Democracy Denied

Civil Society and Illiberal Democracy

in Hong Kong

by

Nicholas David Thomas

BA(Asian Studies), ANU
BA(Joint Hons), UQ

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I affirm that this dissertation contains no material which has been accepted for the award of any degree or diploma in any tertiary institution and that, to the best of my knowledge and belief, this dissertation contains no material previously published or written by another person except where due reference is made in the text of the dissertation.

DEDICATION

This work is dedicated to my grandfathers

Henry David Taylor
and
Allen William Smith

Their love and wisdom is sorely missed

ABSTRACT

This dissertation is an analysis of the social and political transformation of Hong Kong, primarily focusing upon the period 1984-1997. This was a period marked by the mobilisation and politicisation of the Hong Kong people. This study adopts a three-tiered conceptual model of political systems to explain the transformation of Hong Kong during this period. This model, first proposed by Claus Offe, describes a system where political activity is the result of the combination of an indigenous identity based upon a nation-state and an operating system that determines how the nation-state will function. Against this model I examine two overarching issues and their effect on Hong Kong's social and political processes: the economic modernisation of the territory and the July 1 retrocession. The consequent tensions created will be shown to have played a decisive role in the unique development of Hong Kong's social and political systems.

Using Offe's model, I argue that Hong Kong has developed into a territory with a distinct and separate political identity. This is determined to be the byproduct of the sporadic development of both a local identity and a socio-political operating system conducive to political expression. The transition period focused and accelerated these developments. This dissertation differs from existing work in that it is shown that the political outcome of the transition period (had it been allowed to reach a "conclusion" without intervention from China) would not have been a liberal-democratic polity. This conclusion is drawn from a reinterpretation of the first phase of liberalisation (1984-1989) which demonstrates that the social and political liberalisation that occurred in Hong Kong was a result of the actions of the Hong Kong state rather than the result of grassroots activity. In contrast, the second phase of liberalisation (1989-1997) saw a withdrawal by the colonial state that allowed pressure from the grassroots to direct the development of the transitional state. However, the grassroots were not homogenous in their political affiliation - as they supported both democratic and pro-China representation. The resultant political system was, thus, a reflection of these two conflicting affiliations.

I conclude that the type of politicisation Hong Kong has experienced is conducive to the development of a middle path - between the Western liberal-democratic model and the East Asian variant of authoritarianism. This will be the combined result of a social structure based upon liberal-democratic ideals but also of a political system incorporating important authoritarian features. The degree to which future socio-political developments will advance Hong Kong's unique model of political evolution will depend on the extent to which these two contrasting influences remain balanced.

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AUTHORITY OF ACCESS

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.....Date 31/3/98

NOTE ON ROMANISATION OF CHINESE NAMES

This dissertation contains many Chinese names. Due to the wide regional variation encountered all names have been cited as they were portrayed in-text. To do otherwise would have caused considerable confusion. Furthermore, where a name contained a Chinese surname but an English firstname, the name was referenced as an English name.

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CHARTS

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GLOSSARY OF TERMS

ADPL	Association for Democracy and People's Livelihood
APEC	Asia-Pacific Economic Cooperation
BDTC	British Dependent Territory Citizen
BLCC	Basic Law Consultative Committee
BLDC	Basic Law Drafting Committee
BNO	British National (Overseas)
BNOC	British National (Overseas) Citizen
BOC	Bank of China
BOR	Bill of Rights
CCP	Chinese Communist Party
CDO	City District Officer
CDR	Crude Death Rate
CGCC	Chinese General Chamber of Commerce
CRD	Community Relations Department
CUHK	Chinese University of Hong Kong
DAB	Democratic Alliance for the Betterment of Hong Kong
DB	District Board
DP	Democratic Party
DPP	Democratic Progressive Party
DWF	District Watchman Force
EXCO	Executive Council
FHI	Federation of Hong Kong Industries
FTU	Federation of Trade Unions
GATT	General Agreement on Trade and Tariffs
GDP	Gross Domestic Product
GNP	Gross National Product

HKLP	Hong Kong Liberal Party
ICAC	Independent Commission Against Corruption
KMT	Kuomintang
LDF	Liberal Democratic Foundation
LEGCO	Legislative Council
MAC	Mutual Aid Committee
MOU	Memorandum of Understanding
MP	Meeting Point
MUNCO	Municipal Council
NCNA	New China News Agency [Chinese: *Xinhua*]
NIC	Newly Industrialised Country
PADS	Port and Airport Development Scheme
PAP	People's Action Party
PRC	People's Republic of China
PWC	Preliminary Working Committee
REGCO	Regional Council
SAR	Special Administrative Region
UDHK	United Democrats of Hong Kong
UGC	University Grants Council
UHK	University of Hong Kong
UN	United Nations
UMELCO	Unofficial Members of the Legislative Council
URBCO	Urban Council
WWP	[Cantonese] *Wen Wei Po*
Xianggang	[Mandarin] Hong Kong
Xianggang ren	[Mandarin] Hong Kong person/people
Xinhua	[Mandarin] see: NCNA
yan	[Cantonese} equivalent of *ren* or people

Section 1

Chapter One

Introduction

The Setting of the Problem

This dissertation is a study of Hong Kong's transition from a colonial-authoritarian polity to a liberal polity in which democratic ideals have become increasingly important. In other countries this type of transition is open ended, but not in Hong Kong. With the expiry of a 99-year lease on the bulk of the territory Hong Kong had to be reunited with the Chinese mainland. As such, the path of political transformation which Hong Kong was following was truncated, unable to reach its natural conclusion. This dissertation examines that experience, demonstrating that in Hong Kong's case a continuation of this political evolution would not necessarily have led to a transition to a liberal-democratic polity.

The colony's transformation, however, was never in doubt. It was predetermined by a succession of treaties, both old and new, the purpose of which was, firstly, to give the territory away and then, secondly, to ensure its peaceful return. The ultimate effect of these treaties was witnessed by the

world when, on July 1st, 1997, Hong Kong was handed back to the People's Republic of China.

Old Treaties

Hong Kong, as it existed whilst under British rule, was not a single territory but three separate territories administered as one. These three territories (Hong Kong Island, Kowloon and the New Territories and Outlying Islands) were the result of three separate conflicts waged between Britain and China in the nineteenth century. The First Opium war (also referred to, more diplomatically, as the Anglo-Chinese war) of 1839-1842 was the catalyst for the signing of the Treaty of Nanjing which gave the island of Hong Kong to the British "in perpetuity". The conclusion of the Second Opium war (1858-1860) saw the signing of the Convention of Peking which ceded the Kowloon peninsula and Stonecutters Island to the British, again "in perpetuity". The third and final portion of land that comprises Hong Kong, the New Territories and Outlying Islands, was, unlike the first two, obtained by diplomatic rather than military means. In other words, this portion of land was leased rather than taken from, China, a mirror of the practices then being followed by other European powers. This diplomatic approach was cemented in the Second Convention of Peking (1898) and "was administered as an integral part of the

existing colony."[1] Without this final addition to the colony, which added much needed farming land and water catchments, it is unlikely that Hong Kong could have remained a viable outpost, let alone flourished.

New Treaties

While it took nearly fifty years to sign all the treaties that placed the territory of Hong Kong under British rule, it took less than a decade for the negotiations and treaties to be signed that governed the return of Hong Kong to China. The Chinese position on the old treaties has remained consistent since they were first signed; that is, each of the three treaties was forced upon China in a time when the Qing dynasty was moribund and unable to deny the British demands. Hence, all the treaties were signed from an unequal position and are, as a result, invalid.

Wesley-Smith explains that the three treaties are considered by the Chinese to be unequal, as:

> only one party appears to derive any benefit from it. There is no quid pro quo which China receives as compensation for her temporary loss of territory. In addition.... the contracting parties were not in a position

[1] Miners, Norman. 1991. *The Government and Politics of Hong Kong*, 5th ed. Oxford University Press, Hong Kong. p 3. The most authoritative work on the treaties (both old and new) is: Wesley-Smith, Peter. 1983. *Unequal Treaty, 1989-1997: China, Great Britain and Hong Kong's new territories*. Oxford University Press, Hong Kong.

> of equal bargaining power when the convention was drawn up.[2]

There is further support for China's position under modern international law. In particular, the 1969 Vienna Convention on the Law of Treaties and the 1974 UN Resolution on the Definition of Aggression. The Vienna Convention confirms that should a treaty be imposed by force then it is invalid and the 1974 Resolution states that any territorial acquisition gained through aggression is unlawful.[3] In addition to international law, China has also taken the position that because of the way it was treated by foreign powers in the nineteenth century, as well as the fact that the treaties were not designed to provide China with a mutual benefit, no matter what international law or convention states, the treaties are invalid.[4]

As a result of their stance, the Chinese began discussions with Britain, concerning the expiry of the New Territories lease with a singular purpose: to reclaim the colony of Hong Kong on July 1st, 1997. Despite initial efforts by the British to continue administering the territory, on 19 December, 1984, Prime Minister Margaret Thatcher and Prime Minister Zhao Ziyang formally signed the Sino-British Joint Declaration. The purpose of the Joint Declaration was to provide a framework within which the transition could take place as well as

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[2] Wesley-Smith as quoted in Kelly, Ian. 1986. *Hong Kong: A political-geographical analysis.* University of Hawaii Press, Honolulu. p 33
[3] Jin as quoted in Kelly, Ian. 1986. pp 107-108
[4] Ibid. p 107

decide how Hong Kong would be governed after the retrocession. The key point of the Joint Declaration was the incorporation of the "one country, two systems" policy. Originally devised as a model to provide incentive for Taiwan to return to China, this policy was put in place to guarantee the continuation of Hong Kong's "way of life" after the handover as well as ensure a high degree of autonomy for the Special Administrative Region.[5]

The formal signing of the Joint Declaration on 19 December, 1984, by Prime Minister's Thatcher and Zhao was an important step in determining Hong Kong's fate after the handover, but the negotiating process to give the Hong Kong people a measure of protection and stability post-1997 was by no means over. For the next six years work continued to expand the Joint Declaration into a formal framework that could be adopted as a type of mini-constitution for the Hong Kong SAR. The discussions took place on an issue by issue basis with individual working groups convened to reach agreement over such issues as; direct elections, the stationing of the Chinese military in Hong Kong, who would manage the SAR's finances post-1997 and the renegotiation of land leases (which, prior to an agreement, all expired three days before the handover).

[5] Cottrell, Robert. 1993. *The End of Hong Kong: The Secret Diplomacy of Imperial Retreat*. John Murray Publishers, London. pp 60-61

The final drafting process brought together both mainlanders and Hong Kong residents so as to give the appearance of being as open and as fair as possible. Despite such appearances, China was always in full control of the drafting process and the few dissenting voices were diluted or ignored.[6] China's position was aided by the British, was characterised by a move away from the high stakes policy which characterised the Joint Declaration negotiations to a "policy of quiet diplomacy and non-confrontation" which it had "concluded to be the most effective way of handling China."[7]

The Basic Law became law at the Third Session of the Seventh National People's Congress on April 4th, 1990. Should the Chinese authorities obey the letter of the Basic Law, then Hong Kong will, as promised, retain its current way of life. However, the recent decision by Chief Executive Officer Tung Chee-hwa, to curtail civil liberties and include Chinese national security provisions into the local legal code (an act which can bring such offences under mainland jurisdiction) creates some doubt as to whether the spirit as well as the letter of the Basic Law will be followed or whether it will all become an "internal affair" for China and the rest of the world.[8]

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[6] "Unequal voices", *Far Eastern Economic Review*. 18th December 1986. p 40
[7] Ibid. p 41
[8] Tan Ee Lyn. "Hong Kong empowers police to ban protests and groups", in *clari.world.asia.hong_kong Article:8191*. Accessed Friday 18 July 1997 9:12:47 PDT.

Defining the Problem

Throughout Hong Kong's thirteen year transition period (1984-1997) two statements have been made, with various turns of phrase, without cessation; that "Hong Kong is an economic city not a political city" and that "Democracy in Hong Kong is a creation of the British, in a vain attempt to control Hong Kong after July 1st".[9] In the case of the first claim it is presupposed that economic development can be kept separate from social and political development. The second claim (which flows from the first) interprets the political liberalisation that Hong Kong has experienced as an artificial construct.

This dissertation argues that both of these claims are false. The rapid economic growth that Hong Kong has undergone since the end of the Second World War has had a direct impact on the social and political sectors. Indeed, the rise of a local capitalist middle class (a direct by-product of the economic development) has had a profound impact on the focus and nature of the political processes. The most obvious impact has been in the formation of pressure groups and, in an evolutionary step from these pressure groups, political parties. Although it

[9] On the first claim, in a variety of ways, see statements made by Ji Pengfei and Xu Jiatun. For example see: King, Ambrose Y.C. ""One country, Two systems"': An Idea on Trial", in Wang Gangwu and Wong Siu-lin eds. 1995. *Hong Kong's Transition A Decade After the Deal.* Oxford University Press, Hong Kong. pp 111-112. On the second claim, again in a variety of ways, see statements made by Xu Jiatun. For example see: Roberti, Mark. 1996. *The Fall of Hong Kong: China's Triumph and Britain's Betrayal.* John Wiley and Sons, New York. pp 157-158

is true that most of the political developments have taken place during the transition period, Hong Kong has always exhibited a politicised history. This is a fact often ignored by those who suggest that Hong Kong is politically apathetic.[10]

In demonstrating the fallacy of these two claims this dissertation will draw upon an analytical framework provided by Claus Offe. In his article "Capitalism by Democratic Design?" Offe offers a conceptualisation of the political system incorporating three tiers or levels, where "politics" is the combined outcome of decision-making at all three tiers. As Offe stated:

> At the most fundamental level a "decision" must be made as to who "we" are, i.e., a decision on identity, citizenship, and the territorial as well as social and cultural boundaries of the nation-state. At the second level, rules, procedures, and rights must be established which together make up the constitution or the institutional framework of the "regime". It is only at the highest level that those processes go on which are sometimes mistaken for the essence of politics, namely, decisions on who gets what, when, and how - in terms of both political power and economic resources.[11]

To paraphrase and (slightly) reinterpret Offe, where the two lower levels are fixed then the activity in the highest level will be "highly path dependent, and its parameters...strategy proof."[12] In other words, in the case where the state fixes the character of the lower levels, then the political activity must take place

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[10] For example see: Lau Siu-kai. 1984. *Society and Politics in Hong Kong*. Chinese University Press, Hong Kong.
[11] Offe, Claus. "Capitalism by Democratic Design?", in *Social Research*. vol 58 no.4. Winter 1991. p 869
[12] Ibid p 870

according to the parameters set by the state. However, where the parameters of the lower levels (either or both) are not fixed, then the state cannot control the path the political system will take.

This three-tiered model can also be utilised in a different manner when examining Hong Kong's political processes. On the one hand, Offe has conceptualised a system whereby the form of the identity and operating system will affect the form (and thus outcomes) of the political system. On the other hand, and applying this schema to the case of Hong Kong, it can be argued that there has existed (since the mid 1980s) a three tiered political system which, by virtue of a series of bidirectional linkages between the tiers, has meant that changes to the two lower tiers has affected the operation of the top tier's political processes. In other words, to use Offe's terminology, the change in the two lower tiers of the political system away from a path-dependent structure to a non-path dependent structure meant that the top tier would likewise become less path dependent.

It is my contention in this dissertation that (in the case of Hong Kong) in a colonial-authoritarian system the state's policy of local-elite incorporation has been an attempt to fix the lower levels into a predetermined mould. However, where the lower levels are not being entirely decided by the state, they are

subject to the impulses of the nation.[13] As a result, the direction the political system takes is determined by the balance of power between the state and the nation. Moreover, drawing on Offe's model it can be hypothesised that should the balance of power, at the lower levels, decisively shift to the nation (rather than remaining with the state) then it will be the nation that is defining the state rather than the reverse. In such a situation the outcomes of the political system would be geared to the needs of the people of the nation rather than the needs of the state.[14] In other words a transformation from an authoritarian regime (where the power lies with the state) to a liberal-democratic polity (where the power lies with the people) would take place.

It is necessary to point out that Offe's model accounts for the development of a political system of a nation-state, whereas Hong Kong was always a colony. However, the development of Hong Kong, under British rule, from a colonial regime to a quasi-polity does not invalidate the use of Offe's model. As will be demonstrated in the following chapters, the first two levels of the political

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[13] For the purpose of clarity I am broadly defining a "nation" as "a body of people associated to a particular territory who are sufficiently conscious of their unity to seek or possess a government peculiarly their own". As such "nation" differs from "society" in that a "society" may be defined as "a body of human beings generally associated or viewed as members of a community." However, it must be noted that in works from both the political science and sociology disciplines the two terms are sometimes used to mean the same thing. In essence, the difference can be summed up as "a society is less unified than a nation" and "a society is a nation without the political dimension."

The characteristics and limits of the Hong Kong "nation" is the subject of Chapter 4.

The two definitions of nation and society came from *The Macquarie Dictionary, revised edition.* 1985. Macquarie Library, NSW. p 1138 and p 1607.

[14] Here I am using "people" as an equivalent but structurally looser definition of society.

system remained underdeveloped up until the transition period, whereupon they rapidly matured and led to the development of the highest level of the model. Hence, so long as Offe's model is placed within a developmental/chronological context (as in this dissertation) then the model, for Hong Kong, remains valid.

This dissertation comprehensively examines the changes that the Hong Kong polity has experienced since its creation, with a general focus on the post Second World War period and a particular focus on the transition period (1984-1997). The three areas of most concern are, in accordance with Offe's framework: the development of a Hong Kong identity, the conditions under which both the Hong Kong nation and Hong Kong state operate, and the resultant political system. In doing so, this dissertation will demonstrate that (1) Hong Kong is not solely an economic city but has contained a strong political element and (2) that the development of illiberal institutions in conjunction with democratic ideals was a natural progression in Hong Kong's socio-political evolution.

Section Outline and Chapter Breakdown

Section 1, containing Chapter's One and Two, establishes the dissertation's analytical framework. In Chapter Two I build on Offe's framework, comparing

it with the socio-economic/socio-political space held by the Newly Industrialised Country model of rapid modernisation. In particular, Chapter Two establishes the effects of modernisation resulting from a country's economic, political and social structure (for example, the effects of the transition to a capitalist style economy) before examining the effect that modernisation *has had* on Hong Kong. Although thematic in scope, this chapter views Hong Kong's modernisation in a chronological order. The intention of this is to provide a chronological basis of development for background use when examining the later chapters.

The evolution of the Hong Kong identity is the subject of Section 2. This Section examines the formation of the Hong Kong state (Chapter Three), the Hong Kong Nation (Chapter Four) and then the Hong Kong identity (Chapter Five). It is necessary to approach this issue in this manner because of Hong Kong's unique circumstances; that is, despite the fact that Hong Kong is technically a colony, its day to day operations (up to the handover) suggest it has evolved into something greater - a quasi-state but a full-nation with its own expressed sense of identity.

In Chapter Three an analysis of the creation of the Hong Kong quasi-state is conducted.[15] In order to come to a conclusion about the Hong Kong state, different facets of its nature are examined. These are: the internal degree to which the Hong Kong government perceives itself and, equally important, is perceived to be in control of the territory; the degree to which the Hong Kong state functions in the international arena of nation-states as an equal partner. To provide a benchmark by which these two facets may be examined, a comparative analysis with the current situation of Taiwan will be briefly undertaken. It will be demonstrated that, to all intents and purposes, the daily management of the Hong Kong government and associated organs has evolved into an independent state. It is only the limitations imposed by the retrocession as well as several vestiges of colonial rule, that prevented it from achieving full statehood.

Chapter Four contains the analysis of the development of the Hong Kong nation. Using criteria obtained from Hertz's *Nationality in History and Politics* as well as Gellner's *Nations and Nationalism*, the people of Hong Kong are examined to see to what extent they have formed a nation.[16] Criteria such as: the ethnic composition and ethnic dynamism of the Hong Kong people; a

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[15] I am using the term "quasi-state" instead of state as, despite the high degree of autonomy granted Hong Kong by the British government, the British government still held final executive authority.

[16] see: Hertz, Friedrich. 1944. *Nationality in History and Politics: a psychology and sociology of national sentiment and nationalism*. Routledge and Paul, London; Gellner, Ernest. 1983. *Nations and Nationalism*. Basil Blackwell, Oxford.

shared language; a form of religious unity (in Hong Kong's case achieved via its diversity); a common culture as well as a national territory, it is contended, all meld together to produce a nation.

Having established that Hong Kong has evolved both a quasi-state and a nation, Chapter Five considers the ways in which the two have merged together to form a unified Hong Kong identity.[17] In particular, Chapter Five draws together the interaction of state and nation development in conjunction with the socio-economic modernisation of Hong Kong in order to demonstrate the existence of a Hong Kong identity. In addition, this chapter focuses upon the developmental role played by "crises" (which lessen the predestination of Hong Kong's developmental path via the introduction of unplanned elements) in the territory's identity development. This concept of crises is drawn from Rustow's *A World of Nations* which seeks to explain nation-building (which can be interpreted as identity formation given the similarity of criteria) in terms of crises that force the nation-state to evolve. Given the role played by the many social and political upheavals experienced in the territory, this model is especially appropriate. The conclusion of this chapter will demonstrate that there does exist an unique and multifaceted Hong Kong identity. Thus, the existence of the first of Offe's levels will be established.

[17] A national identity can be considered (for the purposes of this thesis) to be the next evolutionary step up from a nation. It is formed when a nation evolves both a consciousness of itself as well as the ability to express itself.

The focus of Section 3, Chapter's Six, Seven and Eight, is the "rules, procedures, and rights" that together comprise "the constitution or institutional framework of the regime", that is, Offe's second level. I have chosen to interpret Offe's "institutional framework" more broadly as the "operating system" of the polity, that is, the basis for the functioning of the territory. The "operating system" this dissertation will utilise is civil society, as this systemic discourse incorporates the "rules, procedures and rights" which, together, embody Hong Kong's institutional framework. In recent years civil society has been increasingly used to describe the actions as well as the motivations of both the governments and the citizens of East Asia.[18] However, I believe that due to a preoccupation with the nature of liberal civil society, the discourse has been inappropriately applied to the Hong Kong case. In order to demonstrate this proposition Section 3 will be divided into three chapters.

The first chapter, Chapter Six, is a detailed examination of the main schools of civil society discourse. The aim here is to highlight the fact that civil society has been conceptualised according to both liberal and non-liberal forms. This

[18] Citizens, for the purposes of this dissertation, will be deemed politically socialised people. For examples of this civil society in Asia argument see: Hsiao, Michael Hsin-Huang. "Emerging Social Movements and the Rise of a Demanding Civil Society in Taiwan", in *The Australian Journal of Chinese Affairs*. vol 23-24 no 24. July 1990. pp 163-179; Ahn, Chung-si. "Economic Development and Democratization in South Korea - an examination on Economic Change and Empowerment of Civil Society:, in *Korea and World Affairs*. vol 15 no 4. Winter 1991. pp 740-754 and McCormick, Barrett L. et al. "The 1989 Democracy Movement: A Review of the Prospects for Civil Society in China", in *Pacific Affairs*. vol 65 no 2. Summer 1992. pp 182-202.

Chapter, although theoretical in nature, establishes the potential basis for an examination of civil society not only in East Asia but also elsewhere.

The two regionally-based case studies of Europe and Asia together comprise Chapter Seven. These two different areas are examined to draw upon the traditions and forms of civil society in both the West and in the East. The reason for this is the contention that Hong Kong is an amalgam of both East and West. These case studies will highlight how and why civil society and its socio-political outcomes differ between the regions. This is important as the findings from both case studies will provide a set of criteria by which to examine the development of civil society in Hong Kong.

Once the criteria are established, the case of Hong Kong's civil society, in the period to the beginning of the transition period, will be analysed. This is Chapter Eight. It will be shown that in Hong Kong civil society has behaved according to two different and competing forms. The two forms of civil society are considered to be in competition when the ideologies encompassing the two strands of discourse are utilised by competing human actors to legitimate a particular social or political outcome. Moreover, it will be shown that civil society in Hong Kong is not simply a post-war development but has existed as long as the colony itself. The analysis ends at the transition period, as from this point onwards the polity developed sufficiently to allow for analysis of the

third level of Offe's framework (the development of the political state) to take place.

Section 4 (Chapters Nine and Ten) analyses the political processes of the transition period. Chapter Nine considers the developments in the first half of the transition, that is, from 1984 (the signing of the Sino-British Joint Declaration) until 1989 (Tiananmen square). This period has been chosen for the two events it encompasses. The Joint Declaration began the process of political liberalisation, but in a very restricted manner. The social and political tensions created by Tiananmen foreshadowed a loosening of this restriction.

Chapter Ten examines the second half of the transition period; from Tiananmen to the retrocession. This chapter will focus on the two sets of elections that demonstrated a broadening of the scope and an increase in the pace of the social and political liberalisation. In particular it will be shown that this period removed much of the path-dependent nature that had characterised Hong Kong's political system in the first half of the transition. In addition, Chapter Ten will examine three issues that straddled the retrocession and that provide crucial indications as to which way the polity is likely to develop in the future. These issues are: the appointment process of the first Chief Executive Officer of the Hong Kong Special Administrative Region (hereafter SAR); the role of the

provisional legislature of the SAR (including the period when it was the provisional legislature); and the debate over civil liberties.

Section 5, the concluding Chapter Eleven, summarises the evidence and the arguments presented in this dissertation, synthesising them in an attempt to reach a definitive rebuttal of the two claims presented earlier. It will be demonstrated that, contrary to the first claim, Hong Kong has always been more than just an economic city, incorporating a high degree of political activity throughout its short history. It will also be shown that the development of illiberal institutions and democratic ideals has been, to a large extent, a natural component of Hong Kong's socio-political evolution. This path of evolution has been determined by the development of a Hong Kong identity in conjunction with the growth of a late-transitional 'benevolent' institutional framework that was conducive to the directions of the nation over the state.

The resources used in this dissertation include primary source material (press briefings, radio and television broadcasts, newspaper and magazine articles) as well as secondary and tertiary sources such as journal articles and books. Given the distance between Hong Kong and Tasmania, this dissertation also includes a large number of internet sources. In order to ensure these materials' veracity, only data from mainstream press and government sites have been

utilised. Although most of the materials are from English language sources, Chinese and Cantonese language materials have also been used. In some cases this has involved translation by the author. In most instances, however, this material is from a translation database; primarily the Summary of World Broadcasts (SWB).

It is the intention of this dissertation to provide a new, more comprehensive understanding of the political evolution of Hong Kong. In order to achieve this objective, a new understanding of Hong Kong society will be provided coupled with a characterisation of civil society which combines elements of the two, previously disparate, strands of discourse (liberal and illiberal civil society). Although there is some analysis of Hong Kong's earliest development the main focus is on the period after the conclusion of the Second World War; in particular, the transition period of 1984-1997. However, it is not the purpose of this dissertation to gaze into a crystal ball, through this attempt to reinterpret the transition process, some parameters for the future development of the Hong Kong SAR can be mapped out.

Chapter Two

A Modernised History of Hong Kong

Introduction

The post war history of Hong Kong is characterised by the development of a capitalist economy and rapid socio-economic/socio-political modernisation. In particular, this development is marked by the formation of a class structure and its concomitant social and political impact on the modernising nation-state. It is not intended that this chapter be an exhaustive study of post-war Hong Kong, but, rather, that it provide an overview of the impact of modernisation on the colony so that the social and economic backdrop of the territory can be constructed (along chronological lines) within which the themes in the later socio-political chapters can be placed.

Modernisation: The Theoretical Framework

The term "modernisation" refers to the transformation of a premodern state into a modern state. As such, it addresses a broad range of factors that accompany this transformation. Since the rapid, industrial-led development of the Newly Industrialised Countries (or NICs) of East Asia (namely; South Korea, Taiwan, Hong Kong, and Singapore), the developmental definition of

"modernisation" has assumed overtones of, what is termed, the NIC model. This model provides for rapid economic modernisation, changes in the character of social stratification, and pressures for a change from an authoritarian state to a liberal-democratic polity and marked social stratification. Within the Asian region this model also incorporates a sea-change from a communal basis to the beginnings of an individual basis for social and political mobilisation.

Modernisation theory has its roots in nineteenth century Europe's Industrial Revolution. The changes to society, resulting from the rapid industrialisation, were "entirely abnormal, judged by the standards of previous centuries".[19] This period heralded a deviation from "the more or less static conception of the world...where departure from tradition was contrary to nature, into a conception of progress as a law of life and of continued improvement as the normal state of a healthy society".[20] This progress, according to Sahlins and Service, results in structural changes to the society including "the proliferation of material elements, the geometric increase in the division of labour, the multiplication of social groups and subgroups, and the emergence of special means of integration.".[21]

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[19] Hoogvelt, Ankie M.M. 1976. *The Sociology of Development*. Macmillan, London. p 42.
[20] Ibid. p 42
[21] Sahlins, Marshall D. and Service, Elman R. eds. 1960. *Evolution and Culture*. University of Michigan Press, Ann Arbor.

The increase in wealth generated as a result of the transition to a capitalist economy brought with it the ability to realise individual needs. In broad terms, the demand for material gratification created a supply of the desired materials. This led to a proliferation of material elements and a rise in the overall standard of living.[22]

One effect of the modernisation process is the development of a labour sector. This evolution is due to the development of the "functional specificity of modern economic roles (that is, the extreme division of labour coupled with the strict segregation of workplace from household)".[23] This, in turn, leads to a greater definition and distinction of the labour sector's constituent elements as well as a greater specialisation of these elements. In modernising societies this evolution is coupled with a greater need for skilled labour so as to maximise output. Such needs inevitably lead to a breakdown of the traditional caste/class system of labour positions to be replaced with a more meritocratic system. It is this system of needs that results in a greater mobility between the various socio-economic strata.

The segregation of the workplace from the household, combined with the greater definition and distinction within the labour sector, changes the

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[22] For a good source that examines this change see: Deyo, Frederick C. 1987. *The Political Economy of the New Asian Industrialisation*. Cornell University Press, Ithaca.
[23] Hoogvelt, Ankie. 1976. p 56

(comparatively) simple social structure of a pre-modernised society into a heterogeneous structure with multiple linkages between the newly formed social groups and subgroups. On a familial level this sees the dissolution of the "traditional kinship patterns of family organisation and presses for *conjugal-type family patterns*, that is, few kinship ties with distant relatives and an emphasis on the nuclear family unit."[24] However, the development of the nuclear family *per se* is not enough to compensate for the wider benefits provided by the kinship system. Hence, as the kinship system is dissolved, other forms of communal association links are formed: "such as churches, halls, sports clubs, trade unions, and so on. These *voluntary associations* are typically integrative structures bridging the emotional gap between the tight but too small, conjugal family group on the one hand and the anomic, fragmented modern urban society on the other."[25]

In addition to these voluntary linkages other, special means of integration emerge as the state modernises. The most extensive of these is the institutionalisation of an achievement-oriented education system. Modernisation theory presupposes a connection between the institutionalisation of education and subsequent high levels of literacy amongst the adult population. It is these high levels of literacy which allow for participation in the political processes. This, in tandem with a pluralised social

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[24] Ibid. p 57
[25] Ibid p 57

system, is deemed to lead to political liberalisation; which is a precursor to democratisation.[26]

However, it must be acknowledged that this view does have its critics, two examples of which are Foucault and Dutta. According to Foucault, regardless of education there is always the possibility for political participation: "There are no relations of power without resistances; the latter are all the more real and effective because they are formed right at the point where the relations of power are exercised; resistance to power does not have to come from elsewhere to be real, nor is it inexorably frustrated through being a compatriot of power. It exists all the more being in the same place as power."[27]

Moreover, as Dutta argues, education is useless without the appropriate motivation to utilise it. Dutta states that:

> The theory that the impact of Western education and values embraced by a relatively small elite filter through slowly to the masses is untenable. This is not to deny that values are important igniting factors in the process of social change, but simply to deny to challenge the assumption that only Western cultural and/or ideological systems [an aspect of which is education] can provide the ignition.....The middle class child is strongly achievement motivated both because he is socialized to the value of achievement and because he perceives the value of success. In the middle class child there is the optimum conjunction of appropriate 'need state' (which the upper classes lack) and perception of

[26] For an analysis of the variables that lead to democratic transition see: Huntington, Samuel. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. University of Oklahoma Press, Norman. pp 34-46

[27] Foucault. *Power and Knowledge*. Gordon, Colin. ed. Pantheon, New York. 1980. p 142

> the opportunity in his environment (which the lower classes lack).[28]

Thus, as a synthesis of both the standard modernisation approach and its critics, it can be said to be more accurate to state that it is education coupled with a desire to improve the individual's current social environment which gives rise to a strong desire to participate in the political system (the main vehicle for improvement), which in turn allows for the further exploitation of the channels of political participation within the polity. This participation within the political process can take several forms. At one end of the spectrum the individual could lobby the government to effect a change to a perceived inequality. If such an inequality affects more than one, then pressure groups can (and do) form. These groups can vary in content from being a single issue group, to a regional group, to a multiple issues group. In the case of the latter, success or further adversity can see the group formalising its relationship to the political process by developing into a political party. In the case of Hong Kong this will be demonstrated in Chapters Eight, Nine and Ten.

The main vehicle for change in a modernised society is the middle class, with its optimum conjunction of needs and opportunities.[29] An example of the modernisation argument (as it pertains to developing Asian countries) is provided by Eric Jones who states that (with regard to the middle class):

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[28] Dutta, Ratna. *Values in Models of Modernisation.* Shenkman Publishing Co. London. 1971. p 123
[29] For an analysis of this argument see: Huntington, Samuel. 1991. pp 66-68.

> Some elements of that class, maybe only a fringe at first, start to demand those effete and non-material things which are associated...with Western lifestyles and philosophies. The items include political participation, multi-party politics, an end to corruption, a freer press, environmental clean-up. Already these things and others can be seen emerging on the East Asian scene.[30]

Further examples of the impact of reformist middle classes (in both Europe and Asia) are provided by Huntington who states that:

> In Spain economic development had created 'a nation of the modern middle classes,' which made possible the rapid and peaceful process of bringing the political system in line with society. On Taiwan the 'main actors for political change' were 'the newly emerged middle class-intellectuals who came of age during the period of rapid economic growth.' In Korea the movement for democracy in the 1980s only became a serious threat to the authoritarian regime after the emergence by the 1980s of 'a flourishing urban middle class'.[31]

A critique against this rationale of the modernisation school is offered by David Martin Jones who proposes that the middle class are as much the guardians of the status quo as are the ruling elite. Jones states that,

> Rather than conflict between a ruling elite and an increasingly assertive bourgeoisie, we discover instead governments that are ideologically, economically, and sometimes ethnically homogenous with the new Asian middle class. The problem of development consequently does not necessary entail the resolution so eagerly anticipated by critics of the Asian model. Clearly neither

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[30] Jones, Eric. "Asia's fate: A response to the Singaporean School", in *The National Interest*. Spring 1994. p 27

[31] Huntington, Samuel. 1991. pp 67-68

> the middle class nor their rulers want pluralism and diversity.[32]

The example of the modern middle classes supporting the ruling elite against pluralist or liberalising interests is cited in Huntington as a cause of state transformation from democratic to authoritarian rule.[33] If, however, such states were not already democratic, then it can be proposed that these middle classes would be supportive of the state against any contradictory interests. In other words, reconciling the two opposing viewpoints, it is possible to conclude that where the needs and opportunities of the middle class are being met, then this class is likely to support a continuation of the status quo. If, however, their needs were not being met, then they would use the resources available to them (for example, their participation in the political processes) to ensure that their needs were met - or, at least, that they had the opportunities to meet their needs. Beyond this synthesis a final point needs to be made. Both the Jones/Huntington and the David Jones arguments make the assumption that the middle class can be treated as an homogenous entity. I believe that this is a false assumption. The erroneous nature of this assumption can be demonstrated by examining any country in transition from an authoritarian to a democratic regime. In so far as there exist middle class activists determined

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[32] Jones, David M. "Asia's Rising Middle Class: Not a Force for Change", in *The National Interest*. No 38 Winter 1994/95. p 48

[33] One of the reasons cited by Huntington for states to shift from being democratic to authoritarian is "the determination of conservative middle- and upper class groups to exclude popularist and leftist movements and lower-class groups from political power." Huntington, Samuel. 1991. p 291

to reform the system there exist sectoral groups whose interests lie with the state. In the case of Hong Kong, proof for the existence of a heterogenous middle class with differing political alliances will be provided in Section Three, Chapter Eight, and in Section Four.

Having outlined the theory of what is supposed to occur in a modernising state, the theory must now be applied to Hong Kong. The following section examines the impact of modernisation on Hong Kong. To reinforce what has previously been stated, my purpose is to provide an overarching framework of analysis for the following chapters.

Hong Kong's Modernisation

Using the modernisation model outlined in the previous section as a basis for analysis, it will now be applied to Hong Kong. The underlying premise of this section is that Hong Kong is a society stratified primarily along class lines.[34] In order to demonstrate this, the following analysis will be divided into three sections. The first will focus on the economic and industrial changes that have taken place in Hong Kong. The second will take those changes and then link

[34] Where I discuss the concept of class it is important to note that it is being discussed in terms of objective indicators, as opposed to subjective or behavioural indicators. Moreover, the term "class" should not, in the case of this dissertation, be linked to Marxian or neo-Marxian discourse. It is simply being used to describe a particular form of a socio-economic framework and its impact upon the political system of Hong Kong.

them to social developments that have taken place. The final section will then use the data presented in the first two sections to describe and analyse the Hong Kong class structure.

Economic and Industrial Changes

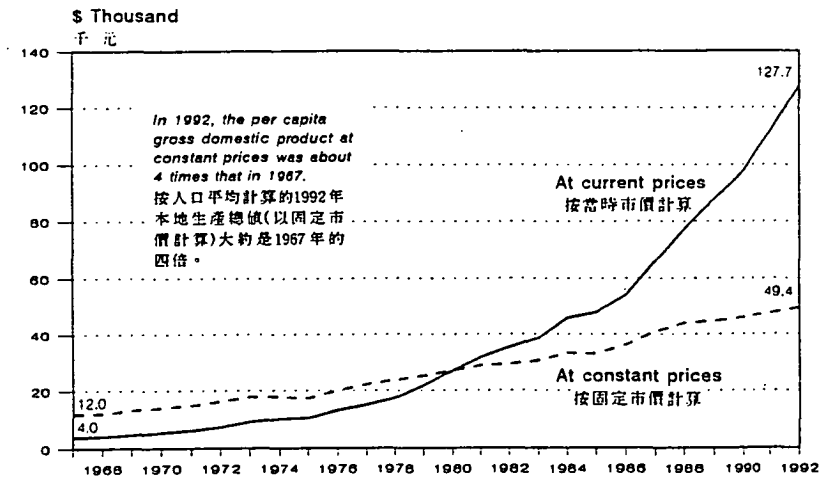
Hong Kong's development since 1945 shows a close inter-relationship between socio-economic change and political reforms. The rapid rise in per capita GNP as a result of Hong Kong's industrialising economy (mainly due to changes in its industrial policies) provided the framework for social change conducive to liberal political reforms.

Following the close of the Second World War and the end of Japanese occupation, Hong Kong's economy remained unstable and recessionary with the ongoing Chinese civil war creating social and political turmoil across the border. This was further compounded by the massive waves of refugees fleeing China and the need for the Hong Kong administration to house and feed them. Indeed, by the end of the 1940s, Hong Kong's population had increased by over 1.7 million persons over the pre-war period.[35]

[35] Menski, Werner, ed. 1995. *Coping with 1997: The reaction of the Hong Kong people to the transfer of power*. Trentham Books, London. p 25

However, once the period of instability had passed (largely by 1952/3), the Hong Kong economy made a rapid recovery. Over the period 1966-76, Hong Kong's real Gross Domestic Product (GDP) rose by nearly 8 percent annually, or 6 percent in GDP per capita. According to Turner et al "the last figure was around twice the mean of all the world economies' progress for the period."[36] The high (6 percent) rate of GDP per capita was further sustained during the 1981-1986 period.[37] The changes in per capita GDP for the period 1967-1992 is presented in the following chart.[38]

CHART 2.1 **Per capita gross domestic product at current market prices and constant (1980) market prices**
按當時市價及按固定(1980年)市價計算的人口平均本地生產總值



An alternative picture of the development of the Hong Kong economy can be seen, for the period 1971-1993, from an examination of the changes in per capita

[36] Turner, H.A;Fosh, Patricia and Ng Sek-hong. 1991. *Between Two Societies: Hong Kong Labour in Transition*. Centre of Asian Studies, University of Hong Kong, Hong Kong. p 12
[37] The GDP data in this paragraph are taken from: Turner, H.A et al. 1991. p 12
[38] The source for the following chart is: *Hong Kong - 25 Years' Development: Presented in Statistical Data and Graphics (1967-1992)*. Census and Statistics Department, Hong Kong. p 14

Gross National Product (GNP). The rapid economic changes are highlighted when compared with the changes in the population.[39]

Accompanying the rapid economic development was a transformation in the overall economic structure. Two related indications of this are the decline in the agricultural sector and the increase in urbanisation. Although Hong Kong's agricultural sector has never been large (in relation to, for instance, the commercial sectors), it has been in decline since the beginning of the post-war industrialisation period. This was due to a number of factors, but primarily to the need for appropriate land (flat not hilly terrain) for industry to build on. During the period 1976-1990 cultivated land dropped by 47.6 percent, meaning only 3.5 percent of land was being used for farming.[40] At the same time as agriculture was in decline the need for towns to house the growing population and its related industrial infrastructure increased. This is reflected in the growth in overall urban population. During the period 1973-1993 the urban space increased from 88.9 percent to 94.6 percent.[41]

The decrease in agrarian land and the increase in urban space are important indicators of structural change in the economy. Equally important are the

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[39] For this data see the following tables: "Hong Kong", in *World Tables 1993 and 1995*. 1993 and 1995. published for the World Bank. Johns Hopkins University Press, Baltimore and London. pp 308-309 (1993) and 340-341 (1995).

[40] Davies, Stephen and Roberts, Elfred. 1990. *Political Dictionary for Hong Kong*. Macmillan Publishers, Hong Kong. p 5

[41] Source: "Hongkong", in *World Tables 1995*. 1995. published for the World Bank. Johns Hopkins University Press, Baltimore and London. pp 342-343

changes in the industrial sector. In particular, the transformation from a high labour to low labour workforce, primarily as a result of the shift from a low technological basis to an advanced technological basis. The increased shift towards the global, as opposed to domestic, marketplace, was also an important factor.

Industrial Development

Hong Kong was established to provide a base from which European (particularly British) and American trading houses could conduct trade with China. As such, the territory has always been devoted to entrepôt trading and the transhipment of goods.[42] Modern industrial development in Hong Kong, which can be grouped into five phases, started shortly after the First World War.

The first phase, from the colony's inception until the onset of the Second World War, but particularly from the period 1919-1949, was characterised by the development of Hong Kong as a major entrepôt and transhipment centre and

[42] The definition of and distinction between trans-shipped trade and entrepôt trade is, "Trans-shipment means that goods are consigned directly from the exporting country to a buyer in the importing country...Trans-shipped goods are not regarded as part of the trade of the entrepôt and they do not clear customs because they represent goods in transit and are not imported into the entrepôt. Unlike trans-shipment, entrepôt trade is indirect trade, as imports for re-export are consigned to a buyer in the entrepôt and the buyer takes legal possession of the goods after clearing customs." source: Sung, Yun-wing. 1991. *The China-Hong Kong Connection: The Key the China's Open-door Policy*. Cambridge University Press, Cambridge. p 15

the development of a basic secondary products sector (utilising high levels of labour) primarily for export to China.[43] An indication of the success of Hong Kong's entrepôt trade can be seen in the trade figures with China. At the onset of World War Two, 37 percent of Hong Kong's imports came from China and 40 percent of Hong Kong's exports went to China. Of these, entrepôt trade accounted for 80 percent of the Chinese imports and 90 percent of the Chinese exports.[44]

The impetus for the second stage's (1949-1970) came from the massive waves of refugees from China fleeing the Chinese civil war. Accompanying these refugees were a large number of industrialists, mainly from Shanghai, who brought with them the resources and knowledge to develop a precision secondary industrial sector. According to one estimate "as much as US$50 million of Chinese wealth had taken refuge in Hong Kong from China and that 228 Shanghai concerns had shifted their registration to Hong Kong."[45] This influx of wealth combined with a large pool of surplus labour (unemployment in 1950 was estimated to be as high as 25 per cent).[46] This, coupled with the closure of the Chinese border, forced the local economy to turn inwards and provided all the conditions for development of domestically-oriented labour

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[43] Hsueh Tien-tung. "Hong Kong's model of economic development", *Hong Kong: Economic, Social and Political studies in Development*. 1979. Chap. 1 pp 22-23
[44] Sung, Yun-wing. 1991. *The China-Hong Kong Connection*. p 21
[45] England, Joe and Rear, John. 1975. *Chinese Labour under British Rule*. Oxford University Press, Hong Kong. p 25
[46] Ibid. p 29

intensive industry.[47] The closure of the Chinese border had the added effect of cutting off "the entrepôt trade of Hong Kong. Industry became the lifeline of the economy."[48]

Evidence of these developments can be seen in Census statistics for both industrial undertakings/employees and the unemployment data. In the period 1951-1969 Industrial undertakings rose from 1,788 to 12,763 and their employees from 93,837 to 523,945.[49] Within ten years the unemployment dropped from an estimated 25 per cent in 1951 to "a mere 1.7 per cent." by 1961.[50] The focus for these undertakings were high labour, low skill industries such as textiles and furniture. As Chan has noted:

> Textile and clothing emerged as the dominant industries for Hongkong. Other rapidly growing industries during this period were metal products, electrical apparatus and appliances, furniture....Most of the products turned out by these industries were labour intensive and of lower quality.[51]

Indeed, by the beginning of the 1970s the secondary sector had expanded to encompass 42.8 percent of Hong Kong's population.[52]

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[47] The Chinese border was closed in 1953 as a result of China's involvement in the Korean war. However, subsequent anecdotal evidence, from both Chinese and Hong Kong officials, suggests that the closure of the border only forced the China trade underground and created a boom in the grey and black economies.

[48] Chau, L.C. "Economic Growth and Income Distribution in Hong Kong", in Leung, Benjamin and Wong, Teresa eds. 1994. *25 Years of Social and Economic Development in Hong Kong*. University of Hong Kong Press, Hong Kong. p 494

[49] England , Joe and Rear, John. 1975. p 25

[50] Ibid. p 29

[51] Chan, L.C. "Economic Growth and Income Distribution in Hong Kong". p 494

[52] England, Joe and Rear, John. 1975. p 25

The third phase of Hong Kong's development, 1970-1982, arose from external pressures that were being placed on the territory. During this period Hong Kong was "facing the difficult situation of import quotas, restrictions, and high tariffs on clothing and textile products from the importing countries on the one hand, and strong competition" in the form of lower wage rates from the other three NICs, on the other hand.[53] These pressures combined to force Hong Kong industry to move, at least partly, away from its traditional base of low cost - high labour products "to develop higher quality, more skilful and sophisticated, products."[54]

The late-1970s to mid-1980s saw a new wave of development occur in the territory. The engine of this growth was the relaxation of China's foreign investment and trade laws which were eventually encapsulated in the 1982 Open Door policy - specifically designed to actively encourage foreign investment. This effectively promoted the resumption of entrepôt trade between Hong Kong and China.[55] As Rosario has noted "since 1978, Hongkong's domestic exports and reexports to China [grew] more than 100 fold - from HK$81 million to HK$11.3 billion at the end of 1984, and from

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[53] Hsueh Tien-tung. 1979. p 23
[54] Ibid. p 23
[55] Sit, Victor. "Industrial Transformation of Hong Kong", in Kwok, Reginald. and So, Alvin eds. 1995. *The Hong Kong-Guangdong Link: Partnership in Flux.* ME Sharpe, New York. p 172

HK$214 million to HK$28 billion respectively. At the same time, imports grew nearly six fold, from $HK10.5 billion to HK$55.75 billion."[56]

The large-scale investment by Hong Kong industrialists was particularly directed towards southern China and the four Special Economic Zones of Shenzhen, Zhuhai, Shantou and Xiamen.[57] One of the main impetuses for this investment was the lower costs of both rent and labour. In the case of Shenzhen's comparative costs this is demonstrated in the following table.[58]

TABLE 2.1

Comparative Cost for Factory Operation

Country/Region	Monthly wage for unskilled worker (U.S.$)	Monthly industry rental HK$/sq.ft
Hong Kong	412	8
Shenzhen	75	0.8–1.5
Thailand	90	1
Malaysia	110	2
Indonesia	60	2

The lower labour-related costs helped Hong Kong maintain its level of investment in the textile and manufacturing sectors. In addition to lower labour costs the pool of skilled and semi-skilled workers available across the border offered comparative advantages in the form of lower levels of unionisation and less stringent health and safety regulations that Hong Kong

[56] do Rosario, Louise. "The Door Opens Wide", *Far Eastern Economic Review*. 28 February 1985 p 96
[57] An excellent overview of the development of the Special Economic Zones and Beijing's view of their relationship with Hong Kong is contained in: Liang, Yu-ying. "Hong Kong's Role in Communist China's Coastal Economic Development Strategy", *Issues and Studies*. Vol. 24 no. 9, September 1988. pp 120-136
[58] Sit, Victor. "Industrial Transformation of Hong Kong", in Kwok, R. and So, A eds. 1995. p 174

industrialists were able to exploit. Hence, at a time when Hong Kong was being forced by external pressures to develop its industry away from low cost high labour industries, its investments in China enabled it to continue to hold its market share and at the same time move into the high cost skilled labour industries within the territory.[59]

By the late 1980s this relationship had matured to the point where reciprocal investment from China in Hong Kong was reaching significant levels. Although, for example, between 1977 and 1980 China invested an estimated HK$10 billion in property development in Hong Kong,[60] by the end of the decade mainland Chinese investment had exceeded US$10 billion.[61] By the mid-1990s this bilateral relationship had grown to the point where the economies of mainland China and Hong Kong had become even more closely integrated.[62]

The late 1980s and 1990s has also seen a shift in the composition of the economy with greater emphasis being placed on the developing tertiary or services sector. This was possible (partly) due to the structural transformation

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[59] A good summary of the development of the economic ties between Hong Kong and China is contained in: Hsien Tieh-tung and Woo Tun-oy. "The Development of the Hong Kong-China Economic Relationship", in Leung, Benjamin and Wong, Teresa eds. 1994. pp 689-727

[60] Yu Teh-pei. "An analysis of Economic ties linking Hong Kong, PRC and ROC -With special reference to trade.", *Issues and Studies*. Vol 22 No.6 June 1988 pp 150-151

[61] "Investing Incognito", *Far Eastern Economic Review*. 23 June 1988 p 64.

[62] An account of this closer integration is examined in: "The Chinese Takeover of Hong Kong Inc", in *The Economist*. May 7th, 1994. pp 27-28

of the economic and commercial sectors. As the high labour industries moved "offshore" to China, the remaining pool of skilled workers was able to be redirected towards professionally-based sectors (for instance, finance and trading), enabling these sectors to expand or to be retrained in those manufacturing enterprises that were still based in Hong Kong, allowing these activities to move more up-market.[63] However, it was also due to the maturation of the socio-economic infrastructure. As more people were educated to a higher level, being qualified to undertake professional occupations and, as a result, achieve higher earnings as well as a greater integration into the international economic community, it was natural that financial, trading, and shipping activities would play increasingly important roles.[64]

Socio-Economic Changes

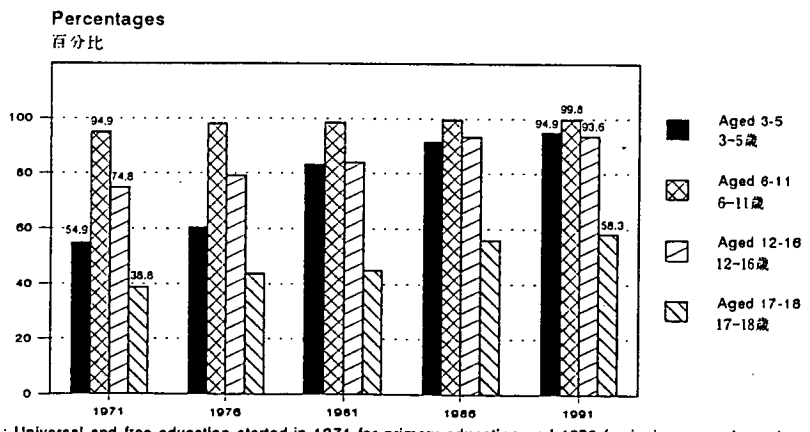
The transformation of the economy, particularly the industrial sector, brought with it structural changes to Hong Kong society. Indicators of these changes include: more comprehensive education with a greater local catchment, declines in fertility and mortality rates coupled with an increase in life

[63] See: Wong, Teresa. "Hong Kong's Manufacturing Industries: Transformations and Prospects", in Leung, Benjamin and Wong, Teresa eds. 1994. p 535
[64] For a discussion on the final point see: Wong, Teresa. "Hong Kong's Manufacturing Industries: Transformations and Prospects", in Leung, Benjamin and Wong, Teresa eds. 1994. p 556

expectancy, as well as broad increases to the general material standard of living.

Improvements in the education sector began in 1961 when government policy changed to allow for six years of primary education and six years of secondary education for fifteen percent of those who completed primary school.[65] This was changed when, in 1971, universal and free education was introduced for primary schools. This was extended to secondary schools in 1978. Furthermore, compulsory education for children aged six to eleven was introduced in 1971, which was extended to children aged 13 in 1979 and to those aged 14 in 1980.[66] The successful nature of these policy changes (in terms of the delivery of education to the local population), for the period 1971-1991, can be seen in the following chart.

CHART 2.2 **School attendance rates by age**
按年齡劃分的就學比率



Notes : Universal and free education started in 1971 for primary education and 1978 for junior secondary education. Compulsory education for children aged 6 to 11 started in 1971. This was extended to the age of 13 in 1979 and to the age of 14 in 1980.

[65] United Nations. 1974. *The Demographic Situation in Hong Kong*. ESCAP Country Monograph Series No.1, Economic and Social Commission for Asia and the Pacific. Bangkok, Thailand. p 118.
[66] *Hong Kong - 25 Years' Development: Presented in Statistical Data and Graphics (1967-1992)*. Census and Statistics Department, Hong Kong. p 42.

Complementing the developments in the primary and secondary sectors was a series of changes to the tertiary sector, designed to allow greater access to tertiary education in the territory. Prior to the 1960s there was only one tertiary (degree awarding) institution, the University of Hong Kong (UHK), in the territory.[67] Moreover, the medium of instruction was (and still is) English. These two factors combined to create an elite institution. Not only elite in the sense that it was a university and, hence, intellectually elite, but also (and far more importantly) elite in the sense that it was the only university in the territory and that the use of English as the teaching medium disenfranchised students who were academically able but not linguistically proficient.

However, from 1963 to 1991 seven other tertiary institutions opened. In 1963 the Chinese University of Hong Kong was established. This broadened the access of students to tertiary study for two main reasons. Firstly, it provided an alternative to UHK. Secondly, the medium of instruction was either English or Chinese (Mandarin or Cantonese), allowing pupils who were not proficient in English to pursue a university education. The Hong Kong Polytechnic was established in 1972 and was upgraded to university status in the late-1980s. The Hong Kong Baptist College was established in 1956, and since 1986 has awarded tertiary degrees. In 1993 it also became a university. The City

[67] I make the distinction of degree awarding body so as to separate UHK from the Hong Kong Baptist College (hereafter Baptist College) which was founded in 1956 but was not able to award degrees. See: *Hong Kong 1994*. Government Printers, Hong Kong. p 150

Polytechnic was created in 1984 and then upgraded to a university in 1989. The newest university, the Hong Kong University of Science and Technology, opened in 1991. The Opening Learning Institute of Hong Kong (established 1989) and Lingnan College (established 1967 but brought under the aegis of the University Grants Council (UGC) in 1991) also provide degree programs.[68]

This move away from a narrow, elitist tertiary sector to a greater, populist sector aided the development of a large professional class in the territory.[69] Furthermore, the changes to the education sector helped to create a more educated workforce. As noted in the 1991 Hong Kong Census:

> Educational attainment of the working population continued to improve in the past ten years [1981-1991]. The proportion of the working population who had no schooling decreased from 11% in 181 to 6% in 1991. The proportion of those having secondary/matriculation education, however, increased from 45% in 1981 to 57% in 1991, and that those having tertiary education, from 8% to 14% in the same period. Analysed by sex, the improvement in educational attainment for females in the labour force was more remarkable than that for males."[70]

A more indepth analysis of this change in workplace education levels is presented in the following table.[71]

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[68] *Hong Kong 1995*. Government Printers, Hong Kong. pp 172-173

[69] The key element in the creation of a professional class is a pool of tertiary-educated workers.

[70] *Hong Kong 1991 Population Census: Main Report*. Census Planning Section, Census and Statistics Department, Hong Kong. p 81.

[71] The source for the following table is: Ibid. p 92

TABLE 2.2
Working Population by Educational Attainment and Sex, 1981, 1986 and 1991

Year and Educational Attainment	*Male*	*Female*	*Both sexes*	
	%	*%*	*Number*	*%*
1981				
No schooling/Kindergarten	6.6	18.2	256 718	10.7
Primary	39.0	32.5	883 923	36.9
Lower secondary	21.4	15.0	460 320	19.1
Upper secondary	21.1	23.7	529 741	22.0
Matriculation	3.5	3.7	85 173	3.5
Tertiary: Non-degree courses	3.6	4.3	92 112	3.8
Degree courses	4.8	2.6	96 080	4.0
Total	100.0	100.0	2 404 067	100.0
1986				
No schooling/Kindergarten	5.3	12.8	214 516	8.1
Primary	31.3	25.7	771 123	29.2
Lower secondary	23.1	14.7	527 760	20.0
Upper secondary	24.5	30.6	709 097	26.8
Matriculation	4.5	5.5	128 317	4.9
Tertiary: Non-degree courses	5.2	6.6	151 494	5.7
Degree courses	6.1	4.1	140 966	5.3
Total	100.0	100.0	2 643 273	100.0
1991				
No schooling/Kindergarten	4.4	7.6	152 714	5.6
Primary	25.1	19.4	622 066	22.9
Lower secondary	24.7	15.2	572 071	21.1
Upper secondary	26.7	36.7	830 817	30.6
Matriculation	5.0	6.8	153 905	5.7
Tertiary: Non-degree courses	6.1	7.7	181 362	6.7
Degree courses	8.0	6.6	202 168	7.4
Total	100.0	100.0	2 715 103	100.0

The changes in the standard of living also changed the living conditions of the territory's citizens, with an increase in the life expectancy of both sexes as well as a decline in the fertility rate. The positive changes in the standard of living, coupled with widespread health education programs has led to a marked increase in the life expectancy for Hong Kong's citizens. Whereas in 1971 the average life expectancy was 68 years for males and 75 years for females by 1991 this had improved to 75 years and 81 years respectively.[72] The increase in life expectancy has been accompanied by a low crude death rate (CDR) of five percent for the last twenty years. This would have been lower, but as Hong Kong's population ages, there are higher rates of mortality amongst the older age cohort, thereby preventing any further drop in the CDR.[73]

Fertility has been declining in Hong Kong since the 1970s. "The crude birth rate dropped heavily from 19.7 per 1000 population in 1971 to 12.0 in 1991, despite a relatively large increase in the number of women of child bearing age of 15-49. This is indicative of the momentum of the fertility decline in the last twenty years."[74] Choi and Chan identify four factors that are associated with industrialisation that have directly led to a decline in fertility. These factors are: 1) a rise in the participation rate of females in the workplace; 2)

[72] Ibid. p 27
[73] Ibid. p 27
[74] Ibid. p 26

urbanisation and overcrowdedness; 3) a rise in the education standard of the population and 4) an eagerness for pecuniary rewards.[75]

These four factors combine, in a variety of ways, to produce indirect or secondary results that lead to declining fertility rates.[76] One example of these secondary results is the rising age of the first marriage. The "rise in the education level coupled with the increasing job opportunities have imparted upon most of the adolescent girls not only the right to decide their own marriages but a sense of responsibility to support their own families."[77] Another example of a secondary result is the interaction between labour shortage and the development of equalitarianism. The labour shortage (a result of female participation in the workforce) and equalitarianism (a result of the increase in levels of female education and economic independency) "coupled with labour scarcity have operated in such a way as to generate a negative attitude towards child bearing."[78]

The increase in life expectancy in conjunction with a lowering of the crude death rate has, in turn, led to an aging population.[79] Furthermore, due to

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[75] Choi, C.Y. and Chan, K.C. 1973. *The Impact of Industrialisation on Fertility in Hong Kong: A Demographic, Social and Economic Analysis.* Social Research Centre. The Chinese University of Hong Kong. pp 132-133

[76] Choi and Chan's term for factors that lead to a direct decline in fertility is Primary Variables and, for indirect factors, secondary variables.

[77] Choi, C.Y. and Chan, K.C. 1973. p 133

[78] Ibid. p 134

[79] 65 and over will be taken to constitute an "old" or "aged" person.

increased migration and birth rates in the 1940s and 1960s, the aged currently have a faster rate of growth than any other sector of the population.[80]

This has serious ramifications for future economic growth in the territory. As the population ages, they will require additional funding to be diverted to them so as to be able to meet their needs (for example, increased health care). However, as more of the population ages there will be less of a population in the other age groups who will be able to generate income to support them. (see Table below) This will force a contraction of both the public and private sectors. Indeed it is plausible that the diversion of state funding to welfare needs (for example, the Old Age Pension Scheme) will cause a contraction in the economy. This contraction would have the flow-on effect of making jobs harder to find, resulting in a lessening of mobility and a greater closure of socio-economic groups.[81]

The rapid rise in the economic standard of living is also represented in the broad-based rise of the material standard of living. By the 1990s most families had use of modern utilities such as; television sets, cars, telephones. Moreover, the high levels of disposable income were translated into overseas travel and attending cultural demonstrations (films, plays, concerts, ballet and museum

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[80] See: Mok, Henry T.K. "Elderly in Need of Care and Financial Support", in McMillen, Donald and Man Si-wai eds. 1994. *The Other Hong Kong Report*. The Chinese University Press, Hong Kong. p 317.
[81] For the data to support this claim see: Ibid. pp 318-319

exhibitions).[82] Furthermore, for 5.1 percent of the population the higher standard of living gave the ability to hire domestic helpers, either on a part-time or full-time basis.[83]

From the evidence presented above, it is possible to conclude that the effects of Hong Kong's period of post-war industrialisation were not strictly limited to the economic sectors, but also altered the territory's social structure. This structural alteration was an ongoing process; continuing and increasing over time. In particular, at the nexus between the economy and the society, a greater range of opportunities were created with the development of a professional middle class. It is the development of the territory's class structure that will now be examined.

Class Formation and Transformation in Hong Kong

As a colony, Hong Kong has always been a stratified society. However, as a colonial polity Hong Kong differed from the other NICs in that there was an external racial element overlaying the stratification. This meant that an expatriate elite were situated at the apex of (and thus initially controlled) the

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[82] *Hong Kong - 25 Years' Development: Presented in Statistical Data and Graphics (1967-1992).* Chart 8.8 (p 31), Chart 16.3 a, b and c (pp. 57-58) and see also: *Hong Kong Statistics 1947-1967.* 1969. Census and Statistics Department, Hong Kong . Table 7.13, p 131

[83] *Hong Kong - 25 Years' Development: Presented in Statistical Data and Graphics (1967-1992).* Chart 16.1 (p 56).

social, economic and political hierarchies. As such, the colonial model of stratification closely resembles the caste model in that the different strata are largely closed to vertical intrusion. It was only once the focus on entrepôt trade ended, to be replaced by industrial-led development, that Hong Kong moved away from a closed-class to an open-class model of stratification, with new classes forming and a high degree of mobility between the strata.

Within its colonial context Hong Kong had three main classes located by their relationship to the colonial structure. The dominant group (in terms of power relations) were the colonial authorities and expatriate members, followed by the compradors and local elites (who performed a middleman role) and, then, in general, the remainder of the local population. With the growth of industrialisation, those who were from the comprador and local elite classes (which often experienced substantial overlap) entered into a power-sharing relationship with the colonial class in order to provide the colonial authorities with a measure of legitimacy. However, in terms of political power, and given the entrenched political nature of the expatriate elite, the local population was, by default, more directed towards the economic and commercial sectors.

This situation was by no means exclusive to Hong Kong. In Taiwan, following the arrival of the Kuomintang, a similar system was entrenched, where the mainlanders (with a few local exceptions) controlled the political sector,

leaving the economic and commercial sectors to the local Taiwanese. As Tien has stated:

> Economic power shows a more symmetrical distribution along ethnic lines than political power. Many more Taiwanese than mainlanders engage in small business, though the precise figure is unavailable....Of the 2,699 leading entrepreneurs listed in the 1979-1980 edition of Who's Who in Taiwan business....806, or 30 percent, are mainlanders, whereas 1,893, or 70 percent are Taiwanese. A 1978 survey of 100 business groups revealed that 78 percent of the chairmen of the board were Taiwanese.[84]

Indeed, in the early years of industrialisation, the ethnic division of the colonial population was greater than the class divisions created by industrialisation, as ethnicity determined who was given access and who was denied access to power. For the majority of the local population this relegation to second class political status was, of itself, not enough to ferment discontent against the colonial regime. In the literature on Hong Kong there are two primary interpretations given for this acquiescence. The first (examined by Leung) is the widespread concept of the "refugee mentality", where the local population, with a sizeable immigrant component, is loath the "rock the boat" and demand concessions from the ruling regime.[85] The second interpretation is provided by Lau Siu-kai, who postulated that Hong Kong society could be classed as a "minimally-integrated socio-political system". In this system the "general

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[84] Tien Hung-mao. 1989. *The Great Transition: Political and Social Change In The Republic Of China.* Hoover Institution Press, Stanford. p 38

[85] This argument is examined in: Leung, Benjamin. "'Class' and 'Class Formation' in Hong Kong Studies", in Lau Siu-kai, Wan Po-san, Lee Ming-kwan and Wong Siu-lin eds. 1994. *Inequalities and Development: Social Stratification in Chinese Societies.* Hong Kong Institute of Asia-Pacific Studies, Chinese University of Hong Kong Press, Hong Kong. p 54

political apathy of the Chinese people, which can be traced to their political culture, precludes any serious effort at acquiring political power and dominating the political arena."[86]

Both of these interpretations are, however, flawed. In the first case, despite being largely comprised of immigrants from the Chinese mainland, the local Chinese population has, periodically, engaged in activities that can only be described as "political". Examples of such activity include: the local Chinese actions surrounding the 1911 revolution and the 1925 Strike-Boycott.[87] In the second case it is hard to find a better example of a politicised culture than China. The period from the early eighteenth century until the early 1990s is marked by incessant political turmoil, which often resonated in the territory. In the case of post-war Hong Kong, the relegation of the local population to a second-class political status was increasingly difficult to sustain as the territory's socio-economic conditions improved and more of the local population became aware of the disadvantage of being excluded from the political processes.[88]

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[86] Lau, Siu-kai. 1982. *Society and Politics in Hong Kong*. Chinese University Press, Hong Kong. p 160
[87] Detailed examinations of these two events is contained in: Chan Lau Kit-ching. 1990. *China, Britain and Hong Kong: 1895-1945*. Chinese University Press, Hong Kong. Chapters 2 and 3. This is also dealt with in greater detail in Chapter Eight.
[88] This is more fully examined in Chapters 8-10.

