passed in 2001, stipulates that members of a local political party can run for CE, but they have to leave their parties after they are elected.
12. The Basic Law only stipulates the electoral method for Legco until 2007. However, the verdict by the Standing Committee of the NPC in April 2004 ruled that the proportion of FC seats in the 2008–12 Legco would remain unchanged.
13. See Table 6.1 for reference.
14. As a rule these elected EC members do not have to tell their electors whom they had voted for in the CE election, as this is supposed to be held by secret ballot. Even if the

EC electorates find out that their representatives did not vote as they wish, the only way that they can punish their representatives is to cast their votes against them in the next sectoral election, which is hardly enough to make them accountable to their sectoral constituents.

15. Note that the EC representatives had no other function and role in the political system other than casting the vote for the CE and Legco members. In this sense, all "platforms" for the subsector election were irrelevant, since the elected representatives were in no position to deliver anything to their constituents.

16. The DP won two of the ten EC seats, the DAB won two, the ADPL won one, the HKPA and the LDF each won one, which roughly corresponded to their influence in the district boards in 1995.

17. In 1998, there were on average 6.8 candidate lists per constituency. In 2000, there were on average 7.2 candidate lists per constituency. In 2004, the figure was 7.0 lists.

18. The DAB rank and file also had their dissatisfaction against the party center after the abolition of the municipal councils. However, since the DAB in general was more hierarchical and top-down, with the party center controlling a lot more financial resources, they were able to silence the revolt from below. See Ma and Choy (2003a), pp. 182–187.

19. A contrast with the situation in 1995 would be instructive. The Legco constituency was much smaller under SM in 1995, and on average a Legco constituency was the size of 17–18 district board constituencies or three UC/RC constituencies.

20. Based on an interview with Rose Wu, veteran social activist and chief executive of the Hong Kong Christian Institute, on August 11, 2003.

21. Many of the pro-democracy politicians started their political careers by running for district board office in public housing constituencies, where they earned a lot of support by fighting for grassroots interests.

22. For result of the poll, see http://www.ln.edu.hk/pgp/pdf/RP03C1(3).pdf.

23. The term "Weimar Syndrome" was used because the sentiment was similar to those against the interwar Weimar Republic in Germany. The term was first used by Staniszkis to describe the situation in Poland in the early post-communist era (Staniszkis, 1991).

24. Lau's (1992) surveys in the late 1980s showed that while the Hong Kong public recognized the need for political parties in political development, they were reluctant to take part in party activities. It should be noted, however, that these surveys were taken before the real advent of party politics in Hong Kong.

CHAPTER SEVEN

1. These included the Seditious Publications Ordinance (enacted 1914), the Printers and Publications Ordinance (first enacted 1886, amended 1927), the Chinese Publications (Prevention) Ordinance (1907), the Emergency Regulations (Amendment) Ordinance (1949), the Control of Publications (Consolidation) Ordinance (1951), etc. See (Wong, 1995).

2. The two prominent cases included the "March 1st incident" in 1952, when *Wen Wei Po*, *Ta Kung Pao* and *New Evening Post* were prosecuted for "publishing libelous materials" that "stirred up hatred or contempt against the Government." *Ta Kung Pao* was found guilty and banned for six months. All the three papers did was publish a *People's Daily* article criticizing the colonial government for failing to provide relief for fire victims in Tung Tau Tsuen in Hong Kong. The second case was during the 1967 riots, when the

Afternoon News, *Hong Kong Evening News* and *Tin Fung Daily News* were convicted of sedition and false reporting. The three small leftist papers were actively instigating anti-colonial and anti-government sentiments during the heydays of the 1967 riots.

3. For example, in the 1970s the *Kung Sheung Yat Pao* (*Industrial and Commercial Daily*) tried to set its price at 20 cents, instead of the price of 30 cents set by the Newspaper Association. It led to the objection of both the distributors and retailers, with the latter selling the paper at 30 cents nonetheless. See Fung (2003, p. 76–77).

