

**Hong Kong's Executive–Legislative Gridlock:
Filibuster, Fragmented Politics
and Chinese Influence after 2016**

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ABSTRACT

The People's Republic of China resumed sovereignty of Hong Kong in 1997 with the principle of "one country, two systems" and the establishment of a special administrative region. Although the constitutional document Basic Law stipulates that the ultimate goal of political development shall be universal suffrage for selecting the Chief Executive and the members of the Legislative Council, the city has not been fully democratized over 20 years after the handover. In recent years, revealed by more council struggle activities, the executive-legislative relationship obviously becomes more uncooperative than before. The aim of this research is to explain the declining efficiency of governmental structures in Hong Kong under the post-1997 circumstance and to investigate the causes and the consequences of a worsening executive-legislative relationship and the council struggle activities.

This research will first examine the strategies employed by the oppositional legislators to delay the governmental policies and the related consequences over council affairs. To understand the reasons behind council struggles, the uniqueness of current institutional settings, such as the constitutional arrangements for the Executive Council as well as the Legislative Council and their electoral methods, will be deeply analyzed. This research will then examine why different political groups became fragmented under such an institutional circumstance and how these various forces interacted in the legislative process. With the development of fragmented politics, there was more room provided for radical legislators and the gradual acceptance of council struggles against the administration.

Furthermore, although Hong Kong is implementing the principles of "one country, two systems"

and “high degree of autonomy”, the Chinese authorities had tightened the control over Hong Kong due to the rise of localist ideologies. In 2019, the largest scale of riots in the history of Hong Kong finally brought about the greater Chinese intervention into the local affairs. The research will finally discuss the consequences of the worsening executive-legislative relationship and how the declining local authority caused the growing influence and pressure from the Chinese authorities.

Through examining the above perspectives, this research will provide much more in-depth insights on the semi-authoritarian system and the current political gridlock in Hong Kong than what is available in existing literature. It argues that even though Hong Kong maintained the authoritarian features after the handover, (1) the Basic Law’s institutional settings, (2) the Chinese path-dependent attitudes towards the pro-democracy and pro-Beijing parties, and (3) the strategies on suppressing the localist ideologies worsened the seriousness of council struggles in Hong Kong. The Beijing’s past semi-authoritarian policies towards Hong Kong failed to achieve its political expectations.

Keywords: *Hong Kong, Executive-Legislature Relationship, Filibuster, Proportional Representation, Mass Movement*

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GLOSSARY

Abbreviation	
<i>ADPL</i>	<i>Hong Kong Association for Democracy and People's Livelihood</i>
<i>ASPDMC</i>	<i>Hong Kong Alliance in Support of Patriotic Democratic Movements in China</i>
<i>BLCC</i>	<i>Basic Law Consultative Committee</i>
<i>BLDC</i>	<i>Basic Law Drafting Committee</i>
<i>BPA</i>	<i>Business and Professionals Alliance for Hong Kong</i>
<i>CCP</i>	<i>Chinese Communist Party</i>
<i>CEPA</i>	<i>Mainland and Hong Kong Closer Economic Partnership Agreement</i>
<i>CP</i>	<i>Civic Party</i>
<i>CPPCC</i>	<i>Chinese People's Political Consultative Conference</i>
<i>DAB</i>	<i>Democratic Alliance for the Betterment of Hong Kong/ Democratic Alliance for the Betterment and Progress of Hong Kong</i>
<i>DP</i>	<i>Democratic Party</i>
<i>EC</i>	<i>Election Committee</i>
<i>FTU</i>	<i>Hong Kong Federation of Trade Unions</i>
<i>HKMAO</i>	<i>Hong Kong and Macau Affairs Office</i>
<i>HKXNA</i>	<i>Hong Kong Branch of Xinhua News Agency</i>
<i>ICAC</i>	<i>Independent Commission Against Corruption</i>
<i>KMT</i>	<i>Kuomintang</i>
<i>LOCPG</i>	<i>Liaison Office of the Central People's Government</i>
<i>LP</i>	<i>Liberal Party</i>
<i>LSD</i>	<i>League of Social Democrats</i>

<i>NPC</i>	<i>National People's Congress</i>
<i>NPP</i>	<i>New People's Party</i>
<i>NWSC</i>	<i>Neighborhood and Worker's Service Centre</i>
<i>PP</i>	<i>People Power</i>
<i>PRC</i>	<i>People's Republic of China</i>
<i>SAR</i>	<i>Special Administrative Region</i>

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Stephen Noakes	Supplementing new theoretical insights

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Name	Signature	Date
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CHAPTER 1

INTRODUCTION

PURPOSE OF STUDY

“Most of the political problems in Hong Kong have originated from current executive-legislative gridlock.”¹ This statement was made by a member of the Legislative Council in the interview process of this research. Since the 1997 handover, even though the pro-Beijing camp occupied most seats in the council, the legislative ability of the administration has been deteriorating. Filibuster or other means of blocking governmental policies, known as council struggles, have also become typical phenomena of lower governance in Hong Kong.

From the perspective of pro-democracy members, the council struggles are a peaceful way of adopting uncooperative movement in order to show their negative attitudes towards the semi-authoritative system in Hong Kong. Having said that, the moderate democrats deliberately drew a line from the radical legislators who launched filibuster in the council from the very beginning. Later, the performance of public governance was hit hard by the council struggles, leading to more people striving for a Western democratic system and supporting to block the governmental bills through a filibuster. Nearly all pro-democracy members in the council in the contemporary context do not resist the practices of the council struggles and attempt to employ more violent ways to achieve their aims. This research investigates the reasons and consequences of council struggles in Hong Kong and serves as an important comparative case study in analyzing oppositional resistance in other semi-authoritative regions.

¹ Interview participant #17.

The highlight of this research is the analysis of Chinese miscalculations over Hong Kong's post-handover policies. It argues that even though the SAR maintained the authoritarian features, (1) the Basic Law's institutional settings, (2) the Chinese attitudes towards the pro-democracy and pro-Beijing parties, and (3) the strategies on suppressing the localist ideologies worsened the seriousness of council struggles in Hong Kong. The Chinese authorities considered that the original authoritative features adopted during the colonial period could be maintained through keeping the "executive-led" settings after the handover. However, the authority of the Hong Kong government has been harshly challenged due to the lack of necessary legitimacy as well as consolidated pro-Beijing support from the council and the worsening relationships with various oppositional forces. In addition to the miscalculations on the political crises in recent years, the largest protests and riots in the history of Hong Kong finally broke out to challenge the local and central governments in mid-2019.

BACKGROUND

In the First Anglo-Chinese War (1839-42), the Chinese Qing court was defeated by the British expeditionary force and the two sides subsequently signed the 1842 Treaty of Nanjing, in which Hong Kong Island was ceded to the British Empire. The government of the crown colony was then set up in Hong Kong, marking the beginning of the British rule. Until the 1850s, the conflicts on trade issues between British and Chinese authorities continued, leading to the Second Anglo-Chinese War (1856-60). The second defeat of the Qing court brought about the signing of the 1860 Convention of Beijing. Another territory, Kowloon Peninsula, was incorporated into the Crown Colony of Hong Kong. In the 1890s, Western powers established spheres of influence in different parts of China to protect their interests in East Asia. After France established its colonial ruling in Guangzhou Bay, which was only 400 kilometres from

Hong Kong, the British authorities were alerted to be threatened by the French expansion. Under the consideration of territorial defense, the colonial government of Hong Kong requested the Qing court to lease a buffer zone surrounding the original part of the colony. In 1898, the Convention for the Extension of Hong Kong Territory was then concluded, and a piece of extended land, known as New Territories, was leased to the British Empire for 99 years. Together with the two previously acquired tracts of land, these three parts of territories formed the commonly known “Hong Kong”.

By the turn of the 1980s, since both the British and the Chinese authorities foresaw the expiration of the lease of New Territories in the following decade, a negotiation on the “Question of Hong Kong” became crucial. The then British Prime Minister, Margaret Thatcher, visited Beijing to start the first round of negotiation with the China in 1982, during which the Chinese leader, Deng Xiaoping, insisted the sovereignty of Hong Kong must be returned to the PRC after 1997. Deng also emphasized that the various “unequal treaties” signed by previous regimes (the Qing Imperial Court, the Republic of China, etc.) were void, as those treaties were not be recognized by communist China. The PRC’s ruling of Hong Kong would resume not only in New Territories, but also in Hong Kong Island and the Kowloon Peninsula. After a series of negotiations between the United Kingdom and the PRC, the British Prime Minister, Margaret Thatcher, and the Chinese Premier, Zhao Ziyang, together signed the 1984 Sino-British Joint Declaration, in which Hong Kong would be handed over to the PRC on 1 July 1997 under the principle of “one country, two systems”. Hong Kong would retain the original social and economic structure under its capitalist system, while the socialist system with Chinese characteristics in the mainland China would not be implemented in the city. In 1990, the NPC formally promulgated the Basic Law of Hong Kong, which was a constitutional document outlining different principles to be applied in Hong Kong, such as a “high degree of autonomy”, “Hong Kong people ruling Hong Kong” and “remain unchanged for 50 years”

(Constitutional and Mainland Affairs Bureau, 2017). The sovereignty of Hong Kong was resumed by the PRC on 1 July 1997, which also represented the SAR establishment.²

Executive-Legislative Relationship in the Colonial Period (1842 to 1984)

During the colonial period, the British monarch's Letter of Patent issued in 1843 served the purpose of a local constitutional document, in which the Crown Colony of Hong Kong should establish the Executive Council and the Legislative Council, and the governor was authorized to make and enact laws and ordinances with the advice of the abovementioned two bodies. Another constitutional document, the Royal Instruction, outlined the formations and law-making procedures of the two councils and further authorized the governor to have "full power" to maintain government as the representative of the British monarch in Hong Kong. The Westminster system, which was the parliament-oriented politics running in the British domain, would not be implemented in the colony. The governor also took up the position of the chairperson of the Legislative Council and had the right to vote in a bill passing process. Both the official and non-official members in the Executive Council and the Legislative Council were appointed by the governor. The non-official members included business leaders and social celebrities, maintaining good personal relationships with governor in the sense of policy viewpoints. Although there was a lack of parliamentary opposition, the governor seldom acted against the councils' decisions to prevent unnecessary inquiries from the colonial office in London (Tsang, 2007A, pp. 18-19). Until 1888, an updated Letter of Patent came into force, regulating that the governor must make policy with the consent of the Legislative Council (Legislative Council Commission, 2018). However, there was no political power in the councils that could challenge the authority of the governor during that period.

² According to article 31 of the PRC Constitution, "the state may establish special administrative regions when necessary" (National People's Congress PRC, 2004).

In the 1910s, the numbers of official and non-official members were eight and six, respectively, reflecting the administration still fully controlled the legislative power in the colony. A petition from the local business community was sent to the colonial government, requesting a more representative structure through election, instead of nomination, for the non-official members in the Legislative Council. This suggestion was rejected by the colonial authority, but the pressure of democratization increased after the First World War (1914-19) (Welsh, 1993, p. 399). In the 1920s, the discussion of introducing representative government had been continuing, and until 1928, the colonial office in London accepted Governor Sir Cecil Clementi's suggestion that two more of both official and non-official members should be appointed into the Legislative Council (Welsh, 1993, p. 400).