The ethnic cleavage in Taiwan also helped create a similar set of developments. As Rigger states:

> In Taiwan, ethnic and political domination reinforced one another, so those outside the favoured community found themselves consistently relegated to second-class status. For many Taiwanese, this state of affairs was not enough to propel them into political opposition. They were satisfied with the niches permitted to the Taiwanese - agriculture, business, local politics. But the opposition did attract those Taiwanese who could not ignore the denial in practice of political rights guaranteed by the ROC constitution or who felt acutely the sensation of permanent ethnic disadvantage.[89]

As Hong Kong's rapid industrialisation began, the transition to a capitalist economy changed the socio-economic hierarchy in the territory, redefining the traditional colonial class structure to take into account economic imperatives. In all, there can be said to be four classes in industrialised Hong Kong. At the apex is the elite class, which may be divided into expatriate and local (further categorised by economic elites and political elites) as well as the quasi-autonomous bureaucratic elite.[90] Immediately underneath these elites is the middle class, which can be further subdivided into an "old" middle class and the "new" middle class (see below). Following the middle class is the working class, broadly defined as "blue collar" workers. It is possible to state that below the working class there is another, socially and economically poorer

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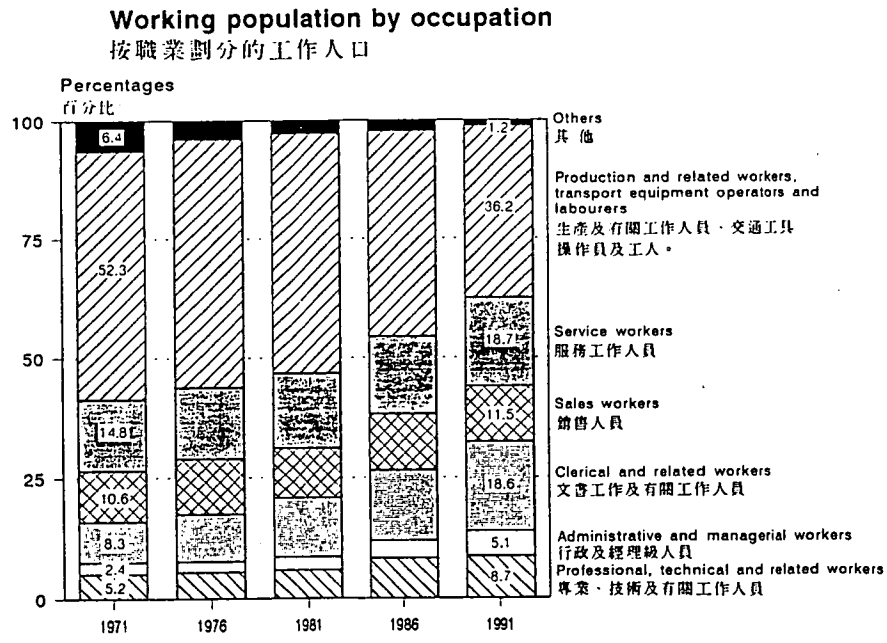
[89] Rigger, Shelley. "Mobilisation authoritarianism and political opposition in Taiwan", in Rodan, Gary ed. 1996. *Political Oppositions in Industrialising Asia*. Routledge, London. p 311

[90] I define the bureaucracy as quasi-autonomous because even though it was structured to provide impartial advice and enact policy equitably, the Hong Kong bureaucracy ultimately served colonial means and ends.

class. However, data on this class is scant and will not be used in this dissertation.

The changing nature of Hong Kong's socio-economic stratification (for the period 1971-1991) can be seen in the following table, which shows the changing nature of the Hong Kong workforce.[91]

CHART 2.3



That these workforce changes affected the class formation and class perceptions of the Hong Kong people is demonstrated in Wong's analysis of class perception by occupation.[92]

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[91] The source for the following chart is: *Hong Kong - 25 Years' Development: Presented in Statistical Data and Graphics (1967-1992)*. Chart 2.6 (p. 10).

[92] The source for the following table is: Wong, Thomas. "Inequality, Stratification and Mobility", in Lau Siu-kai, Lee Ming-kwan, Wan Po-san and Wong Siu-lin eds. 1991. *Indicators of Social Development: Hong Kong 1988*. Chinese University of Hong Kong, Hong Kong. p 151.

TABLE 2.3 Distribution of Occupation* by Self-Assigned Class Membership (%)

	Self-Assigned Class Membership				
	Capitalist	Middle	Working	Total	(N)
Prof/Tech	8	38	54	100	(63)
Admin/Managerial	17	48	35	100	(29)
Clerical	9	37	54	100	(35)
Sales	12	29	59	100	(17)
Service	3	21	76	100	(37)
Production	3	7	90	100	(97)

* After collapsing the occupational categories (see text), the distribution is like this:

	Self-Assigned Class - Working Class
Service Class I	44
Service Class II	68
Working Class	93

In particular, the first half of Wong's analysis is useful as the categories utilised match those presented in the earlier chart on the changing nature of the workforce. Moreover, the respondent's category numbers (N) also gives a sample profile of the class distribution for the old and new middle classes and for the working class; with 92 respondents fitting the occupational categories for the new middle class (professional/technical, administrative/managerial), 89 respondents falling into the old middle class category (Clerical, Sales, Service) and 97 respondents meeting the working class criteria (production workers). The concentration of middle class occupations parallels Wong's respondents' self-assigned social strata, placing the overwhelming majority of themselves into middle class categories.[93]

TABLE 2.4 Respondents' Self-Declared Social Stratum

Stratum	%
Upper	0
Upper-middle	4
Middle	36
Lower-middle	32
Lower	23
Don't know	5
Total	100
(N)	(408)

[93] The source for the following table is: Ibid. p 148

To a certain extent the formation of a socio-economic elite in Hong Kong was a legacy from the pre-World War Two period. Hong Kong's expatriate elite was characterised by a dominance of both the political and socio-economic hierarchies as well as a command of the bureaucratic institutions. The colony's post-war industrialisation allowed the local population to expand its influence, in the first instance, throughout the economic and commercial sectors. The transition period has seen an increased opportunity for popular involvement in the political processes, one which has been almost entirely dominated by the local population. Official post-war government policy also began the process of increasing local representation within the bureaucracy. This was accelerated throughout the transition period, especially at the Directorate and Secretary levels.[94]

At the elite level the growth in opportunities (particularly economic and commercial) fostered a corresponding class consciousness amongst the local elite. This process can be seen in the dichotomous nature of the local elite. On the one hand, elements of this elite owed their social and political (as well as economic) status to the colonial elite that had incorporated them into the political process. On the other hand, the other elements of this elite were popularly based. Hence, the basis of legitimacy for both elements was

[94] For an excellent book on the Hong Kong public service and impact of the transition period on localisation see: Scott, Ian and Burns, John P eds. 1988. *The Hong Kong Civil Service and Its Future.* Oxford University Press, Hong Kong. See also the earlier, companion work: Scott, Ian and Burns, John P. eds. 1984. *The Hong Kong Civil Service.* Oxford University Press, Hong Kong.

radically different. In terms of class affiliation this meant that the incorporated elite was more responsive to the expatriate and upper classes; whereas the non-incorporated elite derived its legitimacy from the middle and lower classes. The expansion during the transition period of political opportunities further increased the awareness of the class basis of the two local elites as they sought to mobilise indigenous support for their respective positions. The tensions during the transition period involved in having two different local elites, with diametrically opposing bases for support, is more explicitly examined in Chapters Nine and Ten.

It is necessary to note that a different viewpoint is indirectly put forward by Lau when he discusses the notion of political stability. In relation to his point, that conjoined elites are not necessary a recipe for socio-political stability, Lau groups the expatriate elite and the incorporated local elite together as an homogenous elite. Although, I would agree that this was, in a limited manner and on a case-specific basis, a possible interpretation during Hong Kong's pre-1984 development (see Chapter 8), I do not believe that it is properly applicable when examining transitional Hong Kong.[95]

The onset of industrialisation placed new demands on the intermediate or middle class. Leung cites Cheung who stated that,

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[95] See Lau Siu-kai. 1984. pp 15-16. As to why this was not the case for transitional Hong Kong see Chapters Nine and Ten.

> the middle class to be sympathetic to the welfare needs of the underclass; politically he [Cheung] sees them as playing the vanguard role in Hongkong's political reform. But their political endeavours are guided as much by ideals as by self-interests: they look forward to a greater share in government in which they have hitherto not had a significant role.[96]

Whereas before industrialisation this was largely an homogenous group, under the pressure of capitalist-led development it expanded and, in the process, split into two distinct groups (the old middle class and the new middle class). These two groups can be distinguished by their role in the workforce. Examples of such distinctions include (but are not limited to); professional or managerial workers such as those employed in financial and bureaucratic institutions (the new middle class) and those who are owner-operators of small scale agricultural or industrial enterprises (the old middle class).[97]

In Hong Kong the rapid industrialisation and concurrent socio-economic changes resulted in a growth of the new middle class in the territory.[98] A description of this class is provided by Cheung who states that the composition of this class is primarily "young and energetic, highly educated and cultured

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[96] Leung, Benjamin. "Class and Politics", in Leung, Benjamin and Wong, Teresa eds. 1994. pp 208-209

[97] For an excellent analysis of the old and new middle class, both in Hong Kong and the rest of East Asia, see: Robinson, Richard and Goodman, David eds. 1996. *The New Rich in Asia: Mobile phones, McDonalds and middle class revolution.* Routledge, London.

[98] For a good analysis of the role of the new middle class in Hong Kong see: Lo Shiu-hing. "Hong Kong: post-colonialism and political conflict", in Robinson, Richard and Goodman, David eds. 1996. Chapter 7

people, many of whom have professional qualifications...and occupy central positions in various occupational and professional institutions."[99]

In contrast to the new middle class, the old middle class tends to be older, less educated and more conservative. Primarily occupying what might be termed support roles to the new middle class and to the elite, but the old middle class are concerned with the maintenance of the status quo and so ally themselves to the latter. However, middle-ranking business and industry groups who have previously benefited from the policies of the administration and who need a continuance of the status quo can also be included in this class. Hence, socio-economic groups such as clerks, service workers and shop sales workers may all be placed in old middle class. In addition to these groups, those who are owners and operators of self-employed undertakings (for instance, industrial or agricultural businesses) are also members of the old middle class.[100]

The change from entrepôt trade to industrialisation also greatly expanded the industrial working class. As a result of this expansion, the impact of this class on the socio-economic framework of the polity has, likewise, increased.

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[99] Cheung, B. "The Rise of the New Middle Class and Its Political Influence", in Cheung B et al eds. 1988. *Class Analysis and Hong Kong*. Ching Man Press, Hong Kong. p 12 [in Chinese]. As cited in: Leung, Benjamin. "Class and Politics", in Leung, Benjamin and Wong, Teresa eds. 1994. p 208

[100] Lo Shiu-hing also discusses the role of the local bourgeoisie whose characteristics conform to what I have labelled the old middle class. See: Lo Shiu-hing. "Hong Kong: post-colonialism and political conflict", pp 167-173. Huntington also discusses the role played by conservative middle class elements (which is, essentially, the role of the old middle class) in reverse wave transitions. See: Huntington, Samuel. 1991. pp 290-921

Indeed, by the 1970s, the secondary sector (where the industrial workers are located), had grown to encompass half the total Hong Kong workforce.[101]

The increase in industrial workers and their importance to the wider economy did not, immediately, translate into a desire to achieve sustained political power. Although there is a long history in the colony of unionisation, most union-backed or-led campaigns have been devoted to improving the long term wages and conditions of workers as opposed to gaining institutional power or changing government policies.[102] Moreover, the factionalisation (along political lines) and sectoralisation of the union movement prevented any coherent class action.[103] However, the long union history ensured that the industrial workers were conscious of their class and were willing to take action along such lines.[104] It was only with the electoral changes of the transition period that unions were allowed direct access to the political agenda.

Although there is little available data on the socio-economic composition of the underclass in Hong Kong, certain observations can be made. The formation of an industrial underclass in Hong Kong is a result of the increased affluence in the territory combined with the structural changes made to the industrial

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[101] See : Ho Yin-ping. "Hong Kong's trade and Industry: Changing Patterns and Prospects", in Cheng, Joseph ed. 1986. *Hong Kong in Transition*. Oxford University Press, Hong Kong. p 173.
[102] Levin, David. and Chiu, Steven. "Hong Kong's Other Democracy: Industrial Relations and Industrial Democracy in Hong Kong", in Leung, Benjamin and Wong, Teresa eds. 1994. p 133
[103] England, Joe. and Rear, John. 1975. pp 86-87
[104] Examples of class-based action of the part of union members are contained in: Chan Lau Kit-ching. 1990. Chapter 4.

sector; that is, the rise in standards of living (particularly as seen in the increase in dual income households) created niches in the manual labour market which workers (frequently Asian expatriate) moved to occupy. For example, the increases in higher rates of pay as well as dual incomes, created a need (as well as the financial resources) for domestic help. By 1991/2 five percent of all households in Hong Kong employed some form of domestic help, which contained high levels of Filipino expatriates.[105] Filipino and Indian expatriates also form significant segments of menial workers in the service industry, for example, kitchen hands and waiters/waitresses in restaurants.

Class and Social Mobility

> Studies conducted in the last three decades in Hongkong have revealed that there is a consensual and firm conviction among Hongkong residents that Hongkong is a land of abundant opportunities and that these opportunities are allocated equally and fairly....It is also an oft-quoted statement that the socio-economic structure of Hongkong has undergone a process of liberalization in the last three decades. This can be signified by the substantial increase in opportunities for social mobility, more specifically upward mobility.[106]

Hong Kong's rate of social mobility is consistent with that found in Western industrialised societies. The high rate of mobility is due to the structure of the

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[105] *Hong Kong - 25 Years' Development: Presented in Statistical Data and Graphics (1967-1992).* Chart 16.1 p 56

[106] Tsang, Wing-kwong. "Consolidation of a Class Structure: Changes in the Class Structure of Hong Kong", in Lau Siu-kai, Wan Po-san, Lee Ming-kwan, Wong Siu-lin eds. 1994. p 73

Hong Kong workforce, in particular the high levels of demand for skilled and semi-skilled workers in the so-called boom industries (electronics, plastics, garments and toys) which make up the majority of the industrial sector. In addition, the lack of union controls over entry into workplaces aids labour mobility as sectors remain open to all potential employees.[107]

The high level of upward mobility in Hong Kong's labour force has been a major factor in the expansion of the middle class. This upward mobility can be seen as a direct result of rising incomes and education. In terms of class transition, rising income levels is of importance when considering upward mobility from the working class to the old middle class. However, in moving from the old middle class to the new middle class education becomes the key requisite.[108] Educational qualifications are also an important factor in diminishing downward mobility.[109] This is particularly the case in meritocratic societies such as Hong Kong and Taiwan. Extrapolating from this information,

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[107] Turner, H.A et al. 1980. *Last Colony: But Whose?* p 43

[108] This conclusion is drawn from: Ishida, Hiroshi; Muller, Walter; and Ridge, John. "Class Origin, Class Destination, and Education: A Cross National Study of Ten Industrial Nations", in *American Journal of Sociology*. Vol. 101, no.1. July 1995. University of Chicago Press, Illinois. pp 167-178. Although nine of the nations are European (no. 10 being Japan) as the article is dealing with the class changes from an industrialised perspective, I believe that their data can be also used for Hong Kong. In particular because of the broad applicability of class-based analysis. For example see: Wong, Thomas and Lui Tai-tok. 1992. *Reinstating Class: A Structural and Developmental Study of Hong Kong Society*. Social Sciences Research Centre, Occasional Paper 10. University of Hong Kong, Hong Kong.

[109] Ishida et al. 1995 . "Class Origin, Class Destination, and Education: A Cross National Study of Ten Industrial Nations", p 176. In the specific case of Hong Kong see: Tsang Wing-kwong. "Consolidation of a Class Structure: Changes in the Class Structure of Hong Kong", in Lau Siu-kai, Wan Po-san Lee Ming-kwan, Wong Siu-lun eds. 1994. pp 73-122

it can be said that both criteria (income and educational level) are necessary if one is attempting to move into the socio-economic elite.

A further result of upward mobility based on education is that, in the case of Hong Kong, it has led away from traditional notions of Chinese society (loosely based upon Confucian ideals) to a modern, capitalist-inspired ethos. Lau and Kuan state that educated Hong Kong citizens who were the recipients of social progress "were less traditional, in that they placed less emphasis on filial piety and kinship relations."[110] If this was indeed the case, then over a generational period it could be anticipated that there would be an expansion of capitalist ideologies. In the case of Hong Kong this would be strengthened by the elite ideology of the colony which had a strong Western (British) orientation. An example of this supposition in practice can be seen to be the emergence of new middle-class political actors who use Western political ideologies (in particular, liberal-democratic thought) as the basis for their activities in the political sphere (as shown in Chapters Eight, Nine and Ten).

Indeed, when examining class locations across two generations, Lau and Kuan found that when the respondents to their survey compared their current class to their parents' class "a subjective sense of upward mobility appears, which

[110] Lau, Siu-kai and Kuan, Hsin-chi. 1988. *The Ethos of the Hong Kong Chinese*. Chinese University Press, Hong Kong. p 162

might further mollify any feelings of class antagonism."[111] Lau and Kuan's findings are backed up by Wong, whose survey found that the children, again, saw themselves as occupying a higher position on the class hierarchy than that of their parents. In addition Wong found that the second generation (the children) was highly optimistic for the third generation (children's children)- with 62 percent of all respondents believing that their children's future socio-economic position would be better than theirs.[112]

However, this perception of a higher level of social mobility (relative to what has previously existed) will not necessarily eventuate. In their 1991 study on the changing nature of Hong Kong labour, Turner, Fosh and Hong noted that a further stratification, coupled with increasing segmentation, of the labour force may result in a decline in labour mobility. The pressures restricting workforce mobility include: changes in employment patterns, with a shift towards stable employment; a concurrent reduction in casual employment; inflationary effects; the use of educational levels in determining pay; and increasing unionism.[113] It is possible to state that should the mobility rate slow to a pace below that of people's perceptions, then the resultant social closure will clash with domestic expectations. People will begin to demand more from the state. As the

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[111] Ibid. p 66

[112] Wong, Thomas. "Inequality, Stratification and Mobility", in Lau Siu-kai, Lee Ming-kwan, Wan Po-san and Wong Siu-lin eds. 1991. p 168

[113] Turner, H.A., Fosh, P and Hong, N.S. 1991. *Between Two Societies: Hong Kong Labour in Transition.* Centre of Asian Studies, University of Hong Kong, Hong Kong. pp 45-46; Tsang Wing-kwong. "Consolidation of a Class Structure: Changes in the Class Structure of Hong Kong", in Lau Siu-kai, Lee Ming-kwan, Wan Po-san and Wong Siu-lin eds. 1991. p 74

theoretical framework indicated, such demands are likely to be articulated through pressure on the political processes.

Conclusion

In conclusion, it is possible to state that the development of post-war Hong Kong has proceeded along a path that can be placed within a modernisation framework. By the end of the era of British control over Hong Kong, the territory's socio-economic character has been transformed from a narrow, expatriate-elite controlled structure to a broad structure where there are greater opportunities for the more even distribution of economic, social and political resources.

The main impetus for this change has been the development away from an entrepôt-based economy to an industrialised economy. This development brought changes to Hong Kong's social and economic structures that can be characterised as capitalistic, similar to the capitalistic structures of Western countries. The highly complex nature of Hong Kong's industrial stratified society allows the resulting socio-economic class structure to continue to develop, ensuring fluid interaction between the different strata of Hong Kong society. However, evidence has been presented that indicates that the level to which the classes are open to either upward or downward mobility is no longer

as great as it was during the 1960s and 1970s.[114] As a result, Hong Kong people are turning away from the traditional structure of society, redefining themselves and the society in which they live.

This social and economic change altered the manner in which the Hong Kong nation-state functioned; in terms of its discrete units (the state and the nation) as well as an integrated entity. Moreover, the changes to the social and economic sectors combined with the changes to the nation-state created the preconditions for the development of a Hong Kong identity. This is the subject of the next section.

[114] Ibid (both sources contained in footnote 88)

Section 2

Development of the Hong Kong Nation-State and its Identity

Preamble

Hong Kong is a unique example of economic, social and political modernisation in the group of four Newly Industrialisation Countries. Whilst still remaining a colony, it successfully managed to transform itself from an authoritarian regime into a liberalised society in which democratic ideals were widely held. The basis of this transformation has been the development and unification of the Hong Kong state and Hong Kong nation, both separately and collectively.[1] Moreover, the Hong Kong nation-state has further developed a consciousness of itself and the ability to express that consciousness. It is the development of this local identity that is the focus for this section.

However, before the nation-state identity can be analysed it is first necessary to examine its two component elements; the state and the nation. This dissertation recognises that, as a colony, Hong Kong could not be a state in the all-encompassing manner which this term is applied to other states (for

[1] By "separately and collectively" I mean that the state and the nation have, in themselves, developed into a unified entity as well as between themselves; that is, as a nation-state.

example, Britain, France, Japan, China, etc.) Nevertheless, Hong Kong has evolved a quasi-state existence - not unlike that of Taiwan, Republic of China. Furthermore, the people of Hong Kong have developed a unity that can only be described as a nation. In both instances, the development has occurred over a long period of time. Although the development of both the Hong Kong quasi-state and the Hong Kong nation has become more focused in the post-1945 period; especially in the period 1984-1997.[2]

This section is divided into three chapters. The first and second chapters are an analysis of the Hong Kong state and the Hong Kong nation. These chapters will outline the emergence of the state and the nation, as well as demonstrate the characteristics of the Hong Kong state (Chapter Three) and the Hong Kong nation (Chapter Four). The third chapter in this section (Chapter Five) will draw upon the preceding two chapters (with the backdrop of Chapter Two) to clearly illustrate how the state and nation have become unified into a cohesive nation-state and how this nation-state developed and expressed its own consciousness. In other words, this chapter will examine how the Hong Kong identity has formed and by what avenues it is expressed.

[2] I find it cumbersome to continually refer to the Hong Kong state as a quasi-state. From this point on, where the terms state and nation-state are used, with reference to Hong Kong, it should be interpreted as quasi-state or nation-quasi-state.

The aim of this section is to clearly demonstrate the existence of a Hong Kong identity so that the first of Offe's levels with respect to the Hong Kong case can be established.

Chapter Three

The Hong Kong State

Introduction

The purpose of this chapter is to demonstrate the development and parameters of the Hong Kong state. In defining the Hong Kong state three approaches will be utilised. The first approach will examine Hong Kong as a colonial state. This analysis is designed to detail the limitations of the colony. The second approach will focus upon the status which the state and its representatives are accorded by other states and state representatives. The third approach will demonstrate the existence of the state on an internal level; that is, that the Hong Kong state is a state within the territory considered as Hong Kong. In each case it will be shown that, in Hong Kong, there has developed a regime which, to all daily intents and purposes, can be considered a state, both in the way in which it operates and is perceived at the international as well as at the domestic level.

Definition of a State

In beginning this chapter I offer a definition of a state so that the following analysis can be placed within a contextual relationship. A broad definition of the state is the body politic or the political community. In particular it is, the

"major locus of power and authority in every modern society."[115] Such a community has a number of characteristics:

> Firstly, it forms or shapes a fixed relationship between human beings together with their possessions, or in other words it creates a unity or society....Secondly, it presupposes an ordering potency or a form of rule, or a relationship of command between human beings. The unity or society the state achieves is hence coterminous though not necessary identical with a hierarchy. Finally, the activity that makes and upholds the state is always exclusive and particularistic, asserting itself in contrast to others who are not part of the community in question.[116]

This definition is consistent with Offe who, in examining the component elements of the first tier, confirmed the "exclusive and particularistic" nature of the identity, stating that "only those who enjoy citizenship rights are admitted to an active role" in the nation state.[117] Offe's commentary of the issues surrounding "nationhood, collective identity, and territorial boundaries" further defines a state/society identifiably separate from other such entities.[118]

The Hong Kong State

Of all the four NICs, Hong Kong least fits the model of Asian modernisation. In terms of economic, political and social development it has often taken a very

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[115] Goodwin, Barbara. 1987. *Using Political Ideas*, 2nd ed. John Wiley and Sons, Chichester. p 221
[116] Gellner, Ernest. 1983. *Nations and Nationalism*. Basil Blackwell, Oxford. pp 504-505
[117] Offe, Claus. "Capitalism by Democratic Design?", p 871
[118] Ibid p 871

different path to its three contemporaries. The main reason for this is, unlike the other three, Hong Kong is not an independent (*de jure*) state. It does, however, display many of the essential characteristics of a state. To properly define how Hong Kong fits the role of a modern state, a variety of factors need to be examined. These include: the role Hong Kong plays in the international arena (particularly regarding its status under international law as well as under international practice), the issue of territorial sovereignty (with special regard to the power structure in the territory in light of the retrocession), and the legitimation (granted to the state) by Hong Kong's citizens. However, before these factors can be examined, it is necessary to briefly outline the manner by which the colonial regime of Hong Kong operated.

Hong Kong as a Colonial State: Constitutional Limits and Possibilities

Hong Kong was never a "run of the mill" British colony. This can, in part, be traced to the three treaties that comprised the colony, whereby the territory was never fully under British sovereignty. In addition to this problem of divided sovereignty, the unique colonial situation that faced Hong Kong can also be seen to stem from the fact that it could never develop into an independent nation-state.[119] There are, in essence, three sets of documents that defined Hong Kong's colonial status. These are: (1) the *Colonial Laws Validity Act*, 1865;

[119] For a legal interpretation on the unique status of the Hong Kong colony see: Roberts-Wray, Sir Kenneth. 1966. *Commonwealth and Colonial Law*. Stevens and Sons, London. pp 26-27

(2) the *Letters Patent* and the *Royal Instructions*; and (3) the *Hong Kong Act 1985* and the *Hong Kong (Legislative Powers) Order* of 1986 and 1989.[120]

The *Colonial Laws Validity Act* of 1865 was a general colonial Act of the British parliament which allowed colonial legislatures greater freedom in enacting legislation.[121] In particular, section 3 of the Act gave the colonial legislatures the right to "alter the common law and equity" to suit local conditions.[122] In addition, section 4 stated that "no colonial law may be declared by the courts to be void and inoperative merely because it conflicts with any instructions issued by the Crown with reference to such law or subject thereof."[123] Section 5 of the Act opened the possibility for a legislature, with at least half of its members seated by elections, to have the power to alter its constitution.[124] Although, as Wesley-Smith has noted, in the case of Hong Kong and in practice this meant that the "*narrow* constitution, therefore, cannot be amended...but most of the *broad* constitution has no immunity from change by ordinance."[125]

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[120] I am taking for granted the existence of British common law as an overriding "set" of legal documents. My purpose in this section is to deal with the effects of these three "sets" of primary documents on Hong Kong's colonial status, rather than a detailed investigation of the common law code and its applicability in a colonial setting.
[121] For the full text of the Act see: Roberts-Wray, Sir Kenneth. 1966. pp 914-916
[122] Wesley-Smith, Peter. 1994. *Constitutional and Administrative Law in Hong Kong, 2nd ed.* Longman Asia Ltd, Hong Kong. pp 32-33.
[123] Miners, Norman. 1991. p 57
[124] Roberts-Wray, Sir Kenneth. 1966. p 915
[125] Wesley-Smith, Peter. 1994. p 204. italics in quote.

The *Letters Patent* and the *Royal Instructions* together formed the written constitution of Hong Kong. When read concurrently these documents gave the shape and substance to the colonial state. Of the two documents the *Letters Patent* was entrenched whereas the *Royal Instructions* was subsidiary. The *Letters Patent* set out the formal framework of the colonial state. For example, the creation of the office of Governor, the creation of the ExCo and LegCo as well as the ability to make laws.[126] The most recent amendment to the *Letters Patent* was on 20 May 1991 when a paragraph making the *International Convenant on Civil and Political Rights* of supreme consideration in the formulation of new laws or in the revision of existing laws was added.[127] The *Royal Instructions* provided the procedures and standards to the framework of the *Letters Patent*, for example, the manner by which the ExCo and LegCo will operate, the process needed to pass legislation and the process by which the LegCo should be dissolved.[128]

The *Hong Kong Act 1985* had two main sections.[129] The first section created the immigration category of British Nationals (Overseas) (BNO) and ensured that it would replace the pre-existing British Dependent Territory Citizen (BDTC) category. The second section handed to either the Queen or the Hong Kong

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[126] A copy of the *Letters Patent* is contained in: Miners, Norman. 1991. pp 248-253
[127] Ibid p 253
[128] These examples are cited from: Davies, Stephen and Roberts, Elfred. 1990. p 270
[129] There was a third section which, very briefly, dealt with the diplomatic status of the Chinese members of the Joint Liaison Group.

legislature the ability to amend or repeal any enacted law. However, as Wesley-Smith has noted "any implementation of these powers would result in the amendment of Section 2 of the Colonial Laws Validity Act 1865 [colonial law when void for repugnancy] in its application to Hong Kong."[130] The *Hong Kong (Legislative Powers) Order* 1986, amended 1989, conferred upon the Hong Kong legislature the ability to " (a) repeal or amend any enactment so far as it is part of Hong Kong law; (b) make laws having extra-territorial operation" in relation to civil aviation, merchant shipping and admiralty jurisdiction.[131] The 1989 amendment removed the explicit nature of the second clause allowing it to be more broadly defined as "(b) make laws having extra-territorial operation."[132]

From the examination of the preceding legislative documents, it has been shown how the Hong Kong colonial state has been defined; both in relation to other British colonies as well as in itself. It is important to note that as much as the *Letters Patent* and the *Royal Instructions* defined and limited the colonial state the *Hong Kong Act 1985* and the *Hong Kong (Legislative Powers) Order 1989* conferred upon it the ability to grow beyond its previous limits. If these documents are to be considered as the foundation of the Hong Kong state, it is

[130] Wesley-Smith, Peter. 1994. p 63. The [...] was added for clarity.
[131] Ibid p 65.
[132] Ibid p 430

then necessary to see how the modern Hong Kong state operates, on a daily basis, on the international and the domestic levels.

Hong Kong as an International State

It is difficult to define exactly what kind of recognition Hong Kong enjoys in the international community. Technically Hong Kong was a colony, with the agenda for its administration being set in the British Foreign Office and Downing Street (the Colonial Office was closed in the 1960s). In reality Hong Kong enjoyed virtual autonomy from Britain with the exceptions of foreign and defence policies, and even in this regard the Hong Kong administration had autonomy (or limited autonomy) in most areas not directly concerned with the PRC. This provides for a stable, locally-oriented government capable of day-to-day administration of international issues. However, this did not mean that foreign or defence policies were not a consideration in the daily administration. It is indisputable that Hong Kong would not be in its present situation if it was not for British foreign and defence policies, both historical and contemporary. Hence, in analysing Hong Kong's place in the international community it is necessary to ask how the territory's role in international affairs has been determined by its past and future sovereigns before examining how the territory perceived itself and was perceived by other international actors.

A definitive statement as to which sovereign power determines Hong Kong's international position is fraught with conflicting views of history and contemporary politics. Competing claims (each with a certain justification) as to who may and who did determine Hong Kong's place have been brought by Britain and China. This was further complicated by an historical trend towards redefinition of Hong Kong's international status, mainly by the British, but also by the Chinese, largely due to political considerations.

Both Britain and China entered into the transitional period claiming that Hong Kong was rightfully theirs by law and that, therefore, they had the right to decide what role Hong Kong would play in the international community. Britain cited the three treaties which stated that the Qing government ceded sovereignty to Britain last century - in perpetuity in the case of Hong Kong Island and Kowloon and for 99 years in the case of the New Territories and Outlying islands. China countered that the entire territory was theirs as the Qing dynasty was forced to give up the land. As a result, the use of such force the treaties were unequal and are therefore invalid. This has been the consistent position of all three modern Chinese governments. Furthermore, China had modern international law on its side, in particular the 1969 Vienna Convention on the Law of Treaties and the 1974 United Nations Resolution on the Definition of Aggression. The Vienna Convention confirms that should a

treaty be imposed by force, then it is invalid, and the 1974 Resolution states that any territorial acquisition gained through aggression is unlawful.[133]

Despite this, China has been loath to forcibly reclaim Hong Kong, preferring to wait until the time was right. As Deng Xiaoping on 24 September, 1982 said:

> If we failed to recover Hong Kong in 15 years, the people would no longer have reason to trust us, and any Chinese government would have no alternative but to step down and voluntarily leave the political arena. Therefore, at this time-I don't mean today, of course but in no more than one or two years-China will officially announce its decision to recover Hong Kong. We can wait another year or two, but definitely not longer.[134]

The inalienable right of China, and its justification for acting when it saw fit, was extrapolated upon in a 1982 Xinhua press release- in which it was stated that:

> Hong Kong is part of Chinese territory. The relevant treaties regarding the Hong Kong area as concluded and signed by the British government and China's Qing dynasty are unequal treaties and have never been accepted by the Chinese people....We maintain that the matter of Hong Kong is a matter of primary importance to the state sovereignty and national interests of the thousand million Chinese people, including Chinese residents of Hong Kong.[135]

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[133] However, China's position on territories taken by force is somewhat biased. For example, India's invasion of Goa in 1962 and Indonesia's invasion of Irian Jaya (both Portuguese colonies) have long been accepted by China. Yet their similarities to Hong Kong Is and Kowloon's annexation (as a territory gained by force) is undeniable.

[134] Deng, Xiaoping. 1993. *On the question of Hong Kong*. New Horizon Press, Hong Kong. p 2

[135] Cottrell, Robert. 1993. pp 94-95.

Britain also sought to redefine the status of Hong Kong in international affairs. Hong Kong was a British colony. Yet it operated in circumstances unique among British colonies, to the point where it operated in such a way as to make it both more than and less than a colony. Hong Kong was both more than and less than a colony in that, as a result of both practice and law (viz. the Hong Kong Act 1985), Hong Kong had greater leeway than any other British colony, but the retrocession meant that it could never develop into a post-colonial state. The modern British redefinition of Hong Kong was clearly enunciated in Queen Elizabeth's speech that opened the 1983 British parliament. This established a hierarchy of commitment with the crown colonies, with "obligations" towards the Falklands, "commitments" to Gibraltar and mere "aims" for Hong Kong.[136] One possible reason for this change of status can be seen to be the political attitudes of the then ruling Tory party. Johnson has noted that the ruling Tory Party "had long wanted to be rid of Hong Kong, which it regarded as an economic competitor to British industry, and Mrs. Thatcher's government faced no domestic political or popular pressure from any quarter to achieve a particular outcome in the negotiations over Hong Kong."[137]

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[136] Segal, Gerald. 1993. *The Fate of Hong Kong*. Simon and Schuster, London. p 32.
[137] Johnson, Chalmers. "The mousetrapping of Hong Kong: A game in which nobody wins", *Asian Survey*. Vol 24, No 9, September 1984. p 888

Another indication that Britain regards Hong Kong as being different from its other colonies is British Immigration law. Until 1962 a resident of Hong Kong was able to claim both the right of permanent abode in Britain and the right to travel on a British passport. This was consistent with rights extended to other colonial citizens. After 1962, due to immigration pressure from other colonies, this was restricted to those whose patriarchal grandfather was British. In 1981 the nationality law was again changed, this time in response to perceived immigration pressure from Hong Kong citizens wanting to leave before 1997. The change created a new category of colonial citizen, British Dependent Territory Citizen (BDTC). As Miners has stated, anyone classified as a BDTC could still

> call on the assistance of British consular staff when travelling in foreign countries and had, as before, no right of abode in Britain. But this new type of passport was widely seen in Hong Kong as creating a new and inferior category of British citizenship and as a sign of Britain's desire to distance itself from any obligations to Hong Kong, particularly when the inhabitants of Gibraltar and the Falkland Islands were given full British citizenship with the right of abode in Britain under the same act of Parliament which made people born or naturalised in Hong Kong merely British Dependent Territory Citizens.[138]

This change in the law can also be interpreted as a withdrawal by Britain. The effect of the withdrawal was to place a greater responsibility onto the territory's administration for its own affairs. This gave the administration a

[138] Miners, Norman. 1991. pp 24-25.

greater presence in promoting itself in the international arena. It also gave the administration a greater legitimacy amongst the local populace. As Britain was going, and China had yet to arrive, the Hong Kong administration remained as the only possible government to which the people could turn.[139]

To a large extent these redefinitions of Hong Kong's status have been dependent on the political priorities of successive British governments. Britain's full diplomatic recognition of the PRC government in the 1970s consummated a major change in its Far East policy, one that had been gradually evolving since the assumption to power of the Chinese Communist Party in 1949. In so much as these policy shifts occurred they were always designed to be Hong Kong neutral; that is, they were undertaken to strengthen the Britain-China relationship exclusive of the "Hong Kong factor". Miners has written that it seemed "probable that sometime in the 1950s an informal understanding was reached between Britain and China about Hong Kong's status: that China would make no moves to interfere with British administration of the colony so long as Britain refrained from any action which might prejudice China's interests."[140]

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[139] The points raised in this paragraph will be dealt with in a more comprehensive manner in Chapters Nine and Ten

[140] Miners, Norman. 1991. pp 6-7

During the transition period this Hong Kong-neutral approach to Sino-British relations was often interpreted by Hong Kong-based commentators as a "Britain first" policy to the detriment of Hong Kong interests.[141] This interpretation did, however, need to be tempered with the awareness that this was a partially forced attitude as Britain was often threatened with bilateral sanctions if transitional developments did not go according to China's plan. Hence, despite Britain attempting to have a bilateral relationship with China, the Chinese government often made it trilateral, including Hong Kong in the discussions where it saw fit. An example of the Sino-British trilateral nature can be seen in many of the discussions surrounding late-transitional political developments, where Britain was often held accountable for actions undertaken by Governor Patten.[142]

Thus Britain, by action and omission, placed Hong Kong and its citizens in a unique category of crown colony. The Tory government's antipathy towards Hong Kong, coupled with its desire to ensure harmonious long-term Sino-British relations, meant that Hong Kong's international status (according to Britain and China) has been undefined. As a result of its indeterminate status, Hong Kong has been left to develop its own position in the international community. It is a position that further calls into question any explicit

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[141] For news reports on the "Britain first" policy see: *clari.world.asia.hong_kong* Article: 2915 and 2916.

[142] An example of this is contained in: Dimbleby, Jonathan. 1997. *The Last Governor: Chris Patten and the Handover of Hong Kong*. Little, Brown and Co., London. pp 316-317

definition of Hong Kong as a colony. As Luk, when discussing Hong Kong's international standing, wrote:

> In this late twentieth century world of sovereign states, Hong Kong is not a sovereign state, nor is it destined to become one. Hence its standing within the "family of nations" is rather ambiguous in international law. Hong Kong's effective autonomy from its present metropolitan power, to manage its international trade, almost all its internal affairs, and much of its external relations, has been a *de facto* working arrangement, not a *de jure* provision, although it does not conflict with existing law.[143]

Luk quotes Mushkat who, when addressing the question as to how other nation-states deal with Hong Kong, made two very pertinent points. Firstly, that:

> Evidently, Hong Kong's trading partners, co-members of the international organisations...and parties to respective multilateral agreements recognise and respect the separate identity of the territory. The operation overseas of Hong Kong Government Offices and other official representatives (such as the Hong Kong Trade Development Council) and the direct dealings with consular officers of foreign governments based in the territory also reflect...a recognition of Hong Kong's capacity to engage in international relations.[144]

Moreover, when Hong Kong's Secretaries or the Governor go abroad they are greeted and accorded access commensurate with visiting heads of state or their

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[143] Luk, Bernard 1994. "Hong Kong's International Presence", in McMillen, Donald and Man Si-wai eds. 1994. pp 429-441. For a comprehensive analysis of Hong Kong's standing in International Law, with particular attention being paid to interpretations of Hong Kong's sovereignty, see: Dicks, Andrew. "Treaty, Grant, Usage or Sufferance? Some Legal Aspects of the Status of Hong Kong", in *The China Quarterly*. No. 95 September 1983. pp 427-455.

[144] Ibid p 432. The full citation for Mushkat is: Mushkat, Roda. "Hong Kong's International Personality: Issues and Implications", *Canada-Hong Kong: Some Legal Considerations*. William, Angus ed. Joint Centre for Asian-Pacific Studies, Toronto. 1992. [] in Luk's quote.

ministers. This was the case when Governors Wilson and Patten visited Canada and when Anson Chan (then Chief Secretary designate) visited France.[145] Indeed, it can be argued that in this respect, Governor Patten developed the territory to virtually full statehood. The point is demonstrated in Governor Patten's reception by foreign heads of state. As Dimbleby has noted:

> During his governorship he had made sixteen overseas trips (excluding his eighteen visits to London on Hong Kong business) and had been granted audiences with one emperor, three presidents and eight prime ministers.[146]

In international relations, practice counts as much as law.

Secondly, that Hong Kong enjoys a "legal proximity of statehood" which, although not the same as statehood, is nonetheless, increasingly being accepted as such in the international community. As Mushkat has written,

> [a]part from the general waning of [the notion of] sovereignty, it is also evident that states are prepared in practice to admit into the international legal system a broad range of less than sovereign entities...Since claims to international personality are to be assessed in the light of the societal needs of the international community, in acknowledging the considerable capacities possessed by Hong Kong (and later by the HKSAR), regard must be paid also to the useful international functions performed by the territory.[147]

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[145] Ibid p 431

[146] Dimbleby, Jonathan. 1997. p 400

[147] Mushkat, Roda. "Hong Kong's International Personality: Issues and Implications", p 431. For the most recent example of Mushkat's work see: Mushkat, Roda. 1997. *One Country, Two International Legal Personalities: The Case of Hong Kong*. Hong Kong University Press, Hong Kong.

An aspect of Hong Kong's "legal proximity of statehood" is its membership of many international bodies which are comprised solely of state representatives. In this respect Hong Kong is accorded virtual state recognition. Two examples of such bodies are the Asia Pacific Economic Cooperation (APEC) and the General Agreements on Trade and Tariffs (GATT) - both of which Hong Kong has been a member, separate from Britain, since 1986.[148]

The international position which Luk and Mushkat have outlined is that of a non-sovereign state acting and being accorded, essentially, all the rights of a sovereign state. In this respect Hong Kong's international position is very similar to that of Taiwan.

Taiwan stands essentially alone in the world - isolated from the mainstream diplomatic community by the "One China" treaty, a leftover from the Cold War period. All but a handful of states (which fluctuate in number around a mean of 28) have chosen to recognise China's position in international affairs - at the expense of Taiwan. Hence a modern democratic nation-state does not exist in international law. In international practice the situation is entirely different. Isolated politically, Taiwan has used its considerable economic resources to advance its international interests. As a result it has gained a "legal proximity of statehood." One example of this can be seen in the way the Taiwanese

[148] Luk, Bernard 1994. "Hong Kong's International Presence", in McMillen, Donald and Man Si-wai eds. 1994. p 438

ministers (particularly the President Lee Teng-hui) have been received in other countries. When the ministers have gone abroad on what, most recently, have been termed "golfing holidays",[149] they have been met by their counterparts and treated with an equal (albeit subdued) measure of respect - as granted to the mainland Chinese officials. Another example of this can be seen in the number of countries that have established trade offices, usually staffed by government officials operating under a variety of diplomatic niceties.[150] Moreover, the extension by almost all countries of diplomatic rights and privileges to the Taiwanese staffing the Taiwanese trade and development offices around the world and the reciprocal rights extended to all foreign counterparts stationed in Taiwan demonstrates *de facto* sovereign recognition that Taiwan is more than able to engage in international relations.[151]

In a similar manner to the issue of territorial sovereignty in the case of Taiwan, there are two ways by which to view the question of sovereignty over Hong Kong - *de jure* and *de facto*. These two ways are tied to the issue of territorial control as exercised by the state on a domestic level.

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[149] This is in reference to President Lee's visits to South East Asian nations ostensibly to play golf. His golfing partners usually included the head of the state Lee was in as well as several ministers. China's reaction was to openly criticise Lee and the receiving states and threaten retribution should Taiwan go down a path towards independence.

[150] Of all the countries represented in Taiwan, the three countries with the largest representations are the United States of America, Japan and Australia. In Australia's case diplomats and trade officials are allowed a special type of leave to work for the trade office in Taipei.

[151] See: Thomas, Nicholas. 1993. *Australia's Relations with the Two Chinas: A Question of Recognition*. Unpublished Joint Honours Thesis, University of Queensland. pp 47-73

De jure sovereignty is complicated by the retrocession issue. On the one hand, China's statement that Hong Kong is based on unequal treaties lends weight to its claim that it is the sovereign state. On the other hand, Britain utilises the treaties as a starting point and then states that as it is in control on Hong Kong it is the sovereign. Both are legitimate, although Britain's position is the one currently accepted by other international actors. Another manner by which to examine who controls Hong Kong's territorial sovereignty is to determine who the local population of Hong Kong view as being the legitimate power.

With only one or two exceptions it has always been considered (as a matter of course) that Britain was, in the view of the citizens of Hong Kong, the legitimate sovereign. Utilising Rosseau the British position can be summarised as:

> This is not to say that the commands of the leaders may not pass for the general will if the sovereign, being free to oppose, then does not do so. In such a case the silence of the people permits the assumption that the people consents.[152]

In other words, the act of choosing to live in Hong Kong under the colonial regime which was based upon British sovereignty without challenging that regime can, in itself, be considered a legitimating action, in favour of the Hong

[152] Rousseau. 1762. trans Cranston, Maurice. 1968. *The Social Contract*. Penguin Books, England. Book 2, Chapter 1

Kong administration by the citizens of Hong Kong. The only minor exceptions that could be considered as a challenge to Britain's sovereignty were the 1922 Seamen's strike and the 1967 riots.

The Seamen's strike-boycott in 1922 was the most successful segment of a broader program of strikes aimed against forces of imperialism in general and the Hong Kong colonial regime in particular. Primarily directed by left-wing forces on the mainland, the Seamen's union spearheaded an economic blockade of Hong Kong - forcing severe shortages in essential goods (particularly in foodstuffs) throughout the colony. Although economic in origin (wage increases for the seamen), the literature released by both sides made it clear that there was a political agenda behind the strike: to overthrow the colonial government and replace it with a Chinese administration sympathetic to communist ideals.[153] The 1967 riots were an economic and ideological spillover of turmoil generated by the Cultural Revolution. In this instance left-wing forces in Hong Kong, with the support of mainland forces, attempted to inspire a popular revolt against the territory's administration.[154] In both instances it can be said that the agenda of those involved presented a challenge (the proposition of a different system of social and political governance coupled

[153] Chan, Lau Kit-ching. 1990. Chapter Four.
[154] For a more detailed analysis of the 1967 riots see Chapter Five of this thesis..

with a sustained ideological attack of the British imperialist system) to British sovereignty in the territory.[155]

Huang Hua's 1972 speech at the United Nations, declaring that the issue of Hong Kong's retrocession was an internal matter for China to resolve when it saw fit, can be seen as the symbolic beginning of the transfer of administration from the British to the Chinese sovereign. This transfer was accelerated and given substance with the signing of the Sino-British Joint Declaration (1984). An important aspect in the administrative transfer was the transfer of territorial legitimacy. Whereas prior to 1984 Hong Kong had only one legitimate territorial sovereign, now it had two. A power balance was created - one that would inevitably shift legitimacy to the Chinese as the handover date approached and could only be slowed by events detrimental to the Chinese or favourable to the British and Hong Kong governments.[156]

British territorial legitimacy in the colony has always been based on its control of Hong Kong. To a large extent this was a successful exercise in circular logic - Britain controlled Hong Kong therefore it was the legitimate government; it was the legitimate government because it controlled Hong Kong. However, during the transition the successful nature of this circular logic began to be

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[155] For details on the 1925 strike boycott see: Chan, Lau kit-ching. 1990. Chapters 3-5. For details on the 1967 riots see: Scott, Ian. 1989. *Political Change and the Crisis of Legitimacy in Hong Kong*. University of Hawaii Press, Honolulu. Chapter 3.

[156] The emergence of the second sovereign is discussed in more detail in Chapters Nine and Ten.

called into question. People began to demand more from their sovereign, such as: a Bill of Rights or the institutionalisation of a representative and accountable political system. On the one hand, these demands can be seen as desire to cement certain liberal-democratic ideals and beliefs before the transition took place. The motivation behind this desire was to provide institutional safeguards against excessive state intervention after the transition. As such the desire for these safeguards, as well as their partial implementation, had less to do with a local legitimation of colonial sovereignty than with a local aspiration to be in a better position when China took over. On the other hand, these demands were valid requests by Hong Kong citizens that their support for the colonial sovereignty be vindicated. In other words, these demands were indicative of a desire for institutional change by the citizens of Hong Kong and, if they were granted, would lead to a continuance of popularly-based state legitimacy and sovereignty. These demands *and their partial granting* can be seen as the "birthpangs" of a liberal democratic polity in Hong Kong.[157]

Despite these demands, the British government was unwilling to initiate widespread social and political change during the transition period, in part because the Joint Declaration placed Hong Kong in stasis until the transfer, as well as a desire not to jeopardise Sino-British relations. In particular, it would be difficult to justify change during the transition period when no substantial

[157] In should, however, be remembered that in Hong Kong's case the polity had the birth but not the life. That is, the potential for the territory to develop into a liberal-democratic polity was never actualised.

change had previously occurred, and the acquiescence to the demands would only increase the frequency for such demands in the future. In both instances British concerns were justified, as was demonstrated when socio-political reforms began.[158] However, Britain's popularly perceived intransigence destabilised the popular view that it was the legitimate sovereign. As the popular notion of Britain as sovereign declined it was replaced by the, more immediate, Hong Kong government.[159] This replacement can be seen as a reaction to the growing liberalisation of the territory which was popularly viewed as a local initiative. This view increased the measure of popular territorial legitimacy that the Hong Kong government was seen to hold, as a separate entity not simply as an extension of the British government.

As the transition period progressed, China began to implement strategies designed to challenge the existing legitimacy of both the British and Hong Kong governments. This took two forms. Firstly, the Chinese government set up a series of advisory panels to give "advice" on Hong Kong issues (the Hong Kong Advisors and the Preliminary Work Group). In reality such advice closely conformed to the official policies promulgated by the Chinese government. This is backed up through China's use of the pro-mainland

[158] To be more fully discussed in Chapters Nine and Ten.

[159] A very clear statement, which highlighted the removal of the British government from the local political scene and the concurrent ascension of the Hong Kong government, was made by Timothy Renton (Britain's Foreign Office minister for Hong Kong) during a press conference on 31 October 1985 in which he said that it was London's job is only "to advise, if our advice is asked". see Lau, Emily. "Arms Length from London", *Far Eastern Economic Review*. 14 November, 1985. p 25

media, which adds a patina of legitimacy to the advisory panels' advice. Correspondingly, China, through the Xinhua news agency, has begun to influence the local elites, largely through factional affiliation and support. As a result, they have established a network of local elites who lend their support to the Chinese position on various issues. Secondly, the Chinese government has conducted systematic campaigns to halt any developments in the territory that it sees as posing a possible challenge to its authority post-97 (in particular, the introduction of directly-elected seats to the LegCo). Again the pro-mainland media has been used to back up the mainland's position. In the later half of the transition this has often taken the form of personal attacks on Governor Patten for his active support of democratic elections.[160]

The result of these two strategies has been to force a reorientation in the way the Hong Kong people view the role of the Chinese government in local affairs. Here the issue of retrocession plays a dominant role. Although the actions by the Chinese authorities have not had the effect of transferring sovereign legitimacy to China, it has given it a quasi-legitimacy on issues that straddle the 1997 handover (such as: the Port and Airport Development Scheme - PADS), electoral developments and the establishment of the Court of Final Appeal). This quasi legitimacy has given the Chinese government the right to involve itself in Hong Kong affairs. Moreover, since the 1991 signing of the

[160] This is discussed in more detail in chapters Nine and Ten.

Memorandum of Understanding for the new airport, China was given a loophole that increased its right of interference.[161] In addition, it is a right to involve itself in local issues that increased as the handover date approached and the British withdrew.

In the late-transition period (1989-1997), with the withdrawal by the British and the preparations by the Chinese authorities to take control, the Hong Kong government was left in a caretaker role that was increasingly viewed, by the local population, as the sole desirable government for the territory. This change in perception was largely been due to two new factors in the way the territory operated. Firstly, Britain increasingly adopted an "arms length" policy towards its governance of the colony. A subtle example of this was the gradual removal of all bureaucratic or secretarial titles (with the exception of Governor and Deputy-Governor) that had colonial connotations, for example, the Secretary for Chinese Affairs was retitled as the Secretary for Home Affairs. Secondly, reforms were introduced during the transition period to make the government more accountable to the people as well as more representative of the people. Indeed, since 1995 all secretariat heads have been Chinese. The

[161] The loophole appears in Section C(i) of the Memorandum in which it stated that "The British side will consult the Chinese side within the Airport Committee before the Hong Kong government grants major airport-related franchises or contracts straddling 30 June 1997." The Chinese took the word "consult" as meaning that it would have an active part to play in any decision that related to any issue, not just contracts, that straddled the handover. Moreover, "straddling" was given its broadest possible definition - to mean any issue that arose during the transition period. For a copy of the Memorandum see: "Memorandum of Understanding Concerning The Construction of the New Airport in Hong Kong and Related Questions", *Beijing Review* September 16-22, 1991. pp 8-9. See Chapter Ten for more discussion on the PADS scheme.

latter abolished the image of a colonial government far removed from those it governs and replaced it with a locally generated government - with a local agenda and local responses. This was reinforced by the change in British policy and then further reinforced by the Chinese government's actions - of whose aims and goals the Hong Kong people are wary.

In addition to these transitional developments, other domestically-oriented factors that aided the formation of the modern Hong Kong state were constitutional/structural elements which stemmed from the initial creation of the crown colony. These factors included: defined control of a territory, in Hong Kong's case as set out in the three treaties; ultimate legal authority within the territory, recognition of citizens (normally achieved through issuing of travel documents and identity cards, etc), and a government that is recognised by the people and by other states as being the controlling power within the state.[162]

These factors have helped create the modern Hong Kong state. The first three factors can be seen as coming under the heading of territorial integrity. For a state to exist it must be in control of the daily operations of its apparatus within a defined territory. The daily control of a state can be exercised through a unified political and bureaucratic structure, enforced by a legal apparatus and

[162] These criteria are transposed from Baradat's summary. See Baradat, Leon. P. 1988. *Political Ideologies: their Origins and Impact*, 3rd ed. Prentice Hall publishing, New Jersey. pp 9-14

adhered to by the state's residents. In the instance of Hong Kong the defined territory was determined by the arrangements of the three treaties.[163]

In addition to territorial legitimacy, the state must have a government that has a defensible claim to represent the people. Moreover, it must be a government that enjoys a degree of popular support and be seen as legitimate by the people. In terms of representation, two policies have fostered the belief that the Hong Kong government is the people's own. Firstly, there is the policy of localisation. Initially brought in as a measure to check demands towards democratic reforms after the second world war, localisation has only been seriously implemented during the transition period. This was partly due to an increased need to train local staff who were capable of running the government apparatus after the transition, but was also due to an increased identification with Hong Kong as a "home" rather than just a transmigration point.[164] Secondly, the change in policy towards the introduction of elections and the corresponding rise in citizen participation (both in terms of those registering to vote as well as those standing and their respective political teams) gave greater credence to the notion of being representative of the people.[165] The fact that the

[163] Due to the increasingly localised nature of the Hong Kong government, as well as the distancing of the British authorities during the transition period, the control of this area moved from being one controlled in a colonial sense to one controlled by the local administration. For a greater explanation of this see Section 4 of this thesis.
[164] See Chapter 5 for an extended discussion of this topic.
[165] For one example of this conclusion of "representativeness" see. Lam, Jermain. "The Political Culture of voters: Reflections on the Legitimacy of the Hong Kong government", in Leung, Benjamin and Wong, Teresa eds. 1994. pp 236- 251

vast majority of those elected were local Chinese only added to the view that Hong Kong people were beginning to rule Hong Kong.[166]

As the Hong Kong state developed, its citizens began to demand more of it. One example was in the area of increased welfare provisions for the sick and elderly. The demands placed on the state and the responsiveness of the state to these demands positively reinforced the notion of a legitimate Hong Kong state.[167] Negative reinforcement arose throughout the transition period as the Hong Kong people found their only avenue for appeal against an inequality or injustice was with the local administration. For example, when problems arose from transitional agreements with which the Hong Kong people either disagreed, or believed that they were excluded from, the process of agreement they turned to the government (either in the form of the administration and bureaucracy or in the form of one of the political parties or empowered interest groups) to correct the imbalance or represent their views. The concept of a socially responsive Hong Kong government is important in developing and maintaining its state legitimacy.[168]

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[166] This is expanded upon in Section 4.

[167] For a comprehensive discussion of the mechanisms that help reinforce the legitimate state notion, as it pertains to social welfare issues, see: Chow, Nelson. "Welfare Development in Hong Kong - An Ideological Appraisal" in Leung, Benjamin and Wong, Teresa eds. 1994. pp 321-335

[168] A policy outline as to how the Hong Kong state will develop and maintain legitimacy is contained in Governor Patten's Opening Address to the 1995 Legislative Council. see: Patten, Chris. 11 October 1995. *Hong Kong: Our Work Together: The 1995 Policy Address*. Government Printers, Hong Kong.

Conclusion

From the above evidence it is clear that Hong Kong fulfils virtually all of the requirements to be considered a state (except independent recognition in international law). It is the locus of power and authority, it helps shape the relationships within its polity, it creates an hierarchical relationship through which authority may be determined and power distributed, and it daily asserts itself through various actions and channels. In fulfilling these criteria Hong Kong can be said to be a state and, as has been demonstrated, is received by other states as such. There are, however, two impediments that prevent Hong Kong from developing full statehood. The first can be seen in the constitutional formation of the territory which placed limits on the actions of Hong Kong's executive. For example, legislation enacted in the territory must not be in contradiction with legislation already enacted in the United Kingdom. Where a contradiction does exist the local law must be amended accordingly. The second impediment was the handover on July 1st, 1997, to the government of the People's Republic of China. Excepting that issue it can be seen that the territory had undergone many of the developments other states experienced prior to, during and after, their formal induction to statehood.

If other states are used in comparision to Hong Kong, then similarities can be seen with the territory. One similarity is the recognition of the leaders of the

state as such by other states and their representatives - as is the case when Hong Kong's leaders go overseas. In international relations recognition of statehood is also demonstrated by membership of various bodies who only admit member states. For example, Hong Kong's membership of the Asian Pacific Economic Cooperation group. In fact, in many respects, Hong Kong enjoys more state-level recognition than does Taiwan. Moreover, the Hong Kong government is increasingly recognised by its citizens as the legitimate authority in the territory. An example of this can be seen in the popular support for political reforms, as demonstrated by a continuing rise in voter turnout at the various elections held in the territory during the transition.[169]

It is therefore possible to argue that Hong Kong has developed many of the characteristics of a modern state. Had the New Territories been ceded (as was the original plan), it is entirely possible that Hong Kong would have completed the development of its statehood. However, the New Territories were only leased for 99 years and, as a result, Hong Kong was never, and will never be, defined as an internationally recognised state. Having examined the development and characteristics of the Hong Kong state it is now necessary to examine the Hong Kong nation.

[169] A more detailed discussion of voter behaviour during the transition period is contained in Section 4.

Chapter Four

The Hong Kong Nation

Introduction

This chapter is designed to demonstrate the development and characteristics of the Hong Kong "nation". There are three sections to this chapter. The first section offers a definition of a nation. This definition is then used as a benchmark by which the expression of nationalism and the national consciousness of the Hong Kong nation can be determined. The third section examines the various component elements of the Hong Kong nation. The aim of this chapter is to provide a definition of the Hong Kong nation which can be linked to the preceding analysis on the Hong Kong state to provide a nation-state framework for the examination of the Hong Kong identity in Chapter Five.[170]

Definition of a Nation

There exist many differing opinions as to what comprises a nation. One classic definition of a nation is found in Mill's work *Considerations on Representative Government*. He wrote:

[170] It is necessary to construct a nation-state framework (by which to examine the local identity) as this what Offe bases his concept of "identity" within.

> A portion of Mankind may be said to constitute a Nationality, if they are united among themselves by common sympathies, which do not exist between them and any others- which make them cooperate with each other more willingly than with other people, desire to be under the same government, and desire that it should be government by themselves or a portion of themselves, exclusively.[171]

Hertz, however, qualified this when he argued that, subjective theories of the nation such as Mill's needed to be modified by objective factors, for example territorial possession. With regard to the former point Hertz wrote:

> A community without a territory is not a full nation though it may possess unity, solidarity, mutual sympathy and the wish to live under a government of its own. A Church or party shows these traits too. There are even communities with a territory which are not nations such as a city or a county.[172]

With regard to the latter point, using the example of national "will", Hertz wrote:

> The mere will does not yet make a nation. A nation cannot be founded like a company or club. It is a community of fate, to a large extent brought together and moulded by historical events and natural factors, and the individual has practically no opportunity of choosing his nationality or changing its fundamental traits.[173]

For the purposes of this dissertation the following definition shall be used. A nation can be defined as a "body of people who see part at least of their

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[171] Mill, John Stuart. 1861. Robson, John M. ed. 1977. "Considerations on Representative Government", in *Essays on Politics and Society*. University of Toronto Press, Toronto. Chapter 16. Here I consider, by virtue of Mill's definition, that "Nationality" can be interpreted as nation.
[172] Hertz, Frederick. 1966. p 13
[173] Ibid pp 13-14

identity in terms of a single communal identity with some considerable historical continuity of union, with major elements of common culture, and with a strong sense of geographical location at least for a good part of those who make up the nation."[174] This definition closely follows Offe's concept of a nation, where nationhood is held together by social and cultural boundaries, which occur within a territorially defined space.[175] It is these characteristics of the Hong Kong nation which will now be examined.

The Hong Kong Nation

The following examination of the development and characteristics of the Hong Kong nation shall be, for ease of understanding, divided into five sections; each dealing with a separate aspect of the nation. These five aspects are; race, language, religion, culture and territory.

Nation and Race

According to Hertz (1966) the concepts of nation and race, although not explicitly the same, are not entirely separate as they share similar features that are used interchangeably. Thus, any analysis of a nationality must include an examination of the role race plays as a unifying feature. The main feature that

[174] Robertson, David. 1985. *Dictionary of Politics*. Penguin Reference Books, England. p 223
[175] Offe, Claus. "Capitalism by Democratic Design?" pp 869-871.

links these concepts together is the communal identity based upon a similarity of features. Hence, as an historical generality, the belonging to a "race" and the belonging to a "nation" has entailed similar criteria.[176] In particular, the racial unity of a nation is internally strengthened along lines of commonality where those of the nation are considered to be within the same grouping or community based on that group's members' language, religion, territorial affiliation, and culture. In contrast, the racial unity of a nation is externally strengthened by the existence of other nations. In other words, the identification is strengthened by the classification of those not within as being "outside" and therefore less deserving of communal trust and cooperation.[177]

Hardin disputes Hertz's assumption of racially motivated nationalism stating that "ethnic and nationalist identification is at most a genetic basis for the propensity to identify with *some* larger group."[178] Whether or not an individual identifies with a particular group, according to Hardin, is due to two "partly separable issues: the role of interest in an individual's coming to identify with a particular group, and the interest an individual has in supporting that group as a beneficiary of the group's successes."[179] Hardin does admit, however, that

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[176] In modern times the rise of the multi-racial state challenges this generality. For example, the United States, Canada and Australia. However, as a general rule, nation-states still remain broadly homogenous.

[177] The issue of racial/national identification is, with respect to the Amhara and Italian communities, dealt with in Pye, Lucian and Verba, Sidney eds. 1965. *Political Culture and Political Development*. Princeton University Press, Princeton. pp 525-537

[178] Hardin, Russell. "Self-interest, group identity" in Breton, A et al. 1995. *Nationalism and Rationality*. Cambridge University Press, Cambridge. p 16 *italics* in quote

[179] Hardin, Russell. 1995. p 16

cognitive issues may be influenced by such issues; that is, racial identification. Taking Hardin's thesis one step further, it can be said that the propensity of the individual to belong to a larger grouping is the basis for the amalgamation of diverse ethnic groupings into a national grouping. An example of two ethnically-based groups amalgamating on a needs-basis into a national grouping can be seen in the Hong Kong bureaucracy. There are two key groups that represent the interests of the territory's civil servants: the Association of Expatriate Civil Servants of Hong Kong (formerly the Association of European Civil Servants) and the Hong Kong Chinese Civil Servants Association. Both groups are constituted by a membership divided along ethnic lines (that is two separate ethnic groupings). However, when it is necessary to deal with issues that affect all civil servants indiscriminately the two groups will cooperate as one. In other words, two ethnic groups coming together for mutual need and benefit to form a national group.