4. While the *Hong Kong Times* has had fewer and fewer readers since the 1980s, its closing down also reflected the lack of commitment of the KMT government in the propaganda work in Hong Kong after 1997.

5. The authority and influence of the Press Council was much affected because the *Oriental Daily* and the *Apple Daily*, the two papers with the largest circulation, did not join it.

6. For terms of reference and functions of the Broadcasting Authority, visit the BA website: http://www.hkba.org.hk.

7. By 2003 Hong Kong had two commercial radio licenses, Commercial Radio and Metro Radio.

8. Evidence of the pro-KMT stands of these two papers is that they both used the "Republic of China" calendar system up until the 1980s. That is, instead of putting down "January 1, 1975" as date on the header of the paper, they used "January 1, the 64th year of the Republic of China," which is a political gesture of identification with the KMT regime.

9. The Taiwan government does not have an official representative or office in Hong Kong. Similar to the NCNA before 1997, the head of the China Travel Agency in Hong Kong is seen as a chief representative of the Taiwan government in Hong Kong, and Cheng Anguo was the managing director of the China Travel Agency in 1999.

10. These cases were high profile because they caught the attention of the international media, partly because the SCMP is an English paper. There are of course many other cases that went relatively unnoticed.

11. Hong Kong Electric is a subsidiary of the Cheung Kong Group, which is the owner of the Metro Broadcast Corporation.

12. For example, the registrar can refuse a society from registration if he considers the society can be used to "prejudice peace, welfare and good order of Hong Kong."

13. The banning of several movies that contained scenes related to the Cultural Revolution and the political situation in mainland China in the 1970s was illustrative of the censorship of movies in that period.

14. To the Chinese authorities, only the Basic Law has a superior constitutional status over other laws in Hong Kong after 1997. They thus saw the related provision in BORO as unconstitutional.

15. To avoid repetition, the list does not include incidents on media freedom. It is also mostly limited to the application of government or police power on civil protests. Societal pressures, including self-censorship or commercial pressures against certain activities or speech, are not included.

16. For reports of the incident, see *Hong Kong Daily News*, May 15, 2000, p. A2.

17. Coffins are often used by some local protesters in protests, in commemoration of the Tiananmen crackdown. Unfortunately for the police, the whole skirmish between the driver and a police officer was caught on TV camera, which aroused much outcry.

18. For Chinese society in early colonial era, see also Munn (2001) and Tsai (1993).

19. As a matter of fact the democrats or liberals usually have token representation in these appointed bodies, say, one or two members in a committee of about a dozen members. The majority of the seats would usually be taken up by business and professional elites deemed to be "acceptable" to the SAR government.
20. Author's interview, November 19, 2004.
21. The term *tuohoutuai* was used by all three CTU leaders interviewed by this author: Lee Cheuk-yan, CTU General Secretary, on January 28, 2005; Ip Ngok-fung, PCCW Staff Association President, and Chung Chung-fai, President of NWFBCSU.
22. Author's interview with Ip Ngok-fung, February 22, 2005.
23. Author's interview with Chung Chung-fai, Chairman of NWFBCSU since 1998, February 25, 2005.
24. Examples of these incidents included: (1) In October 1994, residents of rooftop structures in Tsuen Wan blocked the entrance of the Buildings Department in Central; (2) In October 1994, Secretary for Health and Welfare Alice Fok was besieged by protesting elderly people demanding improvement in public assistance; (3) In September 1995, residents of temporary housing threw rats onto the car of Governor Chris Patten, leading to skirmishes between police officers and residents. See Mok and Yu (1996, pp. 83–4).
25. Author's interview with Cheung Kwok-che, President of Hong Kong Social Workers' General Union, January 27, 2005; author's interview with Ng Kin-wing, veteran social worker and community activist, February 3, 2005; author's interview with Leung Chi-yuen, veteran social worker and community activist, February 3, 2005.
26. Based on author's interview with Cheung Kwok-che.
27. Author's interview with Cheung Kwok-che.
28. For Sino-Vatican relations, see Leung (2005).