After the Japanese Occupation (1941-45) in the Second World War, Governor Mark Young restored the colonial government in Hong Kong. In response to the British Labour Party's commitment to post-war decolonization in the British Empire, Young described Hong Kong as a territory instead of a colony and proposed a democratic package, known as the "Young Plan", to enhance its self-governing capacity. The Young Plan included the transformation of the Urban Council, which was responsible for municipal affairs, into a fully democratic institution and the expansion of local representations in the Legislative Council (Welsh, 1993, p. 434). However, the Chinese Civil War (1946-49) broke out soon after the restoration of the British authorities, leading to a great influx of Chinese refugees into Hong Kong. Granting the voting rights to the citizens including the newcomers in the territory might affect the ruling stability of the colonial government. The new governor, Alexander Grantham, assumed to the office in 1947, decided to turn down the Young Plan. In the following decades, the Minister of State Judith Hart, who was responsible for Hong Kong's affairs in London, provided clearer reasons for the termination of the Young Plan. Due to Hong Kong's special relationship with communist China, a normal self-government with a democratic system would not be achieved under the

influence of the communist ideas (Welsh, 1993, p. 465). After the post-war period, the composition of the Legislative Council only had minor changes. The numbers of the members in the Council increased from 16 in 1947 to 26 in 1964, and it was not until 1964 that the numbers of official and non-official members became equal (Legislative Council Commission, 2018).

Democratization During the Transitional Period (1984 to 1997)

In the 1980s, the colonial government accelerated the pace of democratization after the signing of the Sino-British Joint Declaration. All members from the Legislative Council forming in 1984 were still appointed by the governor, and there were no elected seats introduced before this time. In the summer of 1984, the government issued a green paper as a consultative document to collect public opinion related to the introduction of a representative system. After a few months, a white paper, which was the report of the previous green paper, was issued to announce that democratic systems would develop gradually in Hong Kong (Liu & Yue, 1996). The 1985 Legislative Council was the first time for the legislature to be formed by election. In that election, 12 seats were selected by an electoral college, which was formed by the members of the Urban Council, the Regional Council and the District Boards³; another 12 seats were elected by functional constituencies⁴; and 32 seats belonged to official and non-official members appointed by the governor. In 1987, the government issued another green paper to evaluate the pace of democratization and agreed to introduce 10 directly elected seats in the 1991 Legislative Council Election (Liu & Yue, 1996). The unofficial members of the Executive

³ The Urban Council and the Regional Council were the local administrative institutions in Hong Kong, responsible for the municipal affairs, such as street cleaning, food safety, trash collection, managing recreational facilities etc., in the Urban Areas (Hong Kong Island and Kowloon) and the New Territories, respectively. The District Boards were the advisory bodies set up by the Home Affairs Departments in the 18 administrative districts of the whole of Hong Kong. With these institutions in the 1980s, Hong Kong was running a three-tier political system, in which there were the District Boards, the municipal councils and the Legislative Council from bottom to top.

⁴ The voters and candidates in the functional constituencies must fulfil certain criteria generally in terms of their occupations or professional licenses.

Council and the Legislative Council proposed another proposal, known as the “OMELCO⁵ model”. The model suggested that one third of members in the Legislative Council should be directly elected in 1991; then a half of the members in 1995; and all members would be elected by universal suffrage in 2003 (Liu & Yue, 1996).

The Tiananmen Square Incident in Beijing happened in June 1989, stimulating the Hong Kong people’s worries towards the handover and aroused desire for a faster pace of local democratization. In early 1991, the British and Chinese governments held discussions on the development of political systems in Hong Kong during the transitional period and after the handover. The Chinese side agreed the number of directly elected seats in the first term (1998-2000) of the SAR Legislative Council could increase to 20, and in the 1991 election, the number of those seats would be 18 instead of 10 stated in the 1987 green paper (Liu & Yue, 1996). In this way, the 1991 Legislative Council was formed by 18 directly elected seats from the geographical constituencies, 21 indirectly elected seats from the functional constituencies and 21 seats from official and non-official appointed members. Among the 18 directly elected members, the pro-Beijing groups only occupied one seat, while the pro-democracy side won over 17. It was the first time for the legislators to establish outstanding political affiliations in the council and the 1991 election marked the beginning of the party politics in Hong Kong. Those political affiliations could exert certain influence or pressure towards the colonial administrations before the handover, shaping a new form of the executive-legislative relationship in the council.

The last governor, Christopher Patten, assumed office in June 1992, announced a constitutional package in his October policy address in the same year. The package provided various

⁵ The Office of the Members of the Executive and Legislative Councils.

democratic measures in the following Legislative Council election, including (1) all appointed official and non-official seats in the Legislative Council would be abolished; (2) the franchise of several functional constituencies would be widened; (3) the geographical constituencies would adopt a “single seat, single vote” method; (4) an election committee, comprised of the members of 18 District Boards, would select 10 members of the Legislative Council among themselves; and (6) the voting age would be lowered from 21 to 18 (Liu & Yue, 1996). For the previous functional constituencies, only people from professional and commercial sectors had the chance to register as legal voters. In the 1995 Legislative Council Election, the package granted about 2.7 million citizens to elect the representatives in their sectors by outlining nine new functional constituencies, known as “New Nine Groups”.⁶ As long as the citizens had normal occupations in Hong Kong, most of them could belong to one of the new constituencies, which virtually provided universal suffrage for the functional constituencies. Before upholding the 1995 Legislative Council Election, Patten also decided not to take up the presidency of the Legislative Council, and the position was then selected by the council’s unofficial and elected members (Legislative Council Commission, 2018).

With the experience of the 1991 Legislative Council Election, local politicians understood the importance of political parties in organising the electoral campaign and mobilising supporters to cast their votes. Both the pro-democracy and pro-Beijing groups started to establish political parties to prepare for the following elections. In 1994, two democratic organizations, the United Democrats of Hong Kong and the Meeting Point, were united to become the DP (Democratic Party, 2018); in 1993, a group of professional people, especially from the commercial sectors, and the local pro-Beijing politicians serving in offices established the LP (Liberty Party, 2012),

⁶ The “New Nine Groups” included (1) agriculture, fisheries, mining, energy and construction, (2) textiles and garment, (3) manufacturing, (4) import and export, (5) wholesale and retail, (6) hotels and catering, (7) transport and communication, (8) financing, insurance, real estate and business services, and (9) community, social and personal services.

which later was considered as the die-hard representative safeguarding the interests of the middle and business classes in Hong Kong. Also in 1992, the DAB was formed by a group of leftist supporters, who represented various pro-Beijing social strata in Hong Kong (DAB, 2017). These three political parties had outlined the basic contour of Hong Kong’s political sphere for more than one decade. In the 1995 Legislative Council Election, the pro-democracy camp had a landslide victory in the geographical constituencies, in which 16 out of 20 seats were obtained by the democratic side; and the pro-Beijing groups received more than half of the seats in the functional constituencies due to the LP’s reputation among the commercial sectors. After the election, the DP became the largest party in the Legislative Council, in which over 30% of the seats belonged to the party (Boundary and Election Commission, 1995).

	1984	1985	1988	1991	1995
<i>Appointed official members</i>	16	10	10	3	Nil
<i>Appointed non-official members</i>	30	22	20	18	Nil
<i>Functional constituencies</i>	Nil	12	14	21	30
<i>Geographical constituencies</i>	Nil	Nil	Nil	18	20
<i>Electoral colleges</i>	Nil	12	12	Nil	10
Total*	46	56	56	60	60

**Excluding the governor as the President of the Legislative Council*

Table 1.1: Compositions of the Legislative Council before the 1997 handover (Liu & Yue, 1996)

Political Development After the Handover (1997 to the Present)

The 1992 Constitutional Package implemented by Governor Patten was not a product negotiated with the Chinese side, but it was his personal political decision. The Chinese leaders

considered the package as too democratic and were worried about the stability during the final phase of the transitional period. The HKXNA leader,⁷ Zhou Nan, even suspected the British motive of this move was to install proxies to continue colonial influence and turn Hong Kong into a semi-independent entity from mainland China (Tsang, 2007A, p260). To the Chinese government, Patten's constitutional plan violated the Sino-British Joint Declaration and the Basic Law of Hong Kong. After a series of negotiations with the British side, the Chinese government decided to implement the policy of "building a new kitchen"⁸ in 1993 – which meant that those who won the seats in the 1995 Legislative Council Election could not continue their offices after 1 July 1997,⁹ and the Provisional Legislative Council would replace the original function of the legislative branch in the period between the handover and the first term of the Legislative Council. The 60 members of the Provisional Legislative Council were selected by the Selection Committee,¹⁰ which was a 400-member electoral college appointed by the Chinese authorities. Among the 60 provisional members, 33 were from the last term of the colonial council, including some moderately pro-democracy politicians, but the majority was inevitably occupied by the pro-Beijing supporters (Tsang, 2007A, p. 266). Due to the existence of the Provisional Legislative Council, the SAR government shortly enjoyed a cooperative partnership with the council without facing any political opposition soon after the handover.

In the 1998 Legislative Council Election, there were 60 seats, among which 30 were from the functional constituencies, 20 from the geographical constituencies and 10 from the EC.¹¹ This

⁷ The HKXNA served the function of liaison office representing the PRC central government in Hong Kong before the handover.

⁸ In the Chinese community, a family usually has one kitchen to prepare meals for members; setting up a new kitchen implies splitting the original family into two parts.

⁹ The Basic Law stipulates that the first term of the SAR Legislative Council would start in office in 1998.

¹⁰ The Selection Committee was also responsible for electing the first chief executive of Hong Kong, and its 400-member composition provided the basic outline of the four sectors in the EC, which was another electoral college in the following Chief Executive elections.

¹¹ This EC contained 400 members elected by the four Sectors, whose composition was similar to the previous

was the first time that proportional representation in the Legislative Council election was run, leading to the distribution of diverse votes across various political spectrums. Although the pro-democracy camp won over 15 out of 20 seats in the geographical constituencies, the pro-Beijing groups occupied the majorities of the functional constituencies and the EC due to the pro-Beijing electoral methods. The pro-democracy camp controlled 20 seats while pro-Beijing groups controlled 40 seats (Electoral Affairs Commission, 1998). Different from other terms of office lasting for four years, the first term of the Legislative Council ended in 2000 according to the Basic Law, and in this way, the general election for the second term took place just after two years. The electoral methods of the 2000 Legislative Council maintained the status quo, and the pro-democracy camp took 21 seats while pro-Beijing groups 39 seats (Electoral Affairs Commission, 2000). With the pro-Beijing majority in the council, most of the government bills seldom faced any harsh challenges from the oppositional parties, and nearly all policies proposed by the administration could pass in a smooth process. As for the member's motion, which needed split voting system to be passed,¹² the pro-Beijing groups could control the majorities of two groups – (1) functional constituencies and (2) geographical constituencies and the Election Committee, leading to the pro-democracy motions being difficult to be passed in the council.

In 2002, the Chief Executive, Tung Chee-hwa, implemented the Principal Officials Accountability System (POAS), aiming to “strengthen the cooperation between the executive and the legislature” (Information Services Department, 2002). Before the introduction of the system, all principal officials of the Hong Kong government were theoretically civil servants, who must maintain political neutrality in the legislative process. The Chief Executive, in this

Selection Committee.

¹² According to the Basic Law, passing the bills proposed by the government requires a simple majority vote of the whole council members present, while passing the bills proposed by individual members needs a simple majority vote of each two groups.

way, must select the principal officials from the pool of civil services, and there was no way to appoint someone outside the governmental system as the principal positions. Under the new system, the principal officials, including Chief Secretary for Administration, Financial Secretary, Secretary for Justice and the Directors of Policy Bureaus,¹³ were politically nominated by the Chief Executive and legally appointed by the Central People's Government. This move was supposed to enhance the Chief Executive's political influence by forming their own ruling team. However, the system also increased the political pressure exerted on the top officials, worsening the administration's popularity during the hard time.