Moreover, it can be said that race transcends the stratified notion of class and, as such, acts as a unifying mechanism for the nation. Hence, when dealing with the growth of socio-political movements, a pan-ethnic affiliation can stimulate their development into broad community-based movements. For example, the Hong Kong environmental group, Green Power, admitted only Cantonese speakers for the first three years of its operations (1988-1991). It was only in March 1991 that the group decided to admit non-Cantonese speakers

and, in doing so, expanded the reach of the organisation into a truly territory-wide movement.[180] A further example can be seen in the changing relationship between the expatriate community and the local Chinese population. In this instance the post-1945 development of a Hong Kong people has led to a breakdown in the racial division that once characterised relations between the two groups. This breakdown has had two key aspects; (1) the unification of a Hong Kong people and, as a result (2) the socio-economic desegregation of the community. It should be noted that a similar argument, to those put forward by Hertz and Harding, has also been developed by the neo-Marxist school of thought which sees race as having "relative autonomy from class-based social relations and its historical specificity in relation to the laws of motion of capitalist development."[181]

From the preceding discussion it is possible to state that, with regard to race and national unity, the appropriate definition lies between Hertz's normative approach and Hardin's positivist rationale. At the most basic social level, group identification has little to do with self-interest. Physical difference can create an "us and them" social distinction. However, where the possibility for association with another, larger, grouping exists that will bring greater benefits individuals are likely to choose to belong to that grouping. If viewed over time

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[180] Griffin, Kathy. "Green group to drop language base", in *South China Morning Post*. 27 February 1991

[181] Solomos, John. "Varieties of Marxist conceptions of 'race', class and the state: a critical analysis", in Rex, John and Mason, David. 1986. *Theories of Race and Ethnic Relations*. Cambridge University Press, Cambridge. p 89

(or generationally) this would mean (in a theoretical model) all members would initially only associate with their respective ethnic group. These ethnic groupings would, on a needs basis, co-associate. Finally, motivated by an ongoing mutually-beneficial relationship, these groupings would, over time, assimilate under a single nation. This is especially the case where multiple ethnic groupings exist within a set territory and each lay claim to nationhood within the territory.

Nation and Language

Language is an essential component of a nation. As Hertz has stated: "In common opinion a nation is simply a people with a separate language, and in cases of dispute about the nationality of a people most persons immediately pass judgement on the criterion of linguistic relationship."[182] Hence, it can be said that, a common language can be used, on an internal level, to define the limits of the nation. On an external level, a nations language can be used by an emerging nation to help define its place in the global society or, where a multi-national state exists, within the state.

A contemporary example of this can be seen in the case of Canada, where the Quebec secessionist movement utilises the linguistic divide between French

[182] Hertz, Frederick. 1966. p 95

and English speakers to promote its nationalist cause. As described by Dion: "In reviewing the course of the Quebec nationalist movement since the 1960s, one finds a linguistic crisis at the beginning of each new outburst of nationalism. At issue was the nationalist's claim to have a compulsory law to protect the French language over the Quebec territory."[183]

Hong Kong, with its many different ethnicities, each with their own language or dialect, presents a slightly more complex situation. Thus, it is useful to examine the role language plays in defining the Hong Kong nation from two different perspectives. Firstly, on an external level, it is necessary to analyse the role that language plays in delineating the borders of the nation against other nations. Secondly, on an internal level, the cohesive role language plays in unifying the Hong Kong nation.

Although Hong Kong has a variety of different languages and dialects, the two dominant ones are Cantonese and English. In part the structural dominance of these two languages is a result of both geographical and historical causes; that is, Cantonese is the standard southern Chinese dialect and English is the language of the colonial power. However, the dominance of these two languages in the territory is also due to their functional natures. In other words, both Cantonese and English have the ability to absorb and incorporate

[183] Dion, Stephane. "The reemergence of sucessionism:Lessons from Quebec", in Breton, A et al. 1995. pp 121-126

terms from other languages. As a result, neither is a pure language. This has led, in Hong Kong's case, to a partial melding of the two. In popular terms this "Hong Kong slang" is what separates "Hongkongese" from the other dialects in either China or Taiwan. Abbas described this melding when he stated that

> Hong Kong Cantonese now is sprinkled with snatches of Mandarin, English, and barbarous sounding words and phrases - a hybrid language coming out of a hybrid space.[184]

Such a unique melding of English and Cantonese can be seen as an internal and socially-based linguistic unification of the Hong Kong nation.

In addition to this socially-based unification, it is possible to contend that Hong Kong's linguistic fusion has also been a result of government policies designed to empower the local population. Prior to the post-war period, the use of English was still largely restricted to the colonial elite, whereas the more widespread, Cantonese was the language of the masses. After the post-war period, the bureaucratic and educational localisation of Hong Kong resulted in the spread of the melded form of Cantonese.[185] Despite the fact that in transitional Hong Kong English remained the language of the colonial elite, the incorporation of the local elites as well as the localisation of the bureaucracy meant that the Hong Kong variant of Cantonese was introduced to institutional elite level. As localisation and incorporatisation spread during the transition

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[184] Abbas, Ackbar. 1997. *Hong Kong: Culture and the Politics of Disappearance*. Hong Kong University Press, Hong Kong. p 28

[185] The effects of the spread of education was detailed in Chapter Two.

period so did the Cantonese variant. Hence, in late-transitional Hong Kong, the elite can be seen to be functionally bilingual - only the emphasis is on Cantonese rather than English. An example of this can be seen in the sessions of the Legislative Council where the Cantonese variant is the medium of discussion. However, the period immediately after the retrocession saw an end to the use of English as the teaching medium in secondary schools, replaced by Cantonese.[186] This shift can be seen as an inevitable consequence of the retrocession and will lead to the further entrenchment of the local variant of Cantonese as the Hong Kong nation's language.

Nation and Religion

Unlike other countries (for example, the United Kingdom, Malaysia or the Philippines) there is no single dominant religion in Hong Kong. Instead, a plurality of religions are practiced in the territory. Nevertheless, this multi-theocracy has served to act as a unifying force rather than causing disunity amongst the Hong Kong nation.[187] As Luk has written:

> Religions and customary beliefs and practices are vigorous in Hong Kong, and are an important factor for social cohesion. In a society of immigrants uprooted from the South China countryside and elsewhere in China and Asia during the past half century, and

[186] Lim, Peter. "Hong Kong ends English rule in schools", in *clari.world.asia.hong_kong Article: 9058*. Accessed 26 September, 1997. 3:01:13 PDT

[187] For a breakdown of the religions practiced in Hong Kong see: "Religion and Custom", in *Hong Kong 1995*. Government Printers, Hong Kong. 1995. pp 373-378.

> marked by a high degree of social mobility, religion has offered one of the few anchors for the disparate people.[188]

Drawing upon Luk's statement it can be said that the religious sector in Hong Kong is one of the linchpins for the unity of the nation. This is despite the fact that the religious of Hong Kong are not monotheocratic but tolerate a diverse range of religious observances. Indeed, Hong Kong government figures show that over one-fifth of Hong Kong's population is religiously active.[189] This increases substantially when the lay community is added, as well as those who receive a direct benefit (due to affiliation) from the various religions, for example, through enrolment at a religious school or the recipients of welfare services from religiously funded organisations.

Another example of Hong Kong's religious diversity melding to form a uniquely Hong Kong form of religious worship was seen at the demobilisation ceremony for the Hong Kong Military Service Corps. The form of this unique religious observance was noted by Dimbleby who wrote that: "An army chaplain said prayers in English and a Buddhist monk chanted from the holy writ."[190] In other words, the different religions of the Hong Kong people are observed in a way that unifies rather than diversifies the nation.

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[188] Luk, Bernard. "Custom and Religion", in Wong, Richard and Cheng, Joseph. 1990. *The Other Hong Kong Report: 1990.* Chinese University Press, Hong Kong. p 565.
[189] For a numerical breakdown of religious adherents in Hong Kong see: "Religion and Custom", *Hong Kong 1995.* Government Printers, Hong Kong. 1995. pp 373-378
[190] Dimbleby, Jonathan. 1997. p 409

Nation and Culture

Unlike the cultures found in Taiwan and China, culture in Hong Kong has developed with little or no encouragement from the government.[191] Moreover, modern culture (post-1950s), in practical terms local Chinese culture, has developed separately from that found on the mainland or in Taiwan.[192] As Choi has stated:

> This culture is manifest in the distinctive outlooks, aspirations, lifestyles, and, of course, language patterns of the local residents. It is also articulated through various cultural products: popular songs, films, TV programmes, popular books and even comics.[193]

According to Governor Wilson, such manifestations reflect the "universality of human endeavour and creativity....[encompassed in the] consciousness of Hong Kong's unique cultural heritage, and unique cultural role, as a fusion of Chinese and Western traditions and experiences."[194] As such, Hong Kong culture is a blend of the various sub-cultures and ethnic cultures that exist in the territory. Hence, in as much as the linguistic blend of Cantonese and English has created a Cantonese variant unique to the territory, so too the blend

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[191] Some particularly good analysis of Taiwanese culture can be found in the conference papers presented at the *Taiwan's New Identities in the 1990s Conference, 21-22 September 1993*. Asia Research Conference. Murdoch University. See also: Wachman, Alan. 1994. *Taiwan: National Identity and Democratization*. M.E. Sharpe. New York. pp 101-105.

[192] For a good analysis of the historical development of Hong Kong culture see: Lu Hong-ji (陸鴻基). "Xianggang lishi yu Xianggang wenhua"(香港歷史與香港文化)("Hong Kong history and Hong Kong culture"), in Sinn, Elizabeth ed. 1995. *Hong Kong Culture and Society*. Centre of Asian Studies, University of Hong Kong, Hong Kong. pp 51-63

[193] Choi Po-king. "Popular Culture", in Wong, Richard and Cheng, Joseph eds. 1990. p 538

[194] Wilson, David. "Foreword", in Hung, E ed. *Renditions: Special issue - Hong Kong*. no. 29 and 30. Visual Arts production. Hong Kong. p 6. [..] added

of these various sub-cultures has created a local culture that is distinct from that found in other Chinese communities.[195]

To a large extent this fusion, although always present, only really matured in the early 1980s when Hong Kong's socio-economic development was able to encompass the requisite post-material values that allowed a broad based cultural movement to flourish.[196] Furthermore, the local culture variant has had a wide ranging impact outside of its immediate sector. Choi identified two areas that have felt this effect.

> Firstly, the seemingly apolitical arena of popular culture, in so far as it stands at the heart of cultural formation in Hong Kong, is instrumental in the moulding of substantive political culture and action. And secondly, on a more practical plane, one must view with scepticism and political claim or programme that recklessly sidesteps the attitudinal or behavioural messages as prescribed in this popular culture universe. Along both directions, popular culture may act as the key dynamic agent in embodying as well as shaping the social, cultural, and political mentality of Hong Kong.[197]

This statement only gained strength as Hong Kong moved into the final phase of political reform - where would-be political representatives had to take into account popular will when shaping their election platform.

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[195] An examination of the articulation of this culture and its impact upon the Hong Kong identity is contained in Chapter Five.
[196] For a comprehensive discourse analysis of Hong Kong culture see: Chan Hoi-man. "Culture and Identity", in McMillen, Donald and Man Si-wai eds. 1994. pp 450-457
[197] Chan Hoi-man. "Culture and Identity", pp 448-449

Nation and Territory

National territory, as with race, language, religion and culture, is a defining component of the Hong Kong nation. Although the nation may exist without the state, it is not possible for the nation to exist without some area which it inhabits. This gives rise to territorial identification that may, in turn, shape the nation that abides there. Indeed, as Hertz stated: "The claim to national self-determination is primarily a claim to the domination of a specific territory."[198] The result of this is that the national concepts of heritage, independence, integrity and homogeneity become bound to the territory.

The development of the concept of territorial nationalism varies widely between the different schools of nationalist thought. Hertz (1966) identified four schools of thought; nationalist, conservative, liberal democratic and socialist. Nationalists identify nation with race and, as a consequence, view genetics and common character as setting the boundaries. Conservatives believe that state policies and crises gave the national territory its shape. Liberal democrats take language and civilisation as the unifying forces. Socialists see market-oriented capitalist forces as providing the impetus for the formation of national territories.[199]

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[198] Hertz, Frederick. 1966. p 147
[199] Ibid. p 151

Coleman offers a different analysis of territorial nationalism, believing that it arises out of two phenomena: that of "acting together, toward a common goal", and that of "being acted upon together, as members of a common group".[200] Coleman's definition does, however, need to be clarified further with respect to his second notion in that identification as a member of a common group can evolve through two mechanisms: internal identification and external identification.[201] Internal identification is expressed in the notion "We are from Hong Kong". External identification is the opposite, that is. "They are not from Hong Kong". In this respect territorial nationalism mirrors the nationalist characteristics of race, language, religion and culture. Evidence of expressions of internal identification can be seen, for example, in the literature used by the political parties in the various campaigns during the transition period as well as in various social programs run by the administration. Examples of external identification have arisen where members of the Hong Kong nation have been pitted against other nationalities for resource allocations.[202]

Using the 1991 Legislative Council election campaign as an example of internal identification, it is possible to show the Hong Kong-centric approach used by

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[200] Coleman, James. "Rights, rationality, and nationality", in Breton, A et al. 1995. p 12

[201] Coleman does discuss this notion. However, he ties it to the concept of citizenship within a state. I do not believe it is necessary to go this far. Should individuals be forced together be external circumstances/forces they can evolve, as a result, into a nation. Where this takes place within a defined geographic boundary the tie to the territory will, likewise, develop. However, I do not believe the link can be made readily to the notion of citizenship.

[202] This is expanded later in the chapter.

the various parties to promote their causes. This approach can, I believe, be separated into two issues. Firstly, that the parties felt that the people would more clearly identify with a "Hong Kong-first" approach. This would indicate that the parties believed that there was already a responsive "Hong Kong consciousness" present in the electorate. Secondly, that the people voted for those parties whose stated interests were with the people of the territory. Once more, this would indicate a perception that the nation (in this example, its subset - the electorate) had developed a consciousness that was able to distinguish between its interests and "other" interests.

Lee found examples of these two issues in the 1991 elections, stating that: "Two fundamental messages were commonly expressed by the candidates, namely (1) to safeguard the wishes of the Hong Kong people concerning the territory's return to China's sovereignty, and (2) to improve peoples livelihood."[203] Each of these messages have a prominent "people" component. In other words, the electoral messages expressed by the candidates were directed towards a group or a "people" who viewed themselves as both sharing similar characteristics and belonging (or having an affinity with) to a defined place (or territory).

[203] Lee, J. "Campaigning Themes", in Lau Siu-kai and Louie Kin-Sheun eds. 1993. *Hong Kong Tried Democracy: The 1991 Elections in Hong Kong*. Research Monograph no. 15. Chinese University Press, Hong Kong. p 299

In addition to bottom-up (or grassroots) formations of territorial affinity, state-run programs can also help form a national territory. In particular, government social programs can have a subtle but profound effect on shaping the community. Essentially, this is accomplished by promoting values or codes of conduct that are perceived to be the correct or acceptable way of behaving. This type of social engineering, on the broadest level, establishes a value system that is a binding force for the nation. This binding of the nation to the territory can be seen as the nation's equivalent to the limiting of the state's through an entrenched legal system. In each instance the entity is limited by a force beyond it. However, in this instance of the bounded nation, the force limiting it is the state. As such, it can be said that the nation will, at least in part, develop and absorb characteristics that the state desires. In other words, the nation will (partly) be shaped by the state. This form of top-down nation building is a particularly potent and effective force when the nation is undergoing a period of rapid change or when the ruling state elite have uncontested control. Both situations apply to Hong Kong.

One example of an attempt by the Hong Kong state to shape the Hong Kong nation were the programs run by the Community Relations Department (within ICAC). As the *Hong Kong 1995* report stated,

> The Community Relations Department [CRD] educates the public against the evils of corruption and enlists community support to fight the problem. It also aims to promote higher ethical standards in social and business matters. It works through the mass media and personal

> approaches by its eight regional offices to different target audiences.[204]

As such, it can be said that the CRD actively seeks to shape the Hong Kong nation's value system to an administratively desired outcome. Other departments of the Hong Kong government also run programs designed to change or modify the way people think. Another example can be seen in the many voter registration campaigns thematically designed to appeal to eligible voters on a national level.[205]

The case of external identification can, for example, be seen in the debate over the status of the Vietnamese boat people and to a lesser extent the status of foreign workers (particularly the Filipino maids). Hong Kong is a colony built on large, successive, waves of immigrants and refugees. That the majority of the present population was born in Hong Kong, as opposed to arriving as refugees, is only a recent phenomena. For example, in 1931 only 21 per cent of the population could claim to have been born in Hong Kong, by 1991 that figure had risen to seventy percent.[206]

The largest waves of refugees began arriving in the late 1940s/early 1950s as the Chinese Communist party rose to, and then consolidated, their power on

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[204] "Public Order", in *Hong Kong 1995*. p 324 [ ] added
[205] For some examples of the more popularly directed campaigns see, "Public urged to support board polls", in *Hong Kong Standard* 12 September 1994
[206] Miners. Norman. 1991. pp 15-34

the mainland. Indeed, in the period between the end of the Second World War and the early 1950s, the population of the Hong Kong increased from 600 000 to 2 360 000.[207] This increase was largely due to the influx of refugees from Guangdong province and many other parts of China.[208] However, the end of this period was not the end of the Chinese refugee waves. As Skeldon has noted:

> The last great wave of migration to affect Hong Kong to date occurred during the late 1970s, after the economic reforms in China were initiated and people found it easier to move internally again. between 1977 and 1982, almost half a million migrants entered Hong Kong from China, and Hong Kong's population had virtually reached five million by 1981.[209]

As refugees these people had no natural ties to Hong Kong they could not form a "home consciousness".[210] One wave could not differentiate itself from another. In other words, those in the later waves of refugees did not immediately share the same national identification with Hong Kong as had developed amongst the earlier immigrants and their descendants. In particular, these later refugees could not construct an "us and them" barrier on the basis of territorial affinity.

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[207] Ibid. p 34
[208] Ibid. p 34
[209] Skeldon, Ronald. "An International Migration System", in Skeldon, Ronald. ed. 1994. *Reluctant Exiles? Migration from Hong Kong and the New Overseas Chinese.* Hong Kong University Press, Hong Kong. p 23
[210] Ng Sek-hong and Cheng Soo-may. "The Affluent Migrants as a 'Class' Phenomenon: The Hong Kong Case", in Lau Siu Kai et al eds. 1994. p 173

In contrast to these new refugees, the immigrants which had settled earlier in Hong Kong began to view the territory as less of a transit point and more of a homeland (leading to the creation of a home consciousness). The reasons for this growth in affinity are myriad and vary from individual to individual. However, some of the reasons could be summarised as follows: (1) The number of Chinese immigrants residing in the territory had steadily grown. In conjunction with this growth was the development or reestablishment of social and familial networks. The growth of these networks provided a basis for social stability which the immigrants had forsaken in their move to the territory. As time went on, these networks and, as a direct result, the Chinese population's stability grew steadily more entrenched. However, the development or reestablishment of these ties was in Hong Kong, not on the mainland. This new social evolution helped to strengthen this socially-located territorial nationalism. (2) This growth in social stability was aided by the high degree of economic stability. The economic stability provided commercial opportunities for the immigrant population which, in turn, further fostered the social stability and the territorial affinity. In particular as the economic stability was often in stark contrast to the social and economic situation on the mainland. This territorial affinity deepened and broadened as successive generations were born in Hong Kong.

As this territorial affinity for Hong Kong grew it gave rise to an "us and them" mentality. The geographical border at the edge of the New Territories became the limit between the "Mainlanders" or, more immediately, the *Guangdong ren* [trans: Guangdong people], and the inhabitants of Hong Kong. It is necessary to note that, technically, the inhabitants of Hong Kong could also be seen as *Guangdong ren* (Hong Kong originally being part of Guangdong province) but with the development of a territorial nationality amongst the local population evolved into the distinct *Xianggang ren* [Hong Kong people]. This distinction was strengthened by the parallel growth of an indigenous population, language, religion, culture and language.

In the case of the Hong Kong nation, however, the concept of "us and them" did vary, dependent upon the prevailing socio-political trend. An example of this dependence is demonstrated in the case of the local Indian-Hong Kong community. Although they do not share all the national characteristics of the local Chinese population, Hong Kong's Indian community has partial affinity that, nonetheless makes it a part of the broader Hong Kong nation.[211] This common affinity can be said to exist in as much as the Indian community has, historically, shared a territorial affinity with Hong Kong, has contributed to its culture and to the religions of Hong Kong. Yet as the pressures of the transition

[211] Das, Rup. "A Nationality Issue: Ethnic Indians in Hong Kong", in Wong, Richard and Cheng, Joseph eds. 1990. *The Other Hong Kong Report, 1990.* Chinese University Press, Hong Kong. pp 147-158

period placed a strain on the nation, the indigenous Indian population has, to an extent, found itself marginalised. This can be seen, for example, in the case of right of British abode.

Indians residing in Hong Kong have been granted British National Overseas Citizen (BNOC) status. This, although in line with Britain's Hong Kong policy, was seen as a denial of the reality facing the Indian population after July 1, 1997. At the time of the retrocession the Indian population, unlike the local Chinese population, would not be rejoining a larger ethnic group. This left open the possibility that they would instead become territorially dispossessed. In particular because, in reality, BNOC holders would be considered stateless.[212]

Prior to Tiananmen, the Indian community's support for right of abode in Britain had the support of the wider Hong Kong community. When the issue arose in the Legislative Council (4th December, 1985), for example, all speakers who addressed the issue supported the Indian community's case.[213] As LegCo councillor Stephen Cheong said,

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[212] For a commentary on the issues surrounding the possible stateless nature of the Hong Kong Indian community see: Dimbleby, Jonathan. 1997. *The Last Governor: Chris Patten & the Handover of Hong Kong*. Little, Brown and Co., London. pp 312-313 and 344-346

[213] Das, Rup. "A Nationality Issue: Ethnic Indians in Hong Kong", in Wong, Richard and Cheng, Joseph eds. 1990. p 154

> Please take heed of the request of the small number (less than 10, 000) of British subjects of Hong Kong who are not ethnic Chinese. The uniqueness of their case must rest equally with, if not higher than, the case of the Gibraltarians or Falklanders, for it is the British government that decided to return Hong Kong to China.[214]

However, after Tiananmen, the broad consensus (that Stephen Cheong's speech had been reflective of) dissolved. Any group (regardless of ethnic category) which saw themselves at risk from the Chinese government post-97 argued for special consideration. As Das wrote,

> The contention of the Hong Kong Indians is now being contested by other vulnerable groups such as the civil servants and the ethnic Chinese who argue that anyone who has cause to fear the 1997 changeover has an equal claim for British citizenship.[215]

On the one hand, the dissolution of the unified stand of the developing Hong Kong nation can be seen as evidence that the needs of the Hong Kong-Indians have been marginalised in the face of post-97 uncertainty. As such it is possible to state that the nation, in this instance, was not acting as a unified body but, instead, was being motivated by the self-interest of the majority. On the other hand, another interpretation is that the Hong Kong Indians are still considered members of the Hong Kong nation as they had to fight for their rights the in same ways any other group, regardless of ethnic origin. It is clear from Das'

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[214] Cheong as quoted in Das, Rup. 1990. p 155
[215] Ibid. p 155

analysis of the situation that the Indians felt it was the former rather than the latter case which was applicable to their situation.

However, in February, 1997, the Secretary for Home Affairs Michael Howard, reversed the government's policy to allow the Hong Kong Indians British citizenship and, as a result, the right of abode in the United Kingdom. As Howard stated in a written reply to the House of Commons:

> I have carefully reviewed the position of the solely British ethnic minorities in Hong Kong, in the light of expressions of concern in both Houses of Parliament here and in Hong Kong...It is clear that the assurances which they have been given over a number of years have not allayed this concern. I therefore intend to make provision enabling them to apply for registration as British citizens, giving them right of abode in the United Kingdom.[216]

Although this last minute reprieve can be seen as a retracing of an earlier path to allow the Hong Kong Indians right of abode, it also demonstrates that when analysing the Hong Kong nation it is a majoritarian approach that is being applied. In most cases, this will not be an issue as the local Chinese element of the Hong Kong nation accounts for over ninety-eight percent of the population. However, it is necessary to realise that this leaves approximately two percent of the population still to be taken into account when either the Hong Kong nation, or the conscious expression of the nation-state, the Hong Kong identity, is examined.

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[216] Howard, Michael as quoted in: Dimbleby, Jonathan. 1997. p 398

Conclusion

The Hong Kong nation is comprised of a multitude of elements. In the order in which these elements have been analysed they are: race, language, religion, culture and territorial affinity. Each of these elements provide a vehicle for national unity based upon "common sympathies". When all these elements are brought together, on a mass scale, it is possible to detail the characteristics of the Hong Kong nation. It is, however, useful to clarify that a nation does not simply exist but, rather, it develops in fits and starts over a period of time. In the case of Hong Kong it can be said that the nation has really only developed in the post-1945 period. The pre-modernised colonial community, especially the local Chinese population, was divided - yet to evolve the requisite "common sympathies".

At the same time as these "common sympathies" developed into the Hong Kong nation, so too did the nation's self-perception. It is this realisation or consciousness of the Hong Kong nation in conjunction with the development of a local Hong Kong state which is expressed as the Hong Kong identity. This is the focus of the following chapter.

Chapter Five

The Hong Kong Identity

Introduction

In July 1997 Hong Kong and its citizens returned to the mainland. The retrocession agreements stated that when it did so its once and future sovereign undertook to ensure a "Hong Kong way of life" continued for a fifty years.[217] This phrase would indicate the belief, at least, that a distinct Hong Kong way of life exists. In turn this would require Hong Kong, as a polity, to (in some way) enjoy an identity separate from those found on the mainland or in the overseas Chinese communities of Taiwan and Singapore. Furthermore, with the retrocession, Hong Kong's *"Gangren"* will *"zhi Gang"*.[218] This is the purpose of this chapter. By drawing together the analysis from the two previous chapters and placing it within the socio-economic framework established in Chapter Two, it will be possible to establish the characteristics of the Hong Kong identity. The establishment of which will, in the case of Hong Kong, conceptualise Offe's first tier.

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[217] For an outline of this "way of life" see: Joint Declaration of the Government of the United Kingdom and Northern Ireland and the Government of the People's Republic of China On the Question of Hong Kong. point 3(5). This agreement is popularly referred to as the Sino-British Joint Declaration or, more simply, the Joint Declaration. This latter shorthand will be used in this article.

[218] *Gangren zhi Gang* (trans. Hong Kong people (*Gangren*) governing (*zhi*) Hong Kong (*Gang*)) is the 4-character slogan used to describe the political system after the handover. Its basis lies in the Joint Declaration 3(4) which states that "The Government of the Hong Kong Special Administrative Region will be com-posed [*sic*] of local inhabitants."

Yet what sort of unique identity could an internationally oriented colony enjoy? Some recent works promote the idea that because Hong Kong is so socially schismatic, it is impossible for the territory to have a "unifying cultural foundation"[219]. As a result, "who the 'Hong Kong *yan*' are will remain ambiguous, as cultural identity is continuously remade by human agents who move across social, cultural, and political boundaries set by historical events quite beyond anyone's prediction".[220]

These views ignore two basic facts about the nature of the Hong Kong identity. Firstly, that it is in many ways its uniquely multifaceted nature that defines Hong Kong. Indeed, for many aspects of the Hong Kong nation it is precisely the "melting pot" or derivative nature that provides the unifying element. Secondly, although it must be recognised that any identity will always be dynamic and, to a limited extent, unpredictable, it is nonetheless possible to identify the socio-structural elements that form, limit and bind the identity. Hence, it is this chapter's assertion that what dynamism exists in the identity must be examined over a period of time; that is, that the analysis of the

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[219] Chan Hoi-man. "Popular culture and political society: Prolegomena on cultural studies in Hong Kong", in Sinn, Elizabeth ed. 1995. *Culture and Society in Hong Kong*. Centre of Asian Studies, University of Hong Kong, Hong Kong. p 23

[220] Siu, Helen. "remade in Hong Kong: Weaving into the Chinese cultural tapestry", in Liu, Tao-tao and Foure, David eds. 1996. *Unity and Diversity: Local Cultures and identities in China*. Hong Kong University Press, Hong Kong. p 191. (translation note: *yan* is the Cantonese equivalent of *ren* or people)

dynamic nature of a national identity can still be incorporated within the greater discourse of uniformity.

However, before such analysis can take place it is necessary to define exactly what is meant by "identity". As a starting point it is useful to examine the work of Benedict Anderson. Anderson's definition that nations are "imagined communities" is perhaps the most widely recognised basis for analysing national identity formation. Anderson describes a nation as an imaginary construct formed by subjective values on the part of its proponents. Among these subjective values are; culture, religion and time.[221] These are then modified by the expansion of capital and vernacular languages, principally via the media.[222] These factors, in addition to a variety of political ideologies, a territorial unity and, to a certain extent, some form of economic development, combine to foster a national community.

Building upon Anderson's construction was Baumeister's qualification that, "whatever differentiates one from the others and makes one the same across time creates identity"; highlighting two identity-defining criteria of differentiation and continuity.[223] As such Baumeister goes further than Anderson, linking continuity (or time) with the difference that is a result of

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[221] Anderson, Benedict. 1983. *Imagined Communities: Reflections on the Spread of Nationalism.* Verso Press, London. Chapter 2
[222] Anderson, Benedict. 1983. Chapter 3
[223] See: Baumeister, R.F. 1986. *Identity: Cultural Change and the Struggle for Self.* Oxford University Press, Oxford.

external identities coming into contact with the local identity. Although Baumeister's definition is in terms of the individual identity, it is equally applicable, via logical extension, to a societal definition.

From the above discussion it can be said that these definitions form an integrated whole; with Anderson forming the platform for identity analysis and Baumeister expanding and clarifying Anderson's structural theory with motivating and behavioural concepts. However, this unified definition must be modified according to the specific level at which it is interpreted; that is, each individual has a multiplicity of identities that are expressed as the personal situation requires. In the case of "Hong Kong *yan*", for example, a single person could possess the following identities; female, educated female, western educated female, educated Cantonese, educated Chinese; with other permutations (such as socio-economically defined identities). When analysing a national identity the combined result of all of these identities, across the local community, needs to be taken into account.

In applying these layered identities to examine the *Gangren* two approaches will be utilised. Firstly, extrapolating from Anderson's characteristics of the imagined community and drawing upon the analysis presented in Chapter Four, certain objective socio-structural elements can be identified and utilised. These are: the ethnic composition of the community, a common culture, a

common language and a common territory. To avoid overlap with the previous chapter, which has already outlined these elements, only the expression (as an active component of national consciousness) of these elements will be examined.[224] Secondly, the subjective consideration by the citizens of Hong Kong as to how they perceive themselves, will be explored. In consideration of the dynamic nature of a national identity, both of these approaches must be analysed over time (as per Anderson and Baumeister). For the purposes of this chapter the time frame will be the post-1945 period and formed around a generational interpretation.

Any analysis of the Hong Kong identity is complicated by the retrocession. The impending integration with the mainland carries with it both structural and behavioural changes that may redirect the dynamic identity onto a new path of development. This chapter will first examine the Hong Kong identity and then conclude with an examination of the modifying effect of the retrocession.

Objective Identity

The conclusion of the Japanese occupation of Hong Kong left the territory with only 1 million inhabitants. Yet, by the late 1940s that number had swelled to

[224] However, that said, a small amount of overlap from the previous three chapters (in particular the last two) is unavoidable.

over 2.36 million.[225] The overwhelming majority of these newcomers came from across the mainland border. These Chinese sought to escape, first, the civil war with its economic chaos and, then, the communist regime with its rigid socio-political doctrine.[226] In essence this first group of immigrants came to the territory because they believed that the situation in Hong Kong was better than the one they were leaving on the mainland. Hence, for this group Hong Kong, by default, became their permanent home. In moving to Hong Kong this first wave of immigrants changed forever the nature of Hong Kong society. Whereas before the Pacific War the territory's community was largely comprised of sojourners, from this point on it *began* to be comprised of 'potential' citizens.

The next thirty years saw a profound change in the socio-economic structure of the polity. This, in turn, affected the perceptions held by Hong Kong's citizens. In particular, there were two structural developments that carried the greatest impetus for change. The first was the transformation from an entrepôt economy to a capitalist economy. The second was the expansion of the social space (specifically the entrenched dominance of a local language, education

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[225] Destexhe, François. "Hong Kong and 1997: The Facts", in Menski, Werner ed. 1995. *Coping with 1997: the reaction of the Hong Kong people to the transfer of power*. Gems No. 2, SOAS. Trentham Books Ltd., England. p 25

[226] Destexhe's chapter contains an excellent survey on immigrant motivation for the years 1945-1952 (inclusive). Whereas in 1985 the main reason for immigration was economic (89.9%) by 1950 the pendulum had shifted to the political (68.9%). The final two years of the survey saw a levelling out between the two factors with a third factor (loosely termed "Other") gaining increased prominence. By 1952 I would propose that this "Other" would have been largely familial in orientation. See: Destexhe, François 1995. p 32.

system and culture). Although these two factors are interlinked, they may be examined separately.

The Chinese civil war and subsequent Communist victory saw successive waves of Chinese refugees enter Hong Kong. These immigrants brought with them two key ingredients that laid the foundation for the transformation of the Hong Kong economy to a capitalist system. These two ingredients were a large labour pool and a manufacturing base. These two combined in the early fifties to establish a solid light industrial sector (most prominent of which was the garment industry).[227]

From the development of a manufacturing sector in the 1950s, Hong Kong's commercial sector began to move into more advanced industrial enterprises. The 1960s were characterised by the development of a plastics industry (a speciality of which were plastic flowers), as well as the manufacture of wigs, both of which were designed for the export market. In the 1970s the industrial focus shifted, this time to the manufacture of clocks, watches and electronic toys.[228] However, in the 1980s, as a result of internal factors (for example, increasing wages and rental prices for office space), as well external factors (principally competition from other developing countries in addition to

[227] Turner, H.A et al. 1980. p 3.
[228] Chen, Edward; Nyaw, Mee-kau; and Wong, Teresa. "The Future of Industrial Development in the Asian Pacific; An Overview, in Chen, Edward; Nyaw, Mee-kau; and Wong, Teresa. 1991. *Industrial and Trade Development in Hong Kong*. Centre of Asian Studies, University of Hong Kong, Hong Kong. p xi

protectionist measures enacted by developed countries), Hong Kong again shifted its focus and began to develop a tertiary industrial sector. With this change the territory, taking advantage of its geo-economic setting, placed emphasis on its financial and human resources sectors.

This shift, however, in conjunction with the various internal and external pressures being brought to bear on the industrial sector, meant that the industrial production began to move off shore, to China. In particular this most recent phase of economic development has seen an increased interaction between the local economy and the economy of Guangdong province. The starting point for this phase was the implementation of China's Open Door economic policy in 1978. This was bolstered by the high degree of economic complementarity between the two economies; that is, as Hong Kong began to move away from its manufacturing base into the services sector it was able to transfer aspects of its increasingly high cost industrial sector over the border where the low cost of labour made the enterprises profitable. This "front shop, back factory" economy has aided in the increasing ties across the border, not solely limited to the economic or commercial sectors.[229] In turn, this interdependency has begun to modify the local identity (see *Modifying and Evolving the Hong Kong Identity* below).

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[229] Sit, Victor. "Industrial Transformation of Hong Kong", in Kwok, Reginald and So, Alvin eds. 1995. p 180

This process of modernisation has not been limited to the economic or commercial sectors. In particular, Hong Kong's modernisation formed a capitalist socio-economic hierarchy within the territory. This hierarchy, or class structure, was most noticeable in the creation of a large middle class. However, it also created an industrialised working class and a "new rich" upper class. For Gellner it is this modernisation process, which drew the power to define culture down from a small elite to the masses, that can be seen as most important in the establishment of the Hong Kong identity.[230] As Canovan in part quoting Gellner has written, "'Universal literacy, mobility and hence individualism, political centralization, the need for a costly educational structure' all conspire to put questions of language and culture on to the political agenda of industrial society and 'impel it into a situation in which the political and cultural boundaries are on the whole congruent'".[231]

Drawing from Anderson, Baumeister and Gellner it can be said that the important facets for the modern articulation of Hong Kong's postwar identity was an educated population (Gellner's "universal literacy") able to understand a common language and culture. The common language (in terms of numbers of native speakers) of the territory has always been Cantonese. The postwar period, however, saw a linguistic specialisation, a rise of a Hong Kong variant

[230] See Gellner, Earnest. 1983. *Nations and Nationalism*. Blackwell, Oxford
[231] Canovan, Margaret. 1996. *Nationhood and Political Theory*. Edward Elgar, Cheltenham. p 60.

of Cantonese.[232] This variation was due to several factors: firstly, the closure of the Hong Kong-China border separated the majority of the population from daily contact with the mainland; secondly, the intermingling of the elite-based English with the local Cantonese formed a unique linguistic fusion. This linguistic fusion, I would argue, changed the way Cantonese was spoken (and hence *understood*) in the territory. The most obvious example of this can be seen in the local music industry where "Canto-pop" songs have emerged as the dominant industry.[233] Thirdly, the socio-economic changes that the territory was undergoing in this period (in relative isolation from, as well as in stark contrast to, the mainland) brought new elements and new understandings into the Hong Kong variant of Cantonese.

The ability to articulate a modern identity rests upon an educated population. It was not until 1963 that Hong Kong opened a tertiary institution (the Chinese University of Hong Kong) where the medium of instruction was Mandarin. Whereas in the past, education, as an elitist undertaking, had only used English as the teaching language (at the University of Hong Kong), this change allowed the mass of the local population to be tertiary educated. The opening of the Chinese University of Hong Kong heralded a mass expansion of the tertiary

[232] It is not my intention to demonstrate in this paragraph that Hong Kong Cantonese evolved into a completely different dialect simply that various alterations occurred in the way the language was spoken and understood.

[233] For a good analysis of the link between pop songs and local culture see: Huang Chan (黃 湛). "Liuxing qu yu Xianggang Wenhua" (流行曲與香港文化)(Popular Songs and Hong Kong Culture). in Sinn, Elizabeth ed. 1995. p 160-168.

sector with seven other degree awarding institutions opening between 1963-1991.[234] However, in all of these institutions (regardless of policy) anecdotal evidence suggests that Cantonese is the predominant medium of instruction.[235]

The change to a successful modern industrial-based economy, a common language and an educated population all served to foster, and then expand, Hong Kong's cultural sector. To a large extent the local culture, although always present, only really matured in the late 1970s and early 1980s when Hong Kong's socio-economic development was able to encompass the requisite post-material values (such as, spare time and spare cash, the education to understand the emerging culture and the willingness to support it) that allowed a broad based cultural movement to flourish.[236]

The consciousness of these socio-structural elements of the national identity was strengthened by the transmission through the local media (print, radio, and television).[237] With only a minority of Hong Kong's population functionally literate in English, Cantonese has always been the main language for media transmission. As such, the media both articulates the ideas of the

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[234] Source: "Education", in: *Hong Kong 1996*. 1996. Government publishers, Hong Kong. pp 152-154. see Chapter Two for more detail.

[235] I have drawn this conclusion from a large number of conversations held with both academics and postgraduate students at the seven universities between 1994 and 1997.

[236] Chan, Hoi-man. "Culture and Identity", in McMillen, Donald and Man, Si-wai. 1994. pp 450-457.

[237] For an examination of the role of television in the creation of a local culture see: Chen Qi-xiang (陳啓祥). "Xianggang bentu wenhua de chengli he dianshi de juese" (香港本土文化的建立和電視的角色)(The role of television in the establishment of Hong Kong's native culture). in Sinn. Elizabeth ed. 1995. pp 30-88.

community and, at the same time, strengthens its unique culture. This serves to reinforce the identity - by binding the community together via a forum that all can understand and in which all can participate. An identity that is directly relevant to every citizens daily concerns.

The relevance of the economy and the media to the development of a unique cultural identity is analysed by Johnson (1994) who stated that:

> The possibility of Hong Kong creating cultural forms which the younger generation began to absorb occurred in a context of major change in the technology of mass communications. Not the least of these was television. As Hong Kong became increasingly integrated into the global economy, it became disassociated from China culturally....and began to create a distinctive cultural identity.[238]

In addition to the media, the elements of the local identity are also expressed through the emergent Hong Kong film industry.[239] This can be demonstrated from several different vantage points. Firstly, the Hong Kong cinema uses the Hong Kong variant of Cantonese as the medium of expression. Secondly, the genre's of the film industry are Hong Kong-located - either in their subject material (that is, based in Hong Kong) or by virtue of the type of genre being promoted (for example, the Bruce Lee or Jackie Chan martial art epics which

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[238] Johnson, Graham. "From Colony to Territory: Social Implications for Globalization", in Leung, Benjamin and Wong, Teresa eds. 1994. p 674.

[239] For a further examination of the Hong Kong film industry's relationship to local culture see: Luo Ka. (羅卡). "Liu. Qi shi niandai Xianggang dianying wenhua de yixie qingxiang" (六、七十年代香港電影文化的一些傾向)(60s and 70s trends in Hong Kong's film culture), in Sinn. Elizabeth ed. 1995. pp 316-323.

are peculiar to Hong Kong). Thirdly, the movies made by the Hong Kong film industry can be seen as an expression of the social changes taking place in the territory.[240] Thus, in sum, the material generated by the local film industry can be seen as an expression of the Hong Kong identity.

All of these changes took place in and around the growth of the first postwar generation, as well as the beginnings of the second generation. For both of these groups Hong Kong was the only community they had ever known. Thus, although there was a familial contact (via mainland born parents or grandparents), Hong Kong became the territory through which these two (and subsequent) generations identified themselves. This identification was strengthened over time as more of the population was locally born. Indeed, by the 1990s over seventy percent of the population was born in the territory.[241]

This territorial identification was enhanced during this period by the geopolitical position Hong Kong found itself occupying. The "capitalist vs. communist" ideology then prevalent created and strengthened the "us vs. them" identification. This aided the belief that a Hong Kong community (the "us") existed that was different from that found on the mainland (the "them")

[240] Abbas, Ackbar. 1997. pp 16-47
[241] Miners, Norman. 1991. p 34.

despite having a generation residing in the territory that had grown up on the mainland.[242]

All of Hong Kong's post-war generations have undergone a process of change that has inexorably tied them to the territory and the local culture. Although it is possible to state that everyday experiences, rooted in the territory's community, are the most personal example of such ties, this section will focus on society-wide experiences that forced a coalescence of the territorial ties to come to the fore. The society-wide experiences that will be examined are; the 1956 riots, the 1966 and 1967 riots, the 1972 claiming of Hong Kong by China, the 1984 signing of the Sino-British Joint Declaration and Tiananmen.

The Double-Ten Riots and the Hong Kong Identity: The First Crisis

The 1956 riots were the first of a series of modern crises that would be faced by the developing Hong Kong nation-state.[243] The 1956 riots can be considered the first of a series of riots as many of the issues which would underlie future riots were present in 1956. The most obvious of these issues was the struggle

[242] This can be seen as an example of Coleman's external identification reinforcing the internal identity.

[243] It should be noted that, although the 1948 Kowloon Walled City dispute could be considered the "first" crisis to face the modern Hong Kong nation-state, the motivations of the Residents' Association were personal rather than ideological and, in addition, was not backed by an external government. For these reasons I am considering the 1956 riots as the first in a series of crises to face post-war Hong Kong. A good analysis of the Kowloon dispute is contained in: Tsang, Steve Yiu-sang. 1988. *Democracy Shelved: Great Britain, China, and Attempts at Constitutional Reform in Hong Kong, 1945-1952*. Oxford University Press, Hong Kong. pp 81-84

between pro-nationalist and pro-communist forces in Hong Kong, against one another and (in the pro-communists case) against the Hong Kong administration. An example of the later can be seen in the earlier 1950 and 1954 Tramway's Union riots. A report by the Hong Kong Department of Labour stated that:

> there was ample evidence of both co-ordination and outside (Communist) inspiration in this choice of a utility strike which would immediately affect a large part of the working population on the island.[244]

The root of the Double-Ten riots was the removal (in accordance with existing Hong Kong law) of a Nationalist flag at a public housing estate.[245] When a crowd gathered to protest its removal, the police were called. In response to the Hong Kong authorities action the local population commenced a riot which lasted for three days, from October 10-12th.[246] Once the police proved ineffective in quelling the disturbance, the army was deployed; the rationale being that the army could use more than minimal force.

The main ideological targets of the pro-nationalist rioters were organisations perceived to be communist. This ideological motivation placed the riots within

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[244] *Annual Report of the Labour Department 1949-50.* as cited in Leung, Benjamin. 1990. "Collective violence: A Social-structural Analysis", in Leung, Benjamin ed. 1990. *Social Issues in Hong Kong.* p 148

[245] It should be noted that, as it was a public housing estate where the flags were flying the Hong Kong government, as landlord, had the right to interfere. However, the exercising of this right infringed on the basic civil liberities of the tenants of the estate.

[246] There appears to be some confusion as to the exact length of the riots with Gary Catron (1972) claiming they lasted from October 10-12th and Benjamin Leung (1990) stating the riots lasted from the 10th-16th of October. See: Catron, Gary. "Hong Kong and Chinese foreign policy, 1955-60", in *China Quarterly*, no. 51. July/September 1972. pp 405-424.

the larger framework of the KMT and CCP conflict. This was despite the locally-held belief that most of the riots were coordinated by the Triads. Indeed, the introduction of the Triad involvement was seen as the sustaining factor (rather than nationalist or communist ideological adherence) in the Hong Kong administration's report.[247] However, in addition to the criminal nature of the Triad involvement, their activities in the 1956 riots can also be interpreted as a traditional expression of Triad behaviour. The Triad involvement can be interpreted as anti-communist, insomuch as the Triads had a history of mobilising against new regimes, and anti-British, in that the prime motivation for such mobilisation was the removal of a foreign power. Despite this motivation, the Chinese government saw the incident as the result of a collusion between KMT and British forces with the riots solely directed at communist affiliates.[248]

The effect of the 1956 riots was to create social and political tensions amongst the members of Hong Kong's population. On one level (vertical) this tension resulted in closer ties between the developing modern state and the emerging Hong Kong nation. On the other level (horizontal) the experience of weathering the riots and the restoration of social stability can be seen as creating a "common sympathy" amongst the local population. As will be

[247] For further report extracts see: Leung, Benjamin. 1990. "Collective violence: A Social structural analysis." p 149. However, it should be noted that the Hong Kong government often placed blame on the Triads for social upheavals in the territory, often with an exaggerated sense of the secret society network's direct role.
[248] Catron, Gary. 1972. pp 411-414

shown below the impetus towards the gradual formation of these common sympathies was prevalent in the aftermath of each event. This is a key aspect of a unified nation.

The 1966/67 Riots: The Second Crisis

The 1966 and 1967 riots, although being motivated by very different forces, served to unify the local population. The 1966 riots were the result of long simmering social and economic discontent brought about by a crisis of confidence in the banking and business sectors. The riots were triggered when the government arbitrarily decided to increase the fares on the cross-harbour ferries.[249] The three nights of street rioting that followed were seen as a reaction against the distance of the colonial administration, in particular its lack of understanding of the local populations needs. The 1967 riots were a spillover of the Chinese Cultural Revolution. Hong Kong (as was also the case of Macau) was portrayed as a bastion of capitalist imperialism where the workers were being oppressed and needed to be freed. From May until October 1967 Communist supporters disrupted the colony with riots, arson and bomb attacks.[250] However, their efforts were ultimately futile as the long-running disruptions only served to alienate the majority of the population, removing the agitator's legitimacy.

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[249] Miners, Norman. 1991. p 34
[250] Ibid. p 6.

More precisely, the riots themselves did not unify the territory but the effects of the riots did. The 1966 riots were a unifying force for the local population, in particular, as they contrasted the horizontal affinity within the local Chinese population against that of the colonial state. The 1967 riots reinforced the Mainlander/*Xianggang ren* dichotomy, providing a reaffirmation of Hong Kong's culture, governing ideology and way of life. However, apart from providing a unifying force against an external challenge the aftermath of the riots aided the emergence of the Hong Kong identity in other ways.

The administration introduced a variety of programs whose purpose was to foster and promote identity formation or (as it was described by the Hong Kong administration), community building. As the young had been particularly active during the riots, a number of these programs were specifically designed to create a local identity amongst the Hong Kong youth.[251] Although some of the communal programs were only slowly or half-heartedly implemented they did have the effect of fundamentally changing the balance of power in the territory. Prior to the riots, power had rested with the colonial elite; the post-riot reforms began the shift towards emphasis on the people. This shift was given added weight with additional "changes in social policy which improved living and working conditions and provided for greater and

[251] Wong, Rosanna. "Youth Development: Reflecting Back and Looking Forward", in Leung, Benjamin and Wong, Teresa eds. 1994. pp 377-384.

more effective delivery of goods and services".[252] Hong Kong was gradually being turned over to its citizens.

1972 - China Claims Hong Kong

In 1972, when China's ambassador to the United Nations, Huang Hua, presented China's request to the UN Special Committee on Decolonisation, requesting that Hong Kong and Macau be removed from the list of the territories to be decolonised, he placed Britain and the world on notice that Hong Kong would return to China. Moreover, the statement by the Chinese ambassador created a sense of immediacy and constraint around the retrocession, particularly for the Hong Kong people; whereas the British government still held out hope that the Chinese might allow for a continuation of British administration under Chinese sovereignty, Huang Hua's request meant that Hong Kong would return to China without any British colonial remnants. As Hua stated:

> The settlement of the questions of Hongkong and Macau is entirely within China's sovereign right and they do not at all fall under the category of colonial territories. Consequently they should not be included in the list of colonial territories covered by the declaration on the granting of independence to colonial countries and people. With regard to the questions of Hongkong and Macau the Chinese government has consistently held that they should be settled in an appropriate way when conditions are ripe.[253]

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[252] Scott, Ian. 1989. *Political Change and the Crisis of Legitimacy in Hong Kong*. Oxford University Press, Hong Kong. p 126
[253] Miners, Norman. 1991. p 6

Although the substance of the PRC's position on the return of the territory was a continuation of all Chinese governments since the Qing dynasty and, as such, had long been known to the British, the phrasing of the letter and its subsequent acceptance by the UN Special Committee meant that the retrocession of Hong Kong to China was considered a *fait accompli*. Moreover, Huang's statement allowed for the possibility of unilateral action should Britain not act in a responsible manner. The onus was thus placed on Britain to begin negotiations for the handover. This has been clearly demonstrated by the fact that it has been the British Prime Ministers who have gone to Beijing and not the reverse.[254]

The United Nation's acceptance, as well as the subsequent lack of British protest, meant that the Hong Kong people only had 25 years left under their modernising social and political system. However, China's position that the retrocession was a matter for the British and Chinese governments meant that the Hong Kong people would be denied formal representation. Furthermore, Britain's apparent acceptance of China's stance further isolated Hong Kong. This sense of isolation was the catalyst for an accelerated evolution of the Hong Kong identity. Drawing upon its common experiences of the 1956, 1966 and

[254] Two excellent sources on the negotiations and the British withdrawal are: Cottrell, Robert. 1993. *The End of Hong Kong: The Secret Diplomacy of Imperial Retreat*. John Murray Publishers (Ltd), London; Roberti, Mark. 1997. *The Fall of Hong Kong: China's Triumph & Britain's Betrayal*. John Wiley & Sons, Inc., New York.

1967 riots the local Chinese community further redefined itself as a singular nation, instead of simply being comprised of temporary residents. This unity was reinforced (at the nation and state nexus) by the arrival of Governor MacLehose, in November 1971, whose program of social and economic reforms helped to foster a sense of local governance rather than a colonial regime.[255]

The Joint Declaration and the Hong Kong Identity

The signing of the Sino-British Joint Declaration in 1984 further enforced the imaginary concept of the Hong Kong identity. The idea of living on "borrowed time" threw into stark relief what it meant to be a *Xianggang ren*. Conversely it repudiated the idea that the territory was a "borrowed place".[256] By the 1980s an increasing number of the population were being born in Hong Kong. It was this third and fourth generation for whom the ties to the territory were the strongest. Moreover, the increase in local identity affirmation by these generations was far more broadly based than those who still claimed a Chinese identity. As Leung Sai-wing demonstrated, those who stated that they had a Hong Kong identity were more numerous than their Chinese counterparts and based the majority of their claims on: their parents identification (32.3%), the political system of Hong Kong (14.1%), the economic development of Hong

[255] For an excellent analysis of the effects of the reforms introduced by Governor MacLehose see: Scott, Ian. 1989. "Autonomous Hong Kong, 1972-1982", Chapter Four

[256] These two terms are drawn from the title of: Hughes, Richard. 1968. *Borrowed Place, Borrowed Time: Hong Kong and its Many Faces*. Andre Deutsch Limited, London.

Kong (22.8%) and the living standards of Hong Kong (30.2%). In contrast, for those claiming a Chinese identity was overwhelmingly derived from their parents' identity (77.6%).[257] These figures would suggest that those who allocated themselves a Hong Kong identity were more broadly integrated into the local society than those who claimed a Chinese identity.

Tiananmen: Us vs. Them

Tiananmen, more than any other event in the modern history of Hong Kong, forced the territory's local community to form an opinion as to what constituted their identity. The long running demonstrations, in China, were focused on many of the issues then being discussed and debated in Hong Kong. The liberal concepts of freedom, rights and democracy that were being espoused by the demonstrators received wide support in the territory. The violent crackdown that ended the demonstration was seen by the citizens of Hong Kong as a foreshadowing of life to come. It was a view that the local population felt was the antithesis of the future they had been told to expect by London and Beijing.

[257] Leung, Sai-wing. August 1994. *The Making of an Alienated Generation: The Political Socialization of Secondary School Students in Transitional Hong Kong*. Unpublished Ph.D Thesis. Australian National University, Canberra. p 287

Faced with an external shock as to what they were not, it was necessary for the community to define what it was. The identity debate that ensued focused on the individual's rights within the community, once again in contrast to the place of the individual under the communist regime on the mainland. Here the media had an influential role, transmitting both the event and subsequent debate to all sections of the territory. The position that emerged was that the (then) "way of life" that Hong Kong enjoyed showed a strong dissimilarity to that evidenced on the Chinese mainland. The memorial service that has been held annually ever since 1989 is a example of this dissimilarity that has taken on local identity overtones.[258] Furthermore the support that this service has constantly had from the local community indicates that efforts to entrench these values is considered a legitimate course of action.

Having examined the manner by which socio-structural elements in Hong Kong's imagined community have fostered the emergence of the Hong Kong identity, it is necessary to analyse the manner by which self-perception (what I will term subjective identity) assisted the emergence of the local identity.

[258] For an examination of the commemoration of Tiananmen see: McMillen, Donald. "The Political Development of Hong Kong: 1991 - The Last Year of Choice", in McMillen, Donald and DeGolyer, Michael eds. 1993. *One Culture, Many Systems Politics in the Reunification of China*. Chinese University Press, Hong Kong. pp 25-26

Subjective Identity

The perception of the self as a member of a larger community is an important factor in the construction of a national identity. Although, as Hertz has noted, the fact that a nation might have formed an identity "does not mean that all individuals belonging to a nation have it to a large degree, or at all."[259] As such, this subjective identity can be viewed as being separate from, yet supportive of, the socio-structural elements of the objective national identity.

Lau Siu-kai's and Kuan Hsin-chi's work, *The Ethos of the Hong Kong Chinese,* comprehensively outlined the nature of the subjective Hong Kong identity when they stated that:

> when asked to identify their primary identity, 59.5 percent of the respondents identified themselves as Hongkongese, 36.2 percent as Chinese. The proportion of those opting for a larger Hong Kong identity is indeed striking, but an even larger percentage (67.9) agreed or strongly agreed with this statement: "Hongkongese have a lot of common characteristics, these make it difficult for them to get along with the Chinese on the Mainland."....Last but not least, 23.7 percent of respondents declared they had a very strong, and 55.8 percent a strong, sense of belonging to Hong Kong. Overall, the sense of attachment to Hong Kong is tremendous among our respondents.[260]

[259] Hertz utilised the term "national consciousness" rather than "national identity". However, the elements that comprise the "consciousness" are essentially those that comprise the "identity". Hence despite semantic differences that same concept is being expressed. see Hertz, Frederick. 1966. p 15
[260] Lau, Siu-kai and Kuan, Hsin-chi. 1988. p 178

Most recently, survey data from the Hong Kong Transition Project reinforces Lau and Kuan's findings. Over a 42 month period (February 1993-July 1996) survey samples consistently showed a majority of people viewed themselves as having a Hong Kong-based identity. By the time the survey run concluded 68 percent of respondents identified themselves (to some degree) as being Hongkongese (20 percent, Hong Kong Chinese; 45 percent, Hongkongese and 3 percent, Hong Kong British).[261]

Even though the figures, from both surveys, for those identifying themselves as "Hongkongese" are not 100 percent, it can nonetheless be stated that a majority claim a Hong Kong identity. Moreover, this reinforces Hertz's statement that not everyone within a community has to imagine themselves as part of the community for the community to exist. Hence, within an identity, groups can exist with differing beliefs to the norm. This does not, however, negate the identity it only modifies it.

Modifying and Evolving the Hong Kong Identity

Any examination of a national identity must take into account the dynamic nature of the subject. Thus, it is important to analyse those aspects of the polity that play a modifying or evolutionary role. The majority of the preceding

[261] DeGolyer, Michael. "Political Culture and Public Opinion", in Cheng, Joseph ed. 1997. *The Other Hong Kong Report 1997*. The Chinese University of Hong Kong, Hong Kong. pp 189-191

analysis has focused on the emergence of a Hong Kong identity distinct from that held in other Chinese communities - particularly that held of the mainland. It is therefore appropriate to examine which mainland-oriented imperatives are playing a formative role in the ongoing evolution of the territory's identity and what the possible effects of this evolution will mean.

The first modifying imperative is the role which has been played by the first generation of Chinese immigrants. Dr Elizabeth Sinn is correct in pointing out, as a generality, that there is yet to be a gravesite in the territory that has, as the place of birth, Hong Kong.[262] There are two reasons why I believe this is so. One reason is that the first generation of post war Hong Kong children (the so called "baby boomers") have not yet reached old age. The other reason is that the members of the 1940s and 1950s immigrant waves, which remain a substantial part of the Hong Kong population, still has a marked affinity with the mainland. Hence, any gravesite from this group would be expected to be marked with a mainland place-name. Moreover, it can not be discounted that, outside their physical presence, this group exerts an emotive force to their children that, in sentimental instances, could manifest as a mainland bond. Although, as has been previously made clear, such emotion can, on the whole, be expected to diminish over time.

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[262] Sinn, Elizabeth quoted in: Siu, Helen. "Remade in Hong Kong: Weaving into the Chinese Cultural Tapestry", p 178

A second modifying imperative to the Hong Kong identity has been the opening up of the Chinese mainland. In as much as the closure of the China-Hong Kong border helped foster many aspects of the dominant local identity, so too the opening of the border has allowed for an intermixing of communal aspects. However, although this has the potential to weaken the independent Hong Kong identity it may also strengthen it. In cultural and social terms this intermixing is relatively new and the immediate impact is limited to only a segment of Hong Kong society. It needs to be examined over a longer period to fully assess the social impact of these influences.

Chapter Three, Article 24, of the Basic Law allows for Chinese children born to Hong Kong citizens to have right of abode in the territory after the retrocession.[263] The effect of these changes has been to see a jump in the number of children trying to enter Hong Kong for immigration purposes.[264] However, regardless of their success in arriving or staying in Hong Kong, these children represent a growing intermingling between Hong Kong citizens and their mainland counterparts. This will weaken the ties that have bound the local identity. Moreover, the increase in immigration from the mainland will mean that different concepts of language, race, culture and territorial affinity will further modify the local identity.

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[263] "The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China", *The Third Session of the Seventh National People's Congress of the People's Republic of China.* 1990. Foreign Languages Press, Beijing. Chapter 3 (24).

[264] C-reuters@clari.net (Reuters). "Smuggled Chinese children flood in Hong Kong", in *clari.world.asia.hong_kong Article: 5486.* Accessed: 27 March 1997 22:30:44 PST

A final modifying factor, which in Hong Kong's case cannot be discounted, is the retrocession. Patriotism and nationalism have been well-defined aspects of the Chinese version of the handover. In this version it is a love of China and a desire to be subsumed into the broader Chinese nation that have been promoted. Although this has been targeted broadly at the entire Hong Kong polity, it has also been expressed internally by the actions of various pro-China groups within the society. A late-transition period example of this was a popular demonstration, held on the 23rd of March 1997, in support of the reunification. More than seven thousand people took to the streets to show that "in another 100 days, the hopes of generations will be realized."[265] The patriotism contained in the event was expressed by organizer Raymond Wu, who stated: "This is a grand occasion. In just 100 days, we will return to the Chinese motherland."[266]

Conclusion

From the preceding discussion it its now possible to draw certain conclusions about Hong Kong's identity. Firstly, a set of socio-structural elements whose cumulative effect has been to create a imagined community (as described by

[265] C-reuters@clari.net (Reuters/Diane Stormont). "China exults, HK ponders handover in 100 days", *clari.world.asia.hong_kong Article:5439*. Accessed: 23rd March 1997 10:50:46 PST
[266] Ibid.

Benedict Anderson and others) has been identified. The development of a capitalist economy was primarily driven by the newly arrived Chinese population, and this acted as a unifying factor against their disparate origins.

As the population grew, in particular as the second and subsequent generations emerged, more ties developed that created citizens out of sojourners and led to the creation of the Hong Kong identity. The use of a common language, constantly disseminated by the local media, provided the most basic of ties. As time went on, changes occurred within the language that were peculiar to the territory. A rapid expansion of the education sector, at all levels, resulted in an articulate population that was able to define itself, both in itself and against external identities. This definition was expressed through a variety of cultural media that, in turn, dynamically aided the process of definition.

However, constant pressures have been directed against the formation of a stable local identity. Both internal pressures (for example, the continued existence of the first wave of immigrants with their mainland place-identification and non-Hong Kong values) and external pressures (for example, the increased interaction across the open mainland border and the retrocession) have served to modify the national identity.

In conclusion, it is possible to state that an explicit Hong Kong identity does exist. This identity exists at both a communal level and at a personal level. It has developed over time and is now strongly located within the current social boundaries. It defines who the Hong Kong people are, to themselves and in their relationships with others. However, as with other national identities, the Hong Kong identity is dynamic and adaptive. The retrocession will challenge the current definition of what it means to be a "Hong Kong *yan*" but, nonetheless, after July 1st 1997 the "Hong Kong *yan*" will still exist.

From the analysis contained in this chapter, as well as the two previous chapters, it is possible to state that a conclusion has been reached on the "identity, citizenship and the territorial as well as social and cultural boundaries of the [Hong Kong] nation-state."[267] It is now necessary to examine the second level of Offe's three-tiered system, the institutional framework of the regime. In the case of Hong Kong, the operating system is that of civil society.

[267] Offe, Claus. "Capitalism by Democratic Design", p 869 [..] was added

Section 3

The Operating System of Hong Kong:

Civil Society

Preamble

The purpose of this section is to provide an analysis of the operating system or institutional framework for Hong Kong. Civil society theory has been chosen as the best possible vehicle for this analysis, as its various theoretical strands accurately reflect the system found in Hong Kong.

This section is divided into three chapters. The first chapter is an overview of civil society theory. In particular, this chapter will establish that there are two distinct strands of civil society theory. The distinguishing components of each of the strands will be examined. This is important as the interpretation of Hong Kong's operating system from a civil society viewpoint necessitates both a theoretical analysis as well as a practical analysis. This highlights the dualistic nature of civil society discourse. On the one hand it is purely theoretical. On the other hand, it provides a rationale for social and political behaviour - whether at the level of the individual, the group or the nation-state.

The second chapter utilises this dualistic analysis to examine two regional case studies of civil society. The first case study examines the social and political transformations that have occurred in East and Central Europe. The second examines the same types of transformations in an East Asian context. These regions have been chosen for two reasons. Firstly, the case studies provide for a civil society framework grounded in both the East and the West. This is useful as (as earlier analysis in this dissertation has shown) Hong Kong is an amalgam of both cultures. Secondly, the regional case studies demonstrate that the social and political outcomes resulting from a civil society operating system are not universal.

The third chapter uses the conclusions reached in the first two chapters to examine the manner in which Hong Kong operated prior to the beginning of the transition period. The purpose of this chapter is define the operating system of Hong Kong. The period that will be covered will extend from 1842 to 1984. This chapter will also take advantage of the material contained in the first five chapters to provide a subsidiary analytical framework.

The aim of this section is to analyse the operating system or the institutional framework for Hong Kong. At the conclusion of this section the development and characteristics of this operating system will be established. As a result,

Offe's second level will have been shown to be relevant in the case of Hong Kong.

Chapter Six

Civil Society as an Operating System
A Theoretical and Historical Overview

Introduction

Having examined the Hong Kong state and nation and the development of the Hong Kong identity, the questions must be asked, "What is their relationship?", or more precisely, "How does an action undertaken in one, affect the operation of the other?", and finally "What does the state-nation relationship mean for Hong Kong political system?" In other words, "What is the operating system for the Hong Kong quasi-state-nation?" In the 1950s-early 1980s these questions were often answered through the application of a modernisation model that stressed the importance of a capitalist economy with its attendant class stratification - in particular the middle class. More recently, Hong Kong analysts have attempted to answer the same questions using a civil society model. This analysis has, overwhelmingly, relied upon the liberal civil society thesis which stresses the autonomy of the civil sphere from the state.