CHAPTER EIGHT

1. Author's interview with Rose Wu, chief executive of Hong Kong Christian Institute, veteran social activist, on August 11, 2003.
2. For the program shift of DP, see Ma (2001, 2002b & c).
3. It should be noted that although quite a few of these demands or processions were staged by pro-government community groups or political parties, most of them were not supportive of the government or government policies.
4. See *Ming Pao Daily News*, October 4, 2000, p. A2; *Apple Daily*, October 16, 2000, p. A11.
5. Chief Executive Tung Chee-hwa has once criticized the Falun Gong as an evil cult in a Legco question-and-answer session. See *Sing Pao*, June 15, 2001, p. A4.
6. Author's interview with Chong Yiu-kwong, veteran social activist and CHRF convener from September 2004 to mid-2005, on January 13, 2005; with Richard Tsoi Yiu-cheong, veteran social activist and CHRF spokesperson from May to November 2003, on January 14, 2005; with Rose Wu, August 11, 2003.
7. The database of press reports was based on the Wisenews database in the Hong Kong University of Science and Technology, which collects the news stories of all major Chinese newspapers in Hong Kong. The author would like to thank Helena Kwong for her research assistance on this survey.
8. A social action that lasted for more than one day will only be counted as one social action. For example, a sit-in protest or a signature campaign may last for days or maybe even weeks, but it will only be counted as one social action. A social action may receive multiple

reports from different newspapers, but it will treated as one social action nonetheless. This may be different from the method of counting of public meetings and processions made by the government as listed in Table 7.5.

9. On July 1, 2003, an estimated 500,000 people went to the streets to protest the impending enactment of the National Security (Legislative Provisions) Bill on July 9. Although it was commonly estimated that the demonstrations in support of the Beijing democracy movement in 1989 attracted crowds of up to one million, the 1989 movement was about developments in China. The movement against Article 23 thus should be considered as the largest indigenous movement, going by the number of participants, in Hong Kong history.

10. For contents of the bill and the controversies involved, see Ma (2005b).

11. Based on author's interview with Lee Wing-tat, DP vice chairman 2002–04, and chairman 2004 to present, on July 31, 2003.

12. Author's interview with Lee Wing-tat, July 31, 2003.

13. See The University Librarians of the Eight Universities of Hong Kong, "Proposals to implement Article 23 of the Basic Law: consultation document" at: http://www.article23. org.hk/English/newsupdate/dec02/b481e22.pdf.

14. Author's interview with Richard Tsoi Yiu-cheong, CHRF's spokesman from May 2003 to November 2003, on July 25, 2003.

15. Author's interview with Jackie Hung, Project Officer of JPCOM, July 29, 2003.

16. As a weekly newspaper published by the Catholic Diocese since 1928, the *Kung Kao Po* was widely circulated and read among Catholics in Hong Kong.

17. Author's interview with Lee Wing-tat, July 31, 2003.

18. Author's interview with Audrey Eu, senior counsel and legislator, on August 4, 2003.

19. Thanks are due to Mr. Siu Yu-kwan for his research assistance in this survey.

20. Based on author's interview with Chong Yiu-kwong, CHRF convener since October 2004, on January 13, 2005; and Richard Tsoi Yiu-cheong, CHRF spokesperson from May 2003 to September 2003, on January 2003.

21. Based on author's interview with Chong Yiu-kwong on January 13, 2005; and with Richard Tsoi on January 2003.

22. Based on author's interview with Chong Yiu-kwong on January 13, 2005; and with Richard Tsoi on January 14, 2005.

CHAPTER NINE

1. See similar views by Eliza Lee (1999).

2. For the report, see http://www.info.gov.hk/cab/cab-review/eng/report2/pdf/ secondreport-e.pdf.

3. The simplest institutional change, of course, is to do away with the restriction in the Chief Executive Election Ordinance which requires the CE to leave his or her party.

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