In 2003, the severe acute respiratory syndrome (SARS) broke out in Hong Kong causing a serious economic downturn. Meanwhile, the administration put the implementation of article 23 of the Basic Law¹⁴ onto the legislative agenda in the middle of 2003. Fearing freedoms and rights would be harmed after the local enactment of a national security ordinance, over 500,000 citizens joined a large-scale rally against the implementation of article 23 on the sixth anniversary of the SAR Establishment Day. LP member James Tien then resigned from the Executive Council to express that the party should not follow in line with the administration. Without LP support, the administration decided to deter further reading of the National Security Bill in the Legislative Council (Hong Kong Yearbook, 2004). The Secretary for Security, Regina Ip, who oversaw the lobbying activities for article 23, also announced her resignation in the same month. This was the first time the Hong Kong government faced such vehement

¹³ The Directors of Policy Bureaus included (1) the Secretary for the Civil Service, (2) the Secretary for Commerce, Industry and Manpower, (3) the Secretary for Constitutional Affairs, (4) the Secretary for Economic Development, (5) the Secretary for Education, (6) the Secretary for the Environment, Health and Welfare, (7) the Secretary for Financial Services and the Treasury, (8) the Secretary for Home Affairs, (9) the Secretary for Housing, Planning and Lands, (10) the Secretary for Security and (11) the Secretary for Transport and Works.

¹⁴ According to article 23 of the Basic Law, "The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies (Constitutional and Mainland Affairs Bureau, 2017).

opposition in the legislative process after the handover.

In the 2004 Legislative Council Election, the 10 seats originally selected by the EC merged into the geographical constituencies, in which there were 30 seats, and together with the 30 seats from the functional constituencies, the total number of seats in the Legislative Council was still 60. Due to the low popularity of the government, the seats occupied by the pro-Beijing groups decreased to 35, while the pro-democracy camp obtained 25 seats. In 2005, Chief Executive Tung submitted his resignation to the central government, and later, the then Chief Secretary for Administration, Donald Tsang, was elected as the new Chief Executive (Hong Kong Yearbook, 2006). The new administration soon proposed a political reform package for the 2007 Chief Executive Election and 2008 Legislative Council Election, in which there were only some minor reforms.¹⁵ However, the pro-democracy camp repeatedly demanded universal suffrage for the two elections and decided to turn down the package. As the reform bill needed a two-thirds majority of the Legislative Council to be passed, the package was doomed to be unsuccessful without pro-democracy support. The electoral methods of the following two elections remained unchanged. The NPC Standing Committee also made a decision in 2007, stating that the 2017 Chief Executive Election may be implemented by universal suffrage, and only after achieving universal suffrage in the Chief Executive election, all members of the Legislative Council may also be elected by universal suffrage (Constitutional and Mainland Affairs Bureau, 2017). The decision implied that the two elections in 2012 would not be implemented by universal suffrage.

The 2008 Legislative Council Election marked the rise of radical parties in the council, as three LSD members were elected through geographical constituencies. The ratio of the pro-Beijing

¹⁵ The 2015 Political Reform Package proposed to increase the number of the EC members to 1,600 and there were 10 seats added in the Legislative Council.

camp to the pro-democracy camp did not have much change compared with the previous term. The pro-democracy camp was holding 23 seats, while the pro-Beijing camp 37 seats (Electoral Affairs Commission, 2008). Under such political distribution, even though the pro-Beijing camp could not reach the two-thirds majority in the council, the administration activated the 2010 political reform package, in which the number of seats in the Legislative Council would be increased to 70 and the number of the EC members to 1,200. In the final stage of the bill's examination, the DP made a compromise with the central government that the administration accepted to move amendments on the original package. The DP suggested that the five seats added in the functional constituencies should be elected directly by all voters and considered that this way at least made the electoral system more democratic. With the DP's eight votes in the council, the package was passed with over a two-thirds majority in June 2010, and this was the first time that the proposals on political reform could be implemented after the handover. This event, however, worsened the relationship between the moderate democrats and the radical groups, as the former was accused of betraying the principles of democracy and surrendering to the communist authorities (Han, 2010). In 2012, the Chief Executive election and the Legislative Council election were held with the new electoral methods. The former convener of the Executive Council, Leung Chun-ying, was elected as the Chief Executive, while at the same time, the ratio of the two camps in the council did not have a significant change.

Since the NPC Standing Committee issued a decision in 2007 stating that universal suffrage could be applied in the 2017 Chief Executive Election, the administration started a new round of discussion on the political reform. On 31 August 2014, the NPC Standing Committee adopted an updated decision related to the implementation of universal suffrage, known as the "831 Decision", which stipulated that the candidate of the Chief Executive election must be selected by a nominating committee and its formation method should follow the composition

of the previous term of the EC (Hong Kong Government, 2013). The decision directly triggered the largest scale of mass protests since the handover, known as the “Umbrella Movement” or “Occupy Central”, aiming to strive for “genuine universal suffrage” or the Western democratic system being implemented in Hong Kong. The movement lasted for nearly three months but failed to force the central government to withdraw the decision (Hong Kong Yearbook, 2015). The bill of the 2015 political reform package proposed by the administration, which is under the framework of the “831 Decision”, was turned down in the council in the middle of 2015 (Hong Kong Yearbook, 2016). With the dissatisfaction with the Chinese authorities, a more radical political ideology, localist, which proposed the separation from mainland China in terms of political and cultural perspectives, arose after Occupy Central, and it later became one of the important forces in the 2016 Legislative Council Election. The development of localist forces in Hong Kong alerted the central government, which in turn tightened the control over the city. However, these actions paved the way for the later mass protests and riots in 2019 and 2020.

	1998	2000	2004	2008	2012	2016
<i>Functional constituencies</i>	30	30	30	30	35	35
<i>Geographical constituencies</i>	20	20	30	30	35	35
<i>Election Committee</i>	10	10	0	0	0	0
Number of Seats	60	60	60	60	70	70
<i>Non-establishment camp</i>	20	21	25	23	27	29
<i>Pro-Beijing camp</i>	40	39	35	37	43	40
<i>Independent</i>	0	0	0	0	0	1

Table 1.2: Compositions of the Legislative Council after the handover

Filibuster: The Change of Executive-Legislative Relationship

In the first three terms (1998-2008) of the Legislative Council, the general meeting was convened every Wednesday and all agenda items were usually finished on the same day. A legislator noticed that in the past, many members of the council were appointed by the governor and most of them were social celebrities. The seats of the Legislative Council were a part of their social services or simply extra duties from their original career, implying that those members would not spend much time in the council. Even after the handover, some of the members returning from the functional constituencies had a very low attendance at the council's meetings.¹⁶ The policy bureaus were confident that their proposed policies were approved without much opposition from the council.

On the contrary, most current general meetings do not have enough time to finish their agenda items, even though additional sessions are added on Thursday and Friday. The meeting must be adjourned around Friday at noon (the House Committee and the Finance Committee are held Friday afternoons); the unfinished items are usually transferred to the following Wednesday's meeting. As for the Finance Committee, since most items had already been reviewed by its two subcommittees – the Public Works Subcommittee and the Establishment Subcommittee – and had been advised by different council panels, the Finance Committee was just the final procedure to approve the items and seldom aroused controversies against the government's proposals in the past. However, due to political or policy reasons, various recommendations of infrastructure projects and government positions were also jammed by the time-consuming deliberations, leading to unnecessary delay and increase in cost. As such, the behaviors of filibuster became important phenomena in the studies of the Hong Kong's political development.

¹⁶ Interview participant #15.

THEORETICAL FRAMEWORK

To analyse the phenomenon of executive-legislative relationship in Hong Kong, there are two perspectives of theoretical framework in this research – the authoritarian system and executive-legislative relationship.

Perspective of Authoritarian System

There are three dimensions further developed under this perspective – (1) authoritarian advantages, (2) elections in the hybrid regimes, and (3) cooptation system.

(1) Authoritarian Advantage

Various studies criticize the weaknesses of authoritarian system, such as encroaching on parts of political freedoms (George, 2007; Wong & Peng, 2015), sacrificing the interests of grassroots individuals (Bruun, 2020), providing misleading or fake statistics for political reasons (Wallace, 2016), etc. While Meng (2019) also found that the one-party polities will be vulnerable to political instability once their founding leaders pass away or step down, Chen et al. (2016) noted that collective actions at the bottom level create threats to the upper levels of governments. Having said that, the pro-authoritarian views hold that those regimes are less affected by the electoral cycle and have a greater capacity to implement unpopular policies without the pressure from particularistic demands (Maravall, 1994).

Since the end of the Cold War in the 1990s, a new form of modernity has emerged as the modern authoritarianism which adopts the Western economic institutions but undermining rights and freedoms (Foa, 2018). Von Soest (2015) found that the authoritarian regimes work in the international collaboration to sustain survival and support their fellow autocrats to

prevent outside democratic influence. Desai et al. (2009) maintained the concept of “authoritarian bargain” in various non-democratic states where people sacrifice their political rights to exchange economic security. The study showed that larger welfare expenditures were usually found in the autocratic regimes to secure people’s supports and did not support the prediction of modernization theory that greater economic development leads to democratization. The authoritarian states also have the capacity to make a shift before facing up to the negative consequence brought by the earlier policies (Yang & Zhao, 2015). Andersen et al. (2014) argued that both autocracies and democracies need state capacity to maintain their stability. If the autocracies contain efficient bureaucracies achieving higher performance, those regimes will enjoy broader legitimacy and stability. Fukuyama (2012) pointed out that the core problem of central hierarchy in the authoritarian states is the flow of information from the bottom level, and thus, various techniques are employed to ensure the responsiveness and accountability of the low-level officials who face the grassroots clients. Ding (2020) further analyzed the performance legitimacy by dividing governance into four types – inert, performative, paternalistic, and substantive - with the degrees of capacity and scrutiny from the public. When the state behavior tends to be paternalistic, the governance features a high capacity as well as a low scrutiny and the people are more tolerant of policy repression.

As the sovereign state of Hong Kong, the PRC enjoyed its authoritarian advantages to further foster the economic and social development. Especially during the covid-19 pandemic, the Chinese government was successful to showcase the efficiency and effectiveness brought by the authoritarian system while symbolizing its national pride (Rolland, 2020). Pei (2012) proposed that the CCP since the 1990s has shifted the policy to “smart repression”, which tolerates the private areas within social and cultural scopes but still restricting the organized political activities. The Chinese government is also attempting to turn the technique of big data as the means of improving public services and reinforcing surveillance to strengthen the

authoritarian governance (Zeng, 2016). In recent years, various studies also revealed that the Chinese authoritarian advantage is found in different policy contexts, such as anti-corruption (Carothers, 2020) and energy regulation (Zhu & Chertow, 2019). At the grassroots level, the authoritarian system was shown as a rational means to achieve policy outcomes with limited and scattered resources (Xie, 2016). Meanwhile, the Singapore model combining good governance with authoritarian features became a part of China's neo-authoritarian dream (Liu & Wang, 2018; Ortmann & Thompson, 2016). It reflects that the Chinese government attempts to enhance governance by maximizing its own advantages in policy formulation and execution ability. Due to such logic feasibly and effectively implemented in the mainland China, the Chinese authorities consider that the Hong Kong Government should also take the authoritarian advantages to maintain the governance. As such, the authoritarian features have been kept in Hong Kong after the handover and are influenced by the Chinese side from time to time.

(2) Elections in the Hybrid Regimes

Most of the authoritarian states tightly control the electoral systems to serve their political ends and outcomes. Although some autocrats undermine democracy with such coercive practices as shutting down the legislatures and courts in their countries, the appearance of democratic system is still kept by holding elections (Carrion, 2007). Diamond (2002) regarded states combining democratic and authoritarian elements as hybrid regimes and found that the newly developed democracies in the third wave were illiberal or "pseudo-democratic". Dahl (1971) maintained the concept of polyarchy in which the elections should be a mechanism empowering people to have equal rights without interference to formulate policy preferences in the public decision process. In this way, Howard and Roessler (2006) concluded that several factors should be analyzed to decide whether a regime holding elections is a liberal democracy or not.