Both models are then used to describe the phase of political liberalisation that Hong Kong has undergone during the transition period. The modernisation adherents state that it is the expansion of the middle class that has been of

critical importance. The liberal civil society adherents see the state as being unable to resist the demands of the autonomous, cohesive social sphere and, therefore, relinquishing aspects of its power and authority to the people. In both models a democratic state is the inevitable outcome of the liberalisation phase, which is, itself, a result of economic and social development.

Neither approach is entirely accurate. As was demonstrated in the second chapter, and will be seen in Section 4, those that adhere to the modernisation approach ignore or dismiss the fact that the Hong Kong middle class is not a unified group. Indeed there exists a substantial element of the middle class who are pro-status quo. They do not desire the reforms that the liberal element is stridently advocating. The liberal civil society proponents fail to take into account that Hong Kong has been a colony. In other words, the territory's colonial status has meant that it has operated, until very recently, as an authoritarian political system with a history of co-opting local elites as a means of legitimising its ruling structures.

So what is left? If the two main schools of thought have failed to fully explain the changes that the Hong Kong quasi-polity has undergone, then how is it possible to analyse the changes? Whilst the modernisation of Hong Kong did create an economic class structure that, in turn, fostered widespread social change (as was demonstrated in the second chapter), it is important to

understand that the development of a middle class did not necessarily occur as the theoretical model presupposed it would. Hence, this thesis proposes a different model to the ones that have just been described. This new model is one that incorporates both forms of civil society (illiberal and liberal) with an overlay of the socio-economic class structure and, in doing so, allows for the inclusion of those elements that the previous forms of analysis left out. Once this model has been properly formulated it can then be tested against the social and political changes that have taken place in East and Central Europe before being applied to pre-transitional Hong Kong.

In order to construct this new model it will first be necessary to examine the roots of the contending forms of civil society theory. Therefore these will now be examined.

Civil Society

This chapter will focus on the origins, interpretations and applications of civil society theory. The modern interpretations of civil society differ both in form and content from their classical and premodern origins, a result of civil society's "rediscovery" and subsequent redefinition at intermittent historical interludes. However, within the various modern interpretations of civil society theory lie elements of its classical origins. It is not the purpose of this section to

provide an exhaustive analysis of either the classical or pre-modern forms of civil society. Nonetheless, it is important that it is understood that civil society had a very long and rich intellectual tradition that encompassed such philosophers as Aristotle (as an example of a classical writer on civil society)[268] and Machiavelli (a pre-modern civil society philosopher).[269] That said, it is

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[268] The classical notions of civil society theory were first propounded by Aristotle (384 - 322 BC). The Aristolian version of civil society was termed *politike koinonia* [trans. political society or community]. For Aristotle the state was divided between political society (the *polis*) and the household (the *oikos*). The merging of the "political" with the "society" represents Aristotle's view that all men are political beings. Hence any action is, by its nature, political. As a result, this definition encompassed all social formations. That is to say that all business, recreational or interest-based associations were considered to be part of the political life of the *polis*. By contrast, the *oikos* was deemed, by Aristotle, to be the society that gave birth to the *polis* but was now cast in a supporting role.(See: Sinclair, T.A. translated and revised. 1992. *Aristotle: The Politics*. Penguin Books, London. pp 55-59) As such the *polis-oikos* dichotomy was somewhat unnecessary as the *oikos* was seen as a residual rather than an autonomous category, being "the natural background of the *polis*." (Arato, Andrew and Cohen, Jean. 1992. *Civil Society and Political Theory*. MIT Press, Cambridge, MA. p 84)

The relationship between the individual and the state, for Aristotle, is typified by the dominance of the state. As Aristotle wrote, "the state has a natural priority over the household and over the individual. For the whole must be prior to the part." (Sinclair, T.A. 1992. p 60. A further description of this facet of Aristolian thought is contained in: Castiglione, Dario. "History and Theories of Civil Society: Outline of a Contested Paradigm", in Rupke, Nicholas and Lovell, David eds. *Ideas and Ideologies: Essays in memory of Eugene Kamenka - The Australian Journal of Politics and History*. Vol. 40 - Special Issue. 1994. p 87) This relationship is underpinned by its civilised (by which Aristotle meant ethical) nature. It was this *ethos* that defined "not only a political procedure but also a substantive form of life based on a developed catalogue of preferred virtues and forms of interaction." (Arato and Cohen. 1992. p 84) Thus, by adhering to the ethics of the *polis* a citizen is considered free to act and prosper. This is because, in an Aristolian state, the freedom of the citizen is expressed by his obedience. The *polis* that is constructed is, hence, not one that is governed by the rule of law but one that is governed by morality.

[269] After Aristotle it was not until the sixteenth century that the connection between the state and its society would again be critically examined. Niccolo Machiavelli's work *The Prince* was useful in advancing the concept of civil society through his analysis of the relationship between the Prince (a term encompassing both the ruler and the state) and his subjects. Machiavelli's conception of civil society was, however, substantially different from that put forward by Aristotle. An example of the different approaches can be seen in the different evaluation given to need for ethics in a civilised state. For Aristotle ethics played an integral role in the governance of the state; whereas for Machiavelli ethics were not a necessary aspect of a well governed state. Thus "according to Machiavelli, the destiny of the prince is determined by *virtu*, his abilities, and *fortuna*, chance." (Melossi, David. 1990. *The State of Social Control*. Polity Press, Cambridge. p 16.)

Machiavelli's rudimentary concepts of civil society can be found in his discussions on the forms that principalities take, in particular, composite and constitutional principalities. In both discussions Machiavelli clearly separates those who form the state (the prince and the nobles) from those who form the society (the people). Within this dichotomous relationship two power relationships are apparent. Firstly, those who form the state elite are not always in agreement. That is, that the ruler must be wary

possible to examine the modern and contemporary interpretations of civil society discourse.

Modern Civil Society

The two major schools of thought that emerged during the seventeenth, eighteenth and nineteenth centuries took increasingly divergent viewpoints. The liberals (Locke, Hume, Ferguson, Paine and de Tocqueville) stressed the primacy of the individual. They saw civil society as being an autonomous, self-governing sphere. The authoritarians (Hobbes, Rousseau and Hegel) saw civil society as coming within the purview of the state. However, in analysing the two schools it is not feasible to separate them; often what one theorist was proposing was, at the same time, a preferred model of society as well as a critique of previous theorists from the different school. Thus, this examination of the modern theories of civil society will examine the theorists not (explicitly) by their school but within a chronological framework. In doing so the theorists

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of the self-interested manoeuvring's of his nobles.(See: Bull, George trans. 1995. Machiavelli, Niccolo. *The Prince*. Penguin Books, London. p 31) Secondly, "that the prince must build his state on the goodwill of the people: he is no Oriental despot, but must respect his subjects' susceptibilities." (Bull, George. 1995. p xviii) Moreover, "he declares that the guardianship of public freedom is safer in the hands of the commons than those of the patricians." (Cassirer, Ernst. "New Theory of the State", in Adams, Robert ed. and trans. 1977. *Niccolo Machiavelli: The Prince, 2nd ed.* Norton and Company, New York. p 160.)

Both of these political relationships are held within the wider framework of the state, which is seen as being in Machiavelli's time a condition of disorder. If the ruler is to impose order then he must exercise his power over all. Hence, although Machiavelli advocated the democratic idea that power resided with the people he firmly placed "the ends of the state or community over those of the individual, both at home and abroad."(Held, David. 1987. *Models of Democracy*. Polity Press, Cambridge. p 46.)

will be divided into three periods. The first period, the seventeenth century, will deal with Hobbes and Locke. The second period, the eighteenth century, will examine the works of Hume, Ferguson, Paine and Rousseau. The third period, the nineteenth century, will focus on Hegel and de Tocqueville.

The First Period

The development of the modern French state, with "the centralization of power and a unified and clearly bounded territory", in tandem with, but in stark contrast to, the political turmoil in England "made the issues of political community and obligation central to the thought of intellectuals."[270] It was in this environment, in 1651, that Thomas Hobbes wrote *Leviathan*.

For Hobbes the most efficient form of government, the one that enforced unity and prevented turmoil, was absolutist. In this sense Hobbes continues Machiavelli's tradition of the strong state but, at the same time, he denies *The Prince's* assertion that all men are individually free. Freedom, for Hobbes, is automatically and consensually given by the individual to the state (as a type of contract) so that the individual may be protected from "the perpetual and unregulated obstruction of [ones] actions by others."[271] As Hobbes wrote

> The finall Cause, End, or Designe of men (who naturally love Liberty, and Dominion over others,) in the

[270] Melossi, David. 1990. pp 17-18
[271] Oakeshott, Michael. 1975. *Hobbes on Civil Association*. Basil Blackwell, Oxford. p 45

> introduction of that restraint upon themselves, (in which wee see them live in Common-wealths,) is the foresight of their own preservation, and of a more contented life thereby.[272]

This restraint, or will of the state, is absolute (*ens completum*), "because it is not conditioned or limited by any standard, rule or rationality and has neither plan nor end to determine it."[273]

If the will of the state is absolute, to which the citizens freely consent, then, in a Hobbesian state, state and society are created simultaneously and are, thus, effectively the same construct - but approached from a different perspective. As a result, the Hobbesian system created an indivisible sovereign office. From this the question must then be asked, what form did Hobbes' civil society take? A Hobbesian civil society can be divided into two general sections; "Regular" (divided into "Absolute" and "Independent" and subdivided into "Politicall" and "Private") and "Irregular". These two sections are then further categorised as being either "Lawful" or Unlawfull".[274]

The majority of actions undertaken in an Hobbesian civil society take place with the concurrence of the sovereign. That is, given that the individual's will is, at once, the general will any action undertaken by the individual is an action undertaken by an aspect of the state. Thus civil society was an expression of

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[272] Macpherson, C.B. ed. 1968. *Hobbes:Leviathan*. Penguin Books, England. p 223
[273] Oakeshott, Michael. 1975. p 56
[274] Macpherson, C.B. ed. 1968. pp 274-275

the state - most of the time. The two aspects of civil society that fell outside the general will of the Leviathan were those actions that were either "Private Regular but Unlawfull" or "Irregular Unlawfull".

"Private Regular but Unlawfull" actions are "those that unite themselves into one person Representative, without any publique Authority at all; such as the corporations of Beggars, Theeves and Gypsies....and the Corporations of men, that by Authority from any forraign person unite themselves in another Dominion,...against the Power of the Common-wealth."[275] "Irregular Unlawfull" actions receive Hobbes detailed attention as he warns against conspiracies ("Leagues of Subjects"), political factions ("secret cabals"), the use of private militia ("Feuds of private Families") and competing state factions ("Factions for Government").[276] All of which are not constituent elements of the state and are therefore antithetical to the purposes of the state.

Thus, with the publication of *Leviathan* the theory of the modern autocratic state was born. With the formation of the state came the society, whose actions (mostly) occurred within state boundaries. Under this society the freedoms of the individual, that Machiavelli had written of, did not exist. Freedom, and by extension self-regulating civil pacts, existed in those interstices of the law which failed to cover a given action. Furthermore, all individuals freely and

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[275] Ibid p 285
[276] Ibid pp 286-288

rationally consented to submitting to the state so that social order might be preserved.[277] It was not until John Locke published the *Two Treatises of Government* that the self-contained rights of the individual were restored.

According to Melossi, in "Locke's political philosophy, the imagery of the social contract was no longer centered around Leviathan and the corresponding *pactum subjectionis*, but around the 'compact of association,' by which the state of nature was transformed into a civil society."[278]

This, then, further differentiates Locke from Hobbes. Whereas for Hobbes state and society were created simultaneously, in a Lockean system society was created first. For Locke, civil society was established when Man needed to leave the state of nature that he resided in order to protect himself from its "inconveniences, insecurity and violence."[279] To do this Men form a society in which they subordinated their individual sovereignty to the community. As Locke wrote

> Where-ever therefore any number of Men are so united into one Society, as to quit every one his Executive Power of the Law of Nature, and to resign it to the publick, there and there only is a *Political, or Civil Society*.[280]

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[277] For a more detailed analysis of this point see: Schochet, Gordon J. "Intending (Political) Obligation: Hobbes and the Voluntary Basis of Society", in Dietz, Mary ed. 1990. *Thomas Hobbes and Political Theory*. University Press of Kansas, Lawrence. p 57.
[278] Melossi, David. 1990. p 20
[279] Macpherson, C.B. 1962. *The Political Theory of Possessive Individualism: Hobbes to Locke*. Clarendon Press, Oxford. p 247
[280] Locke, John. *The Second Treatise of Government*. (hereafter termed 2T) § 89

As this quote also demonstrates, Locke often described political and civil society in equivalent terms. However, they become separated when the role of the *Political*, that is, the state (embodied in the government), was analysed.

The Lockean state is formed when the society requires a mechanism to ensure its ongoing preservation (in particular, the preservation of its members' property).[281] In establishing the Government the majority of society's members allow the rise of Legislative and Executive powers that are employed "as the good of Society shall require"[282] This, then, forms the *Political* society.

If the *Political* and *Civil* societies were the same, then it would be logical to state that the dissolution of one would always and automatically mean the dissolution of the other. This, however, was not the case. Locke demonstrates this in two ways. The first is when he discussed the formation of the government which arises out of society. The act of formation (what Locke terms the *Compact*) of the government is what transforms the "*Community*" into a "*Common-wealth*" "which begins and actually *constitutes [a] Political Society*."[283] Hence the *Community* (which I believe is simply a secondary term for the Civil society) exists before the *Political* society. The second way in which Locke

[281] On this last point see: Locke, John. 2T § 124
[282] Locke, John. 2T § 131
[283] Locke, John. 2T § 99

demonstrates that the Political and Civil are different is when the designated government is dissolved. Putting aside the exception to the rule (when a state is subject to conquest or invasion)[284], when the government ceases the *Society* remains and does not decay into a state of nature.[285] Given that the *Political society* relies upon the presence of the government it can deduced that the *Society* Locke was describing was the *Civil society*.

The preceding discussion also highlights another important aspect of Locke's Civil society, namely, the supremacy of the people. Unlike the Hobbesian model, where the people are subordinate to the state, in Locke's model the state is subordinate to the people. This confers on the state's citizens a greater degree of freedom than that proposed by Hobbes. However, Locke's definition of "the people" who were able to act within either the Political or Civil society was markedly different to the undifferentiated mass proposed by Hobbes. In ascribing the primary motivation for moving from a state of nature to a civil society as the protection of property (defined as "life, liberty and estate"), Locke set out the principle for the composition of government based upon the social contract.[286] From this basis Locke concludes that government "must be by the people and aimed solely at their own good."[287] Following from this

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[284] Keane, John. 1988. *Democracy and Civil Society*. Verso Press, London. p 42
[285] See: Grant, Ruth W. 1987. *John Locke's Liberalism*. University of Chicago Press, Chicago. p 105. See also: Locke, John. 2T § 220.
[286] Goodwin, Barbara. 1987. p 181
[287] Goodwin, Barbara. 1987. p 181

position, in radical contrast to Hobbes, the legal basis for sovereign rule was proposed to actively enhance an individual's freedom to act as desired (rather than as one ought). From this basis of both individuality and freedoms Locke's civil society, existing outside the state was created.

So, by the end of the First period the two major schools of civil society thought had been established. The authoritarian (or illiberal) school, originating from Hobbes' *Leviathan*, stressed the subsumption of the civil society under the regime of the state. The liberal school, stemming from Locke's *Treatise*, proposed the reverse viewpoint - that it was the state that was subordinate to the society. Both of these schools underwent further development during the eighteenth century; the Second modern period of civil society thought.

The Second Period

The eighteenth century saw a profound expansion of theories of civil society. The Scottish moralists (Hume and Ferguson), with their publications *Essays: Moral and Political* (1748) and *An Essay on the History of Civil Society* (1767), continued to propound and develop the liberal school.[288] Towards the end of the century Paine would further this tradition with his *The Rights of Man* (1791-

[288] David Hume and Adam Ferguson were not the only Scottish moralists. The others include Adam Smith, William Robertson and John Millar. For the purposes of this thesis I will only concentrate on Hume and Ferguson as theirs was the most substantial contributions to the discourse of civil society.

1792). In between the Scottish moralists and Paine was Rousseau, whose *The Social Contract* (1762) developed the authoritarian strand of thought.

Hume's version of civil society continued the tradition established by Locke. Placing the development of society in an historical context, Hume stated that civil society arose out of a need to move away from a state of nature into a civilised existence. From the "civil establishment of society" came justice and liberty which allowed for the existence of law and order - the "civilised pleasures of a civilised environment."[289] This, in turn, created the political society that led to the foundation of government.

As with Locke, Hume believed that the government was subordinated to the opinion and allegiance of its citizens. As Hume, when dealing the basis of government and government's relationship with society, stated in his *A Treatise of Human Nature (Book Three)*:

> I maintain, that tho' the duty of allegiance be at first grafted on the obligation of promises, and be for some time supported by that obligation, yet it quickly takes root of itself, and has an original obligation and authority, independent of all contracts.[290]

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[289] Chintis, Anand. 1976. *The Scottish Enlightenment: A Social History*. Croom helm, London. pp 98-99

[290] Selby-Bigge, L.A. ed. 1896. Hume, David. *A Treatise of Human Nature*. Clarendon Press, Oxford. p 542.

Hume, extrapolating on this position, claims that, with regard to the state-society relationship,

> A regard to property is not more necessary to natural society than obedience to civil society or government; nor is the former society more necessary to the being of mankind, than the latter to their well-being and happiness. In short, if the performance of promises be advantageous, so is obedience to government.[291]

Continuing Locke's tradition Hume believed that the majority of people had to believe in the utility of allegiance if a government was to remain legitimate.

Given that, (a) civil society exists before political society and that, (b) sovereign power is vested in the people not the state, it is possible to conclude that, for Hume, civil society existed as some form of activity largely independent from the state's activities. It was only "largely independent" due to Hume's acknowledgment that civil society must still obey authority, demonstrating "a reverence for established government."[292] For Hume it can be said that such autonomy was safeguarded against attack or encroachment from the state by the rise of an articulate middle class jealously possessive of its rights. The result of the rise of the middle class is to "draw authority and consideration to that middling rank of men, who are the best and firmest base of public liberty."[293] This is because the middle class "covet equal laws, which may

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[291] Selby-Bigge, L.A. ed. 1896. p 545
[292] Hume as cited in: Whelan, Frederick G. 1985. *Order and Artifice in Hume's Political Philosophy*. Princeton University Press, New Jersey. p 360
[293] Chintis, Anand. 1976. p 108

secure their property, and preserve them from monarchical, as well as aristocratical tyranny."[294]

Adam Ferguson's version of civil society, expressed in his *An Essay on the History of Civil Society*, emphasised the central role of property in his civil society; in this manner he continues the tradition established by Locke and Hume.[295] However, Ferguson went further than Hume in delineating the spheres of civil society and of civilisation, when he wrote that:

> The actual conventions which safeguard property, for example, and order....could be termed civil society; the order civil society called forth could be termed civilisation because in a state of order man's finer aspirations could be fostered, nurtured and realised.[296]

Based within the liberal context Ferguson described the separation of state and society; where the state is created by civil society to help it safeguard civilisation.[297] Furthermore, the involvement of the state in creating a stable polity was seen to free up its citizens to pursue other interests; in particular the accumulation of wealth. Indeed, so long as the state did not unduly interfere with the society, the citizens gave an implied consent to the state's actions. As Gellner wrote (about Ferguson's conception of civil society-state interaction)

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[294] Ibid. p 108
[295] See: Forbes, Duncan ed. 1966. Ferguson, Adam. 1767. *An Essay on the History of Civil Society*. University Press, Edinburgh.
[296] Chintis, Anand. 1976. p 98
[297] Here Ferguson places the individual in a more communal setting than either Locke or Hume; including in the preservation of personal liberty a social orientation. For example see: Chintis, Anand. 1976. p 115

> The splendid thing about Civil Society is that even the absent-minded, or those preoccupied with their private concerns or for any other reason ill-suited to the exercise of eternal and intimidating vigilance, can look forward to enjoying their liberty. Civil Society bestows liberty even on the non-vigilant.[298]

Writing only 25 years after Ferguson, Paine radically reinterpreted the relationship between state and society. No longer was state created from the society so as to best regulate it and free its citizens to pursue their individual agendas. With the publication of *The Rights of Man* (1791-92) Paine characterised the state as "a necessary evil" and the society "an unqualified good".[299] In doing so he gave new meaning to the role that civil society was deemed to play in safeguarding liberty. Civil society was seen as the regulating influence upon society. As Paine stated: "Thus, the more perfect civil society is, the more it regulates its own affairs, the less occasion it has for government."[300] This, then, redefined civil society (in the perfect sense) as an autonomous sphere of activity separate from the state. Moreover, the actions of the civil society are imbued with a sense of righteous morality; rendering all of its actions just.

In reasoning civil society's autonomous role Paine wrote that:

> The mutual dependence and reciprocal interest which man has in man, and all the parts of a civilised community upon each other, create that great chain of

[298] Gellner, Ernest. 1994. *Conditions of Liberty: Civil Society and Its Rivals*. Hamish Hamilton, London. p 80
[299] Keane, John. 1988. p 35
[300] Ibid. p 35

> connection which holds it together....Common interest regulates [individual's] concerns and forms their laws; and the laws which common usage ordains have a greater influence than the laws of government. In fine, society performs for itself almost everything which is ascribed to government.[301]

However, not all theorists of civil society in this second period were of a liberal persuasion. Rousseau's *The Social Contract* (1762) furthered the autocratic version of civil society that had first been propounded by Hobbes. This was despite initially being attracted to the liberal school. It is perhaps for this reason that there appear certain liberal leanings in Rousseau's thoughts, despite their authoritarian direction. For example, as Rousseau wrote

> It is therefore essential, if the general will is to be able to make itself known, that there should be no partial society in the state and that each citizen should think only his own thoughts.[302]

In this passage Rousseau creates a dualistic civil society based around a public/personal dichotomy; whereby freedoms were enjoyed due to public obedience to the general will, but within the self the individual was free to think how they chose. It was this public civil society that Rousseau was describing when he stated that "the citizen consents to all laws, even those passed in spite of him, and even those which punish him when he dares to

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[301] Paine, Thomas. 1792. "The Rights of Man", in Foot, Michael and Kramnick, Isaac ed. 1987. *The Thomas Paine Reader*. Penguin Books, Great Britain. p 266

[302] Rousseau as quoted in: Parry, Geraint. "Thinking one's own thoughts: autonomy and the citizen", in Wokler, Robert ed. 1995. *Rousseau and Liberty*. Manchester University Press, Manchester. p 99

break any one of them."[303] This type of consent, which removes any possibility of the existence of a partial society dissenting against the general will, clearly follows and develops Hobbes' concept of an overarching, all encompassing Leviathan.

This, then, raises Rousseau's concept of the relationship between the civil society and the state. Like Hobbes, Rousseau put forward the idea that as man moved away from the state of nature and into a social contract the state was formed. As Rousseau stated, "this act of association [the social contract] immediately produces an artificial and collective body, made up of as many members as there are voices in the assembly.....The public person thus formed by the union of all...is now called a *republic* or *body politic*; when passive it is known as the *state*, when active as the *sovereign*."[304] Thus conceived this definition is diametrically opposite to the liberal definition of the relationship as being characterised by an autonomous sphere of activity separate from the state. This was a school of civil society thought that would find its culmination in the writings of Hegel, during the nineteenth century.

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[303] Rousseau. *Book IV, The Social Contract*. as quoted in Mason, John Hope. "Forced to be free", in: Wokler, Robert ed. 1995. *Rousseau and Liberty*. Manchester University Press, Manchester. p 125

[304] Watkins, Frederick trans and ed. 1953. *Rousseau: Political Writings*. Thomas Nelson and Sons, Edinburgh. p 16 [..] added, italics in original.

The Third Period

Hegel's publication of his *Grundlinien der Philosophie des Rechts* (1821) pushed the stream of civil society thought, previously characterised by Hobbes and Rousseau, to its logical conclusion. Drawing on these earlier theorists, and in obvious contradiction to the concept put forward by the liberal school, Hegel located civil society within an universal state rather than as an autonomous sphere of activity.

Strongly influenced by the events of the French Revolution, Hegel viewed any autonomous functioning of civil society as a disaster. Civil society, in this sense, was an unethical existence that could "only lead to unchecked individualism."[305] The only method by which civil society would enter into an ethical state was to become part of the state. The means to accomplish this was via the legal system. For Hegel, a codified system of laws would transfer the emphasis away from the individual to the social. As Hegel wrote:

> The principle of rightness passes over in civil society into law. My individual right, whose embodiment has hitherto been immediate and abstract, now similarly becomes embodied in the existent will and knowledge of everyone.[306]

In doing so an action against one becomes an action against all. Hegel stated that:

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[305] Melossi, David. 1990. p 33

[306] Knox, T.M. trans. 1952. *Hegel's Philosophy of the Right*. Clarendon Press, Oxford. p 139

> Since property and personality have legal recognition and validity in civil society, wrongdoing now becomes an infringement, not merely of what is subjectively infinite, but of the universal thing which is existent with inherent stability and strength. Hence a new attitude arises: the action is seen as a danger to society and thereby the magnitude of the wrongdoing is increased.[307]

Thus, with a legal system in place the citizens of the society move away from a individualistic viewpoint to a universal, or social, viewpoint. In doing so the citizen took on an ethical and rational existence which guaranteed the continuance of society as a part of the state. Civil society, thus conceived, becomes a space between the realm of the individual (or the family) and the realm of the state. It is, however, a space that the state regulates and maintains so as to prevent the excesses of liberal freedoms.

Civil society, itself, is divided into three distinct socio-economic classes: the agricultural class, the class of civil servants and the business class. As Melossi has noted: "These classes made up the "Estates" in Hegel's political constitution, the basis of the state's legislative power."[308] Their relationship between each other and with the state is described by Hegel in a corporatist framework. As Hegel wrote when describing the class structure of civil society:

> In virtue of the substantiality of its natural and family life, the agricultural class has directly within itself the concrete universality in which it lives. The class of civil servants is universal in character and so has the

[307] Knox, T.M. trans. 1952. p 140
[308] Melossi, David. 1990. p 34

> universal explicitly as its ground and as the aim of its activity. The class between them [is] the business class.[309]

All of these classes (in addition to the labouring class) form civil society which are, in turn, incorporated into the state. The supremacy of the state over civil society is justified by Hegel in two ways. Firstly, the state needs to be supreme in order to intervene in the society to correct or redress inequalities or injustices; "such as the domination of one or more classes by another, the pauperization of whole groups or the establishment of local oligarchies."[310] Secondly, the state's dominance of civil society is considered to be necessary to "protect and further the universal interests of the population."[311] Hence, the state, in a Hegelian system becomes a rational actor whose prime function was to create the environment whereby the members of the civil society might reach their full potential. Keane describes Hegel's state in the following way:

> the universal state conceived by Hegel must be regarded as a secular deity, whose claims upon its male citizens and female subjects are always for their benefit and, ultimately, unquestionable and unchallengeable.[312]

The liberal response to Hegel came from Alexis de Tocqueville in his *Democracy in America* (1835)(hereafter *Democracy*). De Tocqueville viewed the rise of the universalist state, as proclaimed by Hegel, as inherently dangerous; one in which the liberties and freedoms enjoyed by the members of civil society are

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[309] Knox, T.M. trans. 1952. p 152
[310] Keane, John. 1988. p 48
[311] Ibid. p 48
[312] Ibid. p 48

subverted for the state's own despotic purposes. In doing so the state regulates and controls all forms of social activity. As de Tocqueville wrote in *Democracy Vol 1*:

> Centralization imparts without difficulty an admirable regularity to the routine of business; provides skilfully for the details of the social police;...perpetuat[ing] a drowsy regularity in the conduct of affairs which the heads of administration are wont to call good order and public tranquillity.[313]

Under this form of state control the guiding philosophy of the state in its relationship with society was summarised by de Tocqueville as

> You shall act just as I please, as much as I please, and in the direction which I please. You are to take charge of the details without aspiring to guide the system; you are to work in darkness; and afterwards you may judge my work by its results.[314]

De Tocqueville believed that the only way in which the encroachment of the state could be halted or forsworn was to have a strong and autonomous civil society. Using America as his model, de Tocqueville saw the role played by civil associations as the way to ensure that such a civil society developed.

De Tocqueville's civil associations (encompassing such diverse groups as; "scientific and literary circles, schools, publishers, inns, manufacturing enterprises, religious organizations, municipal associations and independent households" [315]) were seen to be an integral part of a self-organising civil

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[313] Bradley, Phillip ed. 1972. de Tocqueville, Alexis. 1835. *Democracy in America*. Alfred K.Knopf, London. p 90
[314] Ibid. p 90
[315] Keane, John. 1988. p 51

society. A result of such internal organisation was that they were able to check any attempts by the state to expand. Indeed, any attempt by the state to influence these associations was seen as an act against the entire society and, in this respect, the actions of such associations became autonomous from the state. As de Tocqueville stated:

> The most natural privilege of man...is that of combining his exertions with those of his fellow creatures and of acting in common with them. The right of association therefore appears to me almost as inalienable in its nature as the right of personal liberty. No legislator can attack it without impairing the foundations of society.[316]

The role of the state is thereby reduced to the position of acting only in the best interests of society. The state's organisational ability was seen as a necessary evil for the continued functioning of civil society. As Keane stated: "Tocqueville acknowledges that civil associations always depend for their survival and co-ordination upon centralized state institutions."[317] In particular, de Tocqueville believed that a state based upon the rule of law would ensure the greatest equality, and thus social stability, amongst the citizens that was possible. However, de Tocqueville always reinforced the concept that the state must, at all times, be representative of the people. Thus, the state would always have the citizenry as a check upon its actions and avoid any form of despotic or authoritarian behaviour - as proposed by Hegel. In other words, in Hegel's *rational state*, the conditions of association which make it possible are

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[316] Bradley, Phillip ed. 1972. de Tocqueville, Alexis. 1835. p 196
[317] Keane. John. 1988. p 51

willed by the citizenry. It is then a construct, as we would say, of choice - as Hegel would say, of will.

Thus, since the seventeenth century and the writings of Hobbes and Locke, civil society has developed along two separate paths. One path, stresses the dominance of the state over the society. For the authoritarian thinkers who promoted this idea (Hobbes, Rousseau and Hegel), civil society becomes a subservient space under the greater state. The other path argues that it is society that creates the state and that, as a result, the state must be subordinate to the needs of civil society. Although initially conceived as existing in a symbiotic relationship (by Locke, Hume and Ferguson), later theorists (Paine and de Tocqueville) visualised civil society as existing against the excesses of the state. Thus the state is regarded as a necessary evil and the autonomous civil society is invested with superior moral status. Furthermore, civil society was allocated the role of watchdog on the state - essentially according civil society the right to control the state's actions. It was this notion of a civil society governing the state that helped the concepts of liberal civil society and liberal democracy come together. This twinning is what has led to the resurgence of civil society discourse in the late twentieth century, in particular, as a result of the breakup of the East European communist block. Understanding how the concept of civil society is interpreted in a contemporary setting is an important part of understanding its use in an

operating system in pre-transitional and transitional Hong Kong. This will now be examined.

Twentieth Century Interpretations of Civil Society

In the last fifty years civil society theory has made a significant comeback as a theoretical tool. This has been a period where the authoritarian conception of civil society has been largely abandoned in favour of the liberal concept. The liberal version has, in turn, been used to explain the fall of communism and the rise of liberal democracies across the globe. From South America, to Eastern Europe, to Asia, democratic transformations are being examined and interpreted with the aid of civil society models. It is, thus, necessary to demonstrate how civil society has been reconceptualised.

Contemporary Conceptions of Civil Society and the State

The resurgence of civil society as an analytical tool is not surprising when one considers the remarkable social and political transformations that have taken place over the last twenty five years. The third wave of democratisation that has swept the world has seen authoritarian governments replaced by democratic governments and liberalisation take place in those states that remain under authoritarian governance. Moreover, this democratisation wave

has heralded the appearance of grassroots social movements, promoting democratic ideals, in countries that had not planned to liberalise.[318] The space that all these activities are considered to have either stemmed from and/or taken place in is civil society. As Roniger wrote:

> Expectations had it that social movements, voluntary associations and intermediate institutions of civil society would effect an overall reconstruction of the political centers and a reformulation of community through a strong emphasis on participation and the endorsement of an egalitarian vision of rights and entitlements.[319]

Thus labelled, civil society (in the contemporary sense) becomes a necessary component of the modern, Western-oriented march towards the universal establishment of liberal democratic states. As Szacki puts it:

> No treatment of liberalism is possible without introducing, if not the term, then the concept of 'civil society', and no treatment of civil society is possible without referring to the liberal tradition. This is so because 'the very idea of civil society touches on and embraces the major themes of Western political tradition'".[320]

Drawing from Roniger's statement, civil society in the contemporary sense becomes interpreted in one of two ways. In the first (and predominant) way, it is a space containing separate and overlapping spheres of social activity where "privately and cooperatively owned enterprises, independent communications media, and autonomously run cultural centres" operate "without direct

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[318] Huntington, Samuel P. 1991. p 21

[319] Roniger, Luis. 1994. "Civil Society, Patronage and Democracy", in *International Journal of Comparative Sociology*. vol 35, no. 3-4. p 207

[320] Szacki, Jerzy. 1995. *Liberalism after Communism*. Central European University Press, Hungary. p 90

interference from political agencies or other third parties."[321] This interpretation places the emphasis on civil society as an autonomous, self-governing (and hence, self-defining) space.[322] It is an emphasis "unmistakably derived from the historical experience of social movements in the collapsing world of communism."[323]

The second interpretation places civil society not within an autonomous space but within a residual space. Essentially this interpretation states that the state and market together exercise an hegemonic control over the public sphere. This sphere comprises the majority of activity in the nation-state. What is left over is the private sphere; in which exists civil society. Thus, it is not up to civil society to decide how it will govern but, instead, up to the state-Market hegemony to decide what behaviour it will allow. As Gouldner wrote, "The concept of civil society....was thus largely a residual concept, being that which was *not* the state, and what was *left over* in society after the state was excluded."[324] However, this strand of civil society discourse does allow for the possibility of an autonomous space being created, but states that this can only happen "under conditions of hegemonic weakness or crisis of authority. The

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[321] Held, David. "From City-States to Cosmopolitan Order", in Held, David ed. 1993. *Prospects for Democracy: North, South, East, West*. Polity Press, Cambridge. p 42

[322] For a good discussion of this contemporary theme see: Rodan, Gary. "Theorising political opposition in East and Southeast Asia", in Rodan, Gary ed. 1996. pp 20-29

[323] Hueglin, Thomas O. 1994. *Civil Society and Liberalism: Liberal Incompatibilities and Liberatory Possibilities*. paper presented at the XVIth World Congress of the International Political Science Association August 21-25 1994. Berlin. p 8

[324] Gouldner, Alvin W. as quoted in: Szacki, Jerzy. 1995. p 94. italics and ... in original quote

point is that it cannot create that crisis but remains dependent on exploiting the internal contradictions of the state and market."[325]

Both contemporary interpretations, however, contain certain normative assumptions about the character of civil society and its relationship to the state which attribute, to both spheres, static and universal premises. As an evolution of the liberal discourse, the state, by its nature, becomes despotic and authoritarian; whilst the realm of civil society protects the liberty and freedoms of its members, allowing them to seek a democratic solution to the problems of the state.

From such a framework it would be easy to suggest that the state-civil society relationship is characterised by a zero-sum game. In such a model the boundaries between the two actors are clearly drawn. Where the expansion of the society immediately results in the contraction of the state, and visa versa. Taylor and Schmitter provide alternate conceptualisations. Taylor reconceives civil society as not existing only outside of the state but rather penetrating the state in pursuit of its needs. As Taylor wrote, "Civil society is not so much a sphere outside political power; rather it penetrates deeply into this power, fragmenting and decentralizes it."[326] Schmitter, in his analysis of the contests

[325] Hueglin, Thomas O. 1994. p 11
[326] Taylor, Charles. 1990. "Modes of Civil Society", in *Public Culture*. Vol 3 no 1. Fall 1990. p 117

for political power in the state, broke up the state (as well as civil society) into a composite of "partial regimes":

> each of which was institutionalised around distinctive sites for the representation of social groups and the resolution of their ensuing conflicts. Parties, associations, movements, localities and various clienteles would compete and coalesce through these different channels in efforts to capture office and influence policy.[327]

Taylor's, but more so Schmitter's, reconceptualisation of civil society breaks down the rigid state-society dichotomy. From their work it is possible to view the contemporary relationship as being far more fluid than the modern notions stated. In both cases civil society is able to act from within (what would have previously been considered) the state to achieve its goals. However, I believe that it is possible to take Taylor one step further, and to draw out Schmitter to a more comprehensive conclusion, and say that both the state and the civil society interpenetrate each other. Depending on the intrinsic value each side places on an issue will determine to what level the interpenetration will reach.

When examining an illiberal or corporatist model of the state (as proposed by Hobbes, Rousseau and Hegel), the concept of interpenetration allows for upwards vertical penetration of the state by the civil society or by the intermediate strata of incorporated elites. This challenges the previously held

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[327] Schmitter. 1992. as quoted in: Rodan, Gary. 1996. "Theorising political opposition in East and Southeast Asia", in Rodan, Gary ed. 1996. p 24

belief that the only penetration was downwards, with the state pervading both the incorporated strata as well as the society. The Taylor/Schmitter model postulates a more fluid regime; allowing for grassroots pressure to have its impact upon the state. This, in turn, provides a possible theory as to how and why authoritarian regimes liberalise.

The implications for this interpenetration with regards to the resurgence of liberal civil society and its fostering of normative democratic practices are quite profound. One must move away from simply examining the rise of liberal democratic ideals as a one-sided affair to reconceiving democratisation "as a double-sided phenomenon: concerned, on the one hand, with the *re*-form of state power and, on the other hand, with the restructuring of civil society....the interdependent transformation of both state and civil society."[328]

The interpenetration of the state-civil society relationship thus firmly establishes itself as a necessary adjunct to liberal democratic thought. Within this realm the emphasis is placed on the participation of the individual in both the social and political processes. "Democracy in this sense would allow all citizens, and not only elites, to acquire a democratic political culture.....Hence the insistence that without public spaces for the active participation of the citizenry in ruling and being ruled, without a decisive narrowing of the gap

[328] Held, David. 1987. p 283

between rulers and ruled, to the point of abolition, polities are democratic in name only."[329]

However, in the contemporary usage, much emphasis has been placed on the transition from authoritarian regimes to a liberal-democratic polity. The assumption is often made that simply because a nation-state is liberalising - through the mobilisation of its civil society - then it will, as a matter of course, become democratic.[330] This is largely due to the assumption that the expansion of the civil society automatically entails the contraction of the state; whereas, in fact, civil society has both historically and practically required a vibrant and pro-active state to help it function. As Schmitter stated:

> Civil society in the West has frequently depended on state protection, public subsidization, monopolistic regulation, exemptions from fiscal charges, guarantees of access, obligations to contribute, extensions of contract, concessions for policy implementation, etc.[331]

The critical aspect of this assumption is the implicit (but flawed) belief that liberalisation *automatically* leads to democratisation. When examining the transformation of authoritarian regimes in the post Cold War era, analysts faithfully assumed that just as, in the economic arena, capitalism had

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[329] Arato, Andrew and Cohen, Jean. 1992. p 7

[330] For perhaps the most infamous text of this strand of democratic discourse see: Fukuyama, Francis. 1992. *The End of History and the Last Man*. Penguin Books, London.

[331] Schmitter, Philippe C. "On Civil Society and the Consolidation of Democracy: Ten General Propositions and Nine Speculations about their relation in Asian Societies", paper given at the *Consolidating the Third Wave Democracies: Trends and Challenges* conference. August 27th-30th, 1995. The Grand Formosa Regent. Taipei, Taiwan ROC. p 25

triumphed over communism so too, in the political arena, liberal-democratisation must succeed authoritarianism. There was no empirical basis for this other than the belief that the only alternative for these non-democratic regimes was democracy.[332]

Supporting this belief was the idea that any form of liberalisation leads to a degree of power sharing between the state and civil society; power sharing that can only strengthen the civil society. Bratton, however, counters this view by stating that the strengthening of the civil society can, in turn, strengthen the state. Moreover, Bratton contends, that weak states "can sometimes become stronger - meaning more effective at accumulation and distribution, and more legitimate - by permitting a measure of pluralism."[333] This, then, presents a challenge to the notion (originally from Paine but carried over into contemporary interpretations) that civil society naturally opposes the state. In such a system "conflict is likely to arise [only] when civil actors try to engage the state in political space that state elites have already occupied and intend to hold; congruence is likely when voluntary bodies or social movements occupy space which the state has never penetrated or from which state elites have decided to retreat."[334]

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[332] For a discussion on this subject see: Nelson, Daniel. "Civil Society Endangered", in *Social Research*. Vol 63, no 2. Summer 1996. p 361

[333] Bratton, Michael. "Beyond the State: Civil Society and Associational Life in Africa", in *World Politics* vol 41 no. 3. April 1989. pp 428-429

[334] Ibid p 429 [...] added

From the preceding analysis it is now clear that a singular definition of civil society, and civil society's relationship with the state, cannot be given. In part this is due to the discourse's historical foundations; which saw a schismatic framework emerge with the works of Hobbes and Locke. On the one hand, civil society was viewed as being subordinate to the state. On the other hand, civil society was seen as being autonomous from, and even antagonistic to, the state. It was this latter, liberal, view that has been largely carried over into the contemporary framework. Inextricably associated with this interpretation is the notion that an autonomous civil society is a major catalyst for the emergence of liberal-democracies.

However, critics of this view challenge the assumption that there are distinct boundaries between civil society and the state. Moreover, the central belief that civil society is an autonomous sphere of activity is also challenged. As Heuglin wrote:

> Liberal theories of civil society want to establish an autonomous sphere of influence between the individualised market sphere on the one hand, and the sphere of universal political order on the other. What is missing, it seems, is the conceptualisation of adequate conditions of social organisation that would allow for the possible establishment of such third order autonomy in practice.[335]

[335] Hueglin, Thomas O. 1994. p 11

Furthermore, the concept of civil society-state relations as being in natural opposition is questioned as situations arise where the state aids the formation and operation of civil society. Developing a model of civil society-state relations and its connection to the creation of liberal-democratic ideals and institutions should therefore be based upon empirical observations, from transitions that have already taken place, rather than solely upon theoretical writings.

Conclusion

The purpose of this chapter was to outline the development of the two competing strands of civil society thought. One the one hand, the development of the illiberal strand placed civil society within a space delineated and regulated by the state. Within such a space the will of the individual was subordinated to the dictates of the state. On the other hand, the liberal school of thought proposed that the state was the creation of the society. As such the purpose of the state was to enhance (rather than limit) an individuals scope for action. As a result, civil society occupied a space that could not be regulated by the state. Moreover, given that the state originated from the people, civil society was accorded the role of watchdogging the state to ensure that it only functioned to further the good of the citizens.

However, the development of these two strands in the political realm did not always precede along the smooth path that the theory dictated. In order to understand how political influences shaped the growth of each strand it is necessary to conduct two regional studies which are indicative of the applicability of the discourse to the political realm. Hence, the following chapter will examine the role civil society played in fostering the transformation of Eastern and Central European countries and East Asian countries from authoritarian regimes to liberal-democratic or illiberal polities.

Chapter Seven

Regional Case Studies
Civil Society in the West and in the East

Introduction

In the previous chapter the two major strands of civil society theory were examined. It was demonstrated that each of the two theoretical strands gave rise to different forms of social and political behaviour. As these theories each have a European origin, their contextual applicability will initially be demonstrated from an European orientation before examining how they have been translated into the East Asian sphere. It is necessary to examine both the European and Asian spheres due to the unique bispherical nature of the Hong Kong nation-state. This unique nature can be said to stem from the fact that Hong Kong has been a European colony employing European (specifically English) notions of governance but located in Asia, with the overwhelming majority of the population Asian (specifically Chinese).

The effects of these two strands of civil society will now be examined with reference to the two regional case studies of East and Central Europe and East Asia.

Civil Society in Eastern and Central Europe

The literature dealing with the "emergence" of civil society in post socialist Europe is laden with normative liberal assumptions - concerning both the nature of civil society as well as the transformation of the state. Almost universally the state is considered to be oppressive; society, on the other hand, is viewed as the only possible source of justice.

Prior to the liberal-democratic transformation of these countries the basis of rule was the authoritarian doctrine of Marxism-Leninism - the origins of which could be traced to the earlier works of Hobbes, Rousseau and Hegel. Under this doctrine the state attempted to incorporate all forms of social and political activity into the public realm that was the state. The private realm was reduced in size and power as far as practically possible.

Civil society under these regimes existed on two, largely separate, levels. These levels may be termed official civil society and unofficial civil society. Official civil society was the state regulated space that allowed non-state associations to form. The formation of these associations can, in part, be seen as a practical necessity. In other words, the state cannot (in practice) exert omnipotent characteristics and must therefore allow some degree of (sanctioned) non-state activity to take place. However, such associations can

also be considered a result of the socio-economic or socio-political groupings that are present in any society; not least authoritarian regimes. Such non-state practices as are state sanctioned should only be considered state activities.

Unofficial civil society is normally grassroots in orientation, self-organising and positioned against the state. In this respect it bears many similarities to liberal civil society. The forms that unofficial civil society initially took varied across Eastern Europe; in some cases the basis was religious, in some ideological and in some social. The centralisation of the economy under the communist systems meant that, unlike Western civil societies, an economic basis for civil society was not possible until the transition was well advanced. As Zagorska has written (with respect to the transition in Poland):

> For systemic reasons, Polish civil society under the communist rule organised itself in the political, ideological and social realms, rather than in the economic realm. The most important of these reasons, in my opinion, was that that economy was entirely in the state's hands, and economic changes could only be instituted by the state.[336]

Such unofficial groupings only began to gain in strength once the universal hold of the communist authoritarian systems began to weaken and contract. This diminishment of authority was the result of both internal and external pressures on the East European polities. Internally the failure of the

[336] Frentzel-Zagorska, Janian. "Patterns of transition from a one-party state to democracy in Poland and Hungary", in Miller, Robert ed. 1992. *The Developments of Civil Society in Communist Systems*. Allen and Unwin, Sydney. p 47

communist economies to keep pace with the West European countries' standard of living created social dissatisfaction, which called into question the legitimacy of the state and led to a crisis of authority. Externally, the political liberalisation initiated by President Gorbachev in 1985 with the announcement of the *perestroika* program signalled the end of hegemonic communism as the unifying ideology.[337]

The reduction in power, that stemmed from the decline of state authority, weakened the dominant role of the state. This was exacerbated when the (previously illegal) associations formed out of the unofficial liberal civil society began to challenge the state for legitimacy. Indeed, it can be seen as a measure of state decline that the governments were unable to stop these groups' actions. Often those who were challenging for direct access to the political processes would lay claim to a democratic agenda. An example of such a group was the Solidarity movement in Poland.[338] However, a different interpretation would be that with the state being perceived as either illegitimate or an unnecessary evil, the ideology that would most attract converts would be that from which it was most polarised and to which was already accorded a measure of legitimacy (or goodness) and, hence, authority; that is, democracy. Moreover,

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[337] For a more detailed analysis of these two points see: Miszlivetz, Ferenc. "The Unfinished Revolutions of 1989: The Decline of the Nation-State?", in *Social Research*, vol 58. no. 4. Winter 1991. pp 781-804.

[338] For a useful analysis of the Solidarity/civil society/politics nexus see: Frentzel-Zagorska, Janian. "Patterns of transition from a one-party state to democracy in Poland and Hungary", in Miller, Robert ed. 1992. pp 50-59

the use of democracy as a unifying banner further weakened the state whilst simultaneously strengthening society.

However, at the same time that liberal forces were weakening and restructuring the state-civil society relationship, conservative forces were attempting to redefine the national identity, using the ideological basis of nationalism as a challenge to the liberal forces. The fostering of a nationalist ideology served a dual purpose for the conservative elites. Firstly, it served as a legitimating device for the weakened, semi-illegitimate governments. Secondly, it limited the scope of the liberalising forces; thereby reducing their capacity to enforce change. This, in turn, allowed the majority of the old elite to remain in power. This has had the end result of limiting the expansion of the liberal civil society regarded as necessary to effect a democratic transition. As Miszlivetz wrote:

> Nationalism has become the new state religion....At present, exclusive national discourse is drowning out those voices representing an open society; they are drowning out exactly those voices that had such an important impact on the preparations for 1989 and in initiating the regional and national discussions. The promise of an open society which 1989 brought to East Central Europe has remained only a promise.[339]

Used as such, national identity became a powerful homogenising force; just as communism was before it. The structure inherent in such national identity

[339] Miszlivetz, Ferenc. "The Unfinished Revolutions of 1989: The Decline of the Nation-State?", pp 800-801. "Open society", I believe, is another interpretative phrase to describe a liberal civil society.

immediately creates an "Us" and "Them". This dichotomy narrows and weakens the scope of civic actions in the public sphere, rendering them "security dependent".[340] Into the security-conscious public sphere reentered those who, by training, wealth and power were best able to control the situation - the elites from the *ancien* communist regime.[341] As Smolar wrote:

> In looking at the map of independent organisations populating the space that stretches out between the state and the individual and his family, one can see that, with rare exceptions, the most extensive, strongest organisations, associations, cooperatives, political parties and trade unions come from the *ancien regime*. To be sure, in the new conditions these organisations have a different programme, many of them have a new name, new leaders....The successors of the communist parties and front organisations also succeeded in hanging on to a considerable part of the assets of their predecessors.[342]

In particular, these reemerged elites have been able to maintain their control of the bureaucracy. This had the effect of slowing down the process of reform in these transition-type states. As Miszlivetz, with reference to the continuance of the old elites within the bureaucratic institutions, wrote:

> But most of the time their hold on their positions is guaranteed....This is true despite their continual promises for radical reform, etc. Therefore, the initiatives and rational suggestions coming from below are usually rejected by them with the most encouraging words. This old nomenklatura which survived 1989-90 and was never open to public scrutiny now makes the best use of this postcommunist anarchy by playing the

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[340] Nelson, Daniel N. "Civil Society Endangered", in *Social Research*, vol 63. no 2. Summer 1996. pp 345-368.
[341] Nelson, Daniel N. "Civil Society Endangered", p 358
[342] Smolar, Aleksander. "Civil Society in Post-Communist Europe", paper presented at the *International Conference on Consolidating Third Wave Democracies*. Grand Formosa Regent, Taipei. August 27-30, 1995. p 20

> role of the new rational bureaucracy and securely holding onto their old positions.[343]

Despite the reemergence of the old elites into positions of political and social power, it can nonetheless be seen that a limited form of liberal civil society has developed in the post socialist east European states. This has been possible due primarily to two factors. The first factor was the ability of the various self-governing organisations to remain intact during the transition phase. The second factor can be seen to be the "survival capacity of informal social ties."[344] Although Smolar states that the latter was formed "as a defense reaction and a way of adjusting to the official society"[345], it can be said that such ties are the natural extension of the *oikos* and exist in all societies. If this is the case then these "parallel pollis'" can be seen to be a natural precondition for the formation of a liberal civil society rather than a reaction to a non-liberal state.[346]

However, if the civil society is limited in its scope and there is a reemergence of the *ancien regime* elites, then what type of civil society-democracy interplay has developed in Eastern and Central Europe? To answer this, the power boundaries within the nation-state must first be defined. It is possible to say, from the preceding examination, that, at the grassroots level, the liberal civil

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[343] Miszlivetz, Ferenc. "The Unfinished Revolutions of 1989: The Decline of the Nation-State?", p 788
[344] Smolar, Aleksander. "Civil Society in Post-Communist Europe", p 21
[345] Ibid. p 21
[346] I have borrowed the term parallel polis from Benda et al who discussed in finer detail many of the preconditions for the formation of liberal civil societies in eastern Europe that Smolar examines. See: Benda, V. et al. "Parallel Polis, or An Independent Society in Central and Eastern Europe: An Inquiry", in *Social Research*, vol 55 Nos 1-2, (Spring/Summer 1988) pp 211-246

society that was initially in the shadow of the *ancien regime* emerged and flourished.[347] However, the space in which the civil society operated was limited by the actions of the neo-communist elites and by the conservative bureaucracy.[348] Despite this, the civil society was (and, indeed, is) able to influence the policy and decision making elites both through representatives drawn from their number as well as through imposing on the state processes (for example; via petitions, demonstrations and strikes). As Karklins points out:

> Beginning in 1987 the Baltic states witnessed a wave of mass demonstrations and rallies that has few parallels in comparative political history. In Latvia alone, thousands of people participated month after month in numerous oppositional activities. Although this political participation was unprecedented in its intensity and scope it was also innovative in its broad repertoire, which included demonstrations and rallies, pickets and plebiscites, and civil resistance to armed attacks. All of this undermined the old regime while at the same time shaping the attitudinal and structural preconditions of a new polity.[349]

The influence that these type of actions (which took place across Eastern and Central Europe in the late 1980s and early 1990s) had on the old regimes fulfils the criteria laid down by Taylor for determining the existence of a strong civil society. As Taylor wrote, "we can speak of civil society wherever the ensemble of associations can significantly determine or inflect the course of state

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[347] Smolar uses the term "shadow society" to describe pre-emerged civil society in eastern and central Europe. See: Smolar, Aleksander. "Civil Society in Post-Communist Europe", pp 21-25
[348] Miszlivetz, Ferenc. "The Unfinished Revolutions of 1989: The Decline of the Nation-State?", p 788
[349] Karklins, Rasma. 1994. *Ethnopolitics and Transition to Democracy: The Collapse of the USSR and Latvia*. Woodrow Wilson Center Press, Washington. p 90

policy."[350] However, it is a civil society that lends itself towards a corporatist democracy rather than a liberal democracy. As Taylor stated, this form of civil society "may be integrally fulfilled by corporatist mechanisms of negotiation."[351] If, however, this is the case (that Eastern and Central European civil society is fundamentally corporatist), then it becomes problematic to reconcile what the illiberal civil society theory states should be happening with the ongoing push in these regions for greater liberal freedoms and more participatory political processes. It is here that, I believe, transnational culture and proximity play an important role in forcing the evolution of an authoritarian or corporatist state towards a liberal democratic state.

The dramatic transformations of 1989-1990 in Eastern and Central Europe took place in reference to the social and political systems already established in the West (particularly Western Europe). The language of the social and political reform programs that the liberals adopted stemmed directly from their perceptions of western Europe. This can be seen as an example of social and political culture in one setting being transposed into another.[352] Reinforcing this trend was the proximity of all of these countries to Western Europe. Proximity in this sense encompasses geographical, technological and cultural aspects. Geographical proximity in that, once freedom of movement was

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[350] Taylor, Charles. "Modes of Civil Society", p 98
[351] Ibid. p 98
[352] A similar concept is discussed in Huntington. See: Huntington, Samuel P. 1991. pp 101-106

established, persons from the transitioning countries could travel, and therefore experience, the West. The technological proximity is demonstrated by the fact that most people could receive, through a variety of formats, media transmissions from Western Europe, all of which implicitly espouse the Western way of life and, hence, its social and political processes. There was proven cultural proximity between the two sides of Europe in so much as there was an established history of shared norms and points of identity that allowed for easy assimilation.

From this it can be concluded that the corporatist style democracy currently in place in Eastern and Central Europe is a transitional form of democracy. It is, to use an analogy, the midway point between the authoritarian government that was communism and the liberal-democratic government which is prevalent in the West.

Yet Hong Kong lies in East Asia - a region politically, culturally and geographically distant from the traditions and ideas found in the West. Thus, before any conclusions can be drawn on the nature of Hong Kong's civil society, the civil societies that exist around it must first be examined.

Tradition modes of East Asian civil society

Given the historical and cultural prerequisites found in the discourse on civil society and democracy, it is necessary to highlight the theoretical hypotheses put forward by Asian political thinkers that examine the interconnections between the state and the society. The political doctrine of most relevance to this thesis is Confucianism. Therefore the following examination of traditional Asian modes of state and society will be taken from a Confucian viewpoint. This will be utilised in the later analysis of contemporary modes of East Asian civil society.

In a similar manner, but predating Aristotle's description of civil society by some two hundred years, was that of K'ung Fu-tzu, popularly referred to as Confucius (551- 479 BC). The different impact that the Confucian (and later neo-Confucian) doctrine had upon East Asian societies in both the classical and modern periods means that it is a necessary part of any examination of civil society that lies within Asia.

Confucius, like Aristotle, believed that the family was the basic unit within society. Unlike Aristotle he did see associations of families building up to

create the state.[353] For Confucius the state was the family in a mirrored but extended form. This gave the Chinese state the theoretical justification for its continued patriarchal existence; a justification that remained even after the feudal system disintegrated.[354] The emphasis Confucius and his disciplines placed on education and learning helped create an elite, educated class whose knowledge and virtue was deemed vital to the functioning of the state. This grouping was the first Chinese bureaucracy. Beyond this educated elite were the common people; so defined due to their lack of knowledge. For Confucius the ideal type for those who comprised the ruling class was the "gentleman" (*Jun zi*). This man was virtuous and would be guided by his morality.[355] Underneath the gentleman was the "small man" (*xiao ren*) who needed various punishments (when morality proved insufficient) to ensure obedience to the state.[356] Although expressed in a morally defined sense, the term "gentleman" was used to described those in authority whereas the small man was used to described those who were ruled.[357] Hence, the Confucian state had three strata. At the top was the ruler, in the middle was the meritocratic bureaucracy and, at the bottom, were those who were ruled. Thus the model for the relationships between state and society can be said to contain elements which lend

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[353] Sinclair, T.A trans. 1992. pp 51-61
[354] Fung Yu-lan (Bode, Derick ed). 1948. *A Short History of Chinese Philosophy*. Free Press, New York. p 214.
[355] Lau, D.C trans. 1979. *Confucius: The Analects*. Penguin Books, London. p 14
[356] Fung Yu-lan. 1948. p 165
[357] Lau, D.C. 1979. p 14

themselves to the corporatist interpretation of civil society. However, that said, it must be noted that:

> Confucius is inevitably very scanty in his treatment of the institutions of civil society; scanty indeed to the point of blankness; he is similarly blank in his treatment of the public realm and its institutions which, after all did not really exist in Chinese society in Confucius' lifetime. His treatment of the common people although more extensive, does not attribute to them many of the qualities which are appropriate to civil society.[358]

Although the collapse of the Confucian state left the Chinese political system open to the influence of different state ideologies (the principal ideologies being Buddhism and Taoism), the *oikos* remained Confucian. That is, the moral and paternalistic structure of the family unit (as the base unit for the state) remained, being incorporated into the different ideologies as they came into use. This embedded Confucian thought within a sphere that the state could not reach (that is, the private sphere) and established the tradition of leaving the family unit as the conservative basis for the state.

During the Sung dynasty Confucianism was revived as the state ideology. It did, however, differ in certain aspects from its traditional beginnings; incorporating elements from Legalism and Taoism. For this reason, this form of Confucianism is termed neo-Confucianism. The principal theorist of this

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[358] Shils, Edward. *Reflections on Civil Society and Civility in the Chinese Intellectual Tradition*. draft paper. p 67. Given to the author by Dr He Baogang.

school was Zhu Xi (1130-1200).[359] In civil society terms Zhu Xi's innovation in classical Confucian thought was to create a social strata between the family and the state - "organisations like neighborhood associations, community compacts, charity granaries, and local academies serving social and ritual, as well as educational, purposes."[360] These intermediate associations were "often modeled on the family, which operated on ritual principles."[361] It is possible to interpret this version of Confucianism as containing strong liberal (in the Western sense) civil societal overtones; with a sphere of activity autonomous from the state. However, the strong familial basis of Zhu Xi's interpretation meant that the state had a valid interest in the activities of this sphere. Hence, what is described is a civil society closer to the corporatist model; where there do exist some non-state organisations and activities, but where the space within which their actions occur is strictly delineated by the state. However, this strict delineation by the state only holds so long as the familial basis for the state remains in the private sphere. If this unit is supplanted by another (for example, the individual) or brought into the public sphere (as was attempted under Chinese communism), then the Confucian basis of the state is replaced by a different unit (for example; the state, under an authoritarian regime, or the

[359] For a good summary of Zhu Xi's thought see: De Bary, Wm. Theodore ed. 1960. *Sources of Chinese Tradition Volume 1*. Columbia University Press, New York. pp 479-502
[360] De Bary, Wm Theodore. 1988. *East Asian Civilisations: A Dialogue in Five Stages*. Harvard University Press, Cambridge. p 110
[361] Ibid p 110

society - under a liberal one) then the foundation for the state is removed and will be replaced with a new form of legitimacy.

Thus it is now possible to state that within the broad framework of Confucian political thought (be it classical or neo-Confucianist) there do exist elements of what was later defined as civil society discourse. This is particularly the case in the later neo-Confucian thought of Zhu Xi. The existence of such a discourse now allows for an examination of civil society in modern East Asian states and societies.

Modern modes of East Asian civil society

The spread of Confucian ideals to other countries in East Asia helped (unintentionally) to create a socio-ideological commonality between these countries' social and political sectors. This provides us with a basis for analysis when examining how a variety of modern East Asian state and societies have viewed and utilised civil society. Although only limited reference will be made in the following discussion to the nature of civil society in Eastern and Central Europe, the use of a similar analytical framework is intended to provide a platform for comparison.

The colonisation of East Asia (Taiwan, South Korea and Singapore)[362] by the Western powers, as well as by Japan, was a period marked by the transmission of a set of social and political ideas (and ideals) into radically different environments from that in which they had been formed and developed. Notions of individual equality, social justice and rule of law competed with more traditional concepts of feudalism, god-rule and the supremacy of needs of the group (epitomised by the ideal of kinship) over the needs of the individual.

For a period in all of these countries the comparative technological supremacy enjoyed by the Western powers ensured that their social and political ideals were given a greater emphasis than the local ideal. However, the scope of such emphasis was often limited by the nature of a colonising power. In many cases, the colonising authority was only concerned with the needs of the home government; which meant that there was often no long term systemic attempt to change the traditional society entirely into a mirror-image of the colonising government. So long as the colony fulfilled its role that was enough. In addition to this was the fact that all of the colonising powers were broadly deemed to be intruders (or, worse, invaders) and, hence, encountered resistance when challenging traditional belief structures. The result of these

[362] These three countries have been chosen as a basis for examining the modern Asian variant of civil society because; (1) they have all been exposed to a variety of Confucian ideologies which have, in turn, shaped the way in which the society developed, (2) they have all experienced similar patterns of rapid industrial-led modernisation and (3) aspects of each of these countries development is mirrored in the case of Hong Kong.

two factors was a confinement in the transmission of western ideals to the public space created by the colonising regime. Such a public space was characterised by; the institutions of the colony's government, the colonising elite and other associated expatriate groups and the incorporated local elite (either as a subset of the local elite or a colonially created group) as well as an intermediary class (usually referred to as the comprador class) of locals. Moreover, underlying the colonial version of public and private spheres was a racial divide that kept the majority of the local population firmly in the private and left the public sphere to the colonisers and a handful of selected local elites.

Decolonisation and the subsequent modernisation of these countries gave impetus to several developments in social and political thought. Initially, it allowed traditional modes of social behaviour to again exert an influence on the public space. However, these traditional modes were warped by the non-traditional social environment into which they emerged; being redefined by the local elites to suit their own agenda. In particular, these modes were adapted by new governments to provide a much needed legitimising basis for their rule. This, in turn, allowed the local governments to exploit the conservative nature of the reemerged Confucian ethic to justify their authoritarian rule; that is, they were acting in the best interests of the people, they had the support of

the bureaucracy and the people had a duty to follow their instructions.[363] As Chua wrote of Singapore:

> Confucianism is a philosophical justification of government by a benevolent bureaucracy under a virtuous ruler; a leader's benevolent rule is reciprocated by the loyalty and obedience of his subjects; in short, benevolence ensures harmony and obedience within stratified and unequal social relations.[364]

This is not to imply that Confucius was explicitly drawn upon (though Confucian ideas were used to legitimate the policies of the regime in Singapore), but that the programs to legitimate the governments rule utilised similar principles and ideas that gave the new government an implicit Confucian bias. As Jones has stated:

> Significantly, rather like Marxism, Confucianism constitutes an established 'legitimating theory, that is an entity which has only the appearance of a single constant theory, but the actual content of which is there in order to excuse a set of (political, social and economic) practices which already exist'.[365]

Finally, the conservative nature of this post-Confucian ethic readily lent itself to a nationalistic agenda allowing the governments to suppress contradictory movements and groups.

> These familial sentiments and their attendant behaviours are interchangeable with national sentiments..; 'filial piety fostered habits of disciplined subordination and

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[363] This can be seen in the cases of Singapore, South Korea and Taiwan.

[364] Chua, Beng-huat. 1995. *Communitarian Ideology and Democracy in Singapore*. Routledge, London. p 151

[365] Jones, David Martin. "Democracy and Identity: The Paradoxical Character of Political Development", in Bell, Daniel; Brown, David; Jaysuriya, Kanishka and Jones, David. 1995. *Towards Illiberal Democracy in Pacific Asia*. St Martin's Press, Oxford. p 44. The section of the quote in '' comes from: Cotton, James. "On the Identity of Confucianism: Theory and Practice", in *Political Theory Newsletter*. no 3. 1991. pp 13-26

> acceptance of authority which could be applied...[to] the nation.[366]

This was particularly the case where the state was perceived to be under threat from external forces - as was the case in Singapore, Taiwan and South Korea.

Thus, it is possible to conclude that the modern variant of Confucianism was similar in structure to that described by Zhu Xi. The authoritarian state formed the overarching body, with many functions being subsumed into a greater public sphere. The private sphere had a conservative basis which naturally limited its functions. Hence, although non-state activities did take place and non-state groups did form, they were restricted in the scope of their actions which were generally social in orientation.

However, unlike the situation in Sung dynasty China, the post-1945 period in East Asia saw rapid socio-economic growth which helped to open up the public space to private sphere interests. This encouraged not only the formation of new groups to take advantage of this change, but also allowed pre-existing groups a space to articulate their demands on the state. As Hsiao, writing on Taiwan, stated:

> The state in Taiwan has long exercised dominance over the economic and social spheres; the explicit coexistence of authoritarianism and capitalism is also evident. This coexistence became particularly evident during the second period. As emerging economic interests began to articulate their influence, other sectors of society also benefited and made claims on the state for greater

[366] Chua, Beng-huat. 1995. p 151

> autonomy. These combined forces contributed to what has been conceptualized as the transition from "hard" to "soft" authoritarianism. This process did not come about "naturally" as some local observers assert, but was the result of a conscious effort by the KMT to manage demands from the civil society. Nonetheless, emerging social movements have played a significant role in accelerating the transition process.[367]

Despite this transition being a clear indicator that a modern form of civil society had emerged, "the arenas and arrangements for political competition [were still] being created under an authoritarian regime."[368] This meant that although it was possible to state that Taiwan was undergoing a process of liberalisation, any attempt to introduce democratic reforms would be severely restricted; that is, even though the state was opening, the public political sphere up to other groups they were restricted in their ability to affect the political agenda. In other words, what was being experienced was an abbreviated form of liberal-democratisation - where the process stopped at liberalisation and did not proceed to democratisation.

In South Korea the opening up of the public sphere to non-government interest groups was less as a result of the government attempting to manage the demands of the non-state associations and more due to a weakening of the

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[367] Hsiao, Hsin-huang Michael. "The Rise of Social Movements and Civil Protests", in Cheng, Tun-jen and Haggard, Stephen eds. 1992. *Political Change in Taiwan*. Lynne Rienner Publishers, Boulder. p 59

[368] Cheng, Tun-jen. "Democratizing The Quasi-Leninist Regime in Taiwan", in *World Politics*. vol 41 no.4. July 1989. p 471. The [] has been modified the original quote to keep the same tense.

state's hegemonic control which, in turn, generated a "crisis of legitimacy".[369] This crisis developed in the late 1970s, coming to the fore in late 1979 with a series of popular uprisings against the authoritarian government in the cities of Pusan and Masan and culminating with the assassination of President Park Chung-hee.[370]

Initially, the liberal transition to democracy was supported by all elements of the government. However, a backlash by hardline military forces soon provoked popular resistance culminating in the Kwangju People's Uprising (May 1980) which was brutally suppressed by the military.[371] What followed for the next seven years was a pendulum of liberalisation and repression. It is important to note, however, that each phase of liberalisation took place with "institutional safety valves" created to ensure that the overarching political processes could not be easily interfered with.[372] Thus, as with Taiwan, the public sphere was opened up to the private sphere but only in areas defined by the state.

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[369] For an examination of the historical evolution of civil society in South Korea see: Kim Sunhyuk. "Civil Society in South Korea: From Grand Democracy Movements to Petty Interest Groups?", in *Journal of Northeast Asian Studies*. no. 2 vol. 15. Summer. 1996. pp 81-97.

[370] Im, Hyug-baeg. "Politics of Democratic Transition from Authoritarian Rule in South Korea", in *Korean Social Science Journal*. vol 21. 1995. p 137

[371] Paik, Nak-chung (Wells, Kenneth trans.). "The Reunification Movement and Literature", in Wells, Kenneth ed. 1995. *South Korea's Minjung Movement: The Culture and Politics of Dissidence*. University of Hawaii Press, Honolulu. pp 202-203

[372] Im, Hyug-baeg. "Politics of Democratic Transition from Authoritarian Rule in South Korea", pp 139-143

The ongoing control of the Taiwanese public sphere by the ruling political elite (the Kuomintang), despite experiencing self-termed liberalisation and democratisation, can be seen in the (ultimately unsuccessful) attempts by the main opposition party (the Democratic Progressive Party) to halt the construction of the island's fourth nuclear power station. Despite widespread social and political objections to the project proceeding, the ruling elite forced the development to go ahead, stating a "responsibility" to Taiwan's economy.[373]

In the case of South Korea, participation in the public realm is still limited to those elites already in place. An example of this is evident in the last two transfers of presidential power (1988 and 1992) where the political handover occurred within the ruling party rather than between parties.[374]

With such efforts by the government to control (and, where needed, suppress) the civil society, it is not suprising that the South Korean variant of liberal civil society conceived itself to be in opposition to the state. As Koo put it:

> That despite the state's unusual strength and pervasive presence, civil society in the South has never been completely stifled but has always demonstrated a subversive, combative character.... Though short in history and relatively underdeveloped in institutional features, civil society in South Korea has always

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[373] Reports of this vote were well covered by Reuters. See, for example: Parker, Jeffrey/C-reuters@clari.net. "Anti-nuclear riot mars Taiwan's young democracy", *clari.world.asia.taiwan Article:4726*. Friday 18 October 1996. 11:51:24 PDT.

[374] For a good analysis of this point see: Sung Chul Yang. "An analysis of South Korea's Political Process and Party Politics", in Cotton, James ed. 1995. *Politics and Policy in the New Korean State: From Roh Tae-woo to Kim Young-sam*. St Martin's Press, New York. pp 6-7

> contained both elements of strong resistance to state power and violent eruptions.[375]

However, as Dalton and Cotton have pointed out, the inability of the South Korean civil society actors to control the public space (due to the ability of the state to contain their influence) has led to a new strategy being adopted. "Rather than dispute the legitimacy of the political system, they [the middle-class-based social movements] have taken as their focus the government failure to meet popular aspirations for a more balanced approach to industrial growth, social welfare, and the environment."[376]

Whereas Taiwan and South Korea can be seen to be developing a grassroots based civil society the same cannot be said, although for somewhat different reasons, in the case of Singapore.

Unlike the polities of the other two "Tigers", Singapore's has not allowed an expanded private space to be form beyond the immediate family. The broad government control over all non-state activities ensures that any expansion of the private sphere becomes incorporated into the public (and therefore subject to the regulation of the public). This can be seen in the extremely wide definition of "interference" the government applies to professional associations

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[375] Koo, Hagen. "Strong State and Contentious Society", in Koo, Hagen ed. 1993. *State and Society in Contemporary Korea*. Cornell University Press, Ithaca. p 232

[376] Dalton, Bronwen and Cotton, James. "New social movements and the changing nature of political opposition in South Korea", in Rodan, Gary ed. 1996. p 292

which criticise its policies.[377] An example of this is provided by Tamney who stated that: "The Law Society, for example, was told it had no right to object to the vagueness of the idea of engaging in politics", as this was deemed to be engaging in politics.[378]

The corporatist policies of the Singaporean government requires the state (being the People's Action Party (PAP) and the bureaucracy) to decide what is best for the people:

> By the end of the 1980s then, the state elites had moved a long way in asserting a corporatist Singaporean national identity. In schools and the media, Singaporeans were being deluged with assertions of the primacy of the national community over the individual, and of those associated Asian values over those of Westernisation.[379]

Such elite authoritarianism draws heavily upon Confucian concepts to legitimate the state's dominance. The model for the state is the family - with the ruler playing the paternal figure over his subjects/children. It is up to the ruler to "look after the moral and spiritual development of his people, and ensure that conditions in the nation are such that the people's spiritual growth is encouraged."[380] Hence, the PAP's leaders become "moral exemplars and act in the national interest [and] elected officials and career civil servants are

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[377] It is illegal for professional associations or groups to engage in politics

[378] Tamney, Joseph. 1996. *The Struggle over Singapore's Soul.* Walter de Gruyter, Berlin. p 61

[379] Brown, David. "The corporatist management of ethnicity in contemporary Singapore", in Rodan, Gary ed. 1993. *Singapore Changes Guard: social, political and economic directions in the 1990s.* Longman, Singapore. p 26

[380] Tamney, Joseph. 1996. p 65

described as 'trustees of the people.'"[381] The result is a state where virtually all activities are subsumed into the public sphere. As such, it can be said that the public sphere defines and subordinates the private sphere. So long as the needs of the people (as a nation) are met then the state retains a moral legitimacy to continue its practices.

The process of liberalisation and democratisation which these three Tigers have experienced occurred, as with the East and Central European countries, in contrast to the developed West. However, unlike the European countries the East Asian states did not have an identifiable cultural and historical legacy on which to draw. Hence, the transmission of liberal-democratic concepts into these states had to be translated through a "prism" of non-Western social and political understanding. Moreover, what was translated was not the entire history and belief structure of liberal democratic thought but, rather, a summary; containing the modern institutions and processes, but excluding the attendant historical and cultural legacy. Thus, rather than supplanting the established authoritarian orders these ideals were "grafted" onto the existing structures; enabling those involved in the transmission (usually the state elites but also elements of the non-state opposition) to use that which was desired and discard or ignore the remainder. As a result, the concept of democratisation (as well as a limited number of the required processes) gained

[381] Ibid. p 66

credence and became a legitimating tool for the state, thereby allowing the state to blunt non-state challenges to its regime; simultaneously helping the state promote the perception that it was representative of the people *and* still allowing it to maintain the status quo. However, this concept was a two-edged sword. The use by the state of this concept helped to transfer the conceptual ideals (if not the institutions) down to the society. This, as a result, gave the mobilised society a legitimate vehicle from which to press their demands for further social and political reform.

An example of this can be seen in the case of Singapore which styles itself as an "Asian democracy". The use of the term "democracy" is designed to legitimate the political system to those sections of the society that desire "democracy", but at the same time maintain the authoritarian regime.[382] Given this example, and the rationale behind it, it is difficult to characterise the social and political systems of these Tiger states as being in a transitional stage; rather, it has been contended that a modern authoritarian form of government which relies on a modern variant of the Confucian ideology with a minor element of modern Western thought has formed and will typify a new path of development.

From the preceding discussion, several points can be made concerning the nature of the relationship between the East Asian state and society.[383] Firstly,

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[382] For an extended discussion on this subject see: Tamney, Joseph. 1996. Chapter Three
[383] By "East Asian state" I am referring to the three countries studied.

despite programs to liberalise and democratise the state, all three Tigers remain within a system of rule which incorporates some authoritarian features. The extent of the authoritarian state's reach varies considerably, but in all cases the ruling political elite, with the support of the bureaucracy, has remained in power. Secondly, although at the grassroots there has been an expansion of the private sphere, the state decides how far the expansion will be tolerated. Thus, any civil society active within the private realm cannot be said to be autonomous or self-governing. Thirdly, modern variants of Confucian thought are utilised by these East Asian states as a legitimating tool for the continuance of the state's dominance. This post-Confucianism acts as a conservative, nationalist ideology that helps suppress any intra-state challenges and provides a buffer against the importation of foreign ideals.

Hence, as was the case in the East and Central European states, the East Asian states have developed a regime that is neither completely authoritarian nor liberal-democratic. However, whereas the European states could be seen as regimes in transition, the different cultural and historical legacy of East Asia means that these states will not necessarily develop along the same (or even a similar) path. In particular, the inertia provided by the conservative nature of Confucian ideology (existing in the *oikos* as well as being manipulated by the state in the *polis*) could well result in a different form of development.

Conclusion

From the theoretical basis presented in Chapter Six the case studies of East and Central European civil society as well as the East Asian variant were examined. In the case of the former it was demonstrated that, prior to the collapse of communism, dichotomous civil societies existed. One civil society was tolerated by the state and represented an effort on the part of the communist regimes to incorporate society into a greater state. The other, shadow society, existed only in the private sphere. As the communist state experienced a weakening of its hegemonic control, brought on by a crisis of legitimacy (itself a result of the collapse of the Communist Bloc) this shadow civil society organised itself to challenge the state for control of the political process, using western liberalism as its ideology. However, the holding of key bureaucratic and market positions by the state elites, coupled with the economic problems that the states faced, led to a decline in the ability of the liberal forces to effectively wrest power away from the state. This resulted in a modified form of the state emerging; one where the *ancien regime* elites often again hold power but one where the needs of the people also must be considered. This type of government results in what is termed an "authoritarian democracy". In this section it was noted that given the historical pressures as well as the cultural proximity of this region to the West, this form of authoritarian democracy

could only be a transitional form, as the liberal elements of society would be able to draw on this historical-cultural legacy to press for further reforms.

The East Asian model of civil society had a very different starting position from that outlined either in the theoretical section or in the East and Central European case study. Given that civil society theory (in either form) has evolved in the West, it must contain certain historical features. These features can, therefore, not be considered, as is the case in some treatments, as universal or ahistorical. Thus any examination of East Asian civil society must take into account the Confucian and neo-Confucian basis of the East Asian *oikos*. In the modern context it is this basis that readily lends itself to adoption and adaptation by the governing elites in the construction of a corporatist state. Hence, although it was demonstrated that a selection of East Asian countries have, as a result of modernisation, liberalised their regimes, it has been a liberalisation the scope of which has been limited by the state as much as by the people. This is characterised by the state elites relying, in part, on the paternalistic Confucian heritage which places themselves in a position where they decide what is best (and by virtue of their position have the moral legitimacy to make such a judgement). As a result the public space is only opened up to the extent that the elites can still exercise some control. In such cases the political system can be described as one that promotes the existence of a regime incorporating authoritarian elements, but one that also allows a

controlled form of liberalisation to take place at the grassroots. However, unlike the East and Central European example, the states of East Asia do not have an historical or cultural legacy which provides impetus for further liberal reforms leading to the establishment of a democratic *polis*. Moreover, the post-Confucian ethic pushed by the state acts as a conservative force against radical change, further slowing and modifying the pace of change.

The next chapter draws upon the tensions between these two variants of civil society, presenting a new model for the development and characteristics of the state-civil society relationship in Hong Kong - based on the previous theoretical analysis and case study examinations. It is a model that will draw upon the two forms of civil society that have previously been discussed; thereby creating a unique model of the state-civil society relationship.

Chapter Eight

Civil Society
in
Pre-Transitional Hong Kong

Introduction

There exist not one but two civil societies in Hong Kong; each of which has been competing with the other since the end of the second World War. But, the history of these civil societies extends back well before this modern period. In fact, the origins of civil society in Hong Kong lie in the creation of the colony in 1842. This chapter will examine the development of Hong Kong's civil societies. It is necessary to do so in a chronological manner so that the different causes behind the creation of the two societies can be analysed in reference to the other.

Hong Kong's Civil Societies

A fact that has often been overlooked in the contemporary analysis of Hong Kong's transition to democracy is that Hong Kong has been a colony. Ultimately, it is not the people who have governed Hong Kong but the Governor. Despite the political reforms that took place in the latter half of the

transition period, it was never a popularly constituted state. As such, the political regime which existed until 30th June 1997 cannot be classified as liberal-democratic but must be more broadly classed as authoritarian. However, in the pre-transition period, it is more precise to say that Hong Kong was an colonial authoritarian state, where the ruling elite were primarily drawn from the expatriate and allied strata.

The creation of the Hong Kong colony (1842) immediately established a dichotomous state and society. At one level existed the colonial state and society. At the other level was the local society, separated from the local state by virtue of the appropriation of the island with the local elites remaining over the border in China. As Sinn wrote:

> Hong Kong's early history was one of segregation - segregation between the government and the Chinese community. Segregation was, for the most part, a tacitly agreed principle in their coexistence.[384]

Part of this tacit agreement stemmed from legal and political arguments, in the early years of the colony, that the Chinese residents should be treated as a separate group. For a time it seemed that these arguments would legally separate the Chinese and expatriate populations. However, the need to stem the rising crime rate forced the colonial government to bring the Chinese under British rule; although, the exception to this was the plethora of Chinese social customs which were allowed to continue unless they "conflicted with local

[384] Sinn, Elizabeth. 1989. *Power and Charity: The Early History of the Tung Wah Hospital.* Oxford University Press, Hong Kong. p 7

ordinance."[385] Despite this legal inclusion, the local and expatriate populations of Hong Kong have remained, until recently, largely separate.

The retreat by the local elites to China once Hong Kong was handed over left the Chinese population without its traditional forms of political leadership.[386] However, social forms of leadership (typified by regional, commercial or religious organisations) still existed and it was from these that the local population sought to fill the leadership vacuum. One example of such a social organisation transforming to fulfil a political role was the Man-mo Temple. The Man-mo Temple Committee, comprising Chinese representatives from all of the different districts in the territory, began as a body to coordinate social and religious activities but "rose into eminence as a sort of unrecognised and unofficial local government board."[387]

Arguably the most important of these associations was the Tung Wah hospital (established 1869).[388] Built to provide a sanitary hospital for the local Chinese

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[385] Endacott, G.B. 1964. *Government and People in Hong Kong 1841-1862*. Hong Kong University Press, Hong Kong. pp 27-38

[386] For a detailed examination of the Hong Kong area pre-colony see: Hayes, James. "The Hong Kong Region: Its Place in Traditional Chinese Historiography and Principal Events Since the Establishment of Hsin-An County in 1573", in *Journal of The Hong Kong Branch of the Royal Asiatic Society*. Ye Olde Printerie Ltd, Hong Kong. vol 14, 1974. pp 108-135

[387] Sinn, Elizabeth. "Regional Associations in Pre-war Hong Kong", in Sinn, Elizabeth ed. 1990. *Between East and West: Aspects of Social and Political Development in Hong Kong*. Centre for Asian Studies, University of Hong Kong. p 161

[388] For several good analyses of the formation and the role of the Tung Wah (other than what is directly referred to below) see: Lethbridge, Henry. 1978. "A Chinese Association in Hong Kong: The Tung Wah", in *Hong Kong: Stability and Change*. Oxford University Press, Hong Kong.; Sinn, Elizabeth. "Materials for historical research: source materials on the Tung Wah Hospital 1869-1941", in Birch, Alan et al. 1984. *Research Materials for Hong Kong Studies*. Centre of Asian Studies, Hong Kong. pp

population, the Tung Wah soon moved into other areas of concern dealing with social organisation as well as political governance. As Sinn has noted, these concerns

> were wide ranging - from typhoon shelters, street lighting, and road repair to gambling, adultery, emigration, brothels, land speculation, mercy for criminals and bankruptcy laws, to name only a few, and nothing concerning the Chinese community seemed to be beyond its province.[389]

Two factors distinguished the Tung Wah from other local associations. Firstly, the hospital's committee was considered by the colonial government as being the new local elite. This was a status not conferred on other local Chinese associations. As Sinn has stated:

> The Governor's presence [at the opening of the Tung Wah Hospital] was equally significant in endorsing its [the Tung Wah's Committee] position as the community representatives. It was the contact point between the Chinese community and the government, which until now had largely existed on different planes; from now on, the Committee would act as the go-between. Thus the pomp and splendor of that spring day celebrated not only the Hospital's opening but also the initiation of a new local elite.[390]

Secondly, the hospital's committee was viewed by the local population as being its new representatives. The election of the Committee members by "all the residents of Hong Kong and members of the Hospital" (*he gang jiefang tongren*)

195-223; Smith, Carl and Hayes, James. "Visit to Tung Wah Group of Hospital's Museum, 2 October 1976", in *Journal of the Hong Kong Branch of the Royal Asiatic Society*. Ye Olde Printerie Ltd, Hong Kong. vol 16, 1976. pp 262-280

[389] Sinn, Elizabeth. 1989. p 91

[390] Sinn, Elizabeth. 1989. pp 82-83. The portions in [] have been added to keep the flow of the paragraph consistent.

strengthened the position of the Hospital in the eyes of the local community.[391] This position was aided by the decision to ensure the membership of the Hospital was open to all - enhancing the view that the Hospital Committee represented all and not just particular sections of the local population.[392]

The overall dominance of the Tung Wah Committee was ensured by the personal wealth of the Committee members; many of whom were involved in trading companies or other businesses. This both maintained the financial viability of the Hospital and guaranteed any concerns of the Committee members would be heeded by the government.

Although the dominance of the Tung Wah elites over Hong Kong society would, over time, diminish, it is important to the analysis of one of the civil societies in Hong Kong for two reasons. Firstly, it represented the creation of a full Chinese society under the colonial regime. Secondly, the colonial regime recognised this and incorporated various Tung Wah members onto government bodies and councils. Through this the colonial regime was able to form a buffer zone between the state and the society. These incorporated local elites were able to manage the space defined by the authoritarian state for the state. It was a pattern that had been followed in other British colonies, but had

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[391] The quote and Chinese interpretation comes from: Sinn, Elizabeth. 1989. p 55
[392] Ibid. p 83

had to await the formation of a local elite structure before it could be enacted in Hong Kong.

One of the reasons for the decline of the Tung Wah elite was the rise of other social organisations. Towards the end of the nineteenth century a variety of organisations were formed. Although these new organisations, in the main, dealt with either regional concerns or occupational/trade sectors, others (such as the Chinese Chamber of Commerce or the Po Leung Kuk) became alternate avenues for dialogue between the colonial regime and the local inhabitants.[393]

Apart from new social associations, new political organisations also began to emerge at the turn of the century. A number of factors contributed to this development. Two important background factors were the substantial increase and complexity in the local Chinese population as well as the rise of the local merchant population as an economic force. The prime reason, though, for the rise of political organisations can be said to have been the political turmoil in China. The turmoil surrounding the Sino-Japanese war as well as the collapse of the Qing dynasty and the rise of the Nationalists all had a profound impact on Hong Kong. Political associations supporting either side in addition to

[393] For an examination of the Po Leung Kuk see: [Evans, D.M ed] Sayer, Geoffery. 1975. *Hong Kong 1862-1919*. Hong Kong University Press, Hong Kong. pp 43-44

fervent nationalist/anti-imperialist movements all formed in what Chan described as the "breeding ground of revolutionary activities."[394]

From a civil society perspective the most important aspect of these new organisations was that they did not recognise the leadership of the Tung Wah elite. A good example of this was the Seamen's Strike of 1922.[395] The Tung Wah was approached by the Hong Kong administration to mediate an end to the strike, but the labour unions refused to acknowledge the legitimacy of the Tung Wah, labelling the Committee "a *yangnu* ('slave to foreigners') organisation at the beck and call of imperialism."[396]

The Seamen's strike can thus be seen as representing a new development in the formation of Hong Kong's civil societies. On the one hand, the voluntary distancing of the state from the Chinese society had allowed an unregulated space to form. With the creation and subsequent incorporation of the Tung Wah elites the Hong Kong government had managed to regulate the space in which the Chinese society existed. However, the government did not define (and hence limit) the space; allowing non-incorporated bodies to develop and set their own agenda.[397] In other words, the absence of limits allowed

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[394] Chan, Lau Kit-ching. 1990. p 19
[395] For a good analysis of the Strike and its aftereffects see: Chan, Lau Kit-ching. 1990. Chapter Four.
[396] Sinn, Elizabeth. 1989. p 210.
[397] Although the government did pass the Societies Ordinance (Ordinance 47 of 1911) which was designed to prevent societies from inciting disorder (either in the colony or in China) this did not prevent revolutionary organisations, such as Sun Yat-sen's Tung-men hui, from operating.

autonomous, self-governing associations to form. These associations were self-interested and would act against the state when their interests were threatened; all of which are facets of an emergent liberal civil society.

On the other hand, the colonial state had been involuntarily removed from the local society when it sided with the ship owners against the local citizens. As Chan wrote:

> Together with the myth of British imperial omnipotence in China, the colonial regime's claim to legality and legitimacy was now broken. The British colonial state relinquished its role as an impartial arbiter-mediator of sectoral conflicts by colluding with big business and thereby diminished its own effectiveness in conflict resolution.[398]

The image of the colonial state colluding against its citizens reinforced the liberal concept of the state as "evil" and the actions of the society as morally defensible.

The elites of the Tung Wah, although a most prestigious and influential group, were not, however, at the top of the state-Chinese society pyramid. That position was held by the members of the District Watch Committee. Although initially the management committee of the District Watchman Force (formed 1866), a type of local police force, the District Watch Committee "acquired over

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[398] Chan, Ming K. "Hong Kong in Sino-British Conflict: Mass Mobilization and the Crisis of Legitimacy", in Chan, Ming K. ed. 1994. *Precarious Balance: Hong Kong Between China and Britain, 1842-1992*. Hong Kong University Press, Hong Kong. p 41

time prestige, status and power so that it became... "the Chinese Executive Council of Hong Kong."[399]

The District Watchman Force (DWF) received a mixed response from the colonial administration, but was seen as a positive development by the local population. Despite being constituted as a local constabulary, the DWF gradually expanded its operations to encompass such activities as "acting as census enumerators, providing guides for census officials, tracing runaway girls for the Po Leung Kuk, intercepting young girls brought into the Colony for purposes of prostitution, engaging in detective work for Chinese quarters."[400] However, in 1891, J.H. Stewart Lockhart (simultaneously Registrar General and Colonial Secretary) recommended the Watch Committee's role be expanded to form an advisory board on Chinese affairs and governance. Wei Yuk, an unofficial member of the Legislative Council, modified Lockhart's proposal to ensure that the new committee was nominated and was comprised only of the wealthy Chinese elite.[401]

The modified proposal was adopted and remained largely unchanged until the Japanese occupation. Importantly, the board was expanded from its original 12

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[399] Lethbridge, H.J. "The District Watch Committee: 'The Chinese Executive Council of Hong Kong'", in *Journal of the Hong Kong Branch of the Royal Asiatic Society*. vol. 11, 1971. p 116
[400] Lethbridge, Henry. 1978. p 108
[401] Lethbridge, H.J. "The District Watch Committee: 'The Chinese Executive Council of Hong Kong'", p 121

to 14; the two new seats usually being filled by the outgoing chief directors of the Tung Wah Committee and the Po Leung Kuk Committee.[402] This change formalised both the hierarchy of Committees that the Hong Kong administration could draw upon and the hierarchy of local political elites.

Being at the top of the elite pyramid helped the Watch Committee to become "the major point of contact between the office of the Registrar General, who represented the government, and the lower strata of the Chinese community."[403] This prime social and political position of the members of the Watch Committee was reinforced by the extensive economic and social contacts the members maintained. As Lethbridge stated:

> The members of the District Watch Committee were strongly entrenched in the Chinese Chamber of Commerce and the Chinese Club, and they played a significant role in the Chinese Manufacturers' Association. They also occupied important positions in district associations, benevolent societies, guilds of employers, and business associations. The power and influence of the Committee ramified down through such associations, so that the few were able to exercise political control over the many.[404]

All of this helped the government maintain order and stability in the local population and fulfils the description of the functions of an incorporated elite under an authoritarian regime.

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[402] Lethbridge, Henry. 1978. p 110
[403] Tsang, Steve ed. 1995. *Government and Politics: A Documentary History of Hong Kong*. Hong Kong University Press, Hong Kong. p 209
[404] Lethbridge, Henry. 1978. p 119

Following the end of the Japanese occupation, the role played by the District Watchmen, as a segregated constabulary, became increasingly irrelevant. The reorganisation of the Watch's parent organisation, the Secretariat for Chinese Affairs, into the Secretariat for Home Affairs (1969) led to the District Watch Force being disbanded. With the DWF disbanded there was no longer any rationale for the District Watch Committee to exist. However, prior to the abolition of the Watch Committee, a new form of "consultation" had been established by the Hong Kong administration; the City District Officer scheme.

The City District Officer (hereafter CDO) scheme was instituted (April 1968) following the 1966 and 1967 riots in an effort to ensure a grassroots link to the Chinese population.[405] The main purpose of the CDO was "to facilitate communication between the governors and the governed, including the input of intelligence about 'public opinion' to the decision-makers in the government."[406] The principle method for gathering public opinion was via monthly meetings with "a fairly stable group of local leaders, leaders of the Kaifong Association, Multi-Storey Building Associations (MSB), District Associations, the business and industrial sector etc."[407] In other words, the leadership with whom the CDO would meet and canvass opinion from was

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[405] For an outline of the CDO scheme see: Chan, David K.K. "Local Administration in Hong Kong", in Kwan Alex Y.H. and Chan, David K.K. 1986. *Hong Kong Society: A Reader*. Writers' and Publishers' Cooperative, Hong Kong. pp 117-118

[406] King, Ambrose Yeo-chi. "Administrative Absorption of Politics in Hong Kong: Emphasis on the Grassroots Level", in *Asian Survey*. vol XV, no. 5. May 1975. p 433

[407] Ibid. p 433

substantially similar to the group the Watch Committee, by virtue of its members appointments, drew advice from. Moreover, the CDO was not obliged to take the solicited advice rendering the monthly meetings something of a "child's game". On this point, as King has noted:

> The CDO is not ready to accept the local leaders' views at face value; and, more often than not, views of the local leaders tend to fade into faint echoes. Probably because of this, quite a few of the local leaders were dismayed and frustrated.[408]

Thus, the expectation that the CDO's would be (in the traditional phrase) a "modern father and mother official" to the people, ensuring a direct line of communication from the government to those whom it had not heard from before failed.[409] A primary reason for this failure can be said to have been the lack of bureaucratic support given to the CDO scheme.[410] Although a focus on communication with the Chinese elites rather than the grassroots population would not traditionally have been a cause for concern, the dynamics of the local Chinese population in post-1945 period was unlike any previous situation with which the Hong Kong government had been faced. In particular, the socio-economic changes (detailed in Chapters 2 and 3) that Hong Kong society had undergone had created classes of Hong Kong citizens able to articulate demands that the elites and the CDO had overlooked or ignored.

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[408] Ibid p 436
[409] Tsang, Steve ed. 1995. p 216
[410] For a good analysis of the shortcomings of the CDO scheme see: Lau, Siu-kai. 1982. pp 150-151

Supporting the CDO scheme was the creation (in June 1973) of Mutual Aid Committees (MACs). In an attempt by the Hong Kong administration to bolster the reach of the CDO's, the MACs were established within residential buildings or groups of buildings to provide improved levels of communication for the CDO.[411] Essentially a neighbourhood association, the Hong Kong administration, via the MACs, sought to provide an incorporated social network that drew upon traditional values and ideals. The incorporated nature of the MACs is seen in their value to provide support and promotion for government campaigns. Scott provides the following example:

> In 1973 the Hong Kong government decided to take action against two major city problems: A rising crime rate and an accelerating deterioration of the living and working conditions in a number of residential and business units. The plan of action included the launching of two campaigns, the Keep Hong Kong Clean campaign and the Fight Violent Crime campaign. Existing community organisations were called upon to give their services.[412]

A further example of the MACs incorporated nature, as opposed to an autonomous grassroots body, can be seen in the strict limitations the government places on the MACs' activities. Although the MACs provide a valuable source of community information to the Hong Kong government and can mobilise to support government campaigns when directed, any independent action by the MACs (such as expressing community concerns

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[411] Scott, Janet Lee. "Structure and Function in an Urban Organisation: The Mutual Aid Committee", in *Journal of the Hong Kong Branch of the Royal Asiatic Society*. vol 22 1982. p 1
[412] Ibid pp 2-3

beyond those requested by the government or providing community services - for example; organising picnics)[413] is actively discouraged.[414] Thus, preventing the Committees from being anything more than an arm of the government.

Besides those bodies already discussed, other organisations existed (such as UMELCO and the ward offices of the Urban Councils) that provided channels of communication between the government and the citizens, though these were more strictly under the government banner. In the case of UMELCO, although established to provide easy access to the members of ExCo and LegCo, it became little more than a "mechanism for the transmission of official information and informal advice, falling far short of being a device for solving the problems of the ordinary person. In this sense, its self-declared mission as an intermediary between the government and the people is largely unrealized."[415] The Urban Council, however, has gradually expanded its functions beyond those of local concerns to include many areas not in its purview.[416] Indeed, it was the Urban Councils' success in representing its constituents that saw it, in the early 1980s, become the birthplace of the modern

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[413] Miners, Norman. 1991. pp 194-195

[414] Davies, Stephen and Roberts, Elfred. 1990. *Political Dictionary of Hong Kong*. Macmillan, Hong Kong. p 309.

[415] Lau, Siu-kai. "The Government, Intermediate Organizations, and Grass-roots Politics in Hong Kong", in *Asian Survey*. vol XXI, no. 8. August 1981. p 878

[416] As Lau stated, "In 1974, 1976, and 1978, for instance, the proportion of cases falling under the aegis of the Urban Council (meaning the ward offices that can at least take some action) were 12.1%, 14.1%, and 14.8% respectively." Source: Lau, Siu-kai. "The Government, Intermediate Organizations, and Grass-roots Politics in Hong Kong", p 877.

contest between Hong Kong's liberal and illiberal civil societies. This is discussed in the following chapter.

Although the Hong Kong government actively incorporated the local elites into the decision making process, neither it nor its incorporated elites could entirely control the space in which the local population interacted. This allowed members from the uncontrolled local population to form autonomous self-governing organisations that were able to act against the state when their interests were threatened. Furthermore, the expatriate population, coming largely from a Western background with a long history of non-state associations, easily formed organisations autonomous to the state. Even though, as members of the state-elite, these organisations were not normally adverse to the actions of the administration, nonetheless self-governing bodies did emerge that were critical of the activities of the state and mobilised against it. Moreover, these expatriate associations, in turn, became models for Chinese organisations - transmitting the information necessary for the development of a liberal civil society.

In the early years of this century the rapid political change experienced on the Chinese mainland was mirrored in Hong Kong. The political change brought with it an increase in political awareness that redefined the Hong Kong Chinese citizen, placing the citizen not solely within a colonial regime but,

more broadly, within a pan-national Chinese milieu. Evidence of the impact external political forces had on Hong Kong can be seen in the formation of such organisations as the Hong Kong Hsing Chung Hui and the T'ung-meng Hui (anti-Qing nationalist movements).[417]

In addition, the national ideology reflected in these two organisations was also present in several of the Chinese unions in the territory. Examples of unions taking political action based upon external political influences are; the Mechanics Strike of 1920, the Seaman's Strike of 1922 and the general Strike-boycott that lasted from 1925 until 1926. Although the first two examples were largely economic in motivation (that is, their chief function was to articulate demands for higher wages), not only did they present a challenge to the manner in which the existing socio-political system functioned but they also contained an anti-imperialist component in the rationale they gave for strike action.

The Strike-boycott of 1925-26 was, by comparison, far more politicised. The Strike-boycott began as an extension of the anti-imperialist May 30th Movement in Shanghai.[418] The difference between the Strike-boycott and previous strikes was the involvement of the Communist party as the main

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[417] Chan, Lau Kit-ching. 1990. Chapters One and Two.
[418] For a summary of this see: Hsü, Immanuel C.Y.1983. *The Rise of Modern China, 3rd ed.* Oxford University Press, Hong Kong. p 534.

agitators. Adopting an anti-imperialist/anti-capitalist platform the Communists (acting within the All China Federation of Trade Unions) quickly moved to organise the local labour unions against the colonial regime.[419] Despite the fact that the Hong Kong government moved quickly to prevent any labour unrest, the involvement of the Communists in both Hong Kong and across the border in Canton meant that it was unsuccessful. Indeed, it was only after fifteen months that an agreement was reached between the Hong Kong government and the Canton authorities to end the strike. It was, however, an agreement reached due to mainland political necessity and left the Hong Kong unions still agitated.[420]

From these examples it has been shown that there existed an autonomous, self-governing element in the Hong Kong Chinese community that could be described as beginning to operate according to liberal civil society patterns. It was a pattern that the Japanese invasion of China and the subsequent spreading of World War 2 to the Pacific Theatre enhanced. The pressures of the war saw many communal-based organisations emerge, often motivated by a strong nationalist ideology. Examples of this can be seen in the formation of such organisations as: the Hong Kong Branch of the anti-Japanese association of Chinese writers and artists; the Chinese relief society; the Student's relief

[419] Ibid. pp 176-219
[420] Ibid. pp 218-223

society; the women's new movement society and the Kowloon association of relief societies.[421]

The political turmoil Hong Kong experienced after World War Two, with efforts being made, and then halted, to introduce political liberalisation, provided the impetus for two new pressure groups to form. The first, The Reform Club, was established (in 1949) "in preparation for the launch of a democratization move", as outlined in Governor Young's proposed plans.[422] The second, the Hong Kong Civic Association (established 1955), was formed to increase the scope for political participation in the colony; a response to the denial of Governor Young's plans for local democratisation.[423] Although neither group ever evolved beyond their pressure group status, they provided a model for other groups to follow.

The development of other pressure groups up until the transition period has already been detailed in the previous chapters (Chapters Two, Four and Five). It is not necessary to replicate that information here. Nonetheless the reader should be aware that the post war period was marked by the rapid emergence of grassroots social movements which demanded an increasingly wide range of reforms from the Hong Kong and British governments. Although these two

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[421] Ibid. p 267
[422] Tsang, Steve ed. 1995. p 223
[423] Ibid. pp 223-225

governments were unwilling to provide all the reforms asked for, and set up monitoring agencies to chart the impact of the various pressure groups, it was also unwilling to absolutely stop these groups from acting. In part this was because such groups were viewed as articulating the concerns of the people to which the administration needed to respond if it was to remain a legitimate government. However, it was also because the development of the pressure groups was seen, by the Hong Kong government, as a natural social evolution.[424] However, a lack of appropriate channels prevented these groups from taking the next evolutionary step and developing into political parties. This all changed with the beginnings of the transition of Hong Kong.

Conclusion

Hong Kong's state-civil society relationship, in the pre-transition period, has been demonstrated to be a unique fusion of both East and West. It is a fusion that has simultaneously created an incorporated state elite as well as a grassroots elite able to function against the state. An historical legacy of the colony's formation resulted in the incorporated elite forming first. However, the grassroots elite only formed once it found a space within the society in which it could exist. The presence of such a space was due to the colonial nature of Hong Kong; where the state was unwilling (and, I would argue,

[424] See: Standing Committee on Pressure Groups. 11th April 1980. *Information Paper for the Chief Secretary's Committee*. Paragraph 26. Home Affairs Branch, Hong Kong. p 7

unable) to regulate the local Chinese society. However, in this pre-transition period, these liberal elements required an opening through which to organise. Due to the close ties that the local population had with the Chinese mainland, causes from across the border could be adopted by local groups to provide a platform for challenging the colonial state. In the post-1945 period a combination of social and economic factors allowed these groups to become self-organising and able to focus on local issues that emerged or could be exploited. Although each issue was a challenge to the supremacy of the colonial state, it recognised that these groups were a natural evolution that could not be prevented. Moreover, these groups often raised issues which the regime needed to address. But, in each case, it was up to the regime to decide to what extent these groups could function and to what extent it would respond to their concerns. Furthermore, the extent to which each of these groups could act upon the state to influence the political or policy processes was determined by the state, which could always turn to its incorporated elite structure to provide a solution. Hence, it is possible to conclude that the public space that was opened up to these groups was made available by the state and not by the people.

Thus, up until the transition process began, both types of civil society existed in Hong Kong, each of which was used by the competing elites to define their goals to create a legitimate operating system for the Hong Kong polity. In the

case of the incorporated elites, their legitimation was provided by the state. The grassroots elites had to establish their own constituency to find their legitimacy. Until the transition period began, the grassroots groups were hampered by the lack of adequate channels through which to force change. It was only with the introduction of direct elections into the political process that such channels opened. This accelerated the growth of a liberal civil society and created a wide range of political groupings. However, as with the pre-transition period, the development of the liberal civil society was only permitted within the limitations determined by the state. Moreover, the liberal elements of Hong Kong's unique civil society had to compete with the incorporated elites who already occupied positions of power in the state.

It was this political competition that determined how far Hong Kong's political reforms (in the period 1984-1997) would go. The tensions between the two groups increased as the colonial state began to overtly withdraw from the decision-making process. Complicating this power struggle was the retrocession date and the Chinese government's involvement in the political process. It is this struggle, by the liberal elements of the civil society, to turn Hong Kong into a state with liberal institutions and democratic ideals, and the resistance which was encountered, that is the subject of the final section of this thesis.

The following section will attempt to argue that politically Hong Kong remained (prior to July 1st, 1997) divided; attempting to merge an illiberal political system with a liberal social system. It will be shown that the conflicting developmental pressures placed on the territory during the transition led to the formation of only a partially liberalised political system . In other words, a liberal political system but with only democratic ideals not institutions. It will, however, be demonstrated that such a system was a natural part of Hong Kong's socio-political development.

Section 4

Hong Kong Politics

1984-1997

Preamble

The previous two sections dealt with the first two levels of Offe's analytical framework. In Section 2 it was demonstrated that the citizens of Hong Kong have evolved a complex and mature national identity. In Section 3 the operating system for this identity (civil society) was detailed. In this section, the highest level of Offe's framework, that of political processes, will be examined. It shall be shown that the opening of a political space was, in the first half of the transition period, entirely controlled by the state. In other words, it was a phase of authoritarian liberalisation where the parameters were defined by the state and not by the nation. The second half of the transition period (1989-1997), particularly after 1992, saw a new development in Hong Kong's political processes take place. In this period Offe's two lower levels were no longer being rigorous controlled by the state. As a result, the political developments which took place were neither "path dependent" nor "strategy proof". This period can thus be seen as the beginnings of Hong Kong's move towards creating democratic institutions. This move would be truncated by the retrocession.

The legacy of British colonial rule in Hong Kong has left the former colony with traces of European political ideologies and Asian social beliefs, both, as a result of Hong Kong's proximity to each sphere, have blended to create an unique polis. On the one hand, the political and philosophical legacy that stemmed from Western Europe promoted a liberal conception of the individual and the individual's relationship to society and the state. Yet Hong Kong was a colony, with illiberal political systems in place to ensure that the needs of the English colonisers were met. On the other hand, the local Chinese population still contained elements of traditional Chinese society which lent itself to an illiberal rule. Yet the rapid post-war modernisation held the preconditions for the demise of the more rigid social structures, to be replaced by social constructions more commonly experienced in the West. All of these factors meant that the two applied forms of civil society would *both* be more fully expressed in Hong Kong than was the case in the rest of the world. The resulting tensions helped to forge the modern political system which Hong Kong currently enjoys.

Using Offe's model this political system will now be examined.

Chapter Nine

Transition - Part I

From the Sino British Joint Declaration to Tiananmen (1984-1989)

Introduction

This chapter examines the first half of the transition period, from 1984 until 1989. This period saw, for the first time in Hong Kong's history, a committed attempt by the Hong Kong administration to create channels for political communication between the state and the nation. There were, however, two different motivating factors behind the creation of these channels. The first factor was the need by the Hong Kong administration (and, by extension, the British government) to be seen as the legitimate government of the Hong Kong people. There were, in turn, a myriad of plausible reasons why this was a desired goal. One of these reasons could be said to have been that such a change would result in an improved bargaining position with transitional politics between Britain and China. Another reason can be seen as lying in the traditional pattern of British decolonisation; namely localising the state institutions for their postcolonial rulers. A further reason was simply to facilitate an orderly, and dignified, withdrawal in 1997.

The second factor was a response to the pressures emerging, within the local Chinese society, for political reform. In particular, these reforms centred on changes that would bring a degree of power-sharing for the popular representatives of the local population. As was detailed in the previous chapters, the demands for such reforms emerged over a long period of time. However, as the social changes (resulting from economic modernisation) accelerated, the demands for reform become increasingly vocal.

The strategies which were formed as a result of the motivations behind these two factors converged in the early 1980s. However, it was the first factor that was expressed as the dominant motivation. In other words, the channels of political communication which were opened to the people were created at the behest of the state not forced open from below by Hong Kong's citizens. This meant that the resulting political actions would take place in a space clearly defined by the state. What the state failed to take into account was the impact this limited political socialisation would have on the evolving Chinese society; namely, that there was already an acknowledged demand (by grassroots political leaders) for greater access to the political processes. By giving these leaders a "taste" of what they desired the state was only fuelling their demands for more of the same.

This chapter will examine the development of modern politics in Hong Kong. It will focus upon the controlled liberalisation which occurred between 1984 and 1989. This period begins with the signing of the Sino-British Joint Declaration, in 1984, which signalled the start of the transition period and ends with Tiananmen, in 1989, which heralded a sea-change in the scope of the liberalising reforms. As this was a period of state-dominated liberalisation the focus of the chapter will be on the state's efforts to open up (in a limited fashion) the political decision-making processes to the people. However, as this liberalisation only created a greater demand for more of the same, this reaction will also be analysed.

As the transition period began with the signing of the Joint Declaration it is appropriate to analyse the impact of this event first.

Sino-British Joint Declaration to Green Paper to White Paper[425]

The initialling, and subsequent signing, of the Joint Declaration radically changed the way in which the political processes of Hong Kong operated. Before the signing there only existed the British-appointed administration in

[425] The Sino-British Joint Declaration has already been briefly introduced in Chapter Five. It is not the purpose of this section to reiterate what has already been examined but to analyse the effect of the Joint Declaration on the development of channels of political communication between the state and the society and upon the development of grassroots political consciousness.

daily control of the territory. After the signing, there was a second, nebulous administration, that of the Chinese government; able to act in a "consultative" capacity. Before the signing the bureaucratic apparatus was dominated by an expatriate elite. After the signing there was a demonstrable commitment to localise the bureaucracy, thereby ensuring a local contribution to the administration of the territory. Before the signing the local population had very few channels through which they could communicate with the government. After the signing the government opened a series of channels that gave the local population direct access to the political decision-making processes.

The signing of the Joint Declaration changed the manner by which the political apparatus operated in Hong Kong. Paragraph (4) of the Joint Declaration accorded the Chinese government a cooperative role during the transition period.[426] However, the interpretation of "cooperation" varied between the principal participants. The British and Hong Kong governments, on the one hand, gave the word its literal meaning (thereby ensuring that the onus would be on them to decide when to "consult" with the Chinese government). The Chinese government's interpretation, on the other hand, assigned to itself a (virtual) partnership role with the local administration; ensuring that it would

[426] See Joint Declaration §4 "the Government of the People's Republic of China will give its cooperation"

have to be consulted on every issue - not simply the issues the other side decided.[427]

It was the latter interpretation that initiated the creation of the (inevitable) second power centre in the territory and labelled the Hong Kong government a "lame duck" administration. Although this label, as well as that of the second power centre, was not invented overnight, but developed over the period of the transition, it helped to create the perception of an administration in a crisis of legitimacy. As Scott wrote:

> Not surprisingly, the government came under almost continual attack from those who wanted more far-reaching social reform and from those who believed that constitutional arrangements ... in the transitional period ... were inadequate. Its credibility was increasingly impaired.[428]

This crisis of legitimacy helped fuel further changes to the Hong Kong polity; for example, the localisation of the bureaucracy.

> Localisation is an indispensable term invented by the Colonial Office to describe the process by which expatriates in the government services were replaced by local people anywhere in the world, from Adenization to Zanzibarization.[429]

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[427] It could only be a "virtual" partnership as the Chinese government did not recognise the official nature of the Hong Kong government, preferring to "officially" view it as an extension of the British government.
[428] Scott, Ian. 1989. p 217
[429] Symonds, Richard. 1966. *The British and their Successors*. Faber Press, London. p 12

The policy of localisation was not new to Hong Kong. Following the end of the Second World War it had been the stated policy of the Colonial Office to recruit more locals into the civil service. Although this policy was successfully implemented at the lower levels of government (for example; by 1981, 98 percent of the population was Chinese "with the same percentage of government posts being filled by local officers.")[430], at the senior levels (Master and Directorate) only 34.4 percent of posts were staffed by locals.[431] Indeed, to a large extent, the high percentage of locals at the non-executive levels can be attributed to the (almost) eightfold expansion of the civil service between 1949 and 1979. The lack of a corresponding figures for the senior ranks can only be explained by a lack of willingness or sufficient impetus to effect change. The requirements of the Joint Declaration, as well as the tensions of the transition period, supplied the necessary impetus.

The first indication that the tensions surrounding the retrocession and the Joint Declaration would change the bureaucratic apparatus came prior to the preliminary meetings (held in 1982) between the British and Chinese negotiators. This indication was formally set out in the 1981 *White Paper: District Administration in Hong Kong* when Governor Youde stated that Hong Kong would develop "a system of government which is firmly rooted in our

[430] Greenwood, V.H. 1981. *An evaluation of localisation policy in the professional streams within the Public Works Department.* unpublished M.Soc.Sci thesis, University of Hong Kong. p 3
[431] Greenwood, V.H. 1981. p 3

community; on which the views of the community are fully represented; and which is more directly accountable to the people of Hong Kong". This comment applied as much to the senior civil service as it did to the District Boards and the LegCo.

This sentiment was further elaborated in text of the Sino-British Joint Declaration. Paragraph 3(4) of the Joint Declaration stated that, "The government and legislature of the Hong Kong Special Administrative Region shall be composed of local inhabitants." This position was expanded upon by the Chinese government in Annexe 1 of the Joint Declaration when it stated that

> The Hong Kong Special Administrative Region Government may employ British and other nationals previously serving in the public service in Hongkong, and may recruit British and other foreign nationals holding permanent identity cards of the Hongkong Special Administrative Region to serve as public servants at all levels, except as heads of major government departments (corresponding to branches or departments at Secretary level) including the police department, and as deputy heads of some of those departments.[432]

As a result of these provisions the Hong Kong government had little choice but to accelerate the intake of locals into the upper echelons of the civil service. This cooption did, however, both strengthen the local Chinese identification with Hong Kong (as the "stake" of the local population in the territory was

[432] Annex 1 (IV) of the Joint Declaration

increased) and (partly drawn from the strengthened local identity) increase the legitimacy of the Hong Kong government.

Prior to the negotiations for the Joint Declaration, the Hong Kong government had already begun to open up a small number of limited channels for political communication. In particular, the release of the Green (June 1980) and subsequent White Paper (January 1981) entitled *A Pattern of District Administration* divided Hong Kong into a series of 18 districts and 122 constituencies which, in turn, set the framework for the first direct elections at a district level.[433]

Given the limited nature of the district boards (in terms of resources and their role, being advisory only), as well as the fact it was the first time district elections had been held, it is not surprising that the voter response was low. As Cheng noted:

> Among registered voters, 35 per cent actually voted in the urban areas and 51 per cent of them did so in the New Territories. For Hong Kong as a whole, the rate of voter registration was 32 per cent and that of voter turnout was 38 per cent.[434]

Despite this, a channel of political communication had been opened by the government and, albeit in a limited fashion, the people had responded. This legitimated the process of communication and validated a role for the state as

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[433] Although there were 122 constituencies there was 132 seats as the ten New Territories constituencies elected 2 members each. Cheng, Joseph ed. 1986. p 68
[434] Ibid. p 68

well as the society in the political process. It was a process of legitimation and validation that assumed far greater importance once the transition period commenced.

At the same time as the negotiations on the Joint Declaration were being held, in July 1984, the Hong Kong government issued another Green Paper (entitled *The Further Development of Representative Government in Hong Kong*) to outline a range of possible options for further political reforms. The principal reform option floated in the Green Paper was the addition of an initial twelve elected LegCo members in 1985 to be increased to 24 in 1988. These new members would be drawn (six each) from (1) the functional constituencies and from (2) an "electoral college composed of all members of the Urban Council, the new Regional Council, and the District Boards."[435] Furthermore, as the numbers of elected members increased it was proposed that the numbers of unelected LegCo members be reduced. In proportional terms, this meant that in 1985 one-quarter of the LegCo would be comprised of elected members. This would increase to just under one-half (48 percent) in 1988.

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[435] *Green Paper: The Further Development of Representative Government in Hong Kong*. July 1984. Government Printer, Hong Kong. (*1984 Green Paper*). p 21. The functional constituencies were electoral colleges based upon professional sectors. In 1984, for example, these were the; commercial, industrial, financial, medical, educational, legal and labour sectors. The types of professions and the number of seats each held did not remain static throughout the transition.

The establishment of the functional constituencies can be seen as a further evolution of Hong Kong's corporatist style of government. As was demonstrated in Chapter Eight, the incorporation of designated local elites had been a fundamental aspect of Hong Kong's colonial administration. Indeed, this was acknowledged in the Green Paper when the government stated that:

> It is from these geographical and functional constituencies that the appointed unofficial members of the various institutions of government, in particular the Legislative Council and the Executive Council, traditionally have been drawn.[436]

The creation of the functional constituencies simply formalised that traditional relationship. In effect, this meant that, any changes which *might* be introduced by those members indirectly elected by geographical constituency that would challenge the government's position could be blocked by a similar number of new members who were likely to support the status quo.

In creating LegCo's geographical constituency the Hong Kong government was careful to ensure that it would not be founded on direct elections. In opposition to direct elections, based upon an universal franchise, the Green Paper stated that, "Direct elections [to the LegCo] would run the risk of a swift introduction of adversarial politics, and would introduce an element of instability at a crucial time."[437] Moreover, the use of an indirect electoral system meant that any radical element would be diluted as the incoming

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[436] *1984 Green Paper*. p 8
[437] Ibid. p 9 [...] added

members would require the support of fellow Councillors or Board members to gain their seat and so were far more likely to represent a consensual perspective. Despite this, the Green Paper's proposal, that the indirectly elected seats come from (fiscally) semi-autonomous bodies comprised partly of directly elected officials, strengthened the position these bodies held as representatives of the Hong Kong society as against the state.

The main aim of the Green Paper's proposals was to "develop progressively a system of government the authority for which is firmly rooted in Hong Kong, which is able to represent authoritatively the views of the people of Hong Kong, and which is more directly accountable to the people of Hong Kong."[438] By placing the people of Hong Kong in such a crucial position the government was clearly seen to be transferring the basis of its legitimacy, at least in part, down to the society. This was a change to which the society positively responded. As Lee has noted:

> After the conclusion of the talks [on the Green Paper], political groups such as the Hong Kong People's Association (November 1984) and the Hong Kong Forum (November 1984), were rapidly organized with a view to preparing for elections to be held in 1985. Others, such as the Meeting Point (1983), the New Hong Kong Society (1983), the Society for Social Research (1982), the Hong Kong Affairs Society (February 1984) and other newly formed district-based community groups, were engaging more actively in pushing for rapid constitutional changes.[439]

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[438] Ibid. p 4

[439] Lee, Jane Ching-yee. April 1988. *The Politics of Transition in Hong Kong: Elections and the Mobilization Process, 1982-85.* Ph.D Thesis. Australian National University, Canberra. p 82. The portion in [...] was added.

However, the direction in which these liberal groups wanted the reforms to head was by no means identical, as they differed on how and when the electoral reforms should be introduced. Meeting Point representative Yeung Sam, felt that, by 1987, one-third of all LegCo seats should be directly elected, and by 1994 he hoped that "about half the seats of LegCo as well as ExCo will be for elected members."[440] Szeto Wah, president of the Hong Kong Professional Teachers Union, called for the District Boards to be entirely composed of directly elected members, as well as part of the LegCo, by 1988; "with the complete transformation of LegCo" to electoral college by 1994.[441] Wong Wai-hung (chairman:Federation of Civil Service Unions) also believed that direct elections should be introduced by 1988; claiming that the government "overstated the pitfalls of direct elections."[442]

Not all political forces in the territory were as liberally disposed as these groups in calling for further reform. In response to calls for direct elections sooner rather than later, moderate Legislative Councillor Bill Brown said that: "In the short term it must be remembered that we do not have any political parties in Hong Kong...and that holding elections indirectly will gradually produce people who are more aware, eventually leading to direct elections."[443] These comments followed those made earlier by several District Board

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[440] Sun, Ophelia. "Major changes 'unlikely'", in *South China Morning Post*. 6th August 1984.
[441] Democratic spirit essential", in *Hongkong Standard*. 13 August 1984
[442] Ibid
[443] "Direct polls may be here earlier", in *Hong Kong Standard*. 16th August, 1984.

members who felt that political education should be added to the school curriculum and that direct elections should occur between 1988 and 1991.[444] Another moderate Legislative Councillor, Chan Yin-lun, also felt that the gradual approach prefaced in the Green Paper was appropriate for Hong Kong, but centred his remarks around the retrocession stating that: "As Hong Kong has already entered the transitional period, the Government can not afford to commit any mistakes. Therefore, its 'conservative' and 'cautious' proposals are well justified."[445]

Almost diametrically opposed to the liberal forces were the China-aligned conservatives. Examples of the pro-China viewpoint can be seen in the statements by Liu Yiu-chu, Denny Huang and Tam Yiu-ying. Hong Kong solicitor Liu Yiu-chu believed that the purpose behind the reforms was to allow the British "to set up some residual force in Hong Kong after 1997 to gain control of the economic and political system, through the hasty introduction of representative government."[446] This view was echoed by Urban councillor Denny Huang who claimed that "the government intends to retain British interests after 1997 rather than promoting the ideas of Hong Kong people ruling Hong Kong."[447] Tam Yiu-ying (vice-chairman: Federated Trade Unions)

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[444] See: "Views on pace of reforms divided", in *Hongkong Standard*. 10th August, 1984.
[445] Sun, Ophelia. "Major changes 'unlikely'", 6th August 1984. Similar views were expressed in: "Proposals backed by a silent majority", in *Hongkong Standard*. 4th August, 1984.
[446] Chen, Julina. "Motives for Green Paper 'insincere'", in *South China Morning Post*. 9 August 1984.
[447] "No substitute for people's mandate", in *Hongkong Standard*. 17 August 1984.

spoke out against the direction the Green Paper was taking the government's reforms, stating that the "ultimate tasks of political reform should be [directed towards] making Hong Kong a capitalist bastion of Chinese sovereignty."[448]

The release of the White Paper (likewise entitled *The Further Development of Representative Government in Hong Kong*) (November 1984) set out the decision of the government with regards to further political reform. The White Paper committed the Hong Kong government to a measured, rather than radical, reform agenda. As the government in the White Paper stated

> The main aims [of the White Paper] are to develop progressively a system of representative government at the central level which is more directly accountable to the people of Hong Kong and is firmly rooted in Hong Kong; to base this system on our existing institutions, as far as possible, and to preserve their best features; and to allow for further development later on.[449]

As had been mooted in the *1984 Green Paper*, the LegCo was expanded to include indirectly elected (termed Unofficial) members. These Unofficials were drawn from nine functional constituencies (returning 12 seats) and the electoral representatives; drawn from the District Boards, Urban Councils and Regional Councils (returning 12 seats - 10 from the District Board's, 2 from each Council). Even assuming that all Unofficial members acted as a bloc against the government (something highly unlikely given the representation of

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[448] "Democratic spirit essential", 13 August 1984

[449] *White Paper: The Further Development of Representative Government in Hong Kong*. November 1984. Government Printer, Hong Kong. (*1984 White Paper*) [...] added

Unofficial members from traditionally pro-government areas), the *1984 White Paper* ensured that the government would always have an absolute majority by including in the LegCo a further 32 members guaranteed to support the government.[450] Hence, the political reforms did allow for a measure of grassroots involvement in the central political processes, but it was a measure the government could always prevent from moving beyond a desired limit. As Scott wrote:

> A corporatist strategy did permit the inclusion of other groups previously excluded from the legislature, but they were deliberately outnumbered by government officials and their supporters. The government expected to be able to push any legislation it wanted through the Legislative Council and to use the apparent institutional consensus to confer legitimacy upon its decisions.[451]

The release of the White Paper focused the arguments, raised by the Green Paper, away from an abstract discussion of the issues to an agenda of substantiative reform. Although the constitutional reform outlined in the White Paper received broad community support,[452] liberal pressure groups "accused the government of being half-hearted in its pledge to speed up the process of democratisation."[453] The criticisms offered by the liberal groups centred on two main points, which were: (1) that the government failed "to

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[450] I use the term "guaranteed" as 22 of these members were appointed directly by the Governor and the remaining 10 were Officials.
[451] Scott, Ian. 1989. p 277
[452] "The majority of community leaders welcomed the government's intention to double the number of Legislative Council seats for the electoral college and functional constituencies from six to 12". Source: Staff Reporters. "Most leaders welcome move", in *South China Morning Post*. 22 November 1984.
[453] "Pressure groups aren't convinced" , in *Hongkong Standard*. 22 November 1984. p 1

commit itself to reform by omitting to give an exact date for direct elections to the Legislative Council", and; (2) that, despite the increase of numbers from geographical and functional constituencies, the LegCo "would still be dominated by vested interests."[454]

In response to the liberals' claims of not being fully committed to political reform, moderates reinforced the message that the desired speed of the liberals' reforms would not be in Hong Kong's interest. As Councillor Shum Choi-sang emphasised " the pace of direct elections in the Legislative Council depended on whether prosperity and stability would be maintained in the run-up to 1997", adding that "too quick a change might not be in the best interests" of the business community.[455] Shum Choi-sang's comments were backed up by fellow councillors Cecilia Yeung and Lawerence Fung who felt that the White Paper's measured approach would ensure Hong Kong's stability and thus its prosperity - allowing time for a more ideal and rational administration to form.[456]

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[454] Ibid. For specific groups evaluations of the White Paper see: "Most leaders welcome move" in *South China Morning Post*. 22 November 1984; "Government rapped over reforms" in *Hongkong Standard*. 27 November 1984; "White Paper 'is impractical'", in *Hongkong Standard*. 4 December 1984; and Leung, Matthew. "White Paper is a damp squib, says Elliot", in *South China Morning Post*. 12 December 1984.

[455] "Political reforms should not be hasty", in *South China Morning Post*. 12 December 1984

[456] Ibid. For similar councillor's statements see: "Hurry slowly is the message", in *South China Morning Post*. 3 December 1984; and "A-G defends 'slow' pace against haste", in *South China Morning Post*. 11 January 1985.

Apart from the objections to the scope of the White Paper's political reforms, the area that generated the most debate concerned the role which the functional constituencies would play in the new LegCo. David Aker-Jones, Secretary for District administration, described the functional constituency's role as being necessary for the smooth transition of Hong Kong; allowing for "direct input by key people."[457] However, many professional groups claimed that they were passed over in the defining of the functional constituencies and, as such, were denied a chance to represent their professional interests. Social workers, religious groups, accountants, teachers and labour representatives all claimed they should have been accorded a functional constituency seat or, in the case of the teachers and labour representatives, been allocated an expanded role.[458] The other group that voiced discontent about the composition of the functional constituencies, on the basis that it was left out of the new power structure, was the Hueng Yee Kuk (hereafter simply Kuk). Under the White Paper's proposals, the Kuk, formed to represent villages in the New Territories, had its

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[457] "'Major role' of constituencies", in *Hongkong Standard*. 6 December 1984

[458] For the main arguments put forward by the unrepresented groups see: "Labour groups seeking four seats", in *Hongkong Standard*. 15 November 1984; "Religion is okay - out of politics", in *Hongkong Standard*. 30 November 1984; "Social worker concern over LegCo delegate", in *South China Morning Post*. 12 December 1984; "Vote for all social workers called for", in *South China Morning Post* 14 December 1984; "Wider vote sought by social workers", in *South China Morning Post*. 5 January 1985; "Accountants want a constituency", in *South China Morning Post*. 11 January 1985; Young, Ursula. "Clerks call for more labour seats in LegCo", in *South China Morning Post*. 26 January 1985; Chan, Agnes. "Teachers seek bigger say", in *South China Morning Post*. 20 March 1985.

authority redirected into the Regional Council. This was seen as a reduction in its ability to effectively safeguard the welfare of its constituents.[459]

China's Response to the Green and White Papers

The Chinese response to the release of the Green and White Papers was overwhelmingly negative.[460] Following the publication of the *1984 Green Paper*, the Chinese government released a statement that the Paper "was Britain's business and it was not obliged by the reforms proposed."[461] In other words, the Chinese government considered the *1984 Green Paper* to be a unilateral action by the British (and, by extension, the Hong Kong) government and, as such, it did not consider itself to be bound to the reforms once China resumed sovereignty. The release of the *1984 White Paper* prompted a stronger statement by Xu Jiatun (Director: Hong Kong branch of Xinhua), who stated that: "the political structure of the future Hong Kong Special Administrative Region is to be defined by the Basic Law drafted under the Chinese National People's Congress."[462]

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[459] See: "Kuk see conflict in paper", in *Hongkong Standard*. 1 December 1984; ""HeungYeeKuk gets tough", in *South China Morning Post*. 19 December 1984.
[460] By "Chinese" I am referring to the government of the People's Republic of China.
[461] "Xu silent on governments new paper", in *Hongkong Standard*. 25 November 1984
[462] Ibid

With the passing of the government's ordinances to allow the political reforms to take place, Chinese opposition to the *1984 White Paper* reforms increased considerably. Vice-Foreign Minister Zhou Nan, speaking before the first Basic Law Drafting Committee (hereafter BLDC) meeting (July 1985) "pointed out that the Sino-British Joint Declaration had only stated that there would be elections to the [Legislative] council, without pinpointing whether they would be direct or indirect."[463] Another Chinese official took a more direct stance stressing "that the transfer of power should be to the Beijing government and not to the Hong Kong people."[464]

Apart from Zhou Nan's statement before the BLDC, the Chinese government restricted its displeasure over the political reforms to indirect channels. As Miners wrote:

> These concerns were not expressed in public statements but indirectly through articles in communist-controlled newspapers and magazines, private briefings to those who called on the New China News Agency, and comments to delegations visiting Beijing.[465]

Examples of such indirect expressions of concern can be seen *Wen Wei Po* and *New Evening Post* editorials and articles. A *Wen Wei Po* editorial said that "the haste with which the government passed the bill had made people question the

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[463] Chan, Chalina. "Doubts on viability of direct elections", in *Hongkong Standard*. 19 July 1985
[464] Ibid. The official was unnamed in the report.
[465] Miners, Norman. "Moves Towards Representative Government 1984-1988", in Cheek-Milby, Kathleen and Mushkat, Miron eds. 1989. *Hong Kong: The Challenge of Transformation*. Centre of Asian Studies, University of Hong Kong. pp 23-24

motives of the government's political reforms."[466] The editorial further stated that: "Such change is not in line with Hong Kong's reality and is detrimental to Hong Kong's long-term interests."[467] The *New Evening Post* suggested that "there should be no political changes between now [1985] and 1990 when the Hong Kong Special Administrative Region Basic Law would be promulgated."[468]

In the year following the initialling of the Joint Declaration, the Chinese position on Hong Kong's reforms hardened further. During this period the Chinese argument against the reforms developed two distinct lines. The first approach was that the retrocession would result in a transfer of sovereignty from the British government to the Chinese government and not to the government of Hong Kong.[469] Hence, the White Paper's aim to develop "a system of government the authority of which is firmly rooted in Hong Kong"[470] was seen as a deviation from the principles agreed upon in the Joint Declaration.[471] It is interesting to note that this approach developed in spite of

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[466] A *Wen Wei Po* editorial quoted in: Lau, Emily. "A privileged retreat", in *Far Eastern Economic Review*. 11 July 1985. p 22
[467] Ibid
[468] A *New Evening Post* article quoted in Ibid. [...] added
[469] An example of this approach is contained in: Chen, David. "Beijing warns HK about tilt to democracy", in *South China Morning Post*. 1 October 1985
[470] *1984 White Paper*. Chapter 7, paragraph 46. p 15. Government Printer, Hong Kong.
[471] See: Lau, Emily. "No more velvet glove", in *Far Eastern Economic Review*. 19 September 1985; "Reforms must toe the line of the Basic Law, says Ji", in *Hongkong Standard* 24 November 1985; Yau, Shing-mau "Yes, there are problems, says Beijing", in *Hongkong Standard* 28 November 1985; Yeung, Chris. "Reforms 'may breach declaration'", in *South China Morning Post* 29 November 1985.

guarantees from Beijing that, after 1997, Hong Kong people would rule Hong Kong [*Gangren zhi gang*] with a high degree of autonomy. This gave a preliminary indication that the high degree of autonomy would not necessarily be as high as had been perceived by the *Gangren*. The second approach was to emphasise that the political form Hong Kong would assume, after the retrocession, was dependent on the final shape of the Basic Law. Thus, the early introduction of political reforms was considered (by the Chinese) to be a redundant exercise as they had no connection with the future constitution.[472] Both of these approaches were utilised by Xu Jiatun during his first press conference (21 November 1985) when:

> He warned that current moves to institute political changes indicated a deviation from the spirit and principles of the Joint Declaration: "If there are any abrupt changes this would be constitute a breach of the Joint Declaration." He said that there should be no drastic changes in the transition period and that any developments should be compatible with the Basic Law.[473]

Overarching these two lines was the expressed desire (by the Chinese) that Hong Kong maintain both its stability and prosperity in the lead up to the handover. This was clearly seen in Ji Pengfei's (Director: Hong Kong and Macau Affairs Office) statement to the Liao delegation to Beijing (October 1985). The Liao delegation was a group of Hong Kong architects, visiting

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[472] Yeung, Chris. "Go easy with reforms, says Ji", in *South China Morning Post* 21 October 1985.
[473] Miners, Norman. "Moves Towards Representative Government 1984-1988", in Cheek-Milby, Kathleen and Mushkat, Miron eds. 1989. p 24

Beijing who were received by Ji Pengfei. The visit was noteworthy because it was at this time that "Ji unveiled China's logic for the transition period."[474] As Ji stated:

> Hong Kong as entered an important transformation era. In this period we must avoid the emergence of unnecessary chaos which may affect a smooth transfer of sovereignty...We have a common aim: maintaining the prosperity and stability of Hong Kong.[475]

Ji Pengfei's statement was strongly reinforced by Xu Jiatun who warned that the incompatibility between the 1984/85 political reforms and the (then) future Basic Law could present a "very significant problem" and that the reforms indicated "a deviation from the spirit and principles of the declaration."[476] The adherence to which was seen as "the key to the prosperity and stability of Hong Kong."[477]

The reactions to the political reforms contained in the *1984 White Paper*, local and external, for and against, were all focused on 10 March 1985 when Hong Kong held its first elections, under the new system, to the District Boards.