	Elections	Contested Elections	Free and Fair Elections	Freedom, Pluralism, Rule of Law
Closed Authoritarian	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Hegemonic Authoritarian	<i>Yes</i>	<i>No</i>	<i>No</i>	<i>No</i>
Competitive Authoritarian	<i>Yes</i>	<i>Yes</i>	<i>No</i>	<i>No</i>
Electoral Democracy	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>No</i>
Liberal Democracy	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>

Table 1.3: Electoral features and political regimes (Howard & Roessler, 2006)

In the “Menu of Manipulation”, Schedler (2002) proposed seven ways for the authoritarian states to manipulate elections – (1) the high positions holding real powers are not allowed to be selected through elections; (2) the authoritarian rulers build up victorious impression through nurturing inexperienced or weak oppositions; (3) voters cannot obtain fair or enough information to decide their choices; (4) the incumbents employ the gerrymandering strategies to control the electoral outcomes; (5) the intimidation of violence or pressure may be used to influence the elections; (6) some administrative measures, such as damaging ballots and forging voters’ identity cards, are found during the elections; (7) the elected officials may not

obtain the real powers or are directly disqualified by the government. In Hong Kong, the electoral systems of the Chief Executive, the Legislative Council and local administrations are outlined by the Basic Law maintaining the authoritarian features, providing the rooms for the Chinese authorities and the Hong Kong Government to influence the electoral outcomes (This will be further discussed in the following chapters).

Two main camps held opposite views about the effects of the elections on the authoritarian regimes. The first view is that competitive elections add pressure on the authoritarian system and more likely lead to democratization (Donno, 2013). Bunce (2003) also viewed the first competitive election as the end of transitions from dictatorship to democracy in an authoritarian state. Even though the oppositions cannot obtain the power from the elections, the campaigns may serve as the referendums on political structure or policies that lower the legitimacy of the government (Weiss, 2016). When the authoritarian governments underestimate the popularities of oppositions (Dukalskis & Raymond, 2018) or face unexpected economic crisis as well as social discontent (Esen & Gumuscu), the ruling power may be lost to the opposition parties through the peaceful elections. On the contrary, the second view holds that the election being a risky game for the autocrats provide rewards of enhancing governing legitimacy (Bernhard et al., 2020; Boudreau, 2009). The governments manipulate the electoral outcomes through granting more rights to specific groups which in return support the institutional settings (Mietzner, 2019). Lust-Okar (2006) maintained that voters only support those candidates having possibility to win and having ability to bring them benefits in term of economic and social development. For some authoritarian states, elections are the periodical channels to renew the patron-client relationship to exchange social resource (Benton, 2001; Koehler, 2008). If the competitive elections do not lead to democratization, the authoritarian system can be institutionalised through election and legitimised from time to time. In Hong Kong, the Chinese authorities designed the institutional settings as a semi-authoritarian system containing free and

fair elections, leading to the formation of radical and strong opposition forces against the government.

(3) Cooptation System

The cooptation are common political practices and norms found in both democratic and authoritarian states. The process facilitates governments to implement policies through arousing the particular supports from key social actors while enhancing the perceptions of legitimacy among the public (Saward, 1990). Gerschewski (2013) even proposed that the cooptation is one of the three pillars for maintaining stability in the autocratic regimes and acts as a means to balance the interests among various intra-elite inside the system. Bove and Rivera (2019) further explained that while the repression undermines the base of supports, the cooptation can be an instrument to strengthen coalitions and decrease the possibility of coups. Schedler and Hoffmann (2015) maintained that a ruler needs to satisfy the positive demands (requests from loyalists) and tackle the negative demands (grievance from opponents) to reinforce the ruling. Various modern authoritarian regimes employ the strategies of cooptation to maintain stability. For example, the Russian government shared certain legislative power of amendment with oppositions to absorb political discontent (Krol, 2020); Morocco outsources policy and social responsibilities to cooptees for reducing pressure from the public (Kreitmeyr, 2019); Mauritania coopts the rural leaders with weak party establishments in order to enhance the supports towards the central government (Buehler, 2015).

As Sass and Dryzek (2014) stated, different political culture will cause different outcomes of cooptation practices or deliberative forms. While the value of Chinese culture emphasizes on the harmonious environment to maintain consensus-based stability in the policymaking process, the Maoist period underlined the importance of the “Mass Line” to gather and absorb the people’s opinions (Tang et al., 2018). The deliberative democracy, as a form of cooptation, is

not uncommon in the authoritarian states of East Asia. Zhang and Meng (2018) even found that the modern Chinese officials view themselves as the servants who are willing to coopt the mass to increase the governing capacity. As for another country in East Asia, different mechanisms of cooption in Singapore absorbed the discontent through the state institutions and were successful to undermine the influence of political oppositions (Rodan, 1998). One of the typical examples is that the Singaporean government introduced the nominated Members of Parliament as a means of political cooption targeting the specific groups (Rodan, 2009). Hong Kong, sharing the Confucius culture as other East Asian regions, contained a well-established cooption system during the colonial period. However, due to the change of social environment, the system failed to absorb the public grievance after the handover, leading to the worsening performance of public governance in Hong Kong.

Perspective of Executive-Legislative Relationship

As for another perspective, there are two dimensions divided for further analysis – (1) political and electoral settings, and (2) minority struggles.

(1) Political and Electoral Settings

The constitutional designs of executive-legislative settings are simply categorized into two types – presidential system and parliamentary system. While the former selects its head of government through direct election and the members of cabinet are selected outside the legislature, the head position and the cabinet members in the latter system are selected from the majority party and its coalition. Shugart (2008) concluded that the structure of power relations between the executive and legislative branches are transactional and hierarchical respectively in the former and latter systems. As for the semi-presidential system, the head of state is directly elected by the people, while the head of government is selected by the majority party. Duverger (1980) divided the semi-presidential system into three types, which are the

president being symbolic status, holding all powers, and sharing certain powers with the legislature.

The institutional settings designed by the Basic Law are featured by the presidential system in which the Chief Executive is selected through a separated election. As noted by Aleman and Calvo (2010), the presidential governability is heavily relied on the responsiveness from the legislature under a pure presidential system. A divided government increases the confrontation between the executive and legislative institutions and has possibility of causing governmental paralysis (Fabbrini, 1999). Furthermore, the different focuses between the president and the legislators also affect the outcomes of policy deliberation as well as the effectiveness of the executive-legislative system. While the former has interests in the territory-wide policies, the latter values more local affairs and their own constituencies (Crisp et al., 2004; Taylor-Robinson et al., 1999). Martínez-Gallardo (2011) also found that forming coalitions is common for the presidential systems in Latin America. Such phenomenon was known as “coalitional presidentialism”, in which the coalitional parties usually emphasized on patronage and cooptional interests (Chaisty & Chernykh, 2017). Due to the existence of legal restrictions, the Chief Executive of Hong Kong cannot hold any party memberships, leading to a unique executive-legislative relationship. Worse still, the governability of the Hong Kong government was further undermined by the rise of radicals as well as the internal struggles inside the pro-Beijing camp.

Another pondering point of the executive-legislative settings is the electoral system. One of the reasons for the fragmented politics in Hong Kong is the proportional representation adopted in the geographical constituencies of the Legislative Council. The origin of the system can be traced back the period when not a few European countries adopted the proportional representation in the early 20th century due to the coexistent of the traditional elite and the

socialist forces (Cox et al., 2018). After the development of over one century, there are two different views on the outcomes of proportional representation. The first view is that the system allows more diverse representatives to be elected to the legislatures and makes the government more responsive to the people (Blais, 1991). The government also narrows the gap between policies and public views through the process of forming coalitions (Finer, 1975). The second view is that the proportional representation tends to create more parties and fragmented representatives in the legislatures (Katz, 1997; Lijphart & Aitkin, 1994). The relatively extreme parties may pull the governmental policies away from the general median (Cox, 1997). When the presidential system combines with the proportional representation, the head of state has more difficulties in forming coalitions than the one under the parliamentary system. Brazil provided such example that the multi-party politics, which was caused by the proportional representation, undermined the presidential abilities in the policymaking and encourages the government to share the powers (Junior et al., 2015; Ribeiro & Fabre, 2019). As for Hong Kong, the proportional representation has caused a serious fragmentation since the handover. In addition to the weak mechanism of forming coalition, the executive-legislative relationship is inevitably affected.

(2) Minority Struggles

Various studies on the oppositional activities inside the authoritarian regimes reveals different practices around the world. Even in China, due to the divisions inside the congresses and the pressure from the public, the legislative process experienced delays on some controversial issues (Truex, 2020). Indeed, filibuster is not a unique practice in Hong Kong and is common in the legislatures of different regions or countries. Japan is famous for its “ox walk” tactic, which is a strategy employed by oppositional parties to delay bills in the Diet. In 1992, the prime minister sought an approval to send the Self-Defense Forces overseas to join the Gulf War, but the bill, known as the “Peacekeeping Operations (PKO) Law”, was opposed by the

Social Democratic Party (SDP) in the legislatures. The SDP members deliberately walked slowly to put their ballots into the box in the middle of chamber, and they did that one by one. This tactic was successful in delaying the approval of the bills for several days. Instead of blocking the PKO Law to be passed, it was just a political gesture and aroused attention from the international media (Cooney, 2007, p. 45). In New Zealand, the government, formed by the National Party, pushed two bills to establish a single “super council” for Auckland in 2009. The Labour Party demanded a referendum allowing the Auckland residents to decide the formation of their local government. After being turned down by the National Party, the Labour Party moved over one thousand amendments to the original bill, including the changes of a single date or the names of the future council (Llewellyn & Lundy, 2009). In the Russian legislature, a large number of legislative amendments were moved by oppositional members during negotiations (Noble, 2020). Similar to Hong Kong, the legislators in Costa Rica also employed the loopholes of the rules of procedure to initiate the filibustering activities, such as summoning quorum, delivering lengthy speeches, issuing unlimited amendments, etc. (Borges, 2014)

Most of the current literatures on the filibustering activities examine the congress in the United States. Binder and Smith (2001) noted that the number of the majority preferred legislations killed by the filibuster had been increasing over the last century. The minorities employed the filibuster to buy time in order to maintain the policies status quo and prevent the government from changing them (Binder et al., 2002). On one hand, since the ruling party in the Senate only needs a three-fifths majority to cease a filibuster, the unified government always has the capacity to maintain the majority rule (Jones, 2001). However, the majority party usually respect the rules granting the prerogatives to the oppositions (Wawro & Schickler, 2018). The ruling party can also incorporate the minority preferences into the bills in order to prevent the filibuster in the later stage of deliberation (Ryan, 2020). On another hand, the leaders in the congress attempted to amend the arrangements and procedures to avoid the worsening problem

of filibuster (Sinclair, 2016). Although the people favoring the minority party usually support the filibuster (Smith & Park, 2013), Arenberg and Dove (2014) criticized that the filibuster is undemocratic and unconstitutional. As for Hong Kong, the filibuster had been one of the main reasons for the worsening executive-legislative relationship.

LITERATURE REVIEW ON THE HONG KONG'S POLITICS

Hong Kong is a semi-democratic state, which had maintained high policy efficiency before the 1997 handover, and usually serves as an empirical case study for the analysis of authoritarian features. Viewing Hong Kong studies as an important regional theme in political science, Wong (2002A) concluded that there are several substantive issues, including voting behavior, political cleavage, societal analysis on political trust, “one country, two systems”, withering democracy, etc. This research focuses on the institutional settings under the Basic Law regime, changes in social environment, the development of party politics and the Chinese influence over Hong Kong in recent years.