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[474] Cottrell, Robert. 1993. p 182

[475] Wong, David. "Don't have reforms in Hong Kong yet", in *Hongkong Standard* 21 October 1985.

[476] Yeung, Chris. "Reforms may mean trouble, warns Xu", in *South China Morning Post* 22 November 1985.

[477] Ibid. For reports of similar warnings see: Chan, Garmen. "Concern from Beijing over 'hasty reform'", in *South China Morning Post* 22 November 1985; Lau, Emily and Bowring, Philip. "Laying down the law", in *Far Eastern Economic Review*. 5 December 1985. pp 12-15

Transitional Elections: Round One

District Board and Functional Constituency Elections: 1985

The first step (during the transition period) in making the Hong Kong government more accountable to the people was the District Board elections held in March, 1985. It was not the first time elections had been held at the District Board level. For the first elections, however, (held in March, 1982) the District Boards functioned as little more than advisory institutions and, as a result, the communal response was minimal. As Joseph Cheng has noted:

> As the district boards had very limited resources at their disposal and their role was basically advisory, the response of the politically apathetic Hong Kong community was at best lukewarm.[478]

In contrast, the 1985 District Board election was an important step in liberalising Hong Kong's political system - for two main reasons. Firstly, it opened up a strata of government to elections based upon universal franchise, thereby increasing citizen participation in the political process. Moreover, election to the District Board opened up the possibility of the candidate being further elected to the LegCo. Secondly (and, in part, a continuation of the first reason), the elections helped to politically socialise the Hong Kong population; in that the elections, for the first time, gave the local population a political stake in the territory's affairs.

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[478] Cheng, Joseph. "The 1985 District Board Elections in Hong Kong", in Cheng, Joseph ed. 1986. p 68

A campaign, directed by the Hong Kong administration, encouraged citizens to enrol to vote. Supporting the administration were several local committees (Area Committees and Mutual Aid Committees) which functioned as grassroots coordinators of the government's campaign. The six Area Committees acted as forums for local citizens to ask government officials about the area and the elections.[479] The 297 Mutual Aid Committees acted in a similar, but more neighbourhood-focused, manner.[480] The drive to increase citizen participation so as to make the District Boards more accountable was demonstrated in a statement by the District Officer for Kwaichung and Tsingyi, Tam Wing-pong, who said: "The active participation of the people in the 1985 elections will help make the district boards a local government organisation truly representing the wishes of the people."[481]

In terms of increasing the number of enrolled voters, the campaign was successful. From an initial number of 900 000 registered voters the electoral role expanded to a total of 1.5 million.[482] (Of the 900 000, 708 119 were urban residents and so eligible to vote in both the District Board and Urban Council

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[479] "Your vote counts much", in *Hongkong Standard*. 6 January 1984.
[480] Ibid.
[481] Ibid.
[482] "More register as voters", in *South China Morning Post* 21 November 1984. The final figure was 1 537 230 registered voters. The government's target figure was between 1.5 and 2 million. Although the latter figure was overly optimistic as the government's computer system could only handle 1.6 million entries. See "Computer may be driven up the path", in *South China Morning Post*. 13 June 1984.

elections.[483]) The figure could have been even larger had a proposal by Urban councillor, Lee Chik-yuet, to lower the voting age to 18 (the same as the minimum age in both Britain and China) been adopted.[484] Although the proposal was not adopted prior to the 1985 election, it had been part of a series of proposals the government had considered during the public consultation concerning the District Board election process.[485]

The 1985 election also saw the active involvement of pressure groups, both in fielding candidates and in supporting other, aligned, aspirants. Left and right-wing unions both mobilised their respective members. The left-wing Federation of Trade Unions persuaded a tenth of its members to register,[486] while the right-wing Trades Union Council persuaded over a third of its members to so likewise.[487] The initial public reaction to the unions' involvement in the elections led to some observers (journalists and academics) believing that, due to the pro-China stance of the left-wing unions, they might form an encumbrance on the government, possibly leading the government to abandon further reforms whereas others felt that the wider the range of

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[483] Frank Choi. no title. in *South China Morning Post*. 1 April 1984

[484] "Give 18 year olds the vote, says councillor", in *South China Morning Post*. 4 March 1984. and "Voting age may be lowered to 18", in *Hongkong Standard*. 4 March 1984.

[485] "Voting age will stay for now", in *South China Morning Post* 30 April 1984. and "Close study first before decision on voting age", in *Hongkong Standard*. 14 March 1984.

[486] 18 000 out of a possible 170 000

[487] 15 000 out of a possible 40 000, thus 37.5% enrolled. Although numerically the left-wing unions were more successful the percentage of the right-wing unions would tend to indicate that these were more amiable to the democratic process. "Unions arm members for DB poll fight", in *South China Morning Post*. 18 August 1984.

political persuasion the more democratic the elections would be. It was, however, noted by Central and Western District Board member, Vincent Ko, that the involvement of the unions could fill the (then) gap of no labour representative on any of the District Boards.[488] It is interesting that although there was concern raised against left-wing union involvement, there was little corresponding concern raised about the right-wing unions. This, coupled with the proportion of members each union was able to persuade to enrol, would indicate that not only were people concerned about pro-China elements involving themselves in Hong Kong's transitional political reform but also, at that stage, that the right-wing elements were more interested in being involved in the political process. In other words, not only was the District Board election perceived as a "local" event in which the external players did not have a role, but, of those involved in the electoral process, the right-wing unions were received in a far more positive manner by the electorate. This was also reflected in the performance of the liberal pressure groups.

Apart from the unions, 13 other pressure groups were involved in the pre-election process to persuade people to register as voters.[489] In addition to persuading people to enrol to vote, these groups were also concerned with

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[488] "Leftwing union move draws mixed reaction", in *South China Morning Post*. 24 May 1984.
[489] The 13 groups were the; Society for Social Research, Hongkong Peoples Council on Public Housing Policy, the Office of Lee Chik-yuet, the Office of Lam Chak-piu, Education Action Group, the Office of Fung Kin-kee, New Hongkong Society, Hongkong Christian Council, Meeting Point, the Joint Student Committee Concerning the Development of Hongkong's Political System, Association for the Promotion of Feminism, Shamshuipo Residents Livelihood Concern Group, and the Joint Committee on Tuen Mun People's Livelihood.

increasing the functions of the District Board. Indeed, the pressure groups often made a direct connection between the Hong Kong government expanding the functions and powers of the District Boards and more people enrolling to vote, thus inferring that people would only vote if they felt that they would be meaningfully involved.[490] Although this can be seen as part of a wider strategy of increasing public participation in the elections, it can also be seen as the evolution of representative politics; where the candidates needed to ensure a better service would be provided to *the people* so that they would be voted into office.

Towards the end of 1984 many of the pressure groups began to form alliances. These alliances were motivated by the perceived strategic needs of the election. This need was, in particular, generated by the expectation that over 1000 candidates would nominate for 237 seats in 145 constituencies.[491] In the end only 501 candidates stood. One possible reason for this could have been the embryonic, but highly visible, formation of political alliances.[492] Despite these alliances, many candidates ran as individuals rather than as members of a

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[490] "13 groups join drive for voters", in *South China Morning Post*. 15 August 1984.
[491] "1000 seek election in DB battle", in *South China Morning Post*. 27 December 1984. See also "Politicians preparing for polls in March", in *Hongkong Standard* 18 October 1984. and "Pressure groups turning attention to DB elections", in *South China Morning Post* 4 December 1984.
[492] Daniel Chung. "Candidates 'don't want to lose face'", in *South China Morning Post* 30 January 1985. and "No sign of late surge for poll nominations", in *Hongkong Standard* 30 January 1985. and Daniel Chung. "Last chance to be nominated", in *South China Morning Post*. 31 January 1985. and "25 more names for polls in March", in *Hongkong Standard* 31 January 1985. and Chalina Chung. "Major surprise in DB nominations", in *Hongkong Standard*. 1 February 1985.

particular organisation. This was partly due to a lack of group organisation in attracting candidates as well as the district focus of the election, into which territory wide issues were not strictly relevant. As Cheng noted the following year:

> The lack of resources of the existing groups and the small size of the constituencies (about 50, 000 people each)meant that few candidates wanted to be too closely identified with a territory-wide political group....The weakness of the political groups was exposed by the fact that many of them in their early stages of development were courting the more promising candidates and trying to recruit them, instead of candidates being anxious to seek the endorsement of various political groups.[493]

However, over the 1984-1985 period these groups began to evolve. Those which had established a degree of grassroots support began to coalesce into quasi-political parties with both local and territory-wide agendas, whilst those that lacked such support remained as "opinion groups".[494]

One of the alliances which formed in the lead-up to the 1985 District Board election, that then continued to evolve beyond "pressure group" status, was that between the various groups espousing liberal-democratic ideologies. This liberal alliance included members of the Hong Kong Observers, the Hong Kong Affairs Society, the Hong Kong Peoples Association, Meeting Point and the New Hong Kong Researchers.[495] The two main aims these groups (collectively and individually) espoused were *"Gangren zhi Gang"* as well as the

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[493] Cheng, Joseph. 1986. "The 1985 District Board Elections in Hong Kong", in Cheng, Joseph ed. 1986. pp 72-73

[494] "1000 seek election in DB battle", in *South China Morning Post*. 27 December 1984.

[495] "New 'Clique' forms for blitz on HK", in *South China Morning Post* 29 December 1984.

preservation of Hong Kong's "way of life".[496] In one district alone they planned to take all the seats available.[497] Educationalists, unions, and serving District Board members also formed strong alliances.[498] To a large extent these alliances were inevitable, given the time commitment and monetary restraints placed upon the candidates. However, the strategic nature of these alliances was also seen as a positive factor in the bid for candidates winning a future seat on the LegCo.[499] Although the alliances at this point existed more for "technical and publicity convenience rather than as groups of candidates with united political aims", they were viewed by political observers as the beginning of a multi-party system in Hong Kong.[500] Indeed, as the election drew closer, much of the individualism which had marked the earlier phase of the pre-election period was replaced by united fronts, where candidates were aligned as groups with common outlooks but not bound to follow any particular party policies.[501] Of the 501 candidates, 200 aligned themselves under various united front banners, with the biggest groupings being those affiliated with already established civic or local interest groups (for example, the Hong Kong People's

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[496] "'Clique' fights for gutsy board", in *South China Morning Post* 15 February 1985.
[497] Ibid
[498] "The Big 7 expected to dominate voting", in *South China Morning Post*. 29 December 1984. and "Teachers set to take stage", in *South China Morning Post* 1 January 1985. and "Coalition will fight Eastern Board polls", in *Hongkong Standard*. 3 January 1985. and Matthew Leung. "More hopefuls in power play", in *South China Morning Post*. 3 January 1985.
[499] Matthew Leung. "Pressure groups may rise to power", in *South China Morning Post*. 3 March 1985
[500] Frank Choi. "Coalitions 'will help in future'", in *South China Morning Post*. 2 February 1985.
[501] "Chairman sees signs of embryo parties", in *South China Morning Post*. 11 February 1985.

Council on Public Housing, the Reform Club and the Civic Association),[502] and the smallest being those candidates who had left-wing union support (to downplay any anti-Beijing response).[503]

Interestingly, given that Hong Kong had entered the transition period, (although also due to a lack of overt Chinese involvement), the retrocession was not the main election issue. Although most of the individuals and groups could be identified according to their respective 1997 views, it was local issues (particularly those involved with rent increases and public housing living conditions), and calls for a more accountable government, which formed the electoral platforms of the majority of candidates.[504] That these were the correct platforms on which to campaign was backed up by the exit poll reports which indicated that the voters were more concerned with local issues rather than the retrocession or future elections.[505]

In terms of voter turnout the 1985 District Board elections were highly successful. 37.5% of all registered voters cast votes. In the New Territories 202 378 votes were cast by 47.7% of eligible voters, whereas the urban electorate polled 274 152 votes, 32.3% of possible votes. Apart from an

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[502] Cheng, Joseph. 1986. "The 1985 District Board Elections in Hong Kong", in Cheng, Joseph ed. 1986. pp 72-73
[503] "Chairman sees signs of embryo parties", in *South China Morning Post.* 11 February 1985.
[504] Frank Choi. "Public Housing: strong ticket", in *South China Morning Post.* 3 January 1985.
[505] Examples of this are in "Different things to different people", in *South China Morning Post.* 8 March 1985.

increased citizen participation in the political process (in comparison to the 1982 District Board elections) the 1985 District Board elections also demonstrated an increase in voter awareness. Exit poll surveys showed that nearly all voters could identify the candidate and what issues were involved.[506] According to Urban Councillor Li Chik-yuet, "Such a rational voting pattern reflected a general political awareness of the voters."[507]

In addition to an increase in political participation, the 1985 elections also saw a generational and ideological change in the District Board's composition. This change saw a move away from Boards composed of older, more politically conservative members to Boards with over half the members under the age of 40 and more inclined towards promoting accountable government.[508] Lee has offered the explanation this, with respect to the generational shift resulting from the elections:

> It seems that there was a greater proportion of young executives and professionals who actually voted....This can be explained by the fact that members of the newly emerging middle-class and grassroots organizations were generally young professionals in their 20s or early 30s, and they were fairly successful in mobilizing people of similar socio-economic backgrounds to go to the polls.[509]

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[506] "Poll results show 'a new awareness'", in *South China Morning Post.* 11 March 1985
[507] Ibid.
[508] Of the 237 elected members - "36% [were] within the 31-40 age group and 19% in each of the 21-30, 41-50, and 51-60 age groups." The remaining 7% being 61 years or older. Source: "Now the spotlights on appointments", in *South China Morning Post.* 9 March 1985.
[509] Lee, Jane C.Y. April 1988. p 126

The most important political development from the election, with respect to the liberalisation of the polity, was the consolidation of the role of pressure groups in Hong Kong's political processes. As the *South China Morning Post* declared: "Unofficial estimates put the number of representatives from the different pressure and political groups at about 30 per cent of the total 237 elected DB seats."[510] In particular, the liberal alliance (centred on the Central and Western Districts) and the 'Eastern Alliance' (centred on the Eastern District) both achieved majority control of their respective districts.[511] Despite the fact that other allied groups gained blocks of seats, they were not able to secure an absolute majority in any one district. Another important change that the 1985 election results demonstrated was the decline in the relevance of the Area Committees and Mutual Aid Committees. Although these committees were the traditional local power brokers and had supported several candidates, the majority of candidates stood without seeking their support - a change which was reflected in the composition of the post-election District Boards and their decisions.[512]

Reinforcing these changes was the second set of 1985 elections - for the functional constituency seats in the Legislative Council (September, 1985). In effect, these seats were the formalisation of the previous informal system of co-

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[510] "Success gives voice to pressure groups", in *South China Morning Post*. 9 March 1985
[511] Ibid see also "Pressure groups put up a good show.", in *Hongkong Standard*. 9 March 1985
[512] "Poll results show 'a new awareness'", in *South China Morning Post*. 11 March 1985

option of local commercial and economic elites. However, it must also be noted that the government did not have as complete a say as to who would be elected as it would have done had the old informal system been retained. In the 1985 election there were twelve seats allocated to the functional constituencies. The methods of electing sectorial representatives varied between constituencies. For example, the seats for the commercial, industrial, financial, labour and social services constituencies were designated by the relevant corporate bodies. By contrast, the seats for the medical, teaching, legal and engineering (and associated professions) constituencies were decided by electoral bodies constituted from "individual members of professional bodies, or [the] employees of [the] relevant institutions."[513]

In the following year (1986) elections were held to the Urban and Regional Councils (collectively expressed as Municipal Councils or MunCo). The voter turnout for both Council elections was (for Hong Kong in the early 1980s) quite high; with a 23.1 percent (UrbCo) and 35.9 percent (RegCo) voter turnout in the contested seats.[514] In keeping with the political trends demonstrated in the 1985 District Board elections, the MunCo elections were dominated by local issues with little scope for party politics. It was the first time elections had been held for the newly created Regional Council (RegCo). However, unlike the District

[513] Davies, Stephen and Roberts, Elfred. 1990. p 167. The two [...] were added to keep the flow of the text consistent.
[514] Source: Miners, Norman. 1991. p 157 and p 166

Board, UrbCo, or even some of the functional constituency elections, none of the RegCo seats were open to direct elections. Of the 24 members; 12 were appointed, 9 were drawn from the rural District Boards and 3 were representatives of the HeungYeeKuk (the chairman and two vice-chairmen).[515] As such, the creation of the RegCo and the holding of its elections can be seen as one way for the Hong Kong government to shore up rural support as well as opening up another channel for a politically conservative group to voice its opinion.

Chinese opinion on the political reforms and the elections in the territory was divided between their public response and their private communications. Overriding both was the expressed belief that the Chinese government had a right to be consulted about the political reforms. Despite this, there appeared to be a slightly softer public approach being taken. An example of this can be seen in Ji Peng-fei's statement, "that officials would be selected by either consultation or election immediately after 1997, and only by election thereafter."[516] However, this sharply contrasts with private messages passed on to visiting British officials, who were given the impression that the Chinese government were "not enthusiastic about it - in fact, very much the reverse."[517] The substance of these private communications was that the Chinese

[515] Davies, Stephen and Roberts, Elfred. 1990. pp 419-420
[516] Terry Cheng. "Democracy still a touchy issue", in *South China Morning Post*. 26 April 1985.
[517] See statement by Mr Moyle, then deputy Foreign and Commonwealth Affairs spokesman, in Ibid.

government viewed the reforms as destabilising; the ultimate effect of which would be to produce a local political system different to that which the Chinese planned on introducing. The effect of these communications was publicly demonstrated through statements made by British and Hong Kong officials that, from now on, the Hong Kong and Chinese systems needed to converge if the transition was to go smoothly. It was also demonstrated by the fact that the Hong Kong government promised to hand over a copy of the planned 1987 Green Paper on further political changes to the Chinese government for comment before releasing it to the general public.[518]

Indeed, in the period between the 1985 District Board elections and the release of the 1987 Green Paper it appeared that any further liberalisation of the Hong Kong state would only take place if the Chinese government agreed that it converged with the forthcoming Basic Law. In particular, this concept of convergent political evolution was reinforced by the actions of the three governments over two events that took place (the amendment of the *Public Order Ordinance Bill* and the controversy surrounding the construction of the Daya Bay nuclear power plant) during this period.

The *Public Order (Amendment) Ordinance*, first enacted during the 1967 riots, gave the Hong Kong government wide powers; specifically, to prevent or

[518] Cheng, Joseph. "The 1988 District Board Elections - A Study of Political Participation in the Transition Period", in Milby, Kathleen and Mushkat, Miron eds. 1989. p 117

disperse demonstrations or public gatherings, to allow police to search private premises without a warrant and to declare that an unlawful assembly was that constituted by three or more people. The 1987 amendments removed some of the more restrictive clauses of the original bill, but included new amendments (based upon the 1951 *Control of Publications Consolidations Ordinance*) which severely restricted the mass media.[519] Specifically, the amendment "made it an offence to publish false news which is likely to alarm public opinion or disturb public order."[520] Furthermore, the amended ordinance placed the burden of proof on the publisher rather than on the plaintiff; a reversal of the common law tradition of assumed innocence.[521] Despite the fact that this section was repealed a year later, not only did the ordinance still contain restrictions on civil liberties, but, given the government's willingness to pass the legislation in the face of the large-scale public demonstrations that took place, it appeared that the pace of state-led liberalisation had slowed down and had been replaced by the Chinese policy of convergence.

Reinforcing the impression of convergence was the Chinese and Hong Kong governments' reaction to the controversy surrounding the building of the Daya Bay nuclear power station. Although there had been simmering public concern since the signing of the contracts (in January 1985) to build a nuclear power

[519] Davies, Stephen and Roberts, Elfred. 1990. p 405
[520] Miners, Norman. 1991. p 118
[521] Davies, Stephen and Roberts, Elfred. 1990. p 405

plant less than 50 miles from Hong Kong, the explosion of the Chernobyl power station (April 1986) aroused widespread fears of the same fate befalling Hong Kong. As Miners, describing these fears and their effects, wrote:

> A Joint Conference for the Shelving of Daya Bay Plant composed of 107 concerned groups drew up a petition to the Chinese government which attracted 1, 020, 000 signatures in a few weeks. The petition was carried to Beijing, but achieved nothing.[522]

Indeed, even in Hong Kong the government was publicly strongly supportive of the scheme, despite having a report (the Harwell report) that raised serious concerns about the government's ability to deal with a nuclear crisis.[523] As such, the actions by the Hong Kong state represent another example of state convergence; where the needs of the people were placed after the needs of the two governments. As Tang and Ching wrote:

> On this issue the Chinese and the British were of one accord, while public opinion in Hong Kong was strongly opposed.... The Chinese government acknowledged Hong Kong's concern by asserting that extreme care would be exercised and offered assurances that every precaution would be taken. It did not accede to Hong Kong public opinion, however.[524]

It should be noted that despite the official Hong Kong line being "business as usual", one of the longest LegCo debates was held over the issue - spearheaded by the newly appointed liberal members. Although no concrete action (such as the stopping of the project) occurred, the debate did force the Hong Kong government to send off two UMELCO delegations and a LegCo delegation to

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[522] Miners, Norman. 1991. p 37

[523] Davies, Stephen and Roberts, Elfred. 1990. pp 99-102

[524] Tang, James and Ching, Frank. "The MacLehose-Youde years: Balancing the 'Three-legged Stool'", in Chan, Ming K. ed. 1994. *Precarious Balance: Hong Kong Between China and Britain, 1842-1992.* Hong Kong University Press, Hong Kong. p 163

Daya Bay and Beijing.[525] The liberals were slowly making inroads into the corporatist regime.

It was in this socio-political environment that the Hong Kong government publicly released the 1987 Green Paper - entitled: *The 1987 Review of Developments in Representative Government* (hereafter *1987 Green Paper*).

The 1987 Green Paper and Responses to It

The review of the political reforms in May 1987, as contained in *1987 Green Paper*, was seen by observers as a watershed in Hong Kong politics.[526] Not only did the Green Paper favourably examine the developments that had, up until that point, taken place, but it allowed for the possibility of further reforms in the shape of direct geographically-based elections to the LegCo and an increased proportion of directly elected members to the two lower tiers. As direct election to the LegCo represented the ultimate political goal of all the groups involved (or wanting to become involved) in Hong Kong politics, it was not suprising that a divisive war of words took place between the various pressure groups and functional constituencies as each attempted to promote their own desired model for further political reform.

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[525] Davies, Stephen and Roberts, Elfred. 1990. p 100

[526] See *Green Paper: The 1987 Review of Developments in Representative Government*. May 1987. Government Printer, Hongkong. (*1987 Green Paper*)

The purpose of the *1987 Green Paper* was to review the manner by which the 1985 White Paper reforms had been implemented and "to consider whether the systems of representative government in Hong Kong should be developed in 1988 and, if so, in what manner."[527] In all there were four main areas of political reform which the Green Paper addressed. These were

> a) the composition and function of the District Boards and the Municipal Councils.....and the possible ways of improving the links between them;
> b) the composition of the Legislative Council and the methods of selecting Council members;
> c) the question of whether of the Governor should continue to be President of the Legislative Council; and
> d) practical aspects of elections to the District Boards, Municipal Councils and the Legislative Council.[528]

The first two options drew the most debate as, interpreted in widest possible way, they offered the possibility of a much more democratic style of government to be introduced within twelve months. A best case scenario (for the creation of a liberal-democratic state) for the first option would have seen the powers of the District Boards expanded. This would have allowed the Boards to "direct the actions of government departments on matters relevant to the Boards and to increase the proportion of directly elected Board members."[529] The first option also canvassed the possibility of increased District Board representation on the UrbCo, to increase the number of UrbCo

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[527] Ibid. Chapter 1. paragraph 2. p 5
[528] Ibid. paragraph 5.
[529] Ibid. Chapter 3. paragraph 37-46. pp 12-14

members directly elected, as well as to broaden the responsibilities and powers of the UrbCo committees.[530]

For the second option the best possible result (again for the liberal groups) would have seen the number of LegCo councillors directly appointed by the Governor reduced and the number of councillors appointed through geographical and functional constituencies increased.[531] However, with regards to the development of a more representative government, the Green Paper did not allow the option to broadly increase the percentage of LegCo members directly elected.[532] This was decreed "as a matter for discussion in the longer term."[533] In other words, the state was not going to open up its public space to political competition, but left the option open so as to retain a measure of legitimacy. That the state was able to do this indicates that, despite grassroots pressure to the contrary, the political system remained "path dependent".

On the third option there was widespread support for the Governor to retain his powers.[534] Of the fourth option the area which raised the most debate was the possibility of lowering the voting age from 21 to 18. This would increase

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[530] Ibid. Chapter 7. paragraph 160-162. pp 40-41
[531] Ibid. Chapter 4. paragraph 80-96. pp 22-25
[532] Ibid. Chapter 4. paragraph 97-104. pp 25-26
[533] Ibid. Chapter 7. paragraph 164. p 41
[534] For a summary of this see "Majority endorse role of governor", in *South China Morning Post.* 5 November 1987

the electorate by an estimated 290 000, most of whom were seen to be more inclined to liberal ideals when constructing a notion of a "good" government.[535] However, as the later Survey Office report clearly demonstrated, there was little public support for this option. This was due to a perceived lack of civic education amongst the target group.[536]

Further Responses to Green Paper

Due to the initial widespread popular support for the introduction of direct elections (evidenced in the results of numerous polls and surveys which were held on the issue), the issue of direct elections moved quickly away from a hypothetical "if" to "when" almost immediately.[537] This was despite the fact that in the wording and structure of the *1987 Green Paper* it favoured a continuation of the Hong Kong administration's "gradualism".[538] However, this initial favourable response quickly changed as pressure groups, functional constituency representatives, and politicians all published their respective points of view - dividing the community along ideological (that is, pro- rapid

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[535] *1987 Green Paper*. Chapter 6. paragraph 134-137. pp 34-35

[536] For a summary of this see "Little support for votes at 18", in *South China Morning Post*. 5 November 1987

[537] Sa Ni Harte. "Poll shows big support for direct elections", in *South China Morning Post*. 29 May 1987, and Tseng Shuk-wa. "Forum switches the debate focus from 'if' to 'when'", in *South China Morning Post*. 31 May 1987. For a continuation of this argument see Lydia Dunn. "Argument is not so much whether as when", in *South China Morning Post*. 15 July 1987.

[538] Joseph Cheng. "Paper favours status quo", in *South China Morning Post*. 28 May 1987. and Bernard Fong and Sa Ni Harte. "Many options for change - but government remains cautious", in *South China Morning Post*. 28 May 1987 pp 1-2. and Bernard Fong. "Paper called 'a major setback'", in *South China Morning Post*. 29 May 1987.

reform, gradualist, conservative) lines. As the debate continued, the divisions intensified, further dividing groups and alliances which had previously been cojoined.

Liberal and conservative organisations both attacked the Green Paper's scope and contents. Liberal-oriented individuals and groups, in general, felt that the *1987 Green Paper* did not go far enough, as well as believing that it misrepresented the case of the direct elections and their probable impact to the wider Hong Kong society. An example of this can be seen when two liberal groups, Meeting Point and Hong Kong Policy Viewers, "hit out at the Green Paper calling it short-sighted and lacking an objective."[539] These two groups argued that the contradictory nature in which the Paper had been written, as well as the narrowness of the scope of the Paper (that is, limited to reviewing only the, then, current political framework), would confuse the public and result in a misleading sample of public opinion.[540] This view was also supported by Dr Ding, member of the liberal Group of 190, and by Lau Chin-shek, director of the Christian Industrial Committee.[541] Lau Chin-shek and Lee Wing-tat, vice-Chairman of the Association of Democracy and People's Livelihood, went further, alleging Chinese interference in the formulation of

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[539] "Government accused of distorting facts", in *Hongkong Standard*. 29 May 1987
[540] Ibid.
[541] "Promise of 1984 not fulfilled, says groups", in *South China Morning Post*. 28 May 1987 pp 1-2

the *Green Paper*.[542] Joseph Cheng, a CUHK senior lecturer, agreed with this point - believing that the Green Paper was watered down as a direct result of Xu Jiatun's allegations in 1985 (regarding a breach of the Joint Declaration).[543] Supporting these allegations were comments by Albert Ho (vice-president of the Hong Kong Affairs Society) who felt that the *Green Paper* was biased as it "warned that the cumulative effect of certain options will result in a significant change in the overall size and the balance of the (Legislative) council which is undesirable."[544] All of these allegations can be said to have contained a measure of truth, especially given the Hong Kong government's unofficial policy of transitional convergence.

The pro-China Chinese General Chamber of Commerce (CGCC) denounced the Green Paper saying that it "embodies options that violate the Sino-British Joint Declaration."[545] By this statement the CGCC can be said to have been adopting the Chinese government's position that the political status quo, as it was at the initialling and signing of the Joint Declaration, must be maintained throughout the transition. The Chamber's vice-Chairman, Ho Sai-chu, placed the Green

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[542] Ibid p 2. For an outline of the political platform of the ADPL (in the 1990s) see: Xianggang Minzhu Minsheng Xiejinhui. (香港民主民生協進會)(Association for Democracy and People's Livelihood). June 1992. *Zhengqing* (政綱)(Political platform). Department of Politics and Public Administration, University of Hong Kong.

[543] Fong, Bernard. "Contents seen as trivial, confusing", in *South China Morning Post*. 29 May 1987. and Fong, Bernard. "The Green 'smokescreen'", in *South China Morning Post*. 15 June 1987.

[544] Fong, Bernard. "Contents seen as trivial, confusing", in *South China Morning Post*. 29 May 1987. For the sections referred to see Green Paper. Chapter 4 paragraph 111-115. pp 28-29.

[545] "Options 'violate' Joint Declaration", in *Hongkong Standard*. 6 June 1987

Paper in an inferior position to the Basic Law saying "that there should be as few changes as possible before the Basic Law was formally promulgated by China."[546] Despite this view, the Chamber was in accord with the Green Paper (paragraph 104), fearing that direct elections could give rise to an unrepresentative pluralist system of party politics, which could then hamper the economic prosperity of the territory.[547] This was a rather ironic position to adopt given that the point made in paragraph 104 applied as equally to the CGCC and other functional constituency organisations as it did to the emerging liberal parties. Paragraph 104 stated that:

> Others, however, believe that direct elections might be manipulated by small, highly motivated groups to secure the election of candidates not generally representative of the whole community.[548]

The Chamber's concerns about possible breaches of the Joint Declaration were shared by the Hong Kong Federation of Education Workers. Federation spokesman Tsang Yok-sing said that "whatever changes, namely drastic constitutional changes, which will affect the prosperity and stability of Hong Kong, are regarded as contradictory to the stipulations in the Joint Declaration."[549] He also felt that changes to the political or constitutional structure should be subject to oversight of the Joint Liaison Group. Tsang went

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[546] Ibid
[547] Ibid. See also *1987 Green Paper*. Chapter 4. paragraph 104. p 26
[548] *1987 Green Paper*. Paragraph 104. p 26
[549] Amy Kwok. "Elections 'risk instability'", in *Hongkong Standard*. 15 June 1987

on to warn that any reforms enacted unilaterally by the British would not be binding upon the Chinese government.[550]

Within the three tiers of government there was also division over the question of direct elections. In the Urban Council there was widespread support for the introduction of direct elections. Of the 23 UrbCo members 20 supported "some form of direct elections to the legislature."[551] Moreover, 11 of the 20 felt that the early introduction of direct elections "would enhance Hong Kong people's confidence in China and the 'One country, Two systems' policy."[552] Those against the direct elections opposed them on the grounds that they would harm the prosperity and stability of Hong Kong and thus the livelihood of the Hong Kong people, and that direct elections might put unqualified politicians into office.[553]

At the district level the proposed introduction of direct elections was also well received. Although, most District Boards were in favour of direct elections, many were divided over the timing of the election. Of those Boards in favour of the elections, the focus of the dissent was generally between those who favoured direct elections in 1988 and those who felt that the elections should be

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[550] Ibid.
[551] Agnes Cheung. "Direct elections 'should get trial'", in *South China Morning Post.* 15 August 1987. and Terry Lee. "Wide UrbCo support for direct polls", in *South China Morning Post.* 9 September 1987.
[552] Ibid.
[553] Ibid. See statements by Cecila Young and Nellie Fong. The remaining councillor was chairman Gerry Forsgate who abstained from declaring his position.

postponed to a later date. Supporters for the direct elections in 1988 felt that the sooner the direct elections began, the more developed citizens' political awareness would become.[554] This was the opposite view to that formed by opponents to the early elections as well as by the government who felt that political awareness should be fostered on an abstract level before being implemented on a practical level.[555] However, this sharp division, in and of itself, helped to politically socialise the Hong Kong citizenry. As Leung, in discussing this point, has written:

> Event after event, such as the construction of the Daya Bay nuclear power plant, the drafting of the Basic Law, and the debate of political reform helped only to accentuate the socialization process of the Hong Kong Chinese.[556]

District Boards that opposed the direct elections usually stated concerns over Hong Kong's stability should the elections be introduced, in addition to expressing feelings that the proposals "might not converge with the Basic Law".[557] Similar support was recorded in the Regional Council, with 12 out of 15 members (who debated the issue) voicing their support.[558] However, the RegCo members were divided over the timing of the elections. Of those in

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[554] For example see Terry Lee. "Elections win council favour", in *South China Morning Post.* 24 July 1987. and "Shatin DB split on timing of elections", in *Hongkong Standard.* 9 September 1987.

[555] "Eight on Central DB want election", in *Hongkong Standard.* 19 June 1987. and "DB split over timing for direct polls", in *Hongkong Standard.* 8 July 1987. and "North split on timing for elections", in *Hongkong Standard.* 21 July 1987. and "Politics not a contest, says Lee", in *Hongkong Standard.* 27 September 1987.

[556] Leung Sai-wing. August 1994. p 52

[557] Linda Lui "Southern Districts kaifongs want fewer board appointees", in *South China Morning Post.* 2 August 1987. and Pamela Ngai. "Yuenlong DB against elections next year.", in *Hongkong Standard.* 14 August 1987.

[558] Terry Lee. "Elections win Council favour", 24 July 1987.

favour of the elections half wanted direct elections in 1988. Others preferred to wait until 1991 or 1994, which would allow for the elections to converge with the Basic Law.[559]

Given the debate at the lower levels of government, it was not suprising that the debate over direct elections was focused upon, and effectively polarised, the Legislative Council. Like the UrbCo, District Boards, and RegCo decisions, opinion in favour of the introduction of direct elections *per se* was overwhelmingly. The first LegCo debate (following the release of the Green Paper survey) had 37 (out of 46) Legislative councillors present of whom 31 contributed to the debate. On the question of direct elections in 1988 the council was split into thirds - with 11 members in favour, and 10 members respectively expressing either a neutral or a negative opinion. However, the balance shifted markedly on the question of direct elections to be held at some point prior to 1997; 20 councillors were in favour, with 9 remaining neutral, and only 2 voting against the proposal. In both debates 6 Legislative councillors abstained.[560] It is interesting to note that eight councillors opposed to the early introduction of the elections switched their vote to be in favour of direct elections at a later date. This shift was indicative of the gradualist approach being adopted as a compromise position, but it was a compromise

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[559] Ibid.

[560] "How they lined up", in *South China Morning Post*. 19 November 1987. For the councillors statements against the timing of the elections see "Political debate 'theatre of the absurd'", in *South China Morning Post*. 19 November 1987.

only on the part of the conservative/pro-China elements. Moreover, as a result of the opposition's move towards a centralist position, the new compromise point (between the liberals and the conservatives)was, itself redefined; closer to the liberal position than ever before.

The pro-direct elections argument was most comprehensively stated, towards the end of the consultation period, by Legislative councillor Martin Lee. In an article released on the 27th September he tabled five points supporting the introduction of direct elections. The main point he raised was that the introduction of direct elections would converge with the Basic Law, thereby nullifying the conservative argument which stated the opposite (as a reason not to hold the elections). Citing both the Joint Declaration as well as the results of several opinion surveys that had indicated popular support for direct elections, Lee argued that as direct elections were going to be a part of Hong Kong's post-97 political framework there was no reason not to introduce them during the transition period.[561] Secondly, Lee said that as popular support for the introduction of the direct elections had been demonstrated (by various surveys) there was little point in delaying their introduction.[562] Thirdly, Lee argued against the conservative line that Hong Kong citizens did not have the requisite political maturity - stating the previous UrbCo and District Board participation

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[561] Martin Lee. "Yes to elections", in Spectrum- *South China Morning Post*. 27 September 1987. p 1

[562] Ibid.

demonstrated sufficient learning experiences that would enable voters to act in a rational manner.[563] Lee continued, arguing that the swift introduction of direct elections would enable Hong Kong to exercise "the high degree of autonomy" promised in the Joint Declaration.[564] In his final point Lee argued that the resulting LegCo composition would make the council more accountable to the electorate. The result would be that the Hong Kong government would be unable to pass bills which were against the wishes of the people.[565] Of these points 1,3 and 5 summarise the argument for direct elections in principal, with the two remaining points more concerned with the argument for the immediate introduction of direct elections.

The reply to Martin Lee's position was given by fellow Legislative Councillor, Dr Helmut Sohmen. In his reply Dr Sohmen agreed with Martin Lee that Hong Kong's political reforms should converge with the Basic Law, but Dr Sohmen placed the reforms within "the context of the Basic Law drafting effort."[566] This, in effect, placed the Basic Law in a superior position to the *Green Paper's* reforms (echoing previous pro-China arguments against the reforms). Dr Sohmen only indirectly argued that Hong Kong citizens did not have the

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[563] Ibid. Spectrum pp 1-2. For a supporting argument see: S.Y.Wai. "People can decide own fate: Sir Roger", Political Review *Hongkong Standard*. 16 September 1987. See also Bernard Fong. "Lee 'won't stay without democracy'", in *South China Morning Post*. 25 September 1987
[564] Ibid. Spectrum p 2.
[565] Ibid.
[566] Helmut Sohmen. "No-by Helmut Sohmen", Spectrum *South China Morning Post*. 27 September 1987. pp 1-2

requisite political maturity in his call for programs to encourage greater civic awareness and involvement.[567] In a rebuttal to Martin Lee's final point, Dr Sohmen believed that once those who were directly elected assumed their seats, they would "realise" that "only hard work and a responsible reaction to the daily problems confronting government will ultimately bring them glory."[568] In other words, Sohmen's argument defined directly elected politicians as being more concerned with the business of being elected for personal glory than with being responsible for the needs of their electorate. This was a dubious position to take, given that a directly elected politician would, by virtue of being elected, be far more accountable to the needs of their electorate than would an unrepresentative, appointed official.

Outside the formal political system, the debate was equally divisive with many different pressure groups expressing conflicting opinions. To a certain extent this was because the opinions expressed by the various groups tended to polarise along the same lines as the Council's debates. The arguments raised by the groups were in substance the same - only with a group-centric focus. Indeed, many of the groups which had debated the 1984 Green and White papers, to a large extent, simply reiterated their respective positions.[569]

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[567] Ibid.
[568] Ibid.
[569] For examples of this see: "Unions break their silence", in *South China Morning Post.* 3 September 1987. and Terry Lee and Chris Yeung. "Two business groups oppose direct elections", in *South China Morning Post.* 8 September 1987. pp 1-2. and "Chamber poll in support of direct elections", in *South China Morning Post.* 12 September 1987. and Stanley

Another reason for the lack of group consensus was an enforced political apathy - with several of the larger groups finding it difficult to persuade members to register their opinions.[570] In other words, the possibility of political change, prevalent in the discussions surrounding the *1984 Green Paper*, had been obscured by the, then, political trend towards convergence with the Chinese government's position. In such a political environment it was difficult to mobilise the liberal constituencies.

In order to allow direct public input into the debate, the government set up the Survey Office, whose task it was "to invite, collect, collate and report on the response of the public" to the *1987 Green Paper*.[571] Prior to its report (4 November 1987), it was seen by all sides (although less so by the pro-China groups than by the liberals)[572] as the definitive document on what the Hong Kong people wanted. During the opinion collation period many other surveys (by liberal groups, by academics, by commissioned survey organisations) were conducted which suggested that the majority of the public were in favour of direct elections and of those in favour most preferred a sooner rather than later

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Leung. "Direct elections backed by a majority of Christians", in *South China Morning Post*. 13 September 1987.

[570] See Matthew Leung. "Employers' body fails to obtain members' views", in *Hongkong Standard*. 2 September 1987. and Stanley Leung and Chris Yeung. "Members snub FTU tactics on '88 elections", in *South China Morning Post*. 18 September 1987. and Frank Choi. "Doctors at odds over opinion poll", in *South China Morning Post*. 24 September 1987.

[571] Tim Eggar: Secretary for Foreign and Commonwealth Affairs. Written Answer in the House of Commons on 4 November 1987. *Parliamentary Information*. Government Information Services. Hongkong No: 65/87. See also *1984 Green Paper* Appendix A. p 43.

[572] "Coalition in direct poll protest", in *South China Morning Post*. 1 October 1987.

approach.[573] However, the release of the government survey changed this view dramatically. From the official government interpretation of the submissions it received the government decided it was "given a clear mandate not to introduce direct elections next year [1988] and to wait until the Basic Law is promulgated."[574] Of the 134 000 valid submissions, 105 266 (76.7%) favoured direct elections *per se* but, of the 76.7%, 62.6% did not want them in 1988 - preferring to wait until after the Basic Law was finalised.[575] The delay meant that broadly based direct elections would be postponed until 1991, a view supported by a majority of Legislative councillors in a session devoted to the report and fully in line with the Hong Kong government's policy of convergence.[576]

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[573] Bernard Fong. "Direct elections not if but when", in *South China Morning Post.* 14 October 1987. However, the surveys indicated a swinging mood amongst those polled which largely depended on when and where the surveys were taken. For a good example of survey disparity on the 1988 question see: Bernard Fong. "The Great Paper chase", in *South China Morning Post.* 30 September 1987.

[574] Recently, former governor Christopher Patten "accused British officials in the 1980s of manipulating and interpreting the results of a Hong Kong public opinion poll in 'spectacularly imaginative ways' to hide the fact that a majority of people supported direct polls." Source: C-afp@clari.net. "Thatcher administration failed Hong Kong, says Patten", in *clari.world.asia.hong_kong. Article: 8037.* Sunday 6 July, 1997 8:30:53 PDT. See also: Ann Quon and Bernard Fong. "Early polls lobby dealt a body blow", in *South China Morning Post.*

[575] Ibid

[576] Our Political Staff. "Most councillors favour direct elections after 1990", in *South China Morning Post.* 19 November 1987

China's Response to the 1987 Green Paper

The Chinese government response to the Green Paper was severe. It was particularly opposed to the introduction of direct elections in 1988 since this would: (a) represent a deviation from the Joint Declaration, and; (b) could not possibly take into account the Basic Law (then being drafted: see below). Although the Chinese authorities had been given the Green Paper prior to its public dissemination, no direct statement was issued until June when Li Hou (deputy director: State Council's Hong Kong and Macau Affairs Office) stated that if the Hong Kong government introduced direct elections in 1988 it "would not be in accordance with the Joint Declaration nor help smooth transition to the power transfer."[577] Before this, Chinese officials had made only indirect comments to reinforce their preferred option that the Green Paper should converge with the Basic Law.[578] Within the Hong Kong political system, Li Hou's statement was reinforced by the pro-China Federation of Trade Unions (FTU). At a seminar organised by the FTU the speakers emphasised "the importance of converging with the Basic Law and respect for China's sovereignty."[579] The tension created by Li Hou's statements was further heightened a week later when Li, in conjunction with the China News Service,

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[577] Yau Shing-mau. "Direct elections would breach declaration: Li Hou", in *Hongkong Standard.* 19 June 1987. pp 1-2.
[578] Ibid
[579] Terry Lee. "Federation comes out in support of Li", in *South China Morning Post.* 22 June 1987. For similar statements made by the CGCC see "Options 'violate' Joint Declaration", in *Hongkong Standard.* 6 June 1987.

released a denial that the statement had ever been made.[580] This denial, in the face of a public statement, fuelled uncertainty as to China's intentions.

Despite the uncertainty created by both the statement and its subsequent retraction, Lu Ping (Secretary-general: Hong Kong and Macau Affairs Office) reiterated Li Hou's comments when he denounced the "convergence theory", stating that the consultations for drafting the Basic Law and the Green Paper were separate issues.[581] Lu Ping added that Hong Kong's future political system had to be finalised "before there could be any meaningful debate on direct elections."[582] However this denunciation of the convergence theory was challenged by LegCo members Szeto Wah and Selina Chow. As the *South China Morning Post* reported following an interview with the two members:

> Szeto Wah said this view was illogical because the Basic Law was still being drafted, while Selina Chow said she saw no problem over convergence between the Basic Law and the political reforms being proposed in the Green Paper if they were both based on the views of Hongkong people.[583]

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[580] Staff Reporters. "New uproar as Li Hou denies remark", in *South China Morning Post*. 24 June 1987. and Matthew Leung and Esther Leung. "Contradictions irk HK people", in *Hongkong Standard*. 25 June 1987. and "Seeking the truth in the Li Hou denial", in *South China Morning Post*. 25 June 1987. For an account of the meeting between Chinese Foreign Minister Wu Xueqian and Governor Sir David Wilson, after which the retraction was issued see: Yau Shing-mau. "Hard line will only serve to harm image", in *Hongkong Standard*. 25 June 1987.
[581] Chris Yeung. "Hongkong caught in the middle over reforms", in *South China Morning Post*. 29 June 1987.
[582] Ibid.
[583] John Tang. "Convergence view 'illogical'", in *South China Morning Post*. 7 July 1987.

A further clarification of Li Hou's and Lu Ping's statements, as well as a partial public softening to the reforms proposed in the *1987 Green Paper*, was outlined in a statement by Ambassador Ke Zaishuo (head of the Chinese side of the Joint Liaison Group) who said that, should it be demonstrated that the direct elections were "part of the democratic process in Hongkong, China would support and promote such democratic process."[584] However, Ambassador Ke also stated that, with regards to direct elections in 1988, it was of "primary importance" to wait for the findings of the Survey Office.[585] Ke was supported by NCNA deputy secretaries-general Mao Junnian and Qiao Zonghuai. They did, however, further develop the Chinese government's position against direct elections in 1988 saying "that strong support for direct elections in Hongkong was not justification enough for their introduction."[586]

The departure from the hardline position, evidenced by Ma Lik's announcement, was reemphasised by Li Hou, who stated that "China did not oppose direct elections to the legislature provided that they were stipulated in the Basic Law."[587] This was backed up by a majority of the BLDC political sub-group who favoured a LegCo comprised of a majority of directly elected

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[584] "Opposition from Beijing ruled out", in *South China Morning Post.* 16 July 1987.
[585] Ibid.
[586] Frank Choi. "Chinese turn to new anti-poll argument", in *South China Morning Post.* 1 September 1987. pp 1-2. For supporting statements see: Terry Cheng and Stanley Leung. "Xu warning on 'divisive element'", in *South China Morning Post.* 2 September 1987. p 1
[587] Chris Yeung. "China softens stand on elections", in *South China Morning Post.* 4 October 1987. For another example of this softening see Harvey Stockwin. "Direct elections favoured, says Chinese envoy", in *South China Morning Post.* 24 January 1988.

legislative councillors with functional constituency representatives and appointees making up the remainder.[588] Although Lu Ping (vice-director Hong Kong and Macau Affairs Office) watered down this proposals' implications saying that the "major view was still a long way from becoming a firm decision of the National People's Congress" it was, nonetheless, seen as a possible change of China's stance on Hong Kong's political reforms.[589]

However, at the same time as the Chinese government was indicating a possible public change of policy, it was also attempting to reinforce its original viewpoint (no direct elections in 1988) by widening the scope of their campaign to include Chinese institutions and companies operating in Hong Kong (for example, the Bank of China (BOC) and the China Resources Company). The BOC campaign's aim was to have all of its employees sign a petition which affirmed their opposition: to direct elections in 1988; to any "major political changes before the promulgation of the Basic Law"; and to any attempt to remove the Governor as chair of LegCo.[590] The initial impetus for the BOC campaign came from a speech, in July, by Ma Lik (deputy secretary-general: BLCC) to the bank's upper management. At the end of his speech Ma Lik called on all BOC staff to sign a petition detailing their opposition to the

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[588] Johnson Sze. "Polls issue not yet in bag", in *Hongkong Standard*. 3 November 1987.
[589] Ibid.
[590] Ann Quon and Stanley Leung. "10000 bank staff told to oppose polls", in *South China Morning Post*. 7 September 1987. pp 1-2. and "Documents reveal BOC tactics", in *South China Morning Post*. 16 September 1987.

reforms. Despite the fact that Ma Lik later claimed that he was speaking in a private capacity and not as a Chinese official, he was recorded several times referring to the reforms as *gong ying yum mao* [trans. a conspiracy between the British and Hong Kong governments].[591] Although the BOC later backtracked, saying that staff were not being pressured and were able to freely express their political views, the incident demonstrated the lengths to which the Chinese authorities were willing to go in order to acquire support.[592] However, the public nature of the failed petition only succeeded in confirming that the Chinese government was opposed to the political reforms as well as raising serious doubts as to the limits to which personal political freedoms would be accorded after the retrocession.

British Response

The British response to the mainland authorities' accusations was to reaffirm the British commitment to, and its interpretation of, the Joint Declaration. A British Foreign Office spokesman said that in the Joint Declaration it clearly stated "that the running of the internal affairs of Hong Kong are a matter for the British government and the Hong Kong government."[593] This viewpoint was reinforced several days later by a senior British Foreign Office official who

[591] Ann Quon and Stanley Leung. 7 September 1987.
[592] "Documents reveal BOC tactics", 16 September 1987
[593] Staff Reporters. "War of words on reforms escalates", in *South China Morning Post*. 25 June 1987. See also the Joint Declaration paragraph 4.

said that the political and electoral reforms were "constitutionally a matter for the British government" either solely or in consultation with Hong Kong authorities.[594]

The British line was strengthened when, in September 1987, Governor Wilson went to Beijing (just before the end of the consultation period) to inform the Chinese government on the position of the Hong Kong authorities to political reform.[595] In a meeting with Deputy Foreign Minister Zhou Nan, the Governor reemphasised the role of public opinion in the reform process. Governor Wilson informed the Chinese minister that if the Hong Kong authorities did not accede to the wishes of the people of Hong Kong, then the administration would lose credibility and would be accused of being only a caretaker or "lame duck" administration.[596] In other words, should the Hong Kong authorities ignore the people's wishes, Hong Kong's stability would be disrupted and its prosperity would decline.

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[594] Anthony Cheesewright. "Britain allays fears over Hongkong's next decade", in *Hongkong Standard*. 28 June 1987. See also Her Majesties Opening Speech to the English Parliament (25 June 1987) in which she said that "they will continue to fulfil their responsibilities to the people of Hongkong and will continue to carry out the Sino-British Joint Declaration." courtesy: G.I.S. For the Hongkong response to the British response see. John Tang. "Message coming in loud and clear", in *South China Morning Post*. 26 June 1987. and "China, UK quietly conspiring, says Lee", in *Hongkong Standard*. 27 June 1987.

[595] Sa Ni Harte. "Sir David takes the direct road to Beijing", in *South China Morning Post*. 20 September 1987.

[596] Ann Quon. "Green Paper: What Wilson told Beijing", in *South China Morning Post*. 5 October 1987.

With the release of the Survey Office's report, the British government reaffirmed its commitment to support political reform in Hong Kong but said that "the important thing for Hong Kong is continuity and stability. Changes must be gradual and prudent and have the support of the community."[597] The gradual nature of the changes meant that direct elections would be postponed until the early 1990s, which allowed for the convergence of the reforms with the Basic Law. Regarding the elections, a visiting non-partisan British Parliamentary Group reinforced the British position declaring that: "The Agreement [Joint Declaration] refers to the Legislature being elected, and we think that Members of Parliament took that to mean one person one vote, eventually for a majority of seats."[598] This statement, though not official British government policy, opened the door for a majority of seats in Hong Kong's three tiers of government to be filled by universal franchise before the 1997 handover.

The 1988 White Paper and Responses to It

Given the gradualist tenor of the Survey Office's report, as well as the fact that statements by Hong Kong government officials pointed to a policy of convergence, it was not suprising that, when the *1988 White Paper* was released,

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[597] Phil Johnston. "Government officials say changes should be gradual and prudent", in *Hongkong Standard*. 19 January 1988.
[598] Frank Ching. "When actions speak louder than words", in *South China Morning Post*. 22 January 1988.

much of its content was already known.[599] In essence, the White Paper promoted the "prudent and gradual" evolutionary approach proposed by all three governments, with any significant reforms to be postponed until after the promulgation of the Basic Law.[600]

It was the postponement of direct elections which drew the greatest criticism, particularly from the liberal groups. As Dr Ding Lik-liu (chairman: Association for Democracy and People's Livelihood) stated: "There was no genuine review. The public has been led unsuspiciously up the garden path by the government!....We all know it was done to appease China."[601] Dr Ding's statement was echoed by Dr Yeung (chairman: Joint Committee on the Promotion of Democratic Government) who said that: "the White Paper has fully demonstrated the fact that the whole political review is purely a game to manipulate public opinion."[602]

From the preceding analysis of the Hong Kong and British government's policy positions, as well as from official statements released by Hong Kong officials (both detailed earlier), it is possible to conclude that Drs. Ding and Yeung's

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[599] See *White Paper: The Development of Representative Government: The way Forward.* February 1988. Government Printer, Hongkong. (*1988 White Paper*)
[600] That little in the White Paper would differ from the Survey Office report and thus that there was little need for public comments can be seen in the lacklustre response by the Hongkong public to the White Paper's release. Of the 310000 copies printed on 70034 had been collected after two days - a marked difference from the release of the *1987 Green Paper*. See Staff Reporters. "Democrats voice dismay", in *South China Morning Post.* 12 February 1988.
[601] "Bouquets, brickbats", in *Hongkong Standard.* 11 February 1988.
[602] Staff Reporters. "Democrats voice dismay", 12 February 1988.

statements were an accurate encapsulation of the political climate then prevalent in the territory. More broadly, the Joint Committee group also felt that by delaying direct LegCo elections the Hong Kong government "would create difficulties for the development of democracy during the transition period."[603] Nor was the criticism limited to Hong Kong. *The Times* of London wrote that: "yesterday's White Paper has missed a unique opportunity to inject fresh confidence into Hong Kong's 5.5 million people.... The document falls short of political aspirations in the colony."[604] Despite the fact that such criticisms were of little direct relevance to Hong Kong's political debate, they were indicative of the importance the liberal reforms were given in other countries. The relative importance of the liberal reforms increased as the retrocession approached.

In contrast to the opposition generated by liberal sources and groups, conservative and pro-China sources were supportive of the document. Examples of this can be seen in statements by various pressure groups as well as by LegCo councillors. The Federation of Hong Kong Industries (FHI) "hailed the White Paper as a significant step forward in the Hong Kong system

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[603] Ibid

[604] "Local press gives overall thumbs up to document", in *Hongkong Standard*. 12 February 1988. For other 'liberal' criticisms see. Frank Ching. "Another nail in the coffin of autonomy", in *South China Morning Post*. 12 February 1988. and "Too late, says Heath", in *South China Morning Post*. 12 February 1988. and Emily Lau. "The Grey Paper", in *Far Eastern Economic Review*. 18 February 1988.

of representative government."[605] Legislative councillor Rita Fan supported the FHI's stance and attacked those who denounced the *1988 White Paper*.[606] Selina Chow also attacked the liberals, saying that they were "distorting the truth and...creating an ugly image of instability."[607]

Given the acrimonious debate over the Green Paper, it was not suprising that the Chinese response to the White Paper was comparatively low key. The only comment which provoked any response was Xu Jiatun's statement that he had read the White Paper prior to its public release.[608] Privately the Chinese authorities were reported as being "satisfied with the Government line because the White Paper endorsed the concept of 'convergence' in future reforms."[609]

Exactly what the Chinese government meant by "convergence" was then being unilaterally decided in Beijing. Two months after the publication of the *1988 White Paper*, in April 1988, the Chinese government released for public consultation the first draft of the Basic Law.

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[605] Andy Ho and Terry Lee. "Speech freedom abused-Fan", in *South China Morning Post*. 13 February 1988.
[606] Ibid. See also "Councillor Rita Fan says criticisms are groundless", in *Hongkong Standard*. 13 February 1988.
[607] *South China Morning Post*. 17 March 1988. statement by Selina Chow, Appointed member.
[608] Terry Chun and Simon Macklin. "Xu: I've already read the White Paper", in *South China Morning Post*. 9 February 1988. pp 1-2
[609] Matthew Leung. "The way ahead: Quiet Evolution", in *Hongkong Standard*. 11 February 1988.

The Basic Law

Running along a parallel track to the political reforms that Hong Kong experienced in the 1980s was the formulation of Hong Kong's future constitution, the Basic Law, by the Chinese authorities. The rapid creation of the Basic Law Drafting Committee and the Basic Law Consultative Committee, in 1985, was seen as an attempt by the Chinese to ensure that any further changes to the territory's political system would have to take the Basic Law into account. As Frank Ching wrote:

> To the surprise of the British government and Hong Kong administration, the Chinese plunged into the Basic Law drafting process immediately after the ratification of the Joint Declaration, even though it was not to come into effect until 1997. As a result, the window of opportunity that was thought to exist for political reforms to be instituted in Hong Kong before 1997 vanished.[610]

The debates that surrounded the establishment of the BLDC, as well as the release of the first draft of the Basic Law, are complex and quite lengthy and have, of themselves, spawned a series of books on the subject.[611] As this is not the focus of this study, it is not necessary to reiterate all of these arguments.

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[610] Ching, Frank. "Toward Colonial Sunset: The Wilson Regime, 1987-92", in Chan, Ming K. ed. 1994. p 176

[611] Some of the better examples of these books are; Chan, Ming K. and Clark, David J. eds. 1991. *The Hong Kong Basic Law: Blueprint for 'STABILITY AND PROSPERITY' under Chinese Sovereignty?* Hong Kong University Press, Hong Kong; Wesley-Smith, Peter and Chen, Albert H.Y. eds. 1988. *The Basic Law and Hong Kong's Future.* Butterworths, Hong Kong; McGurn, William ed. 1988. *Basic Law, Basic Questions: The Debate Continues.* Review Publishing Co Ltd., Hong Kong.

However, two issues concerning the Basic Law were of particular importance (and for this thesis, of particular relevance) to the political mobilisation of Hong Kong society. These two issues were: the manner in which the BLDC was constituted and run, and the way in which the first draft document's proposals were formulated.

The creation of the BLDC and the BLCC provided the first concrete indicator that the Chinese authorities would not necessarily run Hong Kong post 1997 in as consultative a manner as the Hong Kong authorities had begun to do. This indicator was the central-level appointment of the drafting committee members as well as both the numerical imbalance towards mainland Chinese (36 mainlanders, 23 Hong Kong representatives), and the large contingent of industry and financial representatives. In effect, this meant that the Basic Law would be drafted by a group dominated by either conservative or pro-Chinese interests. As Cotton wrote:

> From the proceedings of the plenary meetings of the BLDC, though there have been some disagreements, most of the local membership have preferred to maintain the prevailing administrative climate rather than risk the disruption to the present quiescent consensus which a more substantial role for popular elections would bring. In this intention they have been aided, of course, by the fact that the only organised group in the BLDC is the contingent which speaks for Beijing.[612]

[612] Cotton, James. "Hong Kong: The Basic Law and Political Convergence", in *NIRA Research Output*. Vol. 2, no. 2, 1989. p 56

Cotton's comments were, at least, equally applicable for the composition and aims of the BLCC. As Scott, in a similar fashion to Cotton, wrote:

> The Basic Law Consultative Committee was composed of 180 members, drawn from a wide range of functional groups, but power to draft the agenda, and sometimes its findings, lay with the mainland controlled secretariat...While the mainland drafters insisted on full recognition of Chinese sovereignty and adequate mechanisms for control by the central government, the Hong Kong drafters were deeply divided [between the pro-China and the liberal groups].[613]

This division allowed the mainland agenda to dominate without the hindrance of a united front from the Hong Kong delegates.[614]

This division allowed the Chinese government to present a draft document for public consultation that reflected more the wishes of the mainland drafters rather than the Hong Kong drafters. However, despite the fact that there was a five month public consultation period, any active public involvement was discouraged by both the Chinese and Hong Kong authorities. An example of this discouragement can be seen in the language that was used to "promote" the draft. As Davies and Roberts have noted:

> Widespread publicity campaigns encouraged public involvement - though in language seen by some as designed to pre-empt criticism since, in asking people to "Be involved. Get to know the Basic Law", there was an implication that all was signed and sealed if not yet delivered.[615]

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[613] Scott, Ian. 1989. pp 272-273 [...] was summarised, by me, from the quote to reduce its space in the text.

[614] A comprehensive list of the BLDC members is contained in Appendix D of: McGurn, William ed. 1988. pp 165-168

[615] Davies, Stephen and Roberts, Elfred. 1990. p 20

The statement of Davies and Roberts has, most recently, been reinforced by Wong Wai-kwok who stated that:

> Undoubtedly, the Chinese wanted to gain support from the general public by launching a "democratic" consultation. Yet, mass involvement in the drafting process has been limited in the BLDC because of the dominance of social and economic elite in the BLDC's composition....The public thus has no direct institutional channel for expressing their views on future political arrangements and China's manoeuvres in Hong Kong.[616]

The division, as well as the efforts by the Chinese government to limit both the scope of public participation and its impact gave the mainland drafters greater autonomy when it came to resolving two of the key aspects of the Basic Law - the composition of the post-handover LegCo and the process of selecting the first Chief Executive.[617] This was illustrated when Louis Cha (pro-China Hong Kong BLDC delegate) promulgated his proposal for the composition of LegCo. Completely unknown during either the first drafting stage or the consultation period, Cha's "mainstream" model both sharply restricted the further introduction of LegCo members directly elected on a geographical basis and ensured that the selection of the Chief Executive would remain the decision of the Chinese government until, at least, 2012.[618] (see Table below)

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[616] Wong Wai-kwok. "Can Co-optation Win Over the Hong Kong people? China's United Front Work in Hong Kong Since 1984', in *Issues and Studies*. vol 33 no. 5. May 1997. pp 113-114

[617] For a commentary on the first draft and the Hong Kong people's reaction see: Hsing Kuo-ch'iang. "The Draft Hong Kong Basic Law", in *Issues and Studies*. vol 24 no 6. June 1988. pp 5-7

[618] Chan, Ming K. " Democracy derailed: Realpolitik in the Making of the Hong Kong Basic Law, 1985-1990", in Chan, Ming K. and Clark, David J. eds. 1991. p 14. The source of the following table is: Ibid. p 15

TABLE 9.1

Competing Models for Political Structure in the Basic Law

Louis Cha's "mainstream" model	The "T.S. Lo" model	The "4:4:2" compromise model	The "Omelco Consensus" model
Composition of the Legislative Council:			
1. Direct election			
1997: 27% 2003: 38% 2007: 50% 2012: 100%(?)	1997: 25% 2003: to be decided by the SAR government	1997: 40% 2001: 60% 2005: to be decided by the SAR government	1995: not less than 50% 1997: not less than 50% 1999: 67% 2003: 100%
2. Functional constituency election			
1997: 73% 2003: 62% 2007: 50%	1997: 50% 2003: to be decided by the SAR government	1997: 40% 2001: 40% 2005: to be decided by the SAR government	1995: 50% 1997: 50% 1999: 33% 2003: 0%
3. Grand electoral college election			
	1997: 25% 2003: to be decided by the SAR government	1997: 20% 2001: 0%	
Selection of the chief executive:			
Universal suffrage in 2012(?)	Universal suffrage in 2003	Universal suffrage in 2005	Universal suffrage in 2003

Despite the dearth of any previous discussion on Cha's model, and the widespread demonstrations against its acceptance, it was adopted by the BLDC in January 1989, "and this formed the basis for the constitutional section of the second draft of the Basic Law released in February 1989."[619] The formal incorporation of this model into the second draft was seen by Hong Kong citizens as another example of the imposition of Beijing's political will over the wishes of the territory's populace.