Formation of the Pro-Beijing System after the Handover

The formation of the post-handover political system was not achieved overnight and was a long process of negotiation between the Chinese and British sides. Some scholars did not trust the Chinese authorities sincerely implementing the proposed democratization after the handover. For example, Burns (1993) noticed that the Chinese government cast doubt over whether the United Kingdom should hold complete authority over Hong Kong when the colonial government pushed a drastic constitutional reform in 1992; Lee and Boasberg (1994) even maintained that the new constitutional document, the Basic Law, was not democratic and not acceptable to the Hong Kong locals; and Chan (2003) pointed out that the unelected Provisional Legislative Council contained no legal foundation. Much research has also affirmed the

contributions brought by the colonial government on the modern and Western-style political elements, such as popular social policies, efficient and clean administration, rule of law, respect of personal freedoms, etc. (Holland, 2000; Hook, 1997; Law & Wong, 1997; Yep, 2013). However, at the same time, people considered that the British authorities betrayed the interests of the Hong Kong locals in order to create a policy of appeasement with Beijing (Chan, 1997). Baum (1999) more directly criticized that the ruling Conservative Party in the United Kingdom restricting the flow of Hong Kong's immigrants out of racism played a significant role in the "1997 question".

After the handover, debates over the new institutional settings of the Basic Law regime have never been settled. Most studies argued that the Chinese authorities had failed to respect Hong Kong's autonomy from various perspectives, such as the Chief Executive and the Legislative Council elections (Baum, 2000; Davis, 1999; MacKay, 2000; Overholt, 2001; Pepper, 2000), local administration (Lo, 1999A) and judiciary system (Lo, 2000). Having said that, Gilley (2010) regarded the "one country, two systems" for Hong Kong as a democratic enclave surrounded by the authoritarian regime. Instead of improving the executive-legislative relationship by pushing democratic reforms, the unelected Chief Executive attributed the failures of public policies to poor ordination with senior civil servants (Lam, 2005A). Before the handover, Cheng and Lee (1996) had predicted that the relationship between bureaucrats and legislators would become tense without proper democratization. Since the top leader counted on the civil service bureaucracy for policy advice (Cheung, 1997), some scholars considered that ministerialization might empower the Chief Executive to form a "government party" (Burns, 1999; Lee, 1999). During Tung Chee-hwa's second administration, the POAS was introduced in order to enhance accountabilities of policy bureau directors to the Chief Executive (Cheung, 2003). The system also improved the political alertness among the top officials to potential crises (Loh & Cullen, 2005). However, Cheung (2011A) considered that

the POAS had not functioned well under the then politicized environment and had undermined the public service ethics that could maintain professional and bipartisan practices. Despite such change, Burns and Li (2015) found that the values of fiscal prudence and striking interest balance among community stakeholders were still preserved. Chapters 3 and 5 will further elaborate on how the politically appointed officials influenced the political support for the Chief Executive.

With the partially democratic system, some studies analyze how the government absorbs public opinions from various stakeholders in Hong Kong. King (1975) proposed that the colonial authorities were implementing the practice of “administrative absorption of politics”, in which socio-economical leaders were absorbed into official political circles through granting them membership in different governmental bodies. While Kuan and Lau (2000) saw the strategy of coopting potential oppositions as an important means to maintain political stability after the handover, Cheung and Wong (2004) found that the main coopting targets had been changed from non-partisan technical figures to the elite of business and profession associations who would seek electoral offices in the Legislative Council and the EC. Goodstadt (2000) also noticed that the Chinese authorities gave priority to the business and professional sectors in selecting the post-colonial political elites with the assistance of traditionally patriotic and “proletarian” groups. Chapter 3 will explain the failure of “administrative absorption of politics” after the handover.

While many studies have asserted that there was a positive correlation between liberal freedom and economic performance (Tang, 1999; Thompson, 2001, 2002, 2004A, 2004B), some scholars considered that the government should take a more interventionist role to achieve better governance, such as strengthening regulation for private corporations (Hsu, 2000) or implementing more welfare policies (Cheung, 2000). Chiu et al. (2008) noted that the

government maintained a low level of intervention in employer-employee relationship and tended to be biased in favor of the business sectors. After experiencing one or more terms of post-handover elections, some research focused on the government-business alliance in the functional constituencies of the Legislative Council (Fong, 2014; Kwok, 2006; Ngok, 2015; Wong, 2017) and the EC (Kwong, 2007; Wong, 2012) and how this alliance affects the policy outcomes. On one hand, some scholars even believed that the business influence may pose obstacles and challenges to the democratic reforms (Chan & Chan, 2006A; Ho et al., 2010; Yep & Ngok, 2006; Zhang, 2011). On another hand, some studies revealed that the current system enhances the possibilities of government-business collusion in the policymaking process (Fong, 2013; Lui & Chiu, 2007; Wong, 2015A). The government also implemented policies in favor of real estate development, which was usually deemed as solid evidence of economic performance (Tang, 2008). Due to the upper hand of the business sectors, the agenda of governmental legislation or policies are influenced to strengthen the mindset of minimal intervention (Lee & Haque, 2006; Wong, 2014A). However, Ng (2010) considered that the government sometimes has the ability to act against the interest of the business sectors on specific policies. The relationship between the business sector and the government will be further elaborated upon in Chapters 3 and 5.

Apart from the government-business relationship, most of the above studies concerned the political legitimacy under the Basic Law regime and proposed to enhance it by introducing more democratic elections. After several terms of elections, people realized that the authoritarian government would not be replaced by their votes (Sing, 2006), while the administration could not consolidate support on specific policies through elections (Ramesh, 2012). Without a proper mandate, some scholars noticed that the government strengthens its governance through different methods, such as rebuilding a strong administrative state (Cheung, 2008) or reinforcing non-interventionist practices (Painter & Yee, 2012). Having said that,

since the authorities do not require to face any electoral pressure, nonessential policy issues are easily ignored (Francesch-Huidobro, 2012; Lam, 2015), and political scandals tend to be created without close monitoring from the legislature (Scott, 2014). Zhang (2009) considered that Hong Kong should first reach consensus on the future political design instead of just pushing the pace of democratization. Oksanen (2011) also noticed that the pro-Beijing camp pushed the political reforms with the values of social consensus and practical ends, while the pro-democracy camp emphasized normative values to arouse wider support. How the lack of political legitimacy contributes to worsening the executive-legislative relationship will be further investigated in different parts of this research.

Change of Social and Oppositional Environment

Another important perspective in Hong Kong Studies is that of societal analysis. Before the handover, DeGolyer and Scott (1996) noticed that the Hong Kong locals were perceived to be politically apathetic by both British and Chinese sides. As such, the process of democratization in the city was not required to be achieved within a short period. However, different studies found that the gradual process of democratization since the 1970s encouraged more people to be concerned about local politics through their first-hand participation (Lo, 2011; Scott, 2001). In the first post-handover decade, some researchers pointed out that the civic education in the city promoted responsibilities over rights and attempted to downplay normative values, such as rights, democracy, critical judgement, etc. (Fairbrother, 2005; Lam, 2005B) However, more locals challenged the post-colonial states over various policies and changed to be no longer politically apathetic (Lo, 2007). By the turn of the 2010s, Lee and Chan (2008) made a comment that the demonstration on 1 July 2003 empowered more people to pay attention to politics, but the culture of de-politicization was still prevalent among the protestors. Until the mid-2010s, Xia (2016) found that since the demands for democratization increased, some people were not satisfied with the de-politicizing citizenship promoted by the authorities and

escaped the political apathy nurtured in the colonial period. To be specific, various studies concluded that the transformation of citizenship from de-politicization to politicization in recent years are attributed to two perspectives – (1) the development of post-materialism and civil society, and (2) the failure of public policies improving people's livelihood.

For the post-materialism perspective, Kuan and Lau (2002A) asserted that post-materialist values have a significant correlation with the belief of democratic legitimacy in Hong Kong. Sing (2005) also considered that only offering economic sweeteners cannot lessen the demand for democratization. Wong et al. (2009A) found that post-materialism undermines people's trust towards the Hong Kong government. Sing (2010) then concluded that the continuous support for democracy in Hong Kong was due to the rise of post-materialism and the decline of respect for authority. Ngok (2011A) even proposed that there would be a legitimacy crisis in the post-industrial structure of the Hong Kong economy. From another point of view, the rise of civil society after the handover also contributed to the political instability of the city. Those civil organizations with a professional background always shaped the public discourse on mass movements and the related rationale (Chan, 2005; Chan & Chan, 2006B). Ngok (2005) noted that the Catholic Church, the legal sector and the press also had an opinion leadership against the national security legislation in 2003, which later developed into a mass demonstration that year. Ku (2009) found that since civil society has become much complicated, the traditional strategy employed by authorities to reach social and political consensus has been outmoded. Moreover, some research has focused on the influence of the press in Hong Kong. Lee (2002A) asserted that radio phone-in talk shows may expand the boundaries of political agendas and encourage more people to engage in political participation. However, various studies found that the press in Hong Kong imposes different levels of self-censorship due to the pressure from the business sectors and the Chinese authorities (Holliday et al., 2002; Lee, 2007; Lee & Chan, 2009; Ngok, 2007).

In relation to the failure of public policies, Lau (1996) held a view that the political trust of the locals heavily relied on the performance of providing public services under the partially democratic system. Due to the 1997 Asian Financial Storm and a series of natural disasters causing hardship in society, people started to have doubts over the newly established SAR government as well as its Chief Executive (Canning, 2001; Lau, 1999; Lau, 2003). With the previously mentioned post-materialist values, people started to realize the seriousness of the gap between rich and poor in the city (Wong et al., 2009B), although the Hong Kong locals still had a higher degree of tolerance of income inequality than in the mainland (Wu, 2009). Various studies concluded that the established welfare system could not square the welfare circle to meet people's needs (Wong, 2007; Wong, 2008) as well as enhance the legitimacy of the government (Lee, 2006). After the turn of the 2010s, the poverty problem was still widespread in Hong Kong (Fong & Wong, 2015; Lau et al., 2015) and became one of the reasons for the 2014 Occupy Central (Wong, 2017). Despite the post-industrialist structure with a high per capita GDP, inequalities are also found to be prevalent across educational (Mok, 2015), housing (Lee & Yu, 2012; Li, 2016A) and health (Chung & Wong, 2015) policies. Wong and Koo (2016) noticed that young people grabbing opportunities for upward mobility relies on their class backgrounds. With these factors of social instability, more people have engaged in the social movements against the Hong Kong government. Chapter 3 will further investigate the causal relationship between the social environment and the mass movements.

In recent years, more studies have focused on the analysis of the oppositional campaigns in Hong Kong. Soon after the handover, Margold (2000) predicted that more attention on the political voices would be caught among the Hong Kong locals, even though the media still criticized the student activists who launched the democratic campaigns within campuses as “irrational” and “uncivilized”. To respond to civil obedience, the government had an increasing

will to confine the democratic campaign within the law and order framework by restoring the public order ordinance (Ku, 2004). After the 2003 demonstration, while Canning (2004) considered that the reluctance of implementing political reforms would aggravate the seriousness of pro-democracy oppositions against the government, Chan and Lee (2007) anticipated that the wave of democratization would be sustainable with the rise of movement organizations and self-mobilization perception. Ortmann (2010) adopted a three-phase model (colonial phase, localization phase and decolonization phase) to explain the oppositional behaviors and determined that Hong Kong had moved into the last phase in which oppositional groups demanded further democratization.