Although this example of the political imposition of China's will in conjunction with the already enacted convergence policy (the prime example of which was the *1988 White Paper*), was interpreted as a bitter foretaste of political life in the territory after the handover (where grassroots politics would not play a part), it did not succeed in dampening the activities of the liberal movement. Indeed, the imposition of China's will was seen as evidence that the British and Hong Kong governments were "lame duck" administrations; creating a crisis of legitimacy which liberals were able to exploit. It was in this local political vacuum that the second series of transitional elections were held.

[619] Ibid. pp 14-15

Transitional elections: Round Two

District Board and Functional Constituency elections: 1988,

Municipal Council elections: 1989

Held in between the promulgation of the 1988 White Paper and the release of the first draft of the Basic Law, these elections were the second series of transitional District Board elections that had taken place. Since the 1985 elections, there had been little change to the composition of the District Boards,[620] though they had been given expanded powers and resources "for local environmental projects and community activities."[621] Despite these minimal changes, the 1988 District Board elections were viewed as a test of public legitimacy, especially between the liberal and pro-China groups. Although the same could have been said for the 1985 elections, the 1988 elections held the "possibility of direct elections to the Legislative Council in 1991."[622]

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[620] The main change was an increase in the number of elected and appointed seats, from 237 to 264 and from 132-141 respectively. This meant that the 2:1 ratio between elected and appointed officials remained the same. It was suggested that the ratio was only kept consistent, despite suggestions in the *1987 Green Paper* for a greater percentage of elected officials, at China's insistence. "Dr Stephen Tang of the Chinese University yesterday said that China had indicated a worry that district boards might develop into "regional legislatures" if the proportion of elected members was increased." See: "Govt decided to keep DB ratio at 'China's insistence'", in *Hongkong Standard*. 19 December 1987; Tang, John. "District Board ratio will be maintained", in *South China Morning Post*. 21 December 1987.

[621] *1988 White Paper*. §49. p 15

[622] Choi, Frank. "Rival camps to woo support at district polls", in *South China Morning Post*. 22 December 1987. See also: Leung, Matthew. "Main pressure groups to field 60 candidates", in *Hongkong Standard*. 16 December 1987.

The liberal groups, in particular, attached a great deal of importance to these elections. This was due, as Cheng wrote:

> To the decline of political expectations and confidence in the past two or three years, [as a result] the three major political groups in the pro-democracy lobby largely failed to make much headway in expanding their organisations. The district board elections were [seen as] vital to new recruitment and a boost of morale which had suffered in the series of political setbacks.[623]

In order to achieve success, the liberal groups began to actively recruit and train potential candidates as well as to target key districts where the groups felt they had an improved chance of winning. In the case of the Association for Democracy and People's Livelihood (hereafter ADPL), the recruitment of new candidates meant that they could stand more than one candidate per seat in targeted districts, allowing them a greater chance of being elected.[624] In addition, the ADPL and other groups began to train their candidates in political activities, including: "banner writing, home visits, printing techniques, drafting speeches and public appearances in front of the camera."[625]

Opposing the liberal groups were the conservative and pro-China organisations. The conservative organisations included politically active

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[623] Cheng, Joseph Y.S. "The 1988 District Board elections - A Study of Political Participation", in Cheek-Milby, Kathleen and Mushkat, Miron eds. 1989. p 134
[624] Wai, S.Y. "Reformists confident of 70-percent win", in *Hongkong Standard*. 4 January 1988. See also: "Democrats enter 32 hopefuls", in *South China Morning Post*. 4 January 1988.
[625] Leung, Matthew. "Radicals, pro-China forces set for battle", in *Hongkong Standard*. 14 December 1987

groups (such as; the Progressive Hong Kong Society or the Civic Association), as well as traditional organisations (such as; the Kaifongs or the HeungYeeKuk). The importance the conservative associations placed on the elections could be seen in the new professionalism as well as in the cooperation these groups and their members displayed. An example of this was when the Progressive Hong Kong Society and the Civic Association "agreed to exchange candidate lists to avoid a direct clash of members in the same constituencies."[626] In these elections the traditional organisations appeared less concerned with winning the seats *per se* than they did with maintaining a hold over their traditional areas.[627]

The pro-China organisations conducted a somewhat mixed campaign. In a response to the negative manner in which the Chinese authorities were being perceived, many pro-China groups and individuals chose not to identify their platform too closely with the mainland. As Cheng Yiu-tong (vice-chairman: Hong Kong Federation of Trade Unions) said:

> Past experience indicates some of the candidates supported by the FTU will not highlight that point in their campaigns...They would rather pose as politically neutral.[628]

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[626] Ngai, Pamela. "Conservatives unite to challenge radicals", in *Hongkong Standard*. 12 January 1988.
[627] See: Ho, Andy; Lui, Linda and Tang, John. "United we stand is the election message", in *South China Morning Post*. 9 January 1988.
[628] Sze, Johnson. "Pro-Beijing, Taiwan unions lie low", in *Hongkong Standard*. 10 January 1988.

Two possible reasons for this anonymity was put forward by Bernard Fong who stated that:

> One of the reasons why the leftists are not running for office openly is because that they could lose, and losing is not something the communists are used to. By stealthily backing candidates, the leftists could, therefore, disavow any association with the defeated. Besides, the pro-Beijing people dread having the elections be seen as a direct "no confidence" vote against China.[629]

Although Fong's language indicates an obvious anti-China bias, the points he made were quite salient. Chinese interference in Hong Kong affairs was, at that stage, being viewed negatively and any election where the pro-China groups openly backed losing candidates could be interpreted as a vote of "no confidence" which would then pose a large political problem for the future sovereign. Moreover, and a point that Fong overlooked, direct backing of pro-China groups in the election would have lent the electoral process a patina of legitimacy Beijing had so far refused to give. Such a legitimacy would have rendered the arguments for convergence with the Basic Law null and void. This, in turn, would have removed a major stumbling block to any further political reforms (in particular, direct elections to the LegCo) which China did not perceive as necessary.

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[629] Fong, Bernard. "Leftists take a low profile at the polls", in *South China Morning Post*. 11 January 1988.

Given the prevailing political climate in Hong Kong, the outcome of the 1988 District Board elections was never in doubt. The liberal groups faired the best out of all the groups, with the three main organisations (Hong Kong Affairs Society, Meeting Point and the ADPL) averaging a 78.5 percent success rate.[630] This effectively meant that the liberal groups held "between one third to 40 percent of the elected seats."[631] This result also meant that the conservative groups as well as (but to a lesser extent) the traditional and pro-China groups, in addition to non-aligned members, held the majority. The conservative nature of the 1988 District Boards was further enhanced by the appointment of one-third of the seats by the Hong Kong government.

Apart from the numerical outcome, the 1988 District Board elections held other important implications for the nature of the political processes in the territory. One of these implications was the impact the elections had on the development of political parties in Hong Kong, with the main liberal and conservative groups forming territory-wide associations as well as cooperating together along ideological lines. Another implication was that one of the main constituencies of the liberal groups, the young (under 40), formed almost 60

[630] This figure is drawn from the table cited in: Leung, Joe C.B. "Problems and Changes in Community Politics", in Leung, Benjamin ed. 1990. p 58
[631] Cheng, Joseph. "The 1988 District Board elections - A Study of Political Participation", in Cheng, Joseph ed. 1986. p 139

percent of the voter turnout.[632] This was an indication that there existed a social basis for further gains, if the political climate was less oppressive to reform.

However, the result of the elections for the Legislative Council's functional constituency seats simply reinforced the Hong Kong and Chinese governments' message of convergence. Not that it was expected that the functional constituencies would become a basis for radical political reform, but that the holding of the elections, in conjunction with their (essentially) predetermined outcome was an added weight against reform. Furthermore, in the Municipal (Urban and Regional) Council elections held the following year (May 1989) it was apparent that the political climate remained repressed.[633] It was only with the traumatic shock of the Tiananmen massacre that Hong Kong nation was galvanised demanding changes for a safer future.

Conclusion

Tiananmen defined both the end of the first half and the beginning of the second half of the transition period. It was a period that had been the focus for many simultaneous developments in the Hong Kong *polis*. For the first time in its history the people of Hong Kong had been given the opportunity to

[632] Ibid p 137
[633] For a further study of the Urban and Regional Council elections see: Miners, Norman. 1991. Chapter 11.

participate in the governance of their territory on a mass scale. However, it was an opportunity that was curtailed by external agreements between the once and future sovereigns of Britain and China. Nevertheless, the curtailing of the scope of the political reforms did not mean an end to the desire for political reforms.

Even though the Hong Kong administration continued the practice of dominating the three tiers of government, there was still a core group of organisations ideologically committed to free and fair elections to all tiers. At each of the electoral opportunities these groups mobilised substantial support for their cause. Opposing them were organisations backed by both the Hong Kong and Chinese governments. From the initialling of the Joint Declaration to the release of the draft Basic Law, these groups, in conjunction with their governmental allies, held the balance of power. It was, however, a balance of power that was becoming increasingly distant from the people; as was evidenced by the low turnout at the elections held in the first half of the transition. This alienation from the people generated a "crisis of legitimacy" for the Hong Kong government, and created a negative feeling towards the Chinese authorities. Although this alienation helped keep the people quiescent, it also removed the Hong Kong government from its citizens' lives, allowing the society to develop from internal (that is, not state) impulses. Tiananmen was the political catalyst for the people defining themselves. As

will be shown in the next chapter, Tiananmen and its socio-political legacy removed the "highly path dependent" nature of Hong Kong politics and replaced it with a liberalised political system open and accountable to societal influences. Thus, what developed in the second half of the transition period was a political system whose legitimacy was derived from the people, not from the state.

Chapter Ten

Transition - Part II

Tiananmen to the Retrocession (1989-1997)

Introduction

This chapter examines the second half of the transition period, from 1989 to 1997; that is, from Tiananmen until the handover at midnight on 30 June, 1997. This was a period marked by rapid social and political change. The tragedy of Tiananmen simultaneously drew together several different strands of social and political development.[634] At the social level, it focused the nation into a relatively cohesive whole. At the political level, it reinforced the idea that had been supported by the liberal groups during the first half of the transition: that the Chinese government could not be trusted to continue the free "Hong Kong way of life" after the retrocession. The liberal groups argued that the only protection which would guarantee Hong Kong's freedoms was the entrenchment of a government open and accountable to the people of Hong Kong and, most importantly, comprised of the directly elected representatives of the Hong Kong people. Such a political stance, in an environment still

[634] I am fully aware that what happened on 4 June 1989 in Tiananmen square can be described a number of ways depending on ones ideological and moral viewpoint. Although what happened in the square was a deplorable act of violence, I feel somewhat constrained when writing this thesis to deal with the event and its impact in as unbiased a manner as possible. Hence, I shall only refer to it by its place name, Tiananmen.

dealing with the full implications (for the territory) of Tiananmen, helped to advance the development of Hong Kong's diverse pressure groups into fully fledged political parties. This, in turn, aided the political socialisation and mobilisation of the territory's population.

However, Tiananmen, by itself, was not responsible for creating the social and political structure that was in place in the territory at the time of the handover. In 1991 the first direct, geographically-based, elections to the Legislative Council were held. The following year former politician Christopher Patten arrived to become the last governor of Hong Kong. The political and social reforms Governor Patten introduced accelerated the process of development that Hong Kong had been experiencing since 1984. The release of a White Paper (entitled: *Representative Government in Hong Kong*), in February 1994, laid the foundation for a final series of political reforms that would take place under British rule. These reforms were enacted in the 1994 District Board and in the 1995 Municipal Council and Legislative Council elections, all of which saw political parties with liberal-democratic ideologies win the highest proportion of seats.

This chapter will focus on these developments and their impact on the socio-political structure of Hong Kong. Unlike the changes examined in the previous chapter, the controlled liberalisation of the territory's political system, the

developments in this period were undertaken without the "highly path dependent structure" in place. This allowed those groups which drew their legitimacy from the society, rather than the state, to exert a greater influence over the political process than had been the case during the first half of the transition period. The participatory nature of such socially-based groups (as well as their political position as the opposition to the corporatist or pro-Chinese groups) was conducive to the adoption of liberal-democratic ideologies. Their electoral success, in turn, allowed the liberal-democratic motivations (behind the groups and the reforms) to entrench democratic ideals into the three tiers of the Hong Kong polity - a key step in the creation of a liberal-democratic state.

As Tiananmen signalled the beginning of the second half of the transition period, it is appropriate to examine this event first.

Tiananmen - A Catalyst for change

> The tragic events in China had a traumatic effect on Hong Kong: an effect made all the more direct by the impact of television. Much has been said about those events, both at the time and since. I do not intend to add to it now. The important point for us is that what happened in China created increased concern about the arrangements for Hong Kong's future.[635]

[635] *Address by the Governor, Sir David Wilson, KCMG, at the Opening of the 1989/90 Session of the Legislative Council on 11 October 1989.* Government Printer, Hong Kong. §4 p 2

The social unrest displayed in China during the winter and spring of 1989 had been building for a long time and had been fuelled by many separate causes. This was demonstrated in, for example, the widening income gap, especially between urban and rural dwellers.[636] The death of ousted General-Secretary Hu Yaobang was the catalyst for the demonstrations in Tiananmen square. Although Hu was far from a member of the radical-liberal wing of the Chinese Communist Party (hereafter CCP), his removal was primarily seen as an attempt to stop his anti-corruption campaign against children of high ranking cadres. Upon his death (15 April, 1989) Hu was mythologised by the students as an ardent anti-corruption reformist;[637] an image which tacitly implied a sharp criticism of the Chinese Communist Party's practices.

The demonstrations in Tiananmen square were important to Hong Kong for two reasons. Firstly, the actions of the demonstrators were something with which the citizens of Hong Kong could identify. In other words, socially-oriented groups were freely able to protest against perceived injustices by the state. As Ching wrote:

> The Tiananmen protests showed that there were people and forces within China that stood for values with which many people in Hong Kong could identify - values such

[636] A good analysis of the social precursors to Tiananmen is contained in: Chan, Anita. "The Social Origins and Consequences of the Tiananmen Crisis", in Goodman, David and Segal, Gerald eds. 1991. *China in the Nineties: Crisis Management and Beyond*. Oxford University Press, Oxford. pp 105-130

[637] Ibid. p 124

> as democracy and human rights, free speech and a free press.[638]

Secondly, the students based their ideological position in the liberal-democratic school of thought, pushing for peaceful change against an authoritarian regime. In many respects their arguments mirrored those used by Hong Kong's democrats; albeit with different intrinsic meanings. As Chan explained:

> By 'democracy' the students did not mean what the term normally applies in the West....To the students and intellectuals, it means the institutionalization of a more pluralist decision-making system....It means also the right to be safely at odds with the political leadership: an institutionalized right to speak up, a right to demonstrate, an independent press, the recognition of student associations independent from government control, and an independent judicial system safeguarded from the party leaders' commands.[639]

Overlapping these reasons was a third issue. That was, that the actions of the students (prior to the crackdown) represented the possibility that China was liberalising its political system. This was something that the Hong Kong residents wanted to believe in as it held important (positive) implications for the rule of their future sovereign.

It was for all these reasons that the Hong Kong people reacted so strongly when on 20 May, 1989, the Chinese government declared a state of martial law

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[638] Ching, Frank. "Toward Colonial Sunset: The Wilson Regime, 1987-1992", in Chan, Ming K. ed. 1994. p 178

[639] Chan, Anita. "The Social Origins and Consequences of the Tiananmen Crisis", p 125

and again on 4 June, 1989, when the Chinese government militarily suppressed the civilian demonstration.

Apart from the public outrage over the actions of the Chinese military, Hong Kong's reaction to the crackdown stemmed from its own concerns for the future. In particular, the actions by the Chinese authorities further removed them from any form of popularly-decided and legitimate role in the territory's affairs. As Lau stated:

> The army's slaughtering of Chinese civilians in Peking has shattered already declining trust in Hong Kong that the Chinese government will respect the guarantees of human rights and civil liberties outlined in the 1984 Sino-British Joint Declaration, under which Hong Kong is to be returned to China in 1997.[640]

This, in turn, reinforced the sense of a common identity, linked by a common fate. The Hong Kong citizens thus saw the optimal solution for safeguarding their future as building greater safeguards into the political system. It was believed that this would establish a political system where the state was subordinate to the society and where, as a result, the rights of the individual were paramount. As *The Economist* wrote concerning the link between Tiananmen and a groundswell of support for democracy in the territory:

> At a stroke, it seemed, the people of Hongkong had come to care about politics. The massacre of the students has hugely reinforced that feeling. Hongkongers are now more deeply tied to China's democracy

[640] Lau, Emily. "Mourning the Dead: The Peking massacre generates sympathy and fear", in *Far Eastern Economic Review*. 15 June 1989. p 13

> movement...Hongkong is also keener on full democracy before China takes over. The influential Hongkong Bar association has come out in favour of a directly elected legislature before 1997.[641]

The Chinese authorities reacted strongly to such calls for greater social and political freedoms. These reactions encompassed three main themes. Firstly, the calls by local Hong Kong associations and political activists for greater freedoms were seen as direct challenges to the "One country, Two systems" policy. It was this which prompted Jiang Zemin (General Secretary: CCP) to state that "We practice our socialism and you may practice your capitalism. The well water does not interfere with the river water."[642] Secondly (but linked to the first theme), the Chinese leadership began denouncing the efforts and intentions of the pro-democracy activists in Hong Kong. In particular, the support given by local citizens to the democracy movement in China was seen as an attempt to subvert the Chinese government.[643] Thirdly, the Chinese government emphasised that it regarded Hong Kong as being in a different category to the mainland. This theme was reinforced by Deng Xiaoping's calls

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[641] Hong Kong Correspondent. "Hong Kong: The Birth of Politics", in *The Economist*. 10 June 1989. p 21

[642] Ching, Frank. "Toward Colonial Sunset: The Wilson Regime, 1987-1992", in Chan, Ming K. ed. 1994. p 179

[643] For example, see; Chuan, Ong Hock. "Critics must not aim at toppling party: Lo", in *Hongkong Standard*. 26 July 1989; "China's warning clouds debate", in *South China Morning Post*. 6 August 1989; Ma Miu-wah and Bruning, Harald. "Mainland condemns opposition base plan", in *Hongkong Standard*. 22 August, 1989; and Kohut, John. "Jiang warns HK against subversion", in *South China Morning Post*. 27 September 1989.

for continued stability and prosperity in the territory, regardless of what was transpiring over the border.[644]

Tiananmen continued to affect the social and political systems of Hong Kong throughout the remainder of the transition period. It often provided a rallying point for the liberal groups in their political battles with the conservative and pro-China forces. More importantly, the events surrounding Tiananmen radically aided the formation of Hong Kong's political consciousness. This consciousness or awareness helped to encourage the development of Hong Kong's pressure groups into political parties. It also animated the public discussions over such issues as: the final version of the Basic Law, the Bill of Rights, the controversy surrounding the new airport and the debate over the right of abode in the United Kingdom. In turn, the discussions over these issues further fostered the growth of the territory's social and political consciousness. It is these aspects of social and political development which this thesis will now examine.

Pressure Groups to Political Parties

The most visible indicator of Hong Kong's liberalisation was the emergence, during the transition period, of pressure groups, which then developed into

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[644] See: Liang, Yü-ying. "Peking's Hong Kong Policy after Tiananmen", in *Issues and Studies*. vol. 26 no. 12. December 1990. pp 72-75

political parties. This is, however, not to say that political parties had not existed in the territory prior to the 1984 Joint Declaration, a period characterised by the non-participatory nature of the political system. Indeed, the two oldest pressure groups, which transformed themselves into political parties during the transition period, the Reform Club and the Civic Association, had been active since 1949 and 1954 respectively.[645] Nevertheless, the political tensions generated in the territory by the Joint Declaration, as well as Tiananmen, helped to mobilise the population. In addition to these two events, the creation of new avenues of access to the political system also aided the political mobilisation of Hong Kong's citizens. As Li has noted, there were four main aspects to the avenues created for this political mobilisation:

> The political and electoral markets have been rapidly developed. First of all, the electorate of Hong Kong has grown from 9,000 (0.4 per cent of the then total population) in 1952 to over 2.57 million (42.9 per cent of the total population) in 1995....[Second], there has been a progressive growth of voters in the post-1982 period, from 342,000 in the 1982 District Boards elections to 750,000 in the 1991 LegCo elections. Third, the political posts opened for direct election has grown from 2 in 1952 to 425 (346 for DBs, 32 for UC, 27 for RC, and 20 for LegCo) in 1995. Fourth, the numbers of candidates being nominated grew from 9 in 1952 to 1030 (757 for DBs, 75 for UC, 60 for RC and 138 for LC) in 1995.[646]

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[645] I am defining these two organisations as parties as they encouraged political candidates to run under their respective banners. However, they never fully developed their "party" aspect, essentially remaining as very active pressure groups.

[646] Li Pang-kwong. "Elections, Politicians, and Electoral Politics", in Cheung, Stephen Y.L and Sze, Stephen M.H eds. 1995. *The Other Hong Kong Report: 1995.* Chinese University Press, Hong Kong. p 55. I have shortened Li's writing to what was required for the thesis. As a result, the paragraph and sentence structure has been altered.

The easiest avenue for the newly mobilised citizens to utilise was the existing pressure groups. The political tensions of the period, in addition to the growth in membership or affiliation, assisted these groups to take on a political agenda and develop into political parties.

The political parties that are, or have been, active in Hong Kong politics can be placed into one of three categories. These categories are; liberal-democratic, conservative, and pro-China.[647]

The liberal-democratic parties (hereafter liberal parties) are the most reformist parties in the Hong Kong political system. Of the liberal parties active during the transition period, the two main ones were the Meeting Point and the United Democrats of Hong Kong. Meeting Point was formed in 1982 in response to the changing political system. The United Democrats of Hong Kong (hereafter UDHK) formed in 1990. The UDHK was formed as a response to the perceived implications Tiananmen held for the future of social and political freedoms in the territory and thus the need for a party to push for greater safeguards within the political system. The timing of the party's creation also meant that they would be able to contest the 1991 LegCo elections as an organisation rather

[647] I am only going to deal with the main parties in each of these three categories. For a list of political parties or pressure groups see: Appendix A - Major Political Parties/Groups in Hong Kong.

than a collection of individuals. In April 1994, Meeting Point and the UDHK joined together to form the Democratic Party.[648] As the Party manifesto stated:

> The major aim of the Democratic Party is to further unite the democratic forces in Hong Kong. At this crucial moment, we sincerely appeal to the citizens of Hong Kong to unite together and support the Democratic Party in its pursuit of a high degree of autonomy and an open and democratic government of Hong Kong.[649]

Although these parties have been collectively described as the opposition parties, this is not strictly the case as at no stage have they ever styled themselves as an alternate government.[650] The sole exception to this is one of the newer parties, the Citizens Party, which has positioned itself as the "government-in-waiting".[651] However, as the Citizen's Party is yet to be tested

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[648] For the detailed objectives of the DP see: *Huizhan yu Xianggang minzhu tongmeng lianhe faqi: Minzhutang cutang xuanyan.* (匯點與香港民主同盟聯合發起－民主黨組黨宣言) (*Meeting Point and United Democrats of Hong Kong: Manifesto - the Joint Initiation of the Democratic Party*). 18 April, 1994. press release. Source: Department of Politics and Public Administration, University of Hong Kong.

[649] Tsang, Steve ed. 1995. p 233. Also see: Minzhu tang (民主黨)(Democratic Party). April 1994. *Zhengce Xuanyan.* (政策宣言)(*Policy Manifesto*). Source: Department of Politics and Public Administration, University of Hong Kong.

[650] "In February 1991 Deng Xiaoping was quoted as saying:

> The opposition party which organized the alliance in support of democracy has to be kicked out of the political establishment. It is impossible for them to take up key posts in the Special Administrative Region government because they burned the Chinese constitution and the Basic Law. If they create turbulence, the Hong Kong government should interfere. If there is a major rebellion the central government has to send in troops.

Source: Miners, Norman. 1991. p 199

[651] So, Cecilia. "Citizens the new party in waiting", *http://www.hkstandard.com/online/news/003/hongkong/news021.html.* Accessed: 05/07/97 15:13:16 hrs. See also the first policy address of the Citizens Party: Citizens Party. 28 September 1997. *Hong Kong: A Model for Economic and Social Enterprise A Five Year Plan.* Address by Citizens Party An Alternative Policy Address 1997-1998.

in a general election, it is uncertain how it would be received by the voting population.

In opposition to the liberal-democrats, supporting the Hong Kong authorities, were the conservative parties. The whole notion of having a conservative party began as something of a contradiction in terms, given that a central argument of the conservatives was that the introduction of a plural party system would destabilise the territory.[652] In their contemporary incarnation the conservatives define themselves as upholders of the status quo. As such they oppose the reformist agenda promoted by the liberal-democratic parties, which is perceived as extreme. Instead, the conservatives allow for some political reform but only so long as it is in accordance with a literal interpretation of the Joint Declaration, thus gaining "the support of the local people on the hand, and [securing] the acceptance of the Chinese government on the other."[653] The principal conservative party, the Liberal Party of Hong Kong (HKLP) was formed in June 1993. The creation of the HKLP can be seen as a reaction to the success enjoyed by the Meeting Point and UDHK parties in the 1991 elections, as well as from a desire to emulate that success in the key 1995 and 1996 elections.

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[652] Davies, Stephen and Roberts, Elfred. 1990. p 343
[653] Tsang, Steve. 1995. p 231

Also in opposition to the liberal-democratic parties, but further to the right of the HKLP, are the pro-China parties. In the transition period these parties essentially operated as the political representatives of the Chinese authorities.[654] The main pro-China party is the Democratic Alliance for the Betterment of Hong Kong (DAB). The DAB, established in July 1992, was formed (in a similar manner to the HKLP) to provide a counter-balance to the electorally successful Meeting Point and the UDHK. The support the DAB gives to the Chinese authorities is clearly outlined in their party manifesto which states that:

> History attests that the future of Hong Kong and China is inseparable and their interests are intertwined. Our fundamental position is devotion to Hong Kong and China, supporting the return of Hong Kong to her motherland, realising the concept of 'One country, Two systems' and working to implement the Basic Law.[655]

The formation of all three main political groupings occurred during a time of political and social turmoil in the territory. Issues such as the Basic Law, the Bill of Rights, the right of abode and the construction of the new airport, all created tensions in the soon to be ex-colony. The various parties were able to use these events as rallying points for their political positions. These events and their political implications will now be examined.[656]

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[654] Here I am separating the pro-China parties from the activities of Xinhua and its representatives, for the key reason that Xinhua never directly stood candidates for election under its banner - which is different to what it did do, which was give support to pro-China candidates.

[655] Tsang, Steve. 1995. p 229

[656] Before examining these points one clarification needs to be made. This section will not be analysing the ramifications of these events throughout the second half of the transition period,

The Basic Law

The drafting of the final version of the Basic Law was halted due to the tensions created by Tiananmen. In the period of conservative backlash that followed (within the Chinese government), the Basic Law was substantially rewritten to reflect changes which had taken place within the PRC leadership, in terms of membership as well as how those members perceived the situation in the territory. As a result of this backlash, the concessions made in the previous drafts were considered too liberal to be included in the final version. One example of these concessions was the change made to Article 23 (hereafter §23) which required the incoming SAR government to pass anti-subversion laws. In particular, §23 curtailed the ability of political parties to draw on external aid.[657] As both the pro-China parties and the conservatives were domestically based (and supported by China and the business elites), this provision would primarily obstruct the work of the liberal-democratic parties.

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although reference will be made to the four events as is relevant in the following discussion. Rather it will be used to show the high degree of politicisation that the territory experienced in the initial stages of the second half of the transition. The purpose here is to demonstrate that the high degree of politicisation of the population was one of the reasons for the change in the political system; away from a state-led structure towards a popularly-based structure.

[657] See: "The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China", in *The Third Session of the Seventh National People's Congress of the People's Republic of China*. 1990. Foreign Languages Press, Beijing.

The conservative revision of the Basic Law, in tandem with its unilateral declaration, served to deepen the sense of isolation the Hong Kong people felt from the Chinese government. This sense of isolation was strengthened by the resignation of BLDC member Louis Cha and the subsequent expulsion of democrats Martin Lee and Szeto Wah.[658] Furthermore, the inability of the British negotiators to gain substantial concessions reinforced this sense of isolation. An example of this was an "11th hour" concession by the Chinese which won an extra two directly elected seats for the final LegCo elections, bringing the number of directly elected seats from 18 to 20. This was not, however, seen as a good result by the people of Hong Kong. This was acknowledged by Foreign Secretary Douglas Hurd when he stated that the changes wrought by the concessions "would not be as rapid as many people in Hong Kong, or we ourselves, would have liked to see."[659] This sense of isolation, in conjunction with the social and political tensions Hong Kong was then experiencing, led to:

> many sectors in the Hong Kong community...becoming highly politicized and more inclined toward collective action and popular mobilization over public affairs. The democratization process and the parallel Basic Law drafting process only [served] to provide the necessary opportunities for public discourse and participation in the public arena.[660]

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[658] Davies, Stephen and Roberts, Elfred. 1990. pp 22-23

[659] Hurd as quoted in: Ching, Frank. "Toward Colonial Sunset: The Wilson Regime, 1987-1992", in Chan, Ming K. ed. 1994. p 182

[660] Chan, Ming K. "Democracy derailed: Realpolitik in the Making of the Hong Kong Basic Law, 1985-1990", in Chan, Ming K. and Clark, David J. eds. 1991. p 31. [..] was changed to make the texts' tense consistent.

Right of Abode

In an attempt to provide a sense of stability against the backdrop of Tiananmen and the Basic Law, the British government announced it would grant full British nationality to 50 000 Hong Kong residents and their families. It was hoped that by giving a key group a possible exit route in case the SAR government began a similar social crackdown to that which had been seen on the mainland, then these people would remain in Hong Kong (at least) until the retrocession. This would, in turn, stem the tide of citizens emigrating and halt the "brain drain".[661] However, not only did the "right of abode" scheme fail "to pacify local anxiety about the future, but [it] whipped up hostility against the British government."[662]

The hostility generated against the proposal was not limited to Hong Kong. The Chinese government, following a visit by Francis Maude (Junior Foreign Office Minister), stated that the nationality package had "harmed China's sovereignty and was in breach of the Sino-British Joint Declaration".[663] These central level statements were reinforced in a meeting between Governor David Wilson and Xinhua-head, Xu Jiatun, during which Xu said that "China would

[661] For news reports of the brain drain see: Wong, Fanny. "More HK people plan to emigrate", in *South China Morning Post* 6 June 1989; Jeffries, Harry. "States step up efforts to lure HK migrants", in *Hongkong Standard*. 31 July 1989.
[662] Lau, Emily. "Abide with me", in *Far Eastern Economic Review*. 13 July 1989. p 10. [..] added
[663] Lau, Emily. "Tripping Over", in *Far Eastern Economic Review*. 9 August 1990. p 10

find the scheme unacceptable" and hold Britain responsible for the scheme's ramifications.[664] Towards the end of the transition period, the right of abode issue resurfaced, with the Chinese authorities declaring that persons of Chinese extraction would have to declare their nationality upon entering the Special Administrative Region, or else they would be treated in the same manner as Chinese nationals.[665]

The right of abode debate reinforced the feeling that the British government was not the government of the people of Hong Kong. Moreover, if safeguards to the (then) current social and political systems were to be introduced, they would have to be introduced by the local politicians in the local legislature. The only way that these safeguards of Hong Kong's civil liberties would be introduced would be through the election of representatives of the local population. As such, it can be concluded that the sense of abandonment generated by the British proposal to only allow a limited number of Hong Kong citizens the right of abode reinforced both the identity of the Hong Kong people (insomuch as they were being left to fend for themselves) and the liberalisation of its political system (as there was a perceived need to entrench

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[664] The source for this is an early translated version of Xu Jiatun's memoirs. They were translated from the *Hong Kong United Daily News* extracts, beginning on 5 May 1993 until 12 October 1993. The quotation appeared on 8 September 1993 p 233.
[665] "Consular Travel Advice - Hong Kong (from 1 July 1997)", *The Department of Foreign Affairs and Trade*, Australia. 18 April 1997.

civil and political liberties in the hope that they would remain after the handover).[666]

The Bill of Rights

A further attempt by the British and Hong Kong governments to improve social stability and, as a result, bolster their collective political legitimacy was the proposal for a Bill of Rights to be enacted in the territory.[667] Governor Wilson's address to the opening session of the 1989/90 Legislative Council outlined a timetable whereby the Hong Kong government would, within three months, publish a White Paper for public consultation and then introduce the necessary legislation within nine months. What was of greater significance was the fact that he prefaced the timetable by stating that:

> In Hong Kong we have always taken for granted the basic social and political freedoms that we enjoy. These are backed up by the many different provisions of statutory and common law. In addition, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights have been extended to Hong Kong since 1976. And their continued application beyond 1997 is guaranteed in the Joint Declaration.[668]

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[666] For an excellent analysis of the right of abode, emigration, identity issues as well as the impact of these issues on the political system see: Ming-kwan Lee. "Community and Identity in Transition in Hong Kong", in Kwok, Reginald and So, Alvin eds. 1995. pp 119-134

[667] See: Lau, Emily. "Confidence Building", in *Far Eastern Economic Review*. 26 October 1989. p 19

[668] Wilson, Sir David. 11 October 1989. *Address by the Governor, Sir David Wilson, KCMG, at the opening of the 1989/90 Session of the Legislative Council on 11 October 1989.* Government Printer, Hong Kong. §45 pp 24-25

At no point did the Governor mention the Basic Law (or draft thereof). This omission indicated a lack of faith that the future constitution of the Special Administrative Region would allow for the institutionalisation of such civil liberties. This lack of faith was reinforced when the Governor (in the above paragraph) stated that, in any case, the current civil liberties would continue to be enjoyed post-97 due to the Joint Declaration.

In terms of its legal standing, the government floated two main proposals for the Bill of Rights (BoR). The first proposal gave the BoR an entrenched and supreme status, meaning that it would be superior to every other legislative act and would require extraordinary procedures before it could be amended or appealed. Although this proposal received widespread support from the Hong Kong population, it is questionable that the Hong Kong government ever intended to introduce the BoR in such a manner.[669] It was especially questionable as the Basic Law, which was yet to be announced, had the supreme legal status under the Joint Declaration. The second proposal was that the BoR have the same standing as any other Bill or Ordinance. Unsurprisingly, it was this proposal that the Chinese authorities indicated was their preferred option. Indeed, when the BoR was announced, following the release of the final version of the Basic Law, it was the second proposal which was adopted.[670]

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[669] Davies, Stephen and Roberts, Elfred. 1990. pp 28-31
[670] Ibid. pp 30-31

Despite the adoption of this weaker proposal, the Bill did fulfil the broad aims of the Hong Kong and British governments when, in 1991, the *Hong Kong Bill of Rights Ordinance* was passed. That the BoR fulfilled the principal aim to enshrine civil liberties into the Hong Kong legal system can be seen in that the Bill:

> listed 23 rights included in the *International Covenant on Civil and Political Rights* and repealed all legislation to the extent that it was inconsistent with the rights laid down in the ordinance. At the same time the *Letters Patent* were amended to forbid the enactment of any future law inconsistent with the provisions of the International Covenant as applied to Hong Kong.[671]

For the remaining six years of British rule the BoR was used in numerous legal challenges, where it experienced mixed success. The most fundamental challenge to the BoR was the retrocession of the territory. The Chinese authorities had been consistent in calls for sections of the Bill to be repealed. Soon after his election as the designate Chief Executive for the Special Administrative Region, Tung Chee-hwa recommended the BoR be amended to provide a more conservative interpretation of civil liberties.[672] Once the Provisional Legislative Council was inaugurated (on the night of the handover) these amendments were enacted. This matter is examined in greater detail in a later section.

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[671] Miners, Norman. 1991. p 58

[672] Cheung, Arthur K.C. "Bill of Rights - The Hotbed of Challenge", in Cheng, Joseph ed. 1997. *The Other Hong Kong Report: 1997*. Chinese University Press, Hong Kong. pp 134-135

The PADS Development Plan[673]

At the same time that the Bill of Rights was announced, Governor Wilson also disclosed plans for a massive development of Hong Kong's physical infrastructure.[674] This development had two key facets: the construction of a new airport at Chek Lap Kok with three times the carrying capacity of Kai Tak (as well the associated building of a high speed rail link and a six lane highway), and the construction of a new port system to meet the projected increase in demand.

The PADS development plan set out to answer three pressing needs for the Hong Kong authorities. Firstly, it demonstrated that the Hong Kong government was not a "lame duck" administration; in other words, that the local government could undertake projects of its own accord. Secondly, it provided a needed boost to the territory's economy which, it was hoped, would encourage further business investment and persuade those who were part of the "brain drain" to reverse (or at least suspend) their decision to leave.

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[673] A detailed examination of all the social and political ramifications of the Port and Airport Development Scheme (PADS for short) would be a thesis in itself. So I intend to confine my analysis primarily to the effects the political turmoil surrounding the scheme affected the social and political mobilisation of Hong Kong citizens in the period 1989-1991.
[674] Wilson, Sir David. 11 October 1989. § 78-98 pp 44-56

Thirdly, it answered the pressing need for further development of Hong Kong's transport infrastructure.

The Chinese government, however, immediately stated that it was not prepared to automatically agree to continue the project's financing after the 1997 handover, effectively scaring away private sector investors. Despite a series of high-level talks, the Chinese government refused to agree to the project until Prime Minister John Major travelled to Beijing to sign a Memorandum of Understanding (MOU) on the PADS project; in the process becoming the first Western leader to meet with the Chinese government since Tiananmen.[675] This was a move that was seen to be indicative of Britain's weak position. Of far greater importance for Hong Kong's transitional developments was the content of the Beijing MOU. Not only did the MOU give the Chinese government the right to interfere in the PADS project, but the open-ended nature of the text (coupled with the Chinese interpretation) also gave China a right of interference in all transitional matters.

The implications of the MOU further reinforced the notion that the Hong Kong government was a "lame duck" administration; thus tending to delegitimate both the Hong Kong and British governments. Despite the signing of the

[675] For the English-language version of the MOU see: "Memorandum of Understanding Concerning The Construction of the New Airport in Hong Kong and Related Questions", in *Beijing Review*. September 16-22, 1991. pp 8-9

Beijing MOU, it would be nearly three years before a funding agreement was reached and a further year before the British and Chinese governments would agree on the Financial Support statement (the documents dealing with the repayments).[676] At each stage the failed negotiations would be a symbol of the difficult transition, generated by mutual misunderstanding and mistrust between the two main governments.

From the preceding analysis it can be said that these four issues served to distance the British and Hong Kong governments from the citizens of Hong Kong as well as generate a negative image of the Chinese authorities. However, at the same time, these issues politicised the territory. The delegitimation of the three governments (and their respective cliques) meant that the political mobilisation that Hong Kong was experiencing occurred at the grassroots level and removed a significant degree of the "path dependency" that had previously been a defining characteristic of Hong Kong politics. In particular, this "path dependency" was being eroded as the citizens of Hong Kong began to demand more from the Hong Kong government, but were turning to grassroots political elites when the government failed to respond. It was in and around this mobilisation that the 1991 elections were held.

[676] Xinhua. "Chinese, British sides sign agreement on financing of new Hong Kong airport", Xinhua news agency. 4 November 1994. as reported by in the *Summary of World Broadcasts*. FE/2145 F/1. 5 November 1994

Transitional Elections: Round Three: 1991

District Board and MunCo elections,

Direct elections to the LegCo, functional constituency elections

District Board and MunCo elections: March and May 1991

The third series of transitional elections were held amidst the social and political tensions which have been detailed above. These elections differed fundamentally from those which had previously been undertaken in that, for the first time, seats in the Legislative Council would be taken by members directly elected by geographical constituency. Furthermore, these were the first series of elections at which candidates from political parties would directly stand for all three tiers. This differed from previous elections where the proto-parties had solicited candidates who had already nominated. Moreover, the involvement of the parties meant that the focus for the 1991 elections shifted to include territory-wide issues at the lower two tiers.

The first of the three rounds of 1991 elections to take place were the District Board elections in March. These elections provided the first substantial indications of the electorates' reaction to the political tensions prevalent in the territory. It also provided the first opportunity for the newly formed political

parties to prove their relevance (and thus legitimacy) to the voting populace. Indeed, the high degree of party-affiliation was one of the main differences between this District Board elections and the elections that had previously been held. An example of this high degree of party-affiliation can be seen in the number of party affiliated candidates who stood for election. Of the "472 candidates campaigning for the District Board elections, 254 were nominated by the three major political camps and 171 got elected, accounting for 62 per cent of the elected seats."[677]

Politically, the main competition during the election period was between the liberal groups, and the conservative and pro-China groups. The liberal's campaign was spearheaded by the recently formed UDHK, which nominated 80 candidates, and the Association for Democracy and People's Livelihood (ADPL), which nominated 16 candidates. Unlike the UDHK and the ADPL candidates, not all the conservative Liberal Democratic Foundation (LDF) and the pro-China Federation of Trade Unions (FTU) candidates declared their affiliation.[678] This anonymous affiliation can be seen as a response to the negative attitudes directed to the conservatives (by virtue of their connection to the Hong Kong administration) and the pro-China groups (as a result of local perceptions of the Chinese government's actions post-1989).[679]

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[677] Lee, Jane C.Y. "The emergence of party politics in Hong Kong, 1982-1992", in Leung, Benjamin and Wong, Teresa eds. 1994. p 282
[678] Lau, Emily. "Election Preview", in *Far Eastern Economic Review*. 14 March 1989. p 18
[679] Ibid. p 18

Given these ambiguous or negative political attitudes directed towards the conservative parties and pro-China groups, the result of the 1991 District Board elections was never in doubt. The liberal-democratic parties and groups won 98 seats, in excess of a third of all possible seats. By contrast the conservatives and the pro-China candidates won only 44 and 29 seats respectively. Independent candidates won the remaining 103 seats.[680] The low voter turnout (32.9 percent in contested seats)[681] was immediately used by the Chinese authorities as proof that the election result was unrepresentative of the population's actual political tendencies.[682] However, as Leung points out, such figures are consistent with local government elections in other countries and "are understandable in view of the limited powers of District Boards."[683] The win by the liberal-democratic parties was not only significant in the level of popular support their parties attracted, but it placed these parties (in particular the UDHK) in an advantageous position for the September 1991 elections to the Legislative Council.

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[680] Lee, Jane C.Y. "The emergence of party politics in Hong Kong, 1982-1992", in Leung, Benjamin and Wong, Teresa eds. 1994. pp 284-285
[681] Miners, Norman. 1991. p 172
[682] Lee, Jane C.Y. "The emergence of party politics in Hong Kong, 1982-1992", in Leung, Benjamin and Wong, Teresa eds. 1994. p 286
[683] Leung, Joan Y.H. "Political orientations: Turnout and vote choice", in Kwok, Rowena; Leung, Joan and Scott, Ian eds. 1992. *Votes Without Power: The Hong Kong Legislative Council Elections 1991*. Hong Kong University Press, Hong Kong. pp 54-55.

Two months after the District Board elections, the elections to Hong Kong's Municipal Councils (Urban and Regional) were held. As with the March elections, the May Municipal Council elections were characterised by their high degree of party-affiliation amongst candidates. Of the "61 candidates running for seats in the Urban Council and Regional Council, 47 were supported by political groups and 26 of them got elected, accounting for 96 per cent of elected seats."[684] A side-effect of the party involvement was the professionalisation of the electoral process. For example, "the UDHK hired an image consultant to advise their candidates."[685] In other words, at this series of elections the party system of politics was enhanced, further entrenching the process of liberalisation.

The political trend towards the liberal-democratic parties, evidenced in the March District Board elections, continued in the MunCo elections. Of the 27 seats filled by direct election (15 for the Urban Councils and 12 for the Regional Councils) the liberal-democratic parties won 15 seats - the largest bloc of 11 seats going to UDHK candidates. The conservative parties and pro-China candidates only won 7 and 4 seats respectively. One seat went to an independent candidate.[686] Despite these results, the government still held the

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[684] Lee, Jane C.Y. "The emergence of party politics in Hong Kong, 1982-1992", in Leung, Benjamin and Wong, Teresa eds. 1994. p 282

[685] Chan, Elaine and Yeung, Fred. "Voter consistency: Turnout, Choice and Criteria", in Kwok, Rowena; Leung, Joan and Scott, Ian eds. 1992. p 138

[686] Taken from the table in: Lee, Jane C.Y. "The emergence of party politics in Hong Kong, 1982-1992", pp 284-285

majority of seats, by virtue of appointed members (27 - 15 UrbCo and 12 RegCo), as well as a portion of the 19 indirectly elected members from the District Boards (19 - 10 UrbCo and 9 RegCo) and ex-officio members (3 - RegCo).[687] Although the government's majority at the Municipal level ensured that this tier was still largely path dependant, the trend towards the liberal-democratic parties indicated that, where the avenues for societal-based political change existed, the enfranchised population would not choose the state's path. This decision was of particular relevance to the Legislative Council elections in September 1991.

Direct elections to the LegCo, functional constituency elections: September 1991

In 1991 the first direct elections from geographical constituencies to the Legislative Council were held. In all 18 seats were contested in what was seen as a test for which developmental path the politically mobilised population of the territory would take. The inclusion of direct elections to the Legislative Council was described by Governor Wilson as "a significant step in the development of our system of government."[688] This development was most significant in that the state, with these elections, was beginning to transfer the

[687] Miners, Norman. 1991. p 156, 166
[688] Wilson, Sir David. 10 October 1990. *Address by the Governor Sir David Wilson at the opening of the 1990/91 Session of the Legislative Council on October 10 1990.* Government Printer, Hong Kong.
§85 p 45.

central political decision-making process to the citizens. As Governor Wilson stated, the Legislative Council elections would allow "the people of Hongkong...to make their full and proper contribution to shaping Hongkong's future."[689] In the media the elections were perceived as symbolising:

> Hongkong's gradual transition from a dependent territory to a more democratic society in which the views of the people are supposed to make an impact on how they are governed. These direct elections will be the political awakening of Hongkong, a territory perhaps better prepared for democracy in terms of education, sophistication and affluence of its people than any British colony before it.[690]

As had been emphatically demonstrated in the two earlier elections, the trend towards candidates affiliated with political parties dominating the election process was continued.[691] However, the 1991 LegCo elections saw a greater degree of support for candidates between ideologically similar parties and groups. Within the liberal camp this resulted in an alliance being formed between the UDHK, the ADPL and Meeting Point. This meant that in areas where one party was weak it would support the other party's candidates.[692] An example of this was seen in the Yuen Long constituency where the UDHK was

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[689] Ibid. In order to keep the sentence consistent with the paragraph the words "will be able" have been omitted.

[690] "Elections another step to maturity", in *Agenda - South China Morning Post*. 18 August 1991. p 12

[691] For a report on this see: Yue, S.Y et al. "Political parties leading the field in candidates", in *Hongkong Standard*. 13 August 1991

[692] Another possible reason for political alliances was the indications that party identification was still unevenly low. By joining together parties of a similar persuasion could push a theme rather than a party for the voters to respond to. See: "Political affiliation irrelevant to voters", in *South China Morning Post*. 27 August 1991.

weak but Meeting Point had a strong support base. The UDHK withdrew support for its second candidate, Ng Wai-cho, agreeing instead to support Meeting Point's Wong Wai-yin.[693]

In comparison the pro-China groups preferred to stand their candidates on an individual basis. Despite this, the Xinhua news agency formed a unit to provide coordinating support for pro-China candidates. Such support ranged from "collecting information on the political dynamics of the constituencies" to examining "friendly candidates qualifications and consider[ing] ways to mobilise support for them."[694] In a more negative manner, the support offered by the Chinese authorities extended to coordinating attacks on the UDHK; perceived as the key opposition to the pro-China candidates.[695]

The Liberal Democratic Foundation was the only conservative party nominating candidates for the seats to be filled by direct elections. Even though it was the only conservative party, its candidates were far from united in their electoral platforms.[696] In part this can be seen as a reaction to the LDF's business orientation, which was perceived as an electoral liability.[697] It was

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[693] Ho, Andy et al. "United Democrats form poll alliance", in *South China Morning Post*. 29 July 1991.
[694] Lee, Bellette. "NCNA team to play role in LegCo poll", in *South China Morning Post*. 12 August 1991.
[695] To Yiu-ming. no title. in *South China Morning Post*. 7 September 1991.
[696] "LDF role in campaign played down by pair", in *South China Morning Post*. 29 July 1991; Ballot Box. "Party line comes in for the fine-tuning", in *Hongkong Standard*. 5 August 1991.
[697] Political Team. "Liberals criticised for business stance", in *Hongkong Standard*. 22 July 1991.

also a reaction to the LDF's China policy, which emphasised dialogue with the Chinese authorities; an unpopular stance given the social and political tensions generated by Tiananmen and subsequent issues.[698]

The various surveys and polls conducted in the lead up to the elections revealed two key trends. The first trend was a high degree of potential mobilisation of the voting population, with up to sixty percent of the voting population planning on casting a vote.[699] The second trend was that the liberals would dominate the directly elected seats.[700] There were two main reasons given for this orientation. Firstly, the absence of any coordinated opposition enabled the liberal parties to dominate public awareness. This was aided by the high profile of key candidates; in particular Martin Lee. Secondly, the apathy or negativity associated with either the pro-establishment LDF or the pro-China FTU further bolstered the electoral support for the liberal UDHK, ADPL and Meeting Point (MP).[701]

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[698] Yam, Shirley. "Tam rejects election role as candidate", in *South China Morning Post*. 20 July 1991.
[699] Ho, Andy. "65pc voter turnout forecast for election", in *South China Morning Post*. 26 August 1991.
[700] Gittings, Danny. "Poll finds liberals have majority vote", in *South China Morning Post*. 7 July 1991; Yue, S.Y. "Liberals 'to sweep election'", in *Hongkong Standard*. 26 August 1991; Ho, Andy. "Democrats head for landslide win", in *South China Morning Post*. 27 August 1991; Ho, Andy. "Liberals set to secure 13 LegCo seats", in *South China Morning Post*. 9 September 1991
[701] Ho, Andy. "Confidence rating blow for liberals", in *South China Morning Post*. 19 July 1991.

The election only partially validated these trends. Of the registered electorate (1 916 925), 39.15 percent (or 750 467 voters) turned out to cast their vote.[702] On the one hand, the low turnout was seen as evidence that Hong Kong's citizens did not desire democratic changes.[703] On the other hand, data from polling booth surveys demonstrated that 29 percent of eligible voters had decided not to vote due to either; (a) a lack of interest (14 percent), or, (b) the China factor (15 percent).[704] This indicated that had the government been more pro-active in encouraging people to vote, the final figure would have been far higher. However, those that did vote validated the pre-election trend that the liberals would win a majority of seats. What was not foreseen was that none of the LDF or pro-China candidates would be elected. Of the 18 LegCo seats decided by direct elections, 16 went to candidates from the three main liberal-democratic parties (UDHK - 12, ADPL - 1, MP - 3), 1 seat went to a liberal independent (Emily Lau) and the remaining seat was won by a rural independent. (see following table for percentage analysis).

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[702] Scott, Ian. " An Overview of the Hong Kong Legislative Council Elections of 1991", in Kwok, Rowena; Leung, Joan and Scott, Ian eds. 1992. p 4

[703] See commentary contained in: We say. "No strong message from voters", in *Hongkong Standard*. 16 September 1991; Harrington, Paul. "A small turnout for third election", in *Hongkong Standard*. 16 September 1991; McGee, Christine and Yue, S.Y. "Turnout raises questions", in *Hongkong Standard*. 16 September 1991.

[704] Leung, Joan Y.H. "Political orientations: Turnout and vote choice", in Kwok, Rowena; Leung, Joan and Scott, Ian eds. 1992. pp 60-61. Figures have been rounded up.

TABLE 10.1

Direct election results: summary

Affiliation	Candidates	Seats	Percentage of vote	
Liberals[a]:				
United Democrats	14	12	45.14	58.22
Meeting Point	3	2	7.20	
Association for Democracy and People's Livelihood	3	1	4.44	
Hong Kong Democratic Foundation	1	0	1.44	
Liberal Independents	5	1	9.35	
Conservative[b]:				
Liberal Democratic Federation	5	0	5.09	
Pro-China[c]:				
Federation of Trade Unions	1	0	3.28	7.88
New Hong Kong Alliance	2	0	0.87	
Hong Kong Citizen Forum	1	0	2.18	
Kwun Tong Man Chung Friendship Promotion Association	1	0	1.55	
Other Groups:				
Reform Club	1	0	0.60	
Civic Association	1	0	1.03	
Trades Union Council	1	0	0.25	
Other Independents[d]	15	2	17.55	
	54	18	99.97	

The substantial liberal victory was seen as "a clear repudiation" of the political position of the pro-China and Hong Kong elites.[705]

Despite this "clear repudiation" of the pro-China elites, the political reality was that the Chinese governments' reaction to the election results mattered for transitional political developments. Immediately following the determination

[705] de Silva, Neville. "Vote clear rejection of China's HK policy", in *Hongkong Standard*. 17 September 1991; "Success attributed to anti-communist feeling", in *South China Morning Post*. 17 September 1991; Hongkong Correspondent. "A rebuke for mother", in *The Economist*. September 21st 1991. p 26

of the results, Lu Ping warned that Martin Lee and Szeto Wah (UDHK leaders) should not be appointed to the Executive Council.[706] Moreover, the Chinese authorities stated that, even though they had provided support for pro-China candidates during the election, they still refused to recognise the legitimacy of the Legislative Council before the handover.[707]

In forming the 1991 Executive Council, Governor Wilson chose to take a middle path between the demands of the UDHK to have a liberal majority appointed to the ExCo and the Chinese demands that this should not take place. Governor Wilson's decision to appoint 18 independents to the ExCo (thereby satisfying China's demands whilst not appearing to be biased against the liberals) was, however, in contradiction with British colonial principles which held "that colonial governors should be required to choose their Executive Council from members who could command a majority in the Legislative Assembly."[708]

At the same time as the elections for the geographically constituted seats were held, elections were also held for the functional constituency seats. Of the 21 seats allocated to these constituencies, 4 were won by liberal party members

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[706] Wong, Fanny; Lee, Bellette and Yam, Shirley. no title. in *South China Morning Post*. 17 September 1991.
[707] Yeung, Chris and Wong, Fanny. "China firm on rejecting LegCo links", in *South China Morning Post*. 1 October 1991.
[708] Miners, Norman. "Bowing to will of the people an old colonial legacy", in *Hongkong Standard*. 26 September 1991.

(UDHK - Health Care and Teaching, Hong Kong Democratic Foundation - Commercial (1) and Medical and Health Care (1)). The remainder went to non-aligned members with varying degrees of conservative or pro-China affiliation.[709]

TABLE 10.2

Functional constituency results: summary

Functional constituency	Electorate	Turnout	Percentage turnout
Commercial(1)	1,609	911	56.6
Commercial(2)	2,348	Uncontested	
Industrial(1)	460	Uncontested	
Industrial(2)	1,366	390	28.6
Finance and Financial Services(1)	234	Uncontested	
Finance and Financial Services(2)	694	556	80.1
Labour[a]	378	Uncontested	
Social Services	181	Uncontested	
Medical and Health Care(1)	4,031	Uncontested	
Medical and Health Care(2)	10,636	Uncontested	
Teaching	38,678	17,034	44.0
Legal	1,240	714	57.6
Engineering, Architectural Surveying and Planning(1)	2,805	1,511	53.9
Engineering, Architectural, Surveying and Planning(2)	1,481	1,039	70.2
Accountancy	2,276	Uncontested	
Real Estate and Construction	373	Uncontested	
Tourism	847	728	86.0
Urban Council	40	Uncontested	
Regional Council	36	36	100.0
Rural	112	Uncontested	
Total	48,756[b]	22,819	47.0

The results from the functional constituency elections, in addition to the appointed members, meant that the Hong Kong government retained the balance of power - despite popular sentiment to the contrary.

[709] Scott, Ian. " An Overview of the Hong Kong Legislative Council Elections of 1991", in Kwok, Rowena; Leung, Joan and Scott, Ian eds. 1992. p 10

The results of the 1991 elections to the three tiers of Hong Kong's government carried clear implications for future political developments. Most importantly, the results of these elections demonstrated that much of Hong Kong society was politically mobilised and wanted a greater stake in the territory's political system. Furthermore, the alienation of the British and Hong Kong governments, combined with the negativity displayed to the Chinese government, had allowed a grassroots political elite to develop. In forming its political ideology this culture had borrowed from Western liberal-democratic political thought. This was expressed by calls from various parties as well as individuals' calls for greater social and political freedoms; in particular, the freedom to choose their political leaders free of state interference.

Up until 1991 the Hong Kong state had demonstrated an unwillingness and an inability to meet these grassroots demands. Apart from the issue of the retrocession, the unwillingness and inability can also be seen as stemming from the type of political leaders Hong Kong had, to that time, enjoyed. Without exception the Governor of Hong Kong had always been a bureaucrat and, in modern times, usually a sinologist as well. In 1992, Governor Chris Patten took office. Neither a bureaucrat nor a sinologist, Governor Patten embarked upon a series of radical political and social reforms that opened up the state's political system to grassroots influences. This accelerated liberalisation altered the way in which the territory was governed in the final five years of British

rule. As such, it is necessary to briefly examine Governor Patten's reforms and their impact on Hong Kong.

Governor Patten: Reforms and Impact: 1992-1997

It is one of the subtle paradoxes of political systems in transition from authoritarianism to liberalism to democracy that the state, in the first instance, must allow actions to take place that ultimately lead to its downfall. The question is then raised as to how authoritarian was Hong Kong's political system in the first place? If, after all, it sanctions activities that are in the society's (rather than the state's) best interests then it must, in some crucial manner, have already started the liberalisation process.[710] In the post-war period the resolution of this paradox has often depended on a centrally-placed individual to enact the initial changes. An example of such a central figure was Chiang Ching-kuo, whose reforms allowed Taiwan to ultimately embark on its path of social and political liberalisation. In Governor Patten Hong Kong had a similarly reformist figure.

In his address to the opening session of the 1992/93 Legislative Council, Governor Patten clearly outlined his position, both on the characteristics of

[710] By "sanctions" I mean allow an activity or event or issue to run a self-determined course. Even if the activity is not officially state-sanctioned by allowing it to take place the regime is effectively sanctioning the activity.

democracy he believed in and on further political reform in the territory. With regard to the characteristics of democracy, the Governor stated that:

> I have always been moved by Isiah Berlin's description of democracy as "the view that the promotion of social justice and individual liberty does not necessarily mean the end of all efficient government; that power and order are not identical with a straitjacket of doctrine, whether economic or political; that it is possible to reconcile individual liberty - a loose texture of society - with the indispensable minimum of organising and authority.[711]

This viewpoint stood in stark contrast with the previous governors' positions on political reform which held that any political reform contained the inherent risk of social unrest and political instability.[712]

On further political reforms Governor Patten stated that:

> So the pace of democratisation in Hong Kong is - we all know - necessarily constrained. But it is *constrained*, not stopped dead in its tracks....What is more, and this was doubtless recognised by those who drafted the Basic Law, the community wants a greater measure of democracy. Whenever the community is asked that is the answer it gives....Above all, [democracy] provides a well-tried system for a mature and sophisticated people to have a say in how their community is run, and to tell those running it without fear where and when they have got it wrong.[713]

These beliefs established the foundational framework for the rapid implementation of political reforms in the remaining five years of colonial rule.

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[711] Patten, Governor Chris. 7 October 1992. *Our Next Five Years: The Agenda for Hong Kong*. Address by the Governor The Right Honourable Christopher Patten at the opening session of the 1992/93 Session of the Legislative Council. Government Printer, Hong Kong. § 103 pp 30-31

[712] For an example of this view see: Tsang, Steve. 1988. pp 187-190

[713] Patten, Governor Chris. 7 October 1992. § 105- §108 pp 31-32 [..] was added for clarity.

The aim of these reforms was the further development of the Legislative Council to increase the proportion of directly elected members in 1995, with a view to laying the foundation for "a Council composed entirely of directly-elected Members."[714] In particular, these developments included: expanded direct elections to the LegCo in 1995 (20 seats); expanded functional constituencies (30 seats) to reflect a more community, as opposed to business, focus; an elimination of official and appointed members and the establishment of an Election Committee, whose members would be drawn from the District Boards.

The immediate, and sustained, reaction of the local population was overwhelmingly in favour of the Governor's proposals. Despite the fact that forty-nine percent of the local population felt that the reforms would not be agreed to by the Chinese authorities, fifty-six percent thought that the Governor should continue with the political reforms "even if it [made] the 'through train' - under which legislators, elected in 1995, can remain in office after the change of sovereignty - impossible."[715] Despite the fact that in the three year period between the Governor's speech and the implementation of the reforms (the 1994 and 1995 elections) local support did waver and fragment (usually between pro-China/business groups and liberal grassroots groups),

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[714] Ibid. § 125 p 36

[715] Gittings, Daniel. "50pc doubt China will agree policy", in *South China Morning Post*. 11 October 1992

the level of support (as demonstrated in surveys and polls) always remained above fifty percent.[716]

It is interesting to note that legitimacy of Patten's reforms were seen as a separate from the issues from the legitimacy of the Hong Kong government. In other words, although the standing of the Governor in the local community was high (59 percent) there was still a "general lack of confidence in the existing government."[717] This lack of confidence in the Hong Kong government had a flow-on effect to the local perception of the Chinese government which, combined with pre-existing perceptions, "further damaged Peking's legitimacy in the eyes if the Hong Kong people."[718] As a result, it can be concluded that in the latter stages of the transition the issue of democratisation had come to be perceived as a local Hong Kong issue. Furthermore, it can also be concluded that those who opposed further liberalisation (or, as it was being labelled in Hong Kong, democratisation) of the social and political processes, were identified with the three governments. Such an identification helped strengthen the idea of the state versus the society/individual that is central to liberal civil society thought. In turn, this idea helped increase the appeal of

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[716] For a sample of poll or survey reports that span the period 1992 to 1995 see: "Most believe Patten can deliver goods", in *Hongkong Standard*. 15 October 1992; Binks, Mary. "HK democracy push misjudged", in *Hongkong Standard*. 6 August, 1993; Hiraga, Midori and Chan, Laura. "Poll snub for China rule", in *Hongkong Standard*. 15 July 1995.
[717] Lee, Jane C.Y. "The Exercise of PRC Sovereignty: Its Impact on Hong Kong's Governing Process in the Second Half of the Political Transition", in *Issues and Studies*. vol 29 no. 12. December 1993. p 101
[718] Ibid. p 101

those groups which were supported by the grassroots and espoused a liberal-democratic ideology.

In stark contrast to the local population's reaction, the Chinese government was overwhelmingly negative to Patten's reforms, despite his claim of adherence to the Basic Law. Sixteen days after Governor Patten's policy address (23 October), Lu Ping announced the formation of the Preliminary Working Committee (PWC) and the appointment of three tiers of advisers. This shadow government was described by Lu Ping as a "second stove" of power. DeGolyer described this shadow government in the following way:

> The three Beijing tiers are Hong Kong Affairs advisers, PWC members, and Local Affairs advisers. Beijing began to activate its long-developing shadow government, deciding in March 1994 to replace the LegCo, Urban and Regional Councils, and District Boards on the handover. Various subcommittees of the Beijing appointed, partially Hong Kong resident-comprised, PWC began to work out, in secret sessions, detailed arrangements for such crucial issues as elections in 1997 to the SAR bodies, the continuity of members in the civil service, legal provisions for nationality and subversion, and supervisory provisions for infrastructural development.[719]

The creation of the "second stove" was followed up a month later (30 November) with a threat by the Chinese government to void all contracts after the handover unless the companies concerned first sought China's approval.[720]

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[719] DeGolyer, Michael E. "Politics, Politicians, and Political Parties", in McMillen, Donald and Man Si-wai eds.1994. pp 78-79

[720] Chart in the *South China Morning Post*. 4 July 1993. From the Department of Politics and Public Administration, University of Hong Kong University.