Around the 2014 Occupy Central, various studies analyzed the protests in the city from micro-perspectives. For example, Garrett (2013) found that some activists lent the image of Western superheroes, such as Batman, Iron Man, Super Mario, etc., to represent a challenging righteous power against Communist China and regarded the local pro-Beijing figures as “evil” outsiders; Veg (2016) studied over 1,000 slogans and other propaganda advertisements in the occupying areas and concluded that those materials mobilized the diverse values of Hong Kong identity and asserted the varied sources of political legitimacy; and Cheng and Chan (2017) also found that most protestors in the campaigns were self-mobilized and the networks of coordination were decentralized and fragmented in term of leadership. Lee (2015) asserted that the internet reinforced the behavior of self-mobilization and led the social movements to be irrelevant to traditional movement organizations. While Hui (2015) considered that the protestors in 2014 won the international admiration with their orderly as well as polite actions and Ng and Chan (2017) believed that the strategy of joyous resistance employed by radical groups in Hong Kong could reduce the possibilities of violence, Lee (2018) found that the participants of Occupy Central and the alternative media users had a positive correlation with stronger attitudes towards radical protests or Hong Kong independence. The users of social media might

avoid their unwanted information deliberately, leading to a worsening political polarization in the society. (Zhu et al., 2017) To respond to the social movements in Hong Kong, the Chinese authorities nurtured local counter-mobilization groups to disseminate patriotic voices (Cheng, 2016) and employed “defensive soft power” to maintain Chinese propaganda and defend the national image in the international community (Dylan, 2016). Chapters 3 and 6 will further analyze the development of social movements in Hong Kong.

Development of Party Politics

The development of party politics in the city is another important issue in Hong Kong Studies. Since the 1990s, different researchers observed how the change of electoral systems influence the development of local parties. Fung (1993) attempted to measure the coat-tail effect in the 1991 Legislative Council, in which each voter had two votes to select two candidates in a constituency, and found that a party gained the majority of seats in the Council due to the effect. While Ngok and Choy (2003) considered that the new electoral method after the handover, proportional representation, made the campaigns more party-centred and had less emphasis on candidates’ personalities, Chan and Kwok (1999) maintained that the largest remainder formula obstructed the rise of a large party in the council and prevented the formation of great pressure directed at the government. Wong (2014B) also found that the seats in the District Councils assist parties to obtain more votes in the Legislative Council elections. This becomes the reasons for the authoritarian government to gerrymander the District Council Constituency Areas (Wong, 2019) or create fake oppositions (Fong, 2017A) in favor of the pro-Beijing candidates. Chapter 4 will further investigate the consequences of implementing proportional representation.

Apart from the research specifically focusing on elections, the rise of political organizations has been investigated by different studies. Sing (1996) analyzed the rise and decline of three

pro-democracy alliances, which were the Joint Committee on the Promotion of Democratic Government (JCPDG, 1985-91), the Joint Association of People's Organizations (JAPOD, 1992-94) and the Full Democracy in 1995 (FULLDE, 1992-94), and predicted that the role of these alliances would be replaced by fledgling political parties. Sing (2003) further pointed out that the reputable leaders joined the political parties instead of alliances, leading to those organizations losing media attention. Lau (2000) also found that the newly formed parties were preoccupied by socio-economic issues and had no clear political cleavages that could be recognized by the locals. Moreover, normal citizens did not appreciate the political parties and maintained a distance from them (Cheng, 2001). Apart from the Hong Kong people feeling antipathy towards the political parties, the Chinese authorities also had no interest in nurturing the pro-Beijing parties, and thus no ruling party could be formed to support the Hong Kong government under such a stunted party system (Lau & Kuan, 2002).

Around the 2000s, many researchers on Hong Kong's political parties analyzed the DP decline and its relationship with other radical groups. From the very beginning, the DP leaders set their line as moderate and did not adopt a militantly confrontational style before and after the handover (So, 1999). The party also attempted to join the election of the Hong Kong NPC Deputy to enhance their political influence in the mainland (Pepper, 1999). After the first post-handover Legislative Council election, proportional representation provided more room for the small parties to develop but weakened the DP influence in the council (Ngok, 2001). Having said that, the DP was still the party chosen by the pro-democracy voters who were less politically informed (Kuan & Lau, 2002B). While Cheng (2004) saw the electoral victory in the 2003 District Council Election as the revival of the pro-democracy movement, he found that the pro-democracy performance in the 2004 Legislative Council Election was not as high as expected and the Chinese authorities employed strategies to isolate the hard-liner democrats (Cheng, 2005). However, Sing (2008) found that new pro-democracy party, the LSD, brought

its radicalized style into the council after 2008, and Cheng (2014) maintained that the emergence of radical politics was due to the deteriorating living standard in Hong Kong. Zhang (2010) noticed that the approval of political reform depended on whether the moderate democrats were willing to negotiate with the Chinese authorities. Nevertheless, the DP was coopted by the Chinese side during the deliberation of the 2010 Political Reform Package, leading to a serious divide among the pro-democracy camp (Ngok, 2011B). The studies on the DP development provide an analytical foundation of the party politics in Hong Kong and include much useful information throughout the whole research process.

Various studies also analyzed the policy values of political parties in the council. Chan (2001) found that both the pro-Beijing and pro-democracy camps contain parties established with a line of labor activism and thus common ground on labor issues could be found despite political cleavages. Sing (2004) noticed that the DP and the pro-democracy labor unions held different stances on minimum wage legislation, leading to internal conflicts in the pro-democracy camp. While investigating the case of the Link REIT privatization,¹⁷ Chung and Ngai (2007) divided the political parties into mainly three types: (1) the LP is the pro-business conservative party supporting high intervention in market (pro-business policies) but low intervention in social equity (non-welfare policies); (2) the DAB is the pro-China statist party proposing social equity to enhance legitimacy; and (3) the DP, the CP, Frontier and the LSD are the “third way” centrists believing governmental intervention should prevent market failures. Wong (2015B) classified the parties as elite (CP, LSD, PP), mass (ADPL, DP, FTU), catch-all (DAB) and cartel (LP) models in terms of their structures and financial abilities. Researchers also employed a roll-call analysis to investigate the natures of political parties in the council. While Jang (2015) found that the members who returned from the geographical constituencies are less likely to be

¹⁷ The Housing Authority privatized its shopping facilities and wet markets in the public housing estates to cut public expenditure, but the policy later was proven to increase people’s living cost at a grassroots level.

aligned with the ones returning from the functional constituencies, Wang and Peng (2015) noted that party unity in the council is the result of their disciplines and the homogeneity of policy preference. Chapters 4 and 5 will further analyze the development of party politics in Hong Kong and how this affects the parties' attitudes towards filibuster from time to time.

Chinese Influence Over Hong Kong Affairs

Another essential issue in Hong Kong Studies is the Chinese influence over the city before and after the handover. From the perspective of economic interaction, while Loo (2004) noted that the export-oriented firms in the Pearl River Delta had clustered around Hong Kong to develop, Sit (2004) regarded the cooperation between Hong Kong and Guangdong before the Chinese accession of the World Trade Organization in 2001 as the "Front Shop, Back Factory" model. The CEPA, a type of free-trade agreement, was concluded in 2003, marking a new era of economic integration between the mainland and Hong Kong (Chan, 2020; Chiu, 2006; Kong, 2003; Wong & Zhang, 2006). Various researchers revealed that the professionals and industries in Hong Kong contributed to the development of different sectors in the mainland, such as manufacturing, logistics, financial services, property management, etc. (Heung & Zweig, 2011; Meyer, 2008; Nor, 2011; Ramón-Berjano et al., 2011; Sharif & Tseng, 2011; Shen, 2008).

Having said that, although Hong Kong could take advantage of being a globalized city-state to continue serving as a services and talents center for mainland China (Pun & Lee, 2002), the rapidly developing mainland cities, such as Shanghai, might be in direct competition with Hong Kong (Kwong & Miscevic, 2002). Tsang (2007B) also predicted that there would be possibilities of structural dissolution for Hong Kong in the process of regional redistribution. After the turn of the 2010s, with various problems in the mainland, such as local protectionism, rent-seeking, reliance on guanxi, etc., Hong Kong's advanced producer services have had difficult circumstances integrating with counterparts in a neighboring city (Chan & Zhao, 2012).

Guangdong also competes with Hong Kong to seek approval from the central government for leadership in the development of the Pearl River Delta (Cheung, 2012). Before the rise of anti-China sentiment in recent years, Shen and Luo (2013) maintained that social consensus on regional integration was reached among the government, parties and citizens in Hong Kong. The Chinese authorities also extended their influence over Hong Kong in the context of social policies. While some leftist schools have implemented national education since the last century (Lau, 2013), more Chinese pressure towards civic education has been revealed since the handover (Hughes & Stone, 1999; Lau, 2013; Ng, 2007). More studies also focused on the cross-boundary collaborations between Hong Kong and the mainland jurisdictions, such as the construction of Hong Kong-Zhuhai-Macao Bridge (Yang, 2006) and environmental protection policies (Lee, 2002B; Loh, 2011), public health (MacPherson, 2008) and anti-terrorist activities (Smart & Smart, 2008). This literature provides a basic understanding that the Hong Kong economy heavily relied on the mainland and the relationship between the two places is doomed to be inseparable.

Apart from the socio-economic perspective, the political influence from the mainland has been exerted on Hong Kong since the last century. Chan Lau (2000) and Share (2005) revealed that the CCP had already had activities, including the Seamen's Strike, in Hong Kong before the PRC establishment. The labor movements in the city also contained a great split between the CCP and the KMT until the early 1970s, when the CCP failed to launch the urban warfare campaign in 1967 and its influence later died out from the local sphere (Au, 2006). Lo (1994) exposed the CCP internal conflicts between the HKXNA (represented the liberal faction) and the HKMAO (represented the conservatives in Beijing); during the transitional period, the downfall of the former's director implied the adoption of hardline strategy towards Hong Kong. Burns (1990) estimated the CCP structure of nomenklatura in Hong Kong and further reckoned how the party-state nexus interacted in the local affairs in the 1990s. Lau (2000) asserted that

the Chinese authorities mistakenly deemed the bourgeoisie of the capitalist Hong Kong as the potential governing class, leading to the dearth of political leaders in the post-handover period.

On the contrary, different research investigated how Hong Kong could politically influence the mainland before and after the handover. Sonny Lo noted that Hong Kong's media covering the issues in the mainland, especially for South China, facilitated the quest for better governance in localities (Lo, 1997; Lo, 1999B). Wong (2002B) considered that Hong Kong's postcolonial subjects had a liberalizing mission to assist the mainland to open to the outside world. Wu (2008) also maintained that Hong Kong existed as a "reference society", which featured with civic freedom and rule of law, for Chinese modernization. Shen (2008) later found that China borrowed Hong Kong identity to run the election for the Director-General of the World Health Organization, when the Hong Kong medical officer, Margaret Chan Fung, won the position in 2006. After the turn of the 2010s, although the mainland's political influence over Hong Kong continued to increase, Cheung (2011B) still believed that Hong Kong's experience of democratization would have major implications on the future political reforms in the mainland. Studies also revealed that the ASPDMC, which established support for the student activists in the 1989 Tiananmen Square Incident, continued to push democratization in the mainland (Hung & Ip, 2012; Lee & Chan, 2013; Lo, 2013). There is also a group of pro-democracy activists, known as "liberal patriots", who set foot on Diaoyu Island to claim the disputed territory as a part of China while hardly supporting the democracy both in Hong Kong and the mainland (Chan & Chan, 2014).

Due to the unfinished process of democratization in Hong Kong, various studies analyzed the Chinese influence over the local political system. Soon after the handover, Lam and Mok (1997) proposed a dilemma faced by the Hong Kong locals, which was choosing between economic prosperity and democracy; once democratization was pushed forward, economic performance

would suffer due to political instability. Some Chinese scholars also further elaborated the nature of the “one country, two systems” and the Basic Law from the perspective of the Chinese side. Zeng (2003) revealed that the autonomy enjoyed by the Hong Kong SAR is not what the states contain under a federal system; the former’s source of power is from authorization, while the latter is determined by division of power. Rao and Wang (2007) pointed out that the SAR still has higher power than other autonomous local governments, reflected by the final adjudication, issuing its own currency and passport, and maintaining an independent customs jurisdiction. These two Chinese scholars further considered whether the Chinese government had sincerity in terms of democratization and were only concerned about the pace and speed of the process. Boniface and Alon (2010) shared a pro-Beijing stance that the democracy of Hong Kong had not been undermined since the handover. On the contrary, Tai (2010) found that judicial independence had been encroached from time to time and Xi Jinping, the then PRC Vice-President, openly called for solidarity among the administration, legislature and judiciary. So (2011) noticed that there was a difference in the views of developing the “one country, two systems” policy between the Chinese authorities and the local democrats; while the former expected to push the policy towards the direction of “one country”, the latter tended to emphasize the “two systems”. Rezvani (2012) saw that there would be a possibility of dead autonomy for Hong Kong’s political future, in which the local power would slowly surrender to Chinese pressure. Davis (2015) directly criticized that the Chinese side had broken the promise of democracy for the Hong Kong locals.

Different research also focused on the identity issue of Hong Kong people and the rise of localist ideologies in recent years. Lui (1999) noticed that the formation of Hong Kong identity was originated from the higher level of economic achievement in the 1980s. While Chan (2000) found that Hong Kong identity was more explicit than the national identity among the locals, DeGolyer (2001) discovered that people also demonstrated a fear, instead of love, towards their

new sovereign state. Ghai (2001) acknowledged that the Chinese authorities deliberately downplayed the issue of nationalities during the draft of the Basic Law and conferred political rights to the citizens who were Chinese non-nationals. Ho et al. (2003) confirmed that there was an ideological orientation that emphasized the unique culture that emerged from the history of Hong Kong. Due to such a difference in identity recognition, Hong Kong society had gradually developed an exclusion approach towards mainland immigrants since the 1990s (Law & Lee, 2006). After the turn of the 2010s, the national identity had not yet been recognized by most Hong Kong locals. Although Liu and Lee (2013) found that more educated citizens tended to resist the identity designed by the CCP, Cheung (2014) noticed that Hong Kong could not survive without the water and food supplies from the mainland and the Chinese authorities could simply exploit such resources to control the whole city.

Having said that, when the influx of the mainlanders into the city influenced the local attainment of social resources among the Hong Kong people (Lee, 2016; Wong, Zheng, Wan, 2016; Yew & Kwong, 2014), the anti-China sentiment became one of the main agendas in the 2012 Legislative Council Election (Ngok, 2015). The ideologies of localism arose against the perceived “mainlandization” around the period of the 2014 Umbrella Revolution (Kaeding, 2015). The localist representatives also stood in the 2016 Legislative Council Election and won the seats (Fong, 2017B; Kaeding, 2017). Lim (2017) and Steinhardt et al. (2018) noted that a small pocket of localist activists advocated the notion of independence from China. While Tang and Yuen (2016) mentioned that the localists employed the “use of violent” strategy against the authoritarian states, Veg (2017) found that the resistance of national identity defined by the Chinese authorities became the main tune of protests in recent years. Chapter 6 will further elaborate on the Chinese influence over Hong Kong and the impact of localist forces on local politics.

Limitations of Current Literature

Through scrutinizing the studies on authoritarian systems and research from Hong Kong Studies in the past 30 years, there are three limitations in the current literature, which are presented in the following.

Firstly, Hong Kong maintained the authoritarian features after the handover, but the legislative ability has been deteriorating. This contradicts our observations on the authoritarian system that only few oppositions influence the policy-making process. It should also be noted that the administrative efficiency of the Hong Kong government generally remains unchanged and the only problem is found in the deliberation time spend in the council. Such circumstance is the direct result of council struggles, but the activities of filibuster have not been thoroughly investigated by Hong Kong Studies researchers. In recent years, the filibuster became one of the main phenomena in the Legislative Council, directly leading to the executive-legislative gridlock in Hong Kong. Although past literature has studied how the political settings under the Basic Law regime contributes to the lack of legitimacy for the government, this research does not link the relationships of such an authoritarian system to the council struggles in the context of Hong Kong.

Secondly, the fragmented politics in the council remains under-explored in the current literature. The divides among the traditional democrats, the radical groups and the newly arising localist figures became more obvious and affected the oppositional strategies towards the government. While the traditional democrats attempted to maintain a negotiable position to strive for their demands, the other pro-democracy forces expected to have a total shutdown of the council to exert pressure on the Hong Kong or Chinese authorities. Moreover, different factions inside the pro-Beijing camp, which mainly originated from the difference between the business sectors and the traditional leftists, also undermined the executive-legislative relationship and slowed

down the reforms of social policies, leading to more grounds for the opposition to launch the filibuster. Various stakeholders in the council and their interactions in the legislative process should be further investigated to fill the literature vacuum.

Thirdly, with the rise of localist and even pro-independence ideologies, the policies of the Chinese authorities addressing Hong Kong has been experiencing large changes. Some literature covers how the localists influenced the political sphere in the council but does not address the most updated circumstances since the sixth term of the Legislative Council (2016 to the present). Due to the 2019 Anti-Extradition Protests in the city, the pro-democracy movement launched an uncooperative campaign in the council on a full scale. With the executive-legislative relationship reaching the lowest point in history, the Chinese authorities enhanced control over Hong Kong's internal affairs. The updated events are also worthwhile to be analyzed to supplement the current Hong Kong Studies.

RESEARCH QUESTIONS AND HYPOTHESES

The research question and hypothesis for this research are as follows:

Research question:

- *What are the reasons for the executive-legislative gridlock (council struggles) in Hong Kong?*

Hypothesis

- *The Beijing's past semi-authoritarian policies towards Hong Kong caused the executive-legislative gridlock.*

The main aim of this research is to investigate the executive-legislative gridlock. The main phenomenon is the raise of activities of filibusters or council struggles. It proposes that the Beijing's past semi-authoritarian policies (in-between strategies) contributed to the current executive-legislative gridlock. These includes the Chinese miscalculations on the political systems, the party development and the recent policies.

Chapter 2 analyses the filibuster phenomena in the council and how this lowered the legislative ability for the Hong Kong government. Chapter 3 investigates how the Basic Law regime centralized the power to the administration and forced the opposition to engage in struggles against the authorities. Chapters 4 and 5 study the electoral system of proportional representation and its consequences over the fragmented politics in the council. Chapter 6 scrutinizes the Chinese ever-changing strategies towards the rise of localist ideologies and the total shutdown of the council after mid-2019.

METHODOLOGY

Methodology is a bridge linking philosophical perspective (ontology and epistemology) with method designs to describe social reality and its philosophical components (Hesse-Biber & Leavy, 2011). This research can be categorized as an exploratory research, which is conducted to better understand existing problems or is used to identify issues. The exploratory research is a kind of qualitative research based on the assumptions that reality is formed by human observations and socializations (ontological perspective) and is studied through the subjective interpretations of involved participants (epistemological perspective). While the phenomenon of the executive-legislative gridlock in Hong Kong is the observation of the people, the attitudes towards the phenomenon (both positive and negative) are subject to the perceptions of participants involved in the study.

In this research, the main way of collecting data is through documentary studies, in which materials including academic publications, newspapers, council documents, etc., are the essential sources to analyse the executive-legislative relationship of Hong Kong. Especially for the division records from the council, this research examines the roll calls of the legislators from 2000 to 2016. Through these records of voting, the cohesion of the pro-democracy and pro-Beijing camps in different types of motions were investigated. The further elaboration of roll call analysis can be found in Chapter 5. The outcomes facilitate an understanding of the fragmented politics among various political affiliations and how such representations are affecting the executive-legislative relationship of Hong Kong.

Apart from these documents, this research is also based on semi-structural interviews with 18 out of 70 members (sampling over 25% of the whole council) in the sixth term of the Legislative Council (See Appendix I). The reason for selecting the semi-structural interviews as the method is to give more opportunities the legislators to expand their ideas. The sample questions provided to them only served as a guide of conversations (See Appendix II). The researcher sent invitation emails to the legislators' official accounts and attempted to make appointments with as many legislators as possible. The participants were from various political parties or claimed affiliations. There were no more than three members from the same party. While eight were from the pro-democracy camp, 10 were from the pro-Beijing camp. The ratio approximately matches the real proportion at the start of the sixth term (29 pro-democracy members to 40 pro-Beijing members). Each interview lasted for around one hour and was conducted either in Cantonese or English (depended on the language the participant chose). While the identities of participants are kept anonymous, no audio was recorded during the interviews in order to encourage the legislators to provide more insights. The researcher only used pens and papers to jot down key points and important sentences. The period of the

interviews ran from July to November 2018.

As current affairs in Hong Kong are ever-changing due to the instability caused by the 2019 Anti-Extradition Protests, the cut-off of content for analysis in this research is set at 30 June 2020, one day before the implementation of the national security law of Hong Kong.

SIGNIFICANCE OF STUDY

This research supplements the current vacuum of literature in Hong Kong Studies and serves as an empirical case contributing to the discipline of political science from different perspectives.

Firstly, this research enhances our understandings of the development of an authoritarian regime from having a strong to weak governance status in the modern context and analyzes the reasons for such retrogression. It attempts to answer why an authoritarian system is not necessary to bring about a smooth policymaking process. Hong Kong should be an example of such an authoritarian state failing to maintain its authority and efficiency in the legislative process. Authoritarian governments are expected to have strong legislative abilities due to the lack of oppositional forces, while democracies should have enough of a popular mandate for maintaining their legitimacy. However, Hong Kong is an in-between polity facing significant opposition and containing no necessary mandate. Such a “special administrative region” implementing the “one country, two systems” provides insights for understanding semi-authoritarian systems in other regions.

Secondly, this research analyzes how the filibuster as a peaceful means influences the semi-authoritarian government. Under the current executive-legislative settings and the political

environment without shared ruling power, the pro-democracy camp continually engaging in the council struggles makes Hong Kong become famous in uncooperative practices. Compared with the violent riots on street, council resistance is a peaceful way for arousing support and contributing to democratization. This strategy is worthy of in-depth study for the issue of popular opposition.

Thirdly, in the context of Hong Kong, this research provides more understanding of the current political gridlock. The Chinese authorities designed the Basic Law regime for the purpose of maintaining the prosperity and stability of the city, but after over 20 years' development, various miscalculations of the institutional system and local party politics gradually become evident. The largest scale of protests in the history of Hong Kong happening last year does reflect that the governance problem should not be overlooked and requires a further investigation for possible solutions. Finally, the approach of semi-structured interviews is employed in this research. This provides valuable insights into the local politics from the first-hand experience of the individual legislators and parties. The primary sources record the political ideologies across different parties before the 2019 Anti-Extradition Protests.

CHAPTER 2

CHANGE OF LEGISLATIVE ABILITY

CHAPTER INTRODUCTION

The aim of this chapter is to analyse the change of legislative ability in Hong Kong after the handover. The administration enjoyed efficient policy deliberations in the council due to the lack of oppositional force. Since the rise of filibuster, the authority of the government had been challenged. As such, the filibuster was deemed as the most important phenomenon of the deteriorating governance in the city. This chapter investigates the methods used by the oppositional legislators and the related consequences over the council affairs. The content elaborates the term “council struggles” in the research question.