This threat was interpreted as an effort to ensure local and overseas companies supported the Chinese position rather than Governor Patten over the proposed reforms.[721]

The following year was a period of increased tension between the Chinese government and Governor Patten. In a effort to sideline Patten, the Chinese authorities agreed to hold talks on outstanding issues with the British government on the basis of previous understandings between the two sides. However, the talks (which lasted from April to November) achieved little. Small compromises were reached: the lowering of the voting age to 18 and the composition of the functional constituencies, but nothing of substance.[722]

In 1994, from the Chinese viewpoint, relations between China and Hong Kong deteriorated significantly. In the first half of 1994 two significant changes were introduced into the electoral system. On 24 February the LegCo passed three "minor" changes to the electoral system in the form of the *Legislative Council Electoral Provisions (Miscellaneous Amendments) (No.2) Bill 1994* (hereafter first 1994 Bill). These changes were: the lowering of the voting age to 18, one seat/one vote electoral procedure, and the abolition of appointed members on

[721] So, Alvin Y. and Kwok, Reginald. "Postscript: Mid-1992 Toward Mid-1994", in Kwok, Reginald and So, Alvin Y. eds. 1995. pp 261-262.
[722] Scott, Ian. "Party Politics and Elections in Transitional Hong Kong", in *Asian Journal of Political Science*. vol. 4 no. 1. June 1996. pp 134-135

the lower tiers of government.[723] On 30 June three "major" changes were introduced and passed in the form of the *Legislative Council (Electoral Provisions) (Amendment) Bill 1994* (hereafter second 1994 Bill). In an expansion of the reformist trend indicated in the first 1994 Bill this second Bill:

> broadened the franchise of certain existing functional constituencies; established nine new functional constituencies encompassing Hong Kong's workforce; and provided for an election committee, comprising district board members, to return 10 members of the Legislative Council in 1995.[724]

The Chinese government's response to both of these Bills was to reiterate its position that it would remove from office any Legislative Councillor elected under the revised system. This brought an abrupt halt to any chance of a political "through train" straddling the retrocession.[725]

At the time of the political turmoil generated by Governor Patten's reforms and the Chinese reaction, two government documents were released for public discussion. The first document was a pamphlet detailing the proposed changes to the functional constituencies. The second document, a White Paper entitled *Representative Government in Hong Kong*, outlined the changes that were to occur in the three tiers of government.

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[723] So, Alvin Y. and Kwok, Reginald. "Postscript: Mid-1992 Toward Mid-1994", in Kwok, Reginald and So, Alvin Y. eds. 1995. pp 262-263; see also: Lau, Emily. "Struggle against Political Apathy", in *South China Morning Post*. 24 January 1994

[724] *Hong Kong 1995: A Review of 1994*. Government Printer, Hong Kong. p 5. Certain words in this quote have had their tense changed to remain consistent with the body of the text.

[725] For a good further discussion on the Chinese government's reaction to the Patten proposals see: Cheng, Joseph Y.S. *Political Participation in Hong Kong: Trends in the Mid-1990s*. Contemporary China Research Centre, City University of Hong Kong. paper presented at the Asian Studies Association of Australia Conference, La Trobe University. July 1996.

One of the first clear steps to the realisation of the reforms advocated by Governor Patten was the publication of the planned changes to the functional constituencies. The rationale for the changes was:

> To increase community participation in the FC elections, the nine new FCs will expand to register as voters in the geographical constituency elections.[726]

This rationale was challenged by the Chinese authorities, who saw the functional constituencies as a form of conservative, and generally supportive, co-opted elite.[727] Governor Patten's plan to not only broaden the electoral basis of the constituencies, but also to broaden the range of the constituencies was seen by the Chinese as an attempt to circumvent the restrictions on further democratisation as laid out in the Basic Law. If it were possible to view the Basic Law as a document reflecting a static society, then the Chinese position on the reforms was perfectly valid. However, Tiananmen and subsequent events had generated the local view that previous understandings concerned with Hong Kong's way of life after the transition were no longer relevant to the territory. Hence, the only safeguard against an encroaching state was an entrenchment of civil and political liberties. The only way to achieve entrenchment was a democratisation of the political system. As the Basic Law did constrain some forms of democratic reforms (for example, the number of

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[726] Constitutional Affairs Branch. October 1992. *An Illustrative Pamphlet on the New Functional Constituencies proposed for the 1995 Legislative Council Elections*. Government Printer, Hong Kong. § 3 p 3

[727] Scott, Ian. "Party Politics and Elections in Transitional Hong Kong", in *Asian Journal of Political Science*. p 134

directly elected LegCo seats), other, non-constrained forms had to be utilised; in particular, the composition and representativeness of the functional constituencies.

The Hong Kong Government's White Paper was released on the same day as the passing of the first 1994 Bill (24 February), entitled *Representative Government in Hong Kong* (hereafter *1994 White Paper*). Unlike previous White Papers, the *1994 White Paper* sought to present the British and Hong Kong governments' arguments for the future development of representative government. In essence it encapsulated the argument behind the 1992 pamphlet on functional constituencies, in particular, the *1994 White Paper* argued that it was necessary to entrench political liberties if Hong Kong's way of life was to be protected after the transition.[728] However, the *1994 White Paper* was also revisionist in the way in which it presented its argument. At one point, for example, the document, in support of the planned reforms, made the claim that:

> It is difficult to envisage the maintenance of the rule of law in a community where the legislative body is neither fairly elected nor free from the possibility of manipulation.[729]

However, the political reality was that Hong Kong had never had such a legislative body and yet had experienced the rule of law. As such, the British

[728] *Representative Government in Hong Kong*. February 1994. Government Printer, Hong Kong. § 84. p 27
[729] Ibid. § 83. p 27

and Hong Kong governments were using a justification for their actions that they themselves had never held. This does not mean that the goal of the *1994 White Paper*, the further liberalisation of the political system, was not, of itself, desired by the Hong Kong people, but that there was an element of political self-serving within the British and Hong Kong government's motivations.

The 1992 pamphlet and the *1994 White Paper* set out the proposals that were then translated into electoral reality by the passing of the first and second 1994 Bills. Despite the objections of the Chinese government, the 1995 and 1996 elections would be held according to the agenda of the British and Hong Kong governments. These elections would represent the culmination of Hong Kong's social and political liberalisation under British colonial rule. It is these elections and their impact on Hong Kong's social and political processes that will now be examined.

Transitional Elections: Round Four

District Boards elections: 1994

Municipal Council elections; Legislative Council and

Functional Constituency elections: 1995

The transitional elections held in 1994 and 1995 were the first and final series of elections conducted under the new Patten-inspired framework. Apart from the changes wrought by the Governor's reforms, these elections were also notably different because of the role played by political parties.

In the wake of their poor performance in the 1991 elections, pro-China and conservative groups had amalgamated to form the Democratic Alliance for the Betterment of Hong Kong (DAB)(1992) and the Liberal Party (1993). In order to capitalise on their electoral success, the UDHK and the MP, in 1994, joined together to form the Democratic Party.

The creation of the pro-China DAB was recognition that if political groups were to successfully contest the elections, party organisation was paramount. Moreover, the "DAB's membership tends to be far more grassroots-oriented".[730]

[730] Lo Shiu-hing. "Political Parties in a Democratizing Polity: The Role of the "Pro-China" Democratic Alliance for the Betterment of Hong Kong", in *Asian Journal of Political Science*. vol 4 no 1. June 1996. p 100.

This move to the grassroots, away from a Beijing-affiliation, can be interpreted as recognition that if a party was to be successful it must be seen to be representative of the people rather than representing the Chinese government. Furthermore, it presented a direct political challenge to the Democratic Party (at that stage the UDHK/MP alliance) as it targeted the Democratic Party's prime constituency.

A year after the creation of the DAB, the Liberal Party of Hong Kong was formed (June 1993). Politically located between the DAB and the democratic parties, the Liberal Party was, on the one hand, seen as representing the conservative big business and economic elites and, on the other hand, trying to establish itself as a grassroots party. The rightwing-business position of the Liberal Party also led to it being perceived as representing the Hong Kong government's interests, but with overtones of appeasement towards the Chinese authorities. These overtones are articulated in the Liberal Party's Memorandum of Association; which states that the first objective of the party is:

> To ensure a smooth transfer of sovereignty in 1997 and a smooth transition through 1997 by supporting the Joint Declaration of the government of the United Kingdom of Great Britain and Northern Ireland and the government of the People's Republic of China on the Question of Hong Kong and the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.[731]

[731] Tsang, Steve ed. 1995. p 231. It must be remembered that this MoA was published after Governor Patten's address to the LegCo; when he outlined his reform proposals. As such, the

In response to the realignment of the pro-China and conservative groups, and to ensure unified campaigns for the 1994/95 elections, the United Democrats of Hong Kong and the Meeting Point groups merged together to form the Democratic Party.[732] To a certain extent the appeal of the Democratic Party (DP) was that it was the party of the moment. In other words, given the stated Chinese position that after the handover the through train of political reform would not be followed, the DP represented an opportunity for the local population to voice their opinion as to their preferred form of political system. However, from a Hong Kong perspective, the DP's appeal lay in its grassroots basis. It not only *aimed* to be representative of the people but it *was* representative of the people. The DP's representative nature was reflected both in the voting patterns of the Hong Kong people and in the new party's manifesto, which went further than either the DAB or the Liberal Party in proclaiming its grassroots base. As the manifesto, released on the 18 April 1994, stated:

> The Democratic Party is a local political party which is devoted to the affairs of Hong Kong and cares about China. We are willing to serve Hong Kong and China, and wish democracy, progress, and prosperity for Hong Kong and China. We firmly believe that public support

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calls for a smooth transition and an adherence to the Joint Declaration and Basic Law are similar to the denunciations and alternate suggestions put forward by the Chinese government in response to the reforms. In this sense the orientation of the Liberal Party is supportive of the status quo; which positions it against Governor Patten and the democrats and towards the DAB and the Chinese government.

[732] For a good analysis of the Democratic Party see: Yu Wing-yat. "Organizational Adaption of the Hong Kong Democratic Party: Centralization and Decentralization", in *Issues and Studies*. vol 33 no. 1. January 1997. pp 87-115

> is the foundation of the Democratic Party and the public's will is our will.[733]

Although there were a number of minor parties as well as independents who took part in the 1994 and 1995 elections, in the main these elections were characterised by the involvement of these three parties. It is these elections that will now be analysed.

District Board elections: 18 September 1994

The elections to the District Boards, held in September 1994, were the final District Board elections for the colony of Hong Kong. In line with Governor Patten's reforms, there were no appointed Official or Unofficial members. Instead all seats, except for the ex-officio Rural chairmen (27 seats), were directly elected (346 seats).

The change to District Boards constituted by directly elections, as well as the involvement of the new political parties, further increased the political mobilisation of the population. This was reflected both in the number of candidates standing for election and in the voter turnout. In all 757 candidates stood for the 346 seats; the highest number in any District Board election. Moreover, the involvement of the political parties was reflected in that of the

[733] Tsang, Steve ed. 1995. p 234

757 candidates 402 were nominated by a political party. Furthermore, of these 402 candidates, 305 were nominated by the three major parties (133 - DP, 89 - LP and 83 -DAB).[734] The 1994 District Board elections were also notable for the high turnout of registered voters; with 693 223 voters casting their vote. Although in percentage this was only an increase of 0.6 percent on the 1991 elections, in real figures it represented an increase of 269 180 voters.[735]

As with the 1991 District Board elections, the broad results of the 1994 election were never in doubt. Given the prevailing negative reaction to China's ongoing denunciations of Hong Kong's political reforms, and Governor Patten's popularly-received calls for greater democratisation, as well as the party's already well-established position, it was not surprising that the newly formed Democratic Party won the greatest number of seats. In all, the Democratic Party won 75 seats. This, in conjunction with the ADPL's 29 seats, gave the two main liberal-democratic parties 30 percent of all elected seats - the largest allied party bloc.[736] The pro-China DAB won 37 seats; whilst the Liberal Party and LDF won 18 and 12 seats respectively.[737] However, the largest bloc of seats were won by non-aligned independent members. In terms of the

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[734] "How the parties fared", in *Hongkong Standard*. 20 September 1994.
[735] Moriarty, Francis and Cheung, Jim. "693,000 in first test for Patten reforms", in *Hongkong Standard*. 19 September 1994; Fitzpatrick, Eamonn and Fraser, Niall. "Voter numbers rise, percentage drops", in *Eastern Express*. 19 September 1994.
[736] Political Desk. "Democrats control 22pc", in *South China Morning Post*. 20 September 1994
[737] Li Pang-kwong. "Elections, Politicians, and Electoral Politics", in Cheung, Stephen Y.L and Sze, Stephen M.H. eds. 1995. *The Other Hong Kong Report: 1995*. Chinese University Press, Hong Kong. p 59

political orientation of the District Boards, the predominance of independent's indicated that the boards would remain conservative or pro-China. As Li stated: "many of the non-aligned DB members, in fact, [held] a conservative political outlook or have a close relationship with the leftists and/or the conservatives."[738]

The involvement of the DAB also signalled a new approach by the pro-Chinese media to the elections. Although the Chinese government still maintained that after the retrocession the District Boards members would no longer hold their seats, the media (which was perceived as expressing the Chinese viewpoint) began to positively respond to the staging of elections. This shift was legitimated by dividing the previous unified opposition against the elections into two separate arguments: one which viewed Patten's reforms negatively; and one which saw active participation in the elections (in particular, voting for the pro-China parties and individuals) as an expression of patriotic duty. For example, as the pro-China Wen Wei Po stated:

> Actively participating in the elections and identifying with Chris Patten's package are two different matters. Voters are exercising their rights when they actively participate in the elections. The returning through election of a group of motherland and Hong Kong-loving people was district board members will help to a certain extent to stop Chris Patten's package from sowing confusion and hurting the interests of the Hong Kong people.[739]

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[738] Ibid. p 59 [..] was changed to fit the tense of the paragraph.

[739] "Vote for those who love the motherland and Hong Kong", in *Wen Wei Po*. [in Chinese] 18 September 1994. as reported by the *Summary of World Broadcasts* FE/2104 F/1 19 September 1994.

Despite the low percentage turnout, the District Board elections were locally viewed as a success. Editorials in the two largest English-media papers, the *South China Morning Post* and the *Hongkong Standard*, reflected public opinion when they stated that the Hong Kong people had become more politically aware and that, in turn, the major parties had all worked to develop grassroots networks.[740] Moreover, the *South China Morning Post* editorial identified the changes in the vertical relationship between the District Boards and the government when it stated that: "as the Boards learn to play up their popular mandate, the Government may find them harder to ignore."[741] That the District Boards in 1994 could influence or direct government policy was a significant change from their original role. It was a development indicative of the removal of the high level of path dependency that had previously characterised the lowest level of Hong Kong's political system. This development also meant that the highest level of Offe's model, as it has been applied in this dissertation, was also becoming less path dependent; although its characteristics still remained largely conservative.

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[740] See: "Hard to unwind clock", in *South China Morning Post*. 20 September 1994; "poll results show maturity of voters", in *Hongkong Standard*. 20 September 1994.
[741] "Hard to unwind clock", in *South China Morning Post*. 20 September 1994

Municipal Council Elections: 6 March 1995

Six months after the District Board elections had taken place, elections to Hong Kong's second tier of government, the Municipal (Urban and Regional) Councils were held. As was demonstrated in the previous year's District Board elections, there was a high degree of political party involvement in the MunCo electoral process. In all, 135 candidates stood for election, of which 87 (64 percent) were affiliated with a political party.[742] In part reflective of the high number of candidates, as well as the increasingly politicised nature of the territory's political system, the 1995 MunCo elections had the highest level of voter turnout since the two councils were inaugurated. As Li summarised:

> A total of 561, 778 voters turned up in the elections and the turnout rate was 25.8 percent. Compared with that of the 1991 polls (N= 393,764; 23.1 per cent), there was a growth of 168, 014 voters in absolute terms. This represented a 42.7 per cent of growth above that of 1991.[743]

The results of the 1995 MunCo elections can be seen as a continuation of the trend first established in the 1991 series of elections. The Democratic Party, the ADPL and aligned liberal independents won 25 of the 77 seats (from both Councils). In comparison the pro-China DAB, the second most successful party, won 10 seats.[744] The pro-China media sustained the approach they had

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[742] Li Pang-kwong. "Elections, Politicians, and Electoral Politics", in Cheung, Stephen Y.L and Sze, Stephen M.H. eds. 1995. p 61
[743] Ibid. p 61
[744] Regional Briefing. "Hong Kong: Democrats' Victory", in *Far Eastern Economic Review*. 16 March, 1995. p 13

taken in the 1994 District Board elections, dividing their analysis between attacking the "three violations" policy of political reform proposed by Governor Patten and supporting the "friends of the mainland".[745] However, the pro-China media also began to position itself against the Democratic Party; calling for an end to the "one-party monopoly".[746] This one party was the Democratic Party.

Both the 1994 District Board elections and the 1995 Municipal Council elections were, however, only viewed as preliminary skirmishes for the main battle, the September 1995 direct and indirect elections to the Legislative Council.

Legislative Council and Functional Constituency Elections: 17 September 1995

> On Sunday 17 September, the voters went to the polls, filing into schools and other public buildings in a quiet and orderly fashion, confirming the view that the citizens of Hong Kong were quite mature enough to participate in the democratic process so belatedly bequeathed to them.[747]

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[745] "Lu Ping comments on elections", *Zhongguo Xinwen She* [in English] 1305 gmt. 7 March 1995. as reported by the *Summary of World Broadcasts* FE/2247 F/1-2 9 March 1995; See also: Liu Yueh-ying. "Zhou Nan reiterates that urban and regional councils will not make the transition beyond 1997", *Ta Kung Pao* [in Chinese] 7 March 1995. as reported by the *Summary of World Broadcasts* FE/2247 F/2 9 March 1995. The three violations was the mainland term for the threefold "big" reform package advocated by Governor Patten (as previously detailed in this chapter).

[746] Source: "'Wen Wei Po' analyses Hong Kong election results", [in Chinese] 7 March 1995. as reported by the *Summary of World Broadcasts* FE/2248 F/1 10 March 1995. The irony of a pro-China media outlet calling for an end to one-party domination seems not to have been recognised by the WWP editors.

[747] Dimbleby, Jonathan. 1997. p 300

Nearly a year after it had begun, the series of elections based upon Governor Patten's political reforms reached a conclusion with the staging of direct elections to the Legislative Council, based upon geographical constituencies, and the elections to the functional constituencies, based upon an expanded franchise covering the entire voting population. The effect of these reforms was to expand the directly electable seats to 20 (the maximum permitted under the Basic Law), increase the functional constituency seats to 30 and to allocate 10 seats to the Election Committee.

In addition to the shift towards a Council composed of either directly or indirectly elected members, the 1995 LegCo elections were also important for the development of the party structure in Hong Kong's political processes. This development was evidenced by the high level of political party involvement in the election campaign as well as in the proportion of party members who won seats.[748] As was the case for the 1994 District Board elections and the 1995 Municipal Council elections, the three main parties were the Democratic Party, the DAB and the Liberal Party.

Although the Democratic Party was the principal liberal-democratic party contesting the election, the 1995 LegCo election was characterised by the relatively large numbers of other minor liberal-democratic parties and groups.

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[748] On this point see: Yeung, Chris. "Political Parties", in Cheng, Joseph ed. 1997. *The Other Hong Kong Report 1997*. Chinese University Press, Hong Kong. p 49

The majority of these minor parties had formed since the liberal success in the 1991 LegCo elections. An example of such a party was the United Ants; a small party that declared itself to be even more democratically inclined than the Democrats.

In addition to the Democratic Party, the other major liberal-democratic party was the ADPL. However, unlike the Democratic Party's territory wide approach to politics, the ADPL was more of a geographically-limited party (in Kowloon). Moreover, by the 1995 elections differences had emerged between the approaches taken by the ADPL and the Democratic Party; in particular over the different manner in which relations with Beijing were undertaken. For example, ADPL members actively sought membership on a number of Beijing appointed bodies, whilst the Democratic Party refused to countenance such a move.[749]

The 1995 LegCo elections also demonstrated a further evolution of the liberal-democratic parties. Whereas in the 1991 elections the three main parties (UDHK, MP and ADPL) were still encountering difficulties recruiting candidates under their respective banners, by the 1995 elections there was a large enough supply of potential candidates for preselection to be more than a

[749] "Democrats polls apart", in *South China Morning Post*. 9 April 1995.

pro forma exercise.[750] Furthermore, the parties had developed a greater sense of party structure and discipline. An example of this can be seen in the expulsion of Alfred Au Ning-fat from the ADPL for refusing to publicly withdraw his support for DAB candidate William Wan Hon-cheung.[751]

The principal opposition to the democratic parties were the pro-China parties and groups. As was the case in the 1991 election series, the main pro-China party was the DAB. In contrast to its 1991 approach to politics, the 1995 elections witnessed a DAB campaign far more grounded in the grassroots than had previously been the case. Moreover, the DAB sought to capitalise on the transition with emphasis placed "on its ability, in contrast to the democrats, to intercede with the Chinese government on behalf of the Hong Kong people."[752] In a similar manner to the Democratic Party and the United Ants, the DAB was supported by the Progressive Alliance (in the geographical constituencies) and the New Hong Kong Alliance (in the functional constituencies).

The other main party, the conservative Liberal Party, with its narrow business-orientation was at a distinct disadvantage in popular elections. As well as being perceived as a party of business, the Liberal Party was also

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[750] Here I am comparing the 1995 preselection process with previous preselections. In the earlier instances it was more a case of "will you run under our banner?" as opposed to "do you meet our criteria?"
[751] An account of this is contained in: Ng, Catherine. "Expulsion for backing pro-China candidate", in *South China Morning Post*. 9 September, 1995.
[752] Scott, Ian. "Party Politics and Elections in Transitional Hong Kong", p 139

disadvantaged by its pro-China stance which, in the absence of any ameliorating grassroots links to the electorate, was seen as a negative aspect by the local population. Another disadvantage the Liberal Party faced in winning seats was the high degree of individualism in the party. In other words, unlike the discipline and unity of the Democratic Party, Liberal Party members did not always vote as a bloc. An example of this was the vote on the Court of Final Appeal; when only 5 of the 10 Liberal LegCo members supported their leader's (Allen Lee Peng-fei) amendments to the bill.[753]

The elections for the directly-electable seats mirrored the trends established at all three tiers since the 1991 elections. As had been the case since the 1991 elections, the liberal-democratic parties garnered the majority of votes and seats. Of the 24 candidates who stood for election, 16 were returned (DP - 12, ADPL - 2, democratically-aligned independents - 2). By contrast, the pro-China parties and groups only returned 2 candidates out of a field of 17 (DAB- 2). The conservative parties concentrated on the functional constituencies and only fielded 2 candidates; of whom 1 was returned (LP). The remaining seat was won by an independent candidate (Andrew Wong Wang-fat - New Territories Southeast seat).[754]

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[753] "Lee sees the light of democracy", in *South China Morning Post*. 29 July, 1995.
[754] "The results in full", in *South China Morning Post*. 19 September, 1995.

The elections for the functional constituency seats did not, however, continue the trend of liberal-democratic party dominance. In a reversal of their earlier win the democratic parties and groups only won 9 seats, from 12 candidates. The pro-China candidates returned 6 members, from 19 candidates. In contrast, the Liberal Party's decision to concentrate on the functional constituencies saw 8 LP candidates elected out of a combined field of 14 (LP -12 and LDF -2). The remaining 7 seats were held by independents (6 seats) and a representative of the Federation of Hong Kong and Kowloon Labour Unions (FLU)(1 seat).[755] The results of the functional constituency elections meant that, unlike the geographical seats, the democratic parties would not command an outright majority.

This trend towards a share of the LegCo seats, as opposed to an outright majority, was further entrenched in the Election Committee seats. For the ten seats the breakdown was: democratic parties -3; pro-China parties - 5; conservative parties - 1; and independents - 1.[756] Thus, of the sixty LegCo seats open to election (direct or indirect), democratic parties won 28, pro-China parties returned 13 candidates, conservative parties held 10 and other minor parties (including unions and independents) won the remaining 9 seats. This result was seen as a reaffirmation by the Hong Kong people of their desire for a

[755] Source for these figures is: Scott, Ian. "Party Politics and Elections in Transitional Hong Kong", in *Asian Journal of Political Science*. p 140
[756] Ibid.

continuance of the liberalisation of the political system with a perceived end result of the introduction of full democracy along Western lines.[757]

Despite the fact that it had openly supported parties and individuals with a pro-China stance, the Chinese government reiterated its hardline stance that, after the retrocession, the Legislative Council would be replaced by a provisional legislature of China's choosing. As Xinhua (Beijing) stated:

> The Chinese government and the Standing Committee of China's National People's Congress (NPC) have made it clear that Hong Kong Legislative Council, district boards and municipal councils elected under Patten's package will stop functioning in mid-1997 when China resumes the exercise of sovereignty over Hong Kong.[758]

The success of the parties in the 1995 elections entrenched the liberalisation of the grassroots. Indeed, if Hong Kong's political system was confined to the District Boards and the Municipal Council, then it would be possible to use the term non-institutionalised democracy, that is, a democratic system that had yet

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[757] See: Wing Kay-po. "Formidable shift in power stakes", in *Eastern Express*. 19 September 1995; Fung Wai-kong and Lok Wong. "Battle for control of LegCo", in *South China Morning Post*. 19 September 1995 and Godfrey, Paul. "US applauds victory for democracy", in *Eastern Express*. 20 September 1995

[758] Xinhua. "China reiterates Hong Kong assembly will "stop functioning"", in *Xinhua* (Beijing) [in English]. 0237 gmt 17 September 1995, as reported in *Summary of World Broadcasts*. FE/2412 F/1. 19 September 1995. for additional Chinese responses see: Xinhua. "Xinhua spokesman on "unfair and unreasonable" election; UK framework will go", in *Xinhua* (Beijing) [in English]. 0938 gmt 18 September 1995. as reported in *Summary of World Broadcasts*. FE/2412 F/2. 19 September 1995; Xinhua. "Beijing's position unchanged by election results", in *Xinhua* (Beijing) [in English] 0926 gmt 19 September 1995. as reported in *Summary of World Broadcasts*. FE/2413 F/1. 20 September 1995; Xinhua. "Chinese spokesman: no elected council member will serve after 1997", in *Xinhua* (Beijing) [in English] 0926 gmt 19 September 1995. as reported in *Summary of World Broadcasts*. FE/2413 F/2. 20 September 1995 and Chan, Laura. "All 'through train' hopes derailed", in *Hongkong Standard*. 19 September 1995.

to be institutionalised through two transfers of political power. This was despite the fact that one such transfer had, arguably, occurred - the transfer from the conservative to the democratic forces. Such a conclusion could be reached because, despite the fact that the holding of elections at the two lower tiers had been a product of a political space being created by the state, in 1995 the state withdrew from these tiers. To use Offe's terminology, this meant that the two lower levels were no longer path dependent but charted their own path, or would have done so if not for the retrocession. However, it is important to remember that the path beginning to be charted was still largely conservative and not necessarily inclined to the adoption of liberal-democratic institutions. The *potential* for non-path dependent politics at the highest level was expressed but not realised with the 1995 LegCo elections. The 1995 LegCo's term of eighteen months saw a reassertion of the state. This was not the state that was already present, but the state that was to be - China.

Bringing the State Back In: September 1995 - July 1997

If the 1995 elections were able to be conceived as the peak of Hong Kong's liberalisation, then the post-election period could be regarded as the downward slope. Almost immediately following the LegCo elections, attention was turned to the selection process of the Chief Executive-designate, the

establishment of the provisional SAR legislature and the repeal of elements of Hong Kong's civil liberties.

The attention given to these issues reached a crucial point just over a year after the 1995 election series. By this time four main candidates (Sir Ti Liang Yang, Simon Li Fook-sean, Peter Woo and Tung Chee-hwa) had emerged to declare their intention to contest the election for the Chief Executive-designate.[759] On 2 November, 1996 the process of selecting one of the candidates began with the creation of the Selection Committee by the China-created Hong Kong Preparatory Committee. The process of appointment to the 400-member Selection Committee was seen by Hong Kong's democrats, on the one hand, as being indicative of the undemocratic methods which would be used after the handover.[760] On the other hand, the Chinese authorities, proclaimed that it was "the birth of true democracy" in Hong Kong.[761] The reality of the situation, however, lay closer to the Hong Kong version rather than China's version of the event. In other words, despite the fact that the method of choosing the

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[759] Stormont, Diane. "Wooing Hong Kong hearts and minds no easy task", in *clari.world.asia.hong_kong Article: 4433*. 20 October 1996. 4:30:39 PDT; "Pragmatic Tung promises to play it by the book", in *Hongkong Standard*. http://www.hkstandard.com/online/news/001/hongkong/news002.html. 10/24/96 11:58:46 PDT; "Li driven to enter race by 'obligation' to serve his home", in *Hongkong Standard*. http://www.hkstandard.com/online/news/001/hongkong/news003.html. 10/24/96 11:59:30 PDT and "Sir TL admits Li candidacy may take votes away", in *Hongkong Standard*. http://www.hkstandard.com/online/news/001/hongkong/news004.html. 10/24/96 12:00:29 PDT.

[760] Dickie, Mure. "China names HK chief selectors, date of choice", in *clari.world.asia.hong_kong Article: 4480*. 2 November 1996 12:40:52 PST

[761] Stormont, Diane. "Hong Kong set to get leader-in-waiting this week", in *clari.world.asia.hong_kong Article: 4648*. 8 December 1996 0:50:30 PST

Chief Executive was more participatory than the process of choosing the Governor of Hong Kong, the method of selecting the candidates demonstrated that the entire process was proceeding according to a preconceived plan of the Chinese authorities.[762]

The process of selecting the Chief Executive-designate was separated into two rounds of voting: one on the 15 November, 1996 and one on the 11 December, 1996. The first round eliminated all but three candidates: Tung Chee-hwa, Yang Ti-liang and Peter Woo. However, the first results of the first round indicated a clear preference for Tung Chee-hwa, who polled 206 out of the 400 votes.[763] This predisposition towards Tung was increased in the second round when he gained 320 votes, enough to win selection.[764]

In between Tung Chee-hwa's selection and the handover, the Chief-executive-designate outlined the manner by which the Hong Kong SAR would be governed. In keeping with a region under the overall control of the Chinese leadership, the future government outlined by Tung was more autocratic than what the territory had recently experienced. An example of this was Tung Chee-hwa's plan to have both civil and political liberties ordinances repealed

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[762] Stormont, Diane. "China insists HK leadership race is representative", in *clari.world.asia.hong_kong Article: 4488*. 4 November 1996. 2:10:23 PST.
[763] Sung, Baby. "Tung says he got more than expected", in *Hongkong Standard*. http://www.hkstandard.com/online/news/001/hongkong/ news001.html. 11/16/96. 17:41:58 PDT.
[764] C-Reuters@clari.net. "Losers congratulate Hong Kong's leader-in-waiting", in *clari.world.asia.hong_kong Article: 4690*. 11 December, 1996. 1:51:12 PST

once the provisional legislature held its first session. This plan was reiterated and reinforced at the handover ceremony when the first Chief Executive stated that although the SAR was a tolerant society, "Chinese values" also needed to be taken into account when governing the territory. Chief Executive Tung provided an example of such values when he said that:

> We value plurality, but discourage open confrontation; we strive for liberty, but not at the expense of the rule of law; we respect minority views, but are mindful of wider interests; we protect individual rights, but also shoulder collective responsibility.[765]

Nine days after the Selection Committee had decided that Tung Chee-hwa should be the first Chief Executive of the Hong Kong SAR, it met again to decide who should be a member of the provisional legislature - the central decision making body that was to replace the 1995-elected Legislative Council. This body was only considered "provisional" as it had a limited operating term: from 1 July, 1997 to 1 July, 1998.[766] Although the creation of the provisional legislature was denounced as illegal by the democratic politicians, and "stomach churning" by Governor Patten, the legislature's creation can be seen as a natural outcome of China's position on the 1995 LegCo.[767]

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[765] "HK to be tolerant, but with "Chinese values", says Tung", in *South China Morning Post*. http://www.hongkong97.com/news/Article 1997070216946676.html. 09/17/97 13:05:34 PDT

[766] Allen, Jamie. 1997. *Seeing Red: China's Uncompromising Takeover of Hong Kong*. Butterworth-Heinemann Asia, Singapore. p 123

[767] Tan Ee Lyn. "China defies World Court threat, picks HK lawmakers", in *clari.world.asia.hong_kong Article:4769*. 21 December, 1996. 2:00:20 PST; O'Callaghan, John. "Hong Kong demonstrators protest at China plans", in *clari.world.asia.hong_kong Article: 4772*. 21 December, 1996. 7:31:23 PST and C-reuters@clari.net. "Patten says HK vote procedure "stomach churning", in *clari.world.asia.hong_kong Article: 4775*. 21 December, 1996. 8:40:28 PST.

If the Chinese authorities' continued attacks on both the foundation of the 1995 LegCo and the Democratic Party were considered together, then the outcome of the Selection Committee's meeting (21 December, 1996) into the composition of the provisional legislature was not surprising. The Democratic Party and aligned independents lost all their seats. The pro-China and conservative parties and groups were allocated an increased proportion of seats. As a result, the balance shifted from being politically reformist to overwhelmingly conservative. The only democratic party to remain was the ADPL, proof that their decision to become more open to dialogue with the Chinese authorities was the correct strategic-political decision. A comparative breakdown of the 1995 LegCo and 1997 provisional legislature, by political affiliation, is as follows.[768]

[768] The source for the following table is: Yeung, Chris K.H. "Political Parties", in Cheng, Joseph ed. 1997. p 70

TABLE 10.3

Political Affiliations in the 1995 Legco and the Provisional Legislature

	Name of party or group	Number of seats
1995 Legco	Democratic Party	19
	Liberal Party	10
	DAB and FTU	7
	ADPL	4
	HKPA	2
	LDF	1
	NHKA	1
	123 DA	1
	Independents	15
Provisional Legislature	DAB/FTU	11
	Liberal Party	10
	HKPA	6
	ADPL	4
	LDF	3
	Democratic Party	0
	123 DA	0
	Independents	24

DAB/FTU: Democratic Alliance for the Betterment of Hong Kong/Federation of Trade Unions
ADPL: Association for Democracy and People's Livelihood
HKPA: Hong Kong Progressive Alliance
LDF: Liberal Democratic Federation
NHKA: New Hong Kong Alliance
123 DA: 123 Democratic Alliance

For the first seven months of its existence the provisional legislature met over the border in neighbouring Shenzhen. This did not prevent it from debating and passing a number of bills that would be enacted once the legislature met for the first time in Hong Kong's council chambers. In keeping with Chinese opposition to civil and political reforms introduced by the colonial administration, one of the first acts of the provisional legislature was to

determine which reforms would need to be readdressed.[769] In particular, the provisional legislature passed amendments to, or entirely repealed, the laws which dealt with: permanent residency, the structure of the municipal councils, the Bill of Rights and the maintenance of public order.[770]

The debate over the changes to Hong Kong's civil and political liberties dominated the territory's political stage in the post-1995 period. The election of a Chief executive-designate committed to a more autocratic regime than Hong Kong was then experiencing, as well as the appointment of provisional legislators willing to enforce that commitment, further fuelled the debate.

Two of the most contentious proposals debated were the suggestions to repeal the *Public Order (Amendment) Ordinance* and the *Societies (Amendment) Ordinance*. The repealing of the two amended Ordinances was of particular concern to the democratic parties in the territory as, taken together, they gave the SAR government the power to declare any political party illegal. Moreover, the repeal of the *Public Order (Amendment) Ordinance* required any society or political party to gain police permission before holding a demonstration. In addition to these proposals, the supremacy of the Bill of Rights (BoR) was also questioned. In particular, it was proposed that Articles 2(3), 3 and 4 be

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[769] Tan Ee Lyn. "Future HK Chamber spurns threat", in *clari.world.asia.hong_kong Article: 6317.* 7 June, 1997. 4:21:11 PDT

[770] "Laws to be scrapped", in *South China Morning Post.* 20 January, 1997

repealed which would make the BoR subordinate to other laws; removing its entrenched status.[771]

Despite local support for the amended ordinances and the retention of the BoR in its original form, at the first meeting of the provisional legislature following the handover the amendments were repealed and the BoR reduced to a subordinate status. Moreover, for the first time in Hong Kong's history, the sanctity of national security was introduced as a guiding principle in defining public disorder.[772] However, even though the amendments have been repealed, there has been no utilisation (up until September, 1997) of the new ordinances, despite demonstrations without approval or notice. A neutral interpretation of this fact would be that the SAR government is predisposed to acting in a similar manner to the Hong Kong colonial government. In other words, even though the Ordinances exist, there is no inclination to apply them.

Nevertheless, from the preceding analysis of late-colonial social and political developments, it is clear that the last portion of the transition was marked by a renewal of the dominance of the state in Hong Kong's affairs. This was not surprising, given that the political regime to which Hong Kong was being returned was authoritarian and that some convergence was necessary if the

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[771] For a good, recent discussion of the Bill of Rights and associated issues see: Cheung, Arthur K.C. "Bill of Rights - The Hotbed of Challenge", in Cheng, Joseph ed. 1997. Chapter 7.
[772] Tan Ee Lyn. "Hong Kong empowers police to ban protests and groups", in *clari.world.asia.hong_kong Article: 8191*. 18 July, 1997. 9:21:47 PDT

retrocession was to proceed smoothly. However, arising from this development is the question as to its implications for the natural evolution of a liberal-democratic state in Hong Kong. This question will be answered in the next chapter.

Conclusion

This chapter has attempted to analyse the political and social developments that took place in Hong Kong from Tiananmen until the time it was handed back to the government of the People's Republic of China on 1 July, 1997.[773] These developments were characterised by a rapid liberalisation in both the public and private space. This liberalisation had three principal aspects. Firstly, it has been demonstrated that such liberalisation was a response to the

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[773] For the ceremonial addresses by Jiang Zemin, Li Peng and Tung Chee-hwa (respectively) see: "Zai Zhong-Ying liangguo zhengfu juxing de Xianggang jiaojie yishi shang de jianghua: Zhonghua Renmin Gonghe Guo Zhuxi - Jiang Zemin" (在中英两国政府举行的香港交接仪式上的讲话:中华人民共和国主席江泽民)(An address at the Hong Kong ceremony jointly held by the Chinese and English governments: Chairman of the People's Republic of China - Jiang Zemin), in *Renmin Ribao* (人民日报) (*People's Daily*) 2 July 1997. p 2; "Zai Xianggang tebie xingzheng qu chengliji tebie xingzhengqu zhengfu xianshi jiuzhi yishi shang de jianghua: Guowuyuan Zongli - Li Peng" (在香港特别行政区成立暨特别行政区政府宣誓就职仪式上的讲话:国务院总理 - 李鹏)(An address at the inauguration ceremony for the establishment of the special regional government of the Hong Kong Special Administrative Region: State Council Premier - Li Peng), in Ibid. p 2; "Zai Xianggang tebie xingzheng qu chengliji tebie xingzhengqu zhengfu xianshi jiuzhi yishi shang de jianghua: Zhonghua Renmin Gonghe Guo Xianggang tebie xinhzheng qu di yi ren xingzheng zhangguan - Tung Chee hwa" (在香港特别行政区成立暨特区政府宣誓就职仪式上的讲话: 中华人民共和国香港特别行政区第一任行政长官 董建华) (An address at the inauguration ceremony for the establishment of the special regional government of the Hong Kong Special Administrative Region: First appointed Chief Executive Officer of the Special Administrative Region, People's Republic of China - Tung Chee-hwa), in Ibid. p 2.

impact in Hong Kong of actions undertaken by the Chinese authorities; both in China and in their attitude towards Hong Kong. Secondly, this chapter has confirmed that the actions of the state (in the form of Governor Christopher Patten) accelerated the liberalisation of the social and political spaces. Finally, it has been verified that there did exist a social basis for the liberalisation of the state. Thus, despite the fact that the opening up of the political space was an action undertaken by the Hong Kong state, there already existed a demand within the society for such an action to occur. As a result, it is possible to conclude that, at the end of the transition period, the liberalisation of Hong Kong was, in fact, being popularly driven as the state no longer *chose* to direct its course. The effect of this liberalisation of the political space was to remove the predetermination previously dictated to the nation by the state. In turn, this meant that, at least at the lower levels, there was no longer a proscribed developmental path for the Hong Kong people to take. This removal of the path dependent nature of the two lower tiers affected the way in which the highest level operated. In particular, this change gave the political sphere the *potential* to choose its own path; or, it would have done, had not the territory been handed over to its new sovereign. This conclusion raises the question that, if the liberalisation was popularly driven, to what extent could it have further evolved into democratisation? This question will be answered in the next chapter.

Section 5

Chapter Eleven

Synthesis and Conclusion

This dissertation has established that the political structure which developed during the transition period (1984-1997) was a natural result of the territory's social and political evolution. This structure was characterised by the development and maintenance of an illiberal political space but a liberal social space. This conclusion has been based upon the preceding analysis of Hong Kong from an economic, social and political perspective. Each of these perspectives has been examined through the utilisation of a three-tiered conceptual model which systemically described a nation-state's political activity as the result of the formation of a local identity embedded within an institutional regime or operating system. In applying this model to the case of Hong Kong, a further perspective had to be factored into the analysis - that of the 1997 retrocession. This dissertation links each of these perspectives to provide a new interpretation of the changes experienced by Hong Kong as it approached the handover.

However, before the conclusions of this interpretation can be drawn it is necessary to highlight the main aspects of my argument.

Synthesis

This dissertation began with the presentation of a model of an "operative political system."[774] This model has provided the conceptual framework for the arguments contained in this dissertation. In addition, I stated that the implications that this model held for Hong Kong's social and political systems would need to be placed against the combined effects of the territory's modernisation and the retrocession.

The model, adapted from a one first presented by Claus Offe, established an interrelated hierarchy of three tiers (these being: an identity, an operating system and politics). In this model the combination of the two lowest tiers (identity and the operating system) determines what type of activity will occur in the third tier (politics). However, drawing from Offe's model, I also argued that the interdependent relationship between the three tiers could allow the highest tier to direct the two lower tiers and so guarantee a predetermined outcome. This conceptualisation could be readily adapted to the study of Hong Kong as political activity always occurred under a colonial (or authoritarian) regime. Thus the state was actively involved in both shaping the nation-state and in defining the operating system of the polity.

[774] Offe, Claus. "Capitalism by Democratic Design", p 869

Furthermore, in the case of Hong Kong, it was determined that, within the highest tier a further three level interdependent model could be applied (to the operations of the District Boards, the Municipal Councils and the Legislative Council) - using the same rules of relationship as had been applied between the three tiers. As such it can be said that the activities in the District Boards and MunCos flowed upwards to influence the behaviour of the LegCo, whilst the activity in the LegCo flowed downwards to affect the activity in the District Boards and MunCos. Given that for much of Hong Kong's history the LegCo was the dominant body, the latter instance was the general rule. However, it was shown that, during the transition period, the dominance of the LegCo, over the two subsidiary bodies, began to be eroded.

Hong Kong's rapid development in the post-1945 period made it necessary to examine the territory's social and economic changes. It was found that by the handover, Hong Kong had been transformed from a narrow, expatriate-elite controlled structure to a broad structure with a more pluralised distribution of economic, social and political resources. This transformation altered the way in which the polity operated; both in terms of its discrete units (the identity, the operating system and the political space) and the interdependent nature of their relationship. This transformation provided the conceptual backdrop against which the three tiers of the Hong Kong polity were then examined.

The First Tier: Identity

The first of the model's tiers was an identity, based upon a nation-state. This presented a problem as Hong Kong had always been a colony. In other words, it never formally achieved a post-colonial condition of independence that would have allowed it to develop into a nation-state. Hence, before an identity could be examined, it was necessary to detail to what extent Hong Kong, whilst remaining a colony, had developed the characteristics of a nation-state.

In the case of Hong Kong as a state it was concluded that, over a period of time (in particular the transition period), Hong Kong had developed, to all intents and purposes, all the characteristics of a modern state. This conclusion was reached following an examination of Hong Kong as a state identity at an international and domestic level. This analysis demonstrated that, as an entity at the international level, Hong Kong does function as a *de facto* state. This can be seen in the standing the territory has in international organisations (such as APEC) as well as in the status its representatives (for example the Governor) have been accorded by heads of state. In both instances (of the territory or its representatives) state-level recognition have been accorded to Hong Kong.

On a domestic level it was determined that a Hong Kong state existed. The existence of a domestic state was demonstrated from a structuralist as well as a

popularist perspective. In structural terms it can be said that there was a Hong Kong state insofar as the apparatuses of the state (executive, legislative, bureaucratic and judicial) were in daily control of the activities that occurred within the state's boundaries. In addition to the existence of the state from a structuralist perspective, the Hong Kong state's existence was also demonstrated through its popular support. That is, at least a majority of people in Hong Kong viewed the colonial government as the legitimate government of the territory. It was further demonstrated that, as the transition period progressed, this popular acceptance increased. It was also noted that in some cases this popular support was constructed by the state for its own purposes. An example of this was seen in the case of the operations of the Community Relations Department.

When examining Hong Kong as a state it was seen that there remained constraints on its functioning that prevented it from developing full statehood. The greatest constraint on the development of the Hong Kong state was that it would undergo a transition from a colony to a Special Administrative Region without ever becoming independent. In this sense the state was constrained from reaching full development. However, as a counter to this constraint, it was also shown that the inevitable expiry of the New Territories lease caused the Hong Kong state to develop along its own particular path. Thus, despite

the fact that Hong Kong had been and would be relegated to a *de facto* state position, this was, for Hong Kong, a natural form of state-development.

A further constraint was that, as a colony, executive political authority did not reside in the Hong Kong state but in agencies of the British state. Although the use of this executive authority was rarely used in the case of Hong Kong, chiefly limited to issues concerning foreign and defence relations and the selection of the Governor, its residual existence meant that the *de facto* Hong Kong state was limited in ways that other, *de jure*, states were not.

Having examined the first part of the Hong Kong nation-state, it was pertinent to examine the second part, the Hong Kong nation. Using criteria established by Hertz as indicating the existence of a nation (these criteria being: ethnicity, language, religion, culture and territory) the case of Hong Kong was analysed to determine to what extent, a Hong Kong nation existed. In each instance it was demonstrated that the theoretical criteria (provided by Hertz) could be applied to the case of Hong Kong. Importantly it was demonstrated that each of Hertz's criteria provided a vehicle for national unity based upon "common sympathies". When all of these criteria were brought together on a mass scale, it was possible to detail the characteristics of the Hong Kong nation. It was, however, necessary to clarify that the Hong Kong nation has only recently developed into a fully unified and self-conscious entity. Moreover, it was

shown that the nation's criteria did not simply come into existence but developed, in a haphazard manner, over a long period of time.

Once the characteristics of the Hong Kong nation-state were defined it was the possible to examine the ways in which it was consciously expressed by its inhabitants. In other words, the manner in which the identity of the *Xianggang ren* manifested itself. In order to examine the Hong Kong identity, a framework (synthesised from studies conducted by Anderson, Baumeister and Coleman) was developed which drew upon the earlier analysis of the Hong Kong state and nation as well as the preceding socio-economic analysis contained in Chapter Two. Once this framework was established, the Hong Kong identity was then analysed from two perspectives: as an objective identity and as a subjective or self-conscious identity.

In the case of the objective identity it was shown how the territory in the post-war period had experienced a series of internal as well as external stresses which unified the local society from which an identity, dominated by the ethos of the *Xianggang ren*, had emerged. An example of such a stress placed upon the local society was Tiananmen - which starkly contrasted the way of life (in particular, the territory's social and political freedoms) enjoyed by Hong Kong's inhabitants with that of the mainland Chinese. Socio-structurally this identity was characterised by a distinctive local culture which was, in turn,

supported by an educated population, a common local language and a successful economy. The dominance of the local culture was further entrenched and strengthened by its transmission through local media (print, radio and television) and through the place/genre expression of the local film industry. The subjective aspect of the Hong Kong identity was viewed as being separate from, yet supportive of, the various elements of the objective identity. Using two studies it was found that, subjectively, a majority of Hong Kong residents primarily identified themselves as Hongkongese or Hong Kong Chinese.

However, it was recognised that any analysis of the Hong Kong identity must take into account its dynamic nature. Four factors were identified as having a modifying effect on both the objective and subjective identities. Firstly, it was shown that, in the case of Hong Kong, the population is still largely composed of immigrants and their first generation offspring. This means that, even though an identity has arisen, it is not yet fully entrenched within the territory's socio-structural institutions. Secondly, the opening up of the mainland border modified the Hong Kong identity inasmuch as it allowed for the Chinese aspect of the local identity to challenge the Hong Kong aspect through an intermixing of communal aspects. Linked to the second factor was the recent increase in transborder immigration; particularly from mainland children seeking to stay with a Hong Kong parent. This new influx of

immigrants will bring different concepts of language, culture, race and territorial affinity with it which will further modify the local identity. However, it was noted that, in this and the previous instance, these modifying factors were only recently incorporated into the local identity and it would require a longer period of time to properly study their impact. The final modifying factor which this dissertation examined was the retrocession and the concomitant rise of patriotism and nationalism, both of which subordinate the local identity under a broader Chinese identity.

From the analysis contained in Chapters Three, Four and Five it was possible to conclude that a dynamic Hong Kong identity did exist, located within the "citizenship and the territorial as well as social and cultural boundaries of the [Hong Kong] nation-state."[775] As the Hong Kong identity had been established the first of Offe's level was confirmed. It was then necessary to examine the second level of Offe's model, the institutional regime or the operating system of the polis. In the case of Hong Kong this operating system was the civil society.

The Second Tier: An Operating System

The operating system that this dissertation utilised to explain the second level of Offe's model was civil society. However, before civil society discourse was

[775] Ibid. [...] was added

applied to Hong Kong, it was necessary to define exactly what the characteristics of civil society were, both as a theoretical concept and as an applied model.

In the case of theory it was shown that there exists not one but two different strands of civil society discourse; which were broadly termed liberal and illiberal civil society. It was demonstrated that the theoretical basis for each of these forms of civil society was equally valid; although, in the modern and contemporary periods, liberal civil society had assumed a dominant position within the discourse. However, in the contemporary period theorists such as Taylor and Schmitter were shown to be introducing a measure of illiberalism into the liberal framework.

The existence of the two schools represented a departure from previous analyses which had only identified the liberal strand of civil society. On the one hand, illiberal civil society placed civil society within a space defined and regulated by the state. In this strand it can [politically] be said that there is thus little distinction between the public and private realms. To all intents and purposes the private is subsumed by the dominant influence of the public. On the other hand, liberal civil society separates the public and private realms. Within this strand of discourse, the 'evil' state is subordinated to the 'good'

society and is conceptualised as functioning only to further the good of the citizens.

Once these characteristics of the two strands of theorising about civil society were clarified, they were applied to two regional case studies; one located in East and Central European and one in East Asia. The purpose of examining a European and an Asian civil society case study was to see how the different forms of civil society were translated into political activity in the two areas from which Hong Kong drew its social and political legacy.

Importantly, in the European regional case study, it was shown that countries which are in a liberal political transition from an authoritarian style of governance there is, likewise, a transition from an illiberal to a liberal civil society. In other words, the social and political changes the East and Central European countries were demonstrated to have undergone caused a change to take place in the nature of their respective civil societies. However, it was also demonstrated that the uneven nature of the changes caused a clash between the respective institutions and entities of the forms of two civil society. This demonstrated that it was possible for two forms of civil society to exist in a country undergoing social and political transition.

In the case of the East and Central European countries referred to , the manner in which the geographical, technical and cultural proximity of these countries to the West would aid the transformation away from an illiberal state to a liberal-democratic state was shown; with a concurrent transformation of their civil society. The countries in the East Asian case study did not enjoy the benefits of this same proximity. Therefore, due to the location and cultural heritage of Hong Kong in the East Asian region, it was necessary to examine the civil societies of this region.

From an analysis of Taiwan, Singapore and South Korea it was shown that the basis of social development for these countries was different from that of the European countries. In particular, Confucian or neo-Confucian behavioural patterns were identified as the basis of the East Asian *oikos*. Within a contemporary setting this basis was deemed to allow for ready adaptation, by state elites, for the maintenance of a corporatist or illiberal state. This was characterised by the state elites relying, in part, upon a paternalistic Confucian heritage to position themselves [morally] as the rightful rulers of the *polis*. A social and political outcome of this positioning was the opening of only a limited portion of the public space to unsanctioned activity. As such the socio-political system can be described as dominantly authoritarian but with a controlled form of grassroots liberalisation. In particular, this controlled form of liberalisation has precluded the attainment of effective political power by

grassroots elites. However, unlike the examples provided in the European regional case study, the countries of East Asia do not have the same historical or cultural legacies, or geographical and technical proximities, which were determined to provide the impetus for the further liberalisation necessary for the establishment of a democratic *polis*.

These two regional case studies highlighted the findings of the theoretical analysis; namely, that civil society is not limited to the liberal form but can also develop in illiberal environments. Furthermore, it was shown that in societies that are in social and political transition more than one form of civil society can be present. Finally, these case studies demonstrated the different stresses cultural, geographical, historical and technical factors bring to bear on the development of a civil society. With the two different theoretical traditions providing possible conceptual frameworks, and the two different regional case studies shaping a series of criteria upon which to evaluate the emergent civil society, this dissertation turned to the case study of pre-transition Hong Kong. The purpose in studying this phase of Hong Kong's development was to examine the way in which the operating system of the colony functioned during a locally-oriented period of transformation. A comprehensive analysis of this period would then create a starting point from which to begin an examination of the territory's period of transition to Chinese rule.

The key finding from the analysis of Hong Kong's operating system was that the pre-transition period was characterised by a competition between the two strands of civil society and their respective institutions and ideologies. Moreover, it was demonstrated that civil society in the territory was not simply a post-war construction but had existed from the territory's inception.

However, it was shown that Hong Kong's civil society was predominantly illiberal. The colonial regime had regulated the scope of dissenting expression in the public space by progressively incorporating newly emerged local elites into its decision-making process. Through these incorporated elites the colonial state sought to extend its control into the local Chinese society. Despite this effort, the domination by these elites of the local society was not complete. This allowed an unregulated space to form within which groups whose interests were not in accord with (or in some instances, hostile to) the colonial regime and its incorporated elites were able to operate.

Although this unregulated space formed, it was not a self-sustaining space. In other words, the continued existence and limits of this space were decided by the colonial regime not by the actors in this space. Furthermore, the ability of these groups to influence the policy or political processes of the regime was limited by the state, which could always ignore the groups' requests or turn to its incorporated elites to provide a state-sanctioned solution.

Despite the fact that illiberal civil society remained dominant throughout the pre-transition period, the analysis of the territory in the post-war period illustrated a growth in the liberal civil society which had formed in the unregulated space. In particular, it was demonstrated that the actors which utilised liberal civil society's institutions and ideologies were increasingly able to exert an influence on the political processes of the colonial regime. Moreover, even though the colonial regime recognised this influence as a potential threat to its power, it also acknowledged that the growth of the liberal influence was a natural element of the territory's social and political evolution. As such, the regime was unwilling to directly curtail the liberal actors and groups, instead allowing them to operate within predetermined boundaries.

From this analysis, it can be said that the operating system of British Hong Kong, in the pre-transition period, was a unique mix of illiberal and liberal forms of civil society. Hence, at the state level, the territory's institutions and ideology operated in accordance with the characteristics of illiberal civil society. Although these characteristics did permeate down into the nation, at this level they were challenged by the institutions and groups who operated in accordance with the characteristics of liberal civil society. However, at no time, did the dominant colonial regime or its incorporated elites relinquish their

power. It was with this illiberal (but liberalising) operating system that Hong Kong entered the transition period.

The Third Tier: Politics

The third tier of Offe's model, that of politics, is the combined result of the two earlier tiers. However, it was also demonstrated that once political activity is established it can continue to develop as a result of its own internal dynamics. The analysis which examined the political tier of the Hong Kong model was divided into two periods. The first period covered transitional political developments from the signing of the Joint Declaration (in 1984) to Tiananmen (in 1989). The second period began with the local ramifications of Tiananmen until the handover on 1 July 1997. These periods were chosen because of the significant events which occurred that signalled decisive shifts in the type of political activities being undertaken in the territory.

In the case of the first period it was shown that the opening of the political public space was a process entirely controlled by the state. As such, during this time, the state can be characterised as authoritarian but committed to at least a limited measure of accountability. In other words, during this period, the colonial regime maintained its hold on power whilst allowing other groups the ability to compete for a limited range of positions in the political process. The

opening of a space for political competition, of itself, fostered the development of these new political groups. During the first period these groups underwent several stages of development. In the beginning, these new groups largely functioned as pressure groups. The exceptions to this were: the Reform Club, the Civic Association, the Federation of Trade Unions and Meeting Point - all of which formed in the pre-transition period (see Appendix A for dates of formation). The need for an organised approach to the political competition motivated some groups to evolve beyond pressure group status and establish themselves as political parties. Hence, these new parties can be said to have been operating within a liberal civil society framework as their evolution was an attempt to "significantly determine or inflect the course of state policy."[776] An example of this type of evolution was the formation of the liberal-oriented Association for Democracy and People's Livelihood (ADPL) in October 1986. The evolution from pressure group to political party during this period was found to be more prevalent amongst the liberal organisations than the conservative or pro-China associations. In part this was because these organisations were better placed to mobilise and take advantage of the liberalisation phase. In addition to the developmental divide, these groups and parties were also partitioned along three main ideological lines; liberal-democratic, pro-China and conservative.

[776] Taylor, Charles. "Modes of Civil Society", p 98

Throughout this period, despite the efforts of the liberal-democratic parties and groups in establishing a power base in the Municipal Councils and District Boards, the balance of power was held by the pro-China and conservative organisations. However, the negative perception of the Chinese government and their local representatives, in conjunction with the increasingly distant and irrelevant Hong Kong government and their affiliated groups, generated a "crisis of legitimacy" which allowed the liberal-democratic groups to develop their position as the popularly-based representatives. In this respect, they differed from the other groups as they existed as a non-incorporated elite. As such, the emergence of these groups during the first period can be seen as an example of politics being created from the nexus of an operating system (in this instance, liberal civil society) and an identity (inasmuch as the liberal-democratic groups were based within the Hong Kong nation and not affiliated with an external power). Furthermore, in a contemporary setting, the simultaneous existence of both incorporated and non-incorporated elites can be seen to be the manifestation of coexisting illiberal and liberal civil societies.

Although both types of civil society were present in the first period of transitional Hong Kong, illiberal civil society (and its associated actors and institutions) remained overwhelmingly dominant. Tiananmen, as well as the governorship of Chris Patten, changed this balance of power to more favourably reflect the needs of liberal civil society (its actors and institutions).

This shift (and the factors behind it) was the focus of the analysis for the second period of Hong Kong's transition (1989-1997).

The second half of the transition period was marked by the entrenchment of liberal changes to both the social and political spaces. In summary these changes had three prime aspects. Firstly, there was a strong, liberally-oriented, social basis for the changes. Secondly, this social basis was strengthened by the negative reaction to the activities undertaken by the Chinese authorities, both in China and in their attitude towards the social and political changes undertaken in the territory. Thirdly, the colonial regime (in the form of Governor Chris Patten) permitted and actively encouraged liberal reforms in both the social and political spaces.[777]

The social basis for Hong Kong's liberalisation was characterised by the socio-political mobilisation of the Hong Kong nation in conjunction with the removal of the high degree of path dependency that had previously determined the developmental course of the local nation. This mobilisation, which had (primarily) begun during the first half of the transition period, was accelerated by, in the first instance, Tiananmen and, then, by the subsequent politicisation generated by the public debates surrounding major items of public policy: the Basic Law; the Bill of Rights; the Port and Airport Development Scheme, in

[777] Although, as was demonstrated in Chapter 10, these reforms were still of a limited nature.

particular the Memorandum of Understanding that gave the Chinese authorities the perceived right to be involved in all transitional matters; and the concern over the right of abode in the United Kingdom for Hong Kong nationals after the retrocession. All of these issues helped to reinforce a "Them" and "Us" impression of mainland/*Xianggang ren* relations.

In addition to this impression, these issues also served to distance the British and Hong Kong governments from the citizens of Hong Kong. The delegitimation of all three governments (and their local representatives) meant that the transitional mobilisation of the Hong Kong nation occurred in a social and political environment non-conducive to state leadership. Hence, this environment allowed grassroots elites (who were often allied with, or involved in, the liberal-democratic groups and parties) to have an impact upon the course of state policy. This in turn helped to legitimate the grassroots elites' ideology; the concepts of which were based in the principles of liberal notions of civil society.

The activities of the Chinese authorities throughout the second half of the transition period generated widespread antipathy to its future sovereign amongst the local nation. Although the most serious factor behind this antipathy was the response of the Chinese government to the pro-democracy protests in Tiananmen square, other factors such as: the unilateral declaration

of a conservative Basic Law, the pledged curtailment of civil liberties (via the promised downgrading of the Bill of Rights) as well as the hostile campaign run against the political reform package sponsored by Governor Patten, all played a part in creating a local society concerned about its "way of life" under its future sovereign. This concern provided a further impetus to the liberalisation of the political space in an attempt to entrench social and political freedoms before the handover.

Inasmuch as the activities of the Chinese authorities provided a negative impetus, the role played by the last Governor, Christopher Patten, supplied the positive impetus for further liberalisation of the social and political spaces. Governor Patten's plan for the further liberalisation of Hong Kong's social and political spaces was encapsulated in his address to the opening session of the 1992/93 Legislative Council. This plan culminated in the 1994/95 series of elections which saw the installation of Hong Kong's first fully elected Legislative Council; with the largest bloc of votes going to the liberal parties. This voting pattern highlighted the trend towards the development of major political parties ideologically aligned with one of the three main strands of political thought (liberal-democratic, pro-China or conservative); this voting pattern was the key indicator of the growth of a liberal civil society in the second half of the transition.

The political activity that took place during the transition period can now be said to be an expression of the competing forms of civil society (the "operating system" of the territory) located within the Hong Kong nation-state. As the nation-state developed and the operating system became (on the whole) less state-oriented, the forms that Hong Kong politics took became less predetermined and more open to societal influence. Furthermore, within the political system itself it was demonstrated how the reforms at the two lower levels (the Municipal Councils and the District Boards), in turn, placed pressure on the highest level (the Legislative Council) to liberalise. However, at every stage of liberalisation it can be said that the reforms were undertaken by the state and not by the society. Thus they represented an illiberal form of liberalisation. In other words, this liberalisation was predicated upon the actions of the state and limited by the state's needs. The ramifications of this type of liberalisation will now be discussed.

Conclusion

Despite the impressive reforms throughout the transition period, Hong Kong's social and political systems remained under state tutelage. At no time in Hong Kong's colonial history did the nation ever construct the state. Always it was the state which decided the most appropriate developmental path for the polity. This is not to say that there has never been a social basis for state-led

reform. Indeed, this thesis identified several crises (for example; the 1966/67 riots and Tiananmen) that forced the colonial regime to introduce social and political reforms where, previously, there had been no incentive for reform. Hence, although it has been shown that the nation (through its representatives) could *impact* upon state policy, the state never, despite these reforms, allowed the nation (or its representatives) to *determine* state policy.

Furthermore, it cannot now be said that the retrocession warped the path Hong Kong's social and political systems might otherwise have taken, in particular because it must be recognised that the retrocession was a valid component of the colony's evolution. By this I mean that the fact that the lease on the New Territories and Outlying Islands was always (post 1898) set to expire meant that the development of Hong Kong's social and political systems occurred with the retrocession in mind. Thus, had the territory not had its development always constrained by the termination date on the New Territories lease, it undoubtedly would have followed a different evolution.

In the conclusion of Chapter Ten I stated that the removal of path dependency for the lower levels meant that the *potential* existed for the liberalised nation to determine the path of the political sphere. However, from the foregoing analysis it can be said that because, ultimately, Hong Kong remained a colony with a predetermined fate this was a potential that could never be realised.

Moreover, now that Hong Kong has returned to the People's Republic of China, the path dependent nature of the social and political systems has now been reinstated. Liberal civil society has been further reduced in space and, once more, illiberalism has become Hong Kong's dominant "way of life".

Thus, in conclusion, it can be said that throughout Hong Kong's development it has experienced political activity. This activity has taken both illiberal and liberal forms. The labelling of the social and political reforms (that occurred in the transition period) as "democracy" is an incorrect application of the term. At no stage in its history was Hong Kong ever "democratic". However, during the transition the polity did liberalise; or, rather, it could have been said to have liberalised if it had been the intention of the colonial regime to relinquish its monopoly. This dissertation has demonstrated that this intention never existed. The opening of the social and political spaces to competitive influences disguised the fact that the state had predetermined the limits of the space, and, hence, the competition. Thus, at best, it can be said that although the behaviour of the actors within the opened spaces was liberal, their activity took place under an illiberal regime that always retained the controlling power.

APPENDIX A

Major Political Groups/Parties in Hong Kong

1947		Federation of Trade Unions
1949		Reform Club
1954		Civic Association
1964	Aug	Hong Kong Socialist Democratic Party
1973		The Professional Teachers Union
1975		The Hong Kong Observers
1979		People's Council on Public Housing
1981	Sept	Hong Kong Prospect Institute
1982		Society for Social Research
		The Hong Kong Belongers Association
	Nov	New Hong Kong Society
1983	Jan	Meeting Point
	May	Young Professionals: Delegation to Beijing led by Allen Lee, Chow Leung Shuk-yee and Stephen Cheong
1984	Feb	Hong Kong Affairs Society
	Aug	Hong Kong People's Association
	Oct	Hong Kong Forum
1985	Mar	Progressive Hong Kong Society
	Mar	Association for Democracy and Justice
1986		Joint Advertisement of 84 Business Concerns

	Oct	Association for Democracy & People's Livelihood
	Nov	Joint Committee on Promotion of Democratic Government
1987		Basic Law Groups: Group of 190 Group of 89
1989	May	Hong Kong Alliance in Support for Patriotic Democratic Movement in China
	May	New Hong Kong Alliance
	June	Hong Kong people saving Hong Kong
	Oct	Hong Kong Democratic Foundation
1990	Feb	Association for Betterment of Hong Kong
	Apr	United Democrats of Hong Kong
	Nov	Liberal Democratic Foundation
1991	Jan	Hong Kong Citizen Forum
	May	Association for Stabilizing Hong Kong
	June	Business and Professional Federation
	Oct	Cooperative Resources Centre
1992	July	Democratic Alliance for the Betterment of Hong Kong
1993	July	Liberal Party of Hong Kong
1994	Apr	Democratic Party
		Hong Kong Progressive Alliance
		123 Democratic Alliance
1995		United Ants
1995		Pioneer

1996	Aug	Frontier
1997		Citizen's Party
		Social Democratic Front

sources: Norman Miners Archive, University of Hong Kong; *South China Morning Post*; *Hongkong Standard*

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