EXECUTIVE-LEGISLATIVE RELATIONSHIP BEFORE THE RISE OF FILIBUSTER

The legislative ability indicates how efficient the government and its allies in the council finish a legislation and whether the legislation need to be withdrawn due to oppositions. Since the handover, the length of time spent on council deliberation had been increasing, reflecting a lower legislative ability for the Hong Kong government. The reasons of longer deliberation were not only the greater complexity or specialization of policies, which served the development of the city, but also more filibuster launched by the pro-democracy legislators in the Legislative Council.

Before the rise of filibuster, the members from the pro-Beijing and pro-democracy camps even

cooperated to accelerate the process of deliberation. For example, in 2008, the central government invited 20 legislators, including the pro-democracy members, to visit Sichuan Province for the purpose of grasping more of the on-site situation after the great earthquake. In order not to disturb the date of departure, the agenda items of the general meeting that week were deliberately pushed forward by most legislators faster than normal (Oriental Daily News, 2008). Such cooperative practice has become uncommon under the current executive-legislative relationship. Another example was the deliberation of appropriation for the high-speed railway project in 2010. The Finance Committee was chaired by the DP member, Emily Lau, who drew a line from the filibuster raised by some radical legislators. In order to guarantee that the funding could be voted on in a meeting, Lau forbade members from delivering speeches, which were not meaningful and had been responded to by the government and set a time limit for finishing the whole deliberation (Li, 2010). This way of presiding is seldom now adopted by pro-democracy members, if one of them takes the position of chairperson in any committees in the council.

Instead of launching filibuster, most pro-democracy legislators in the past chose to walk out of the chamber as a protest and hold a press conference to express their unsatisfactory attitudes towards the government's proposals. For example, in a bill committee scrutinizing a replacement mechanism of resigned legislators in 2011, the democrats left the meeting without any further action to delay the deliberation (Chong & Fung, 2011). In this way, the government enjoyed an efficient process of policy formulation in the first several terms of the Legislative Council.

FILIBUSTER: ULTIMATE WEAPON FOR THE PRO-DEMOCRACY CAMP

In Hong Kong, filibuster has been becoming more common in the Legislative Council, since it

is the “ultimate weapon” for the pro-democracy camp to stop any unwelcomed bills pushed by the government.

“Rules of Procedure” of the Council

As a legislature with a history of over 150 years, the Legislative Council has established a set of practices and procedures, and the Basic Law stipulates that the council could make the rules of procedure on its own after the handover. The current version of the Rules of Procedure was approved by the first term of the SAR Legislative Council. It was inherited from the pre-1997 Standing Order and other unwritten practices of the House of Commons in the United Kingdom, whose parliamentary system contains the principles of “moderation and fair play”. The former is conducive to a friendly environment, which turns vehement speech into placid discussion through the rules and practices, such as facing the chairperson while delivering speech, not addressing other members by names, not interrupting other members’ floors, using proper and decent (parliamentary) language, etc. The latter respects the minority rights held by the oppositional and small parties. All members of parliament have equal rights to move motions or amendments to motion, have the floor and cast votes (Legislative Council Commission, 2014, pp. 1-12). These two principles heavily influence the development of operation and practice in the Legislative Council of Hong Kong. Especially for the principle of fair play, it later became the source of the filibuster launched by the pro-democracy members. In order to guarantee the right of speech, the Rules of Procedure allows members to give unlimited speeches and move significant motions to a certain extent. A pro-Beijing member made a comment on the parliamentary culture inherited from the United Kingdom:

“The British parliamentary rules cannot work properly under the current confrontational environment in Hong Kong. Those rules are used to restrain the behaviors of gentlemen who are decent and would respect regulations. However, the current members of the

*council just take advantage of loopholes in the Rules of Procedures to achieve their political ends. The council is transferring from the British model to Taiwan practice, in which the members usually have physical confrontations with oppositional members. We have never seen any violent fighting in the UK parliament, but we are using the UK rule book to guide our meetings in Hong Kong.*¹⁸

Apart from the Rules of Procedures, the House Rules is another rule book enforced in the council. These are a set of guidelines as supplements to the Rules of Procedure and agreements among the members on how the council and its committees should operate. While the Rules of Procedures are required to be passed in the general meeting, the House Rules are approved by the House Committee. The Committee on Rules of Procedure in the council is responsible for reviewing the current rules and system from time to time and moving motions of amendments to rules in the general meeting. Due to the increase of arguments over the rules in recent years, the judgements made by the council president have become more important than before. With the principle of case-law practice, those judgments are also viewed as the standing rules adopted in the council.

Methods of Filibuster in the General Meeting

The general meeting is the most important meeting in the Legislative Council, in which ordinances, by-laws and other essential legislations are reviewed and passed. This is the last procedure of a bill finishing its deliberation and becoming a real law. To the pro-democracy camp, controversial bills must be stopped in the meeting before it is too late.

Quorum and Summoning Bell

¹⁸ Interview participant #1.

According to the Rules of Procedure, the quorum of the council cannot be less than a half of all members. This requirement is also written in article 75 of the Basic Law. During the meeting, if a member notices that the quorum is not present, they can require the president to direct members to be summoned and then a bell will be rung for 15 minutes. If the designated time expires and the quorum cannot be reached, the meeting will be adjourned by the president and the session will be closed immediately. Before the amendments to the Rules of Procedure in 2017, the council could only be convened again in the following scheduled date, which was usually on the forthcoming Wednesday. As such, the discussion agenda item could be delayed and counting the quorum had become one of the common filibuster strategies employed by the pro-democracy camp. In the fifth term of the Legislative Council (2012-2016), among the 176 council meetings, there were 1,573 times of summoning bells and 20 adjournments due to the lack of quorums (Qiu, 2017).

Although most adjournments were caused by the pro-democracy camp, the pro-Beijing legislators needed to bear certain responsibilities for not being present at the meetings. For example, when the council reviewed the “Legislative Council (Amendment) Bill 2012”, which was related to the replacement mechanism of resigned legislators, most pro-democracy members announced that they would boycott the meeting in advance. However, on 3 May 2012, various pro-Beijing members were absent from the meeting due to different reasons, leading to a lack of quorum and an adjournment before starting the meeting (So, 2012A). While the pro-democracy legislators did not attend the meeting due to political reasons, the pro-Beijing camp should guarantee the quorum in the council but sometime failed to do so. A pro-Beijing legislator explained it in this way:

“The duties of a legislator include not only attending meetings but also other important affairs. For the members returned by the functional constituencies, most of them have

their own career in different sectors; as for the ones from the geographical constituencies, they need to spend much time on their community services and let the voters in their electorates see them. Sometimes the legislators also meet government officials and representatives from interest groups outside the Legislative Council Complex. Since much time is wasted due to the filibuster and it is meaningless to sit in the chamber, we cannot put down what we need to do just in order to guarantee quorum in the council.”¹⁹

As such, the pro-Beijing camp later developed a system of a scheduled roster during the period of filibuster. Each of them was assigned time slots to stay in the council to prevent adjournments, but such practice still occupied much of the legislators’ time.

Lengthy Speech

Delivering long speeches is a common way used for filibuster in the legislatures of various regions/countries. Although the number of floors the member can have is limited in most agenda items, they may speak more than once in the committee of whole council. The committee is an important procedure in a second reading, in which the legislators can speak in an unlimited way to address all their concerns about the proposed bill. This practice follows the model of the House of Commons in the United Kingdom, which “allows the members to speak as often as they see cause at a committee without the constraining presence of the speaker” (Legislative Council Commission, 2014, pp. 1-7). While the committee of the whole house is chaired by the Chairman of Ways and Means in the United Kingdom, the committee of the whole council is chaired by the President of the Legislative Council in Hong Kong. During the colonial period, the governor even took on the position of president of the council simultaneously, leading to a conflict of his dual roles. On the one hand, he was the head of

¹⁹ Interview participant #13.

government and the Executive Council proposing government bills; on the other hand, he was the chairperson of the committee of the whole council who could limit the room of the members to amend the proposed bills.

Theoretically, if the committee is presided by the president, it would be more efficient to manage the pace of deliberation in the whole council. However, the pro-democracy members exploit the loophole of the committee and deliver lengthy speeches to delay government bills. For example, some attempted to define terms and expressions in the contextual content of proposed bills by quoting the literature of the Chinese classics. According to article 41 of the Rules of Procedure, members should not address any matters irrelevant to the discussion subjects. The president also reminds a member of not repeating matters that have been discussed before. However, the pro-democracy legislators were still able to take turns to deliver speeches and delayed some government bills for months. The pro-Beijing camp always criticizes that such practice is just wasting public money to maintain meaningless deliberation. Since operating the general meeting needs of various secretariat staff, including legal advisors, bilingual and sign language translators, security guards, etc., around over 1 million HKD of expenditure for one extra day of the meeting is incurred (Wen Wei Po, 2012).

Adjournment of the council or debate

In order to allow the legislators to have enough time to review proposed bills thoroughly or arouse public attention on discussing issues in the council, adjournment motions of the council or debate can be moved by the members. Although this practice was common for oppositional parties to employ in the United Kingdom, the related clauses were written in the Standing Orders of the Legislative Council (previous version of the Rules of Procedure) in 1884 and had not been invoked until 1966 (Legislative Council Commission, 2014, pp. 1-7 to 1-9). Now that the adjournments are used for filibuster or delaying the government bills, those motions were

frequently proposed by the pro-democracy camp. Appendix Table 2.1 shows the examples of clauses invoked in the Rules of Procedures to propose adjournments. Since the pro-Beijing camp occupied the majority of the council, most the above-mentioned motions were rejected. Through the debates on the motions, the government bills could be delayed for several hours or even several days.

Significant Motions of Amendments

The radical legislators also move significant amendments to original motions to block the governmental bills. Especially for the annual appropriation bills, the approvals have been seriously delayed due to considerable quantities of amendments since 2013, leading to the possibilities of pushing the government down the fiscal cliff. For example, during the deliberation of the Appropriation Bill 2013, the four legislators from the LSD and the PP proposed around 700 amendments in order to force the government to accept the demand of implementing universal retirement protection. Among those amendments, most of them proposed to reduce the appropriation of a specific department by a certain amount of funding. For the purpose of creating as many motions as possible, the legislators just changed the figures of reduced funding and kept a large group of motions with a similar content and theme (Clerk to the Legislative Council, 2013). This type of amendment was known as “sequential motions”. The council was required to discuss those amendments one by one, and the chairperson could only warn that the speeches given by the legislators were not relevant to the items or repeated in the previous content. Much time was also needed to vote on the amendments one by one. The members usually voted by raising their hands and the chairperson could decide voting results, but due to the filibuster, the legislators always requested claiming divisions of voting. For each amendment, a division bell would be rung for five minutes to allow the members to have enough time to make their decisions. Under article 49(4) of the Rules of Procedure, the member can move a motion of shortening the duration of the division bell for subsequent

motions to one minute (Legislative Council, 2019). Still, in the Appropriation Bill 2013, over two days were spent on voting on those meaningless amendments.

Physical Disruption of Meetings

Instead of leaving the chamber in protest, the pro-democracy members have had physical confrontations with the pro-Beijing members, the president and the security guards from the council secretariat. The obstructive behaviors of the oppositional members include chanting slogans, disturbing others' speeches, throwing objects at the president or even charging at the president's podium. Under article 87 of the Rules of Procedure, the president has the right to remove members who have disorderly conduct from the meeting (Legislative Council, 2019). If more than one member is requested to leave the chamber, it does need time for the guards to expel the legislators whose conduct is deemed to be disorderly. For example, when the council reviewed the proposal of amending the rule book, the DP member Hui Chi-fung stopped the guards from removing a member who was occupying the president's seat and who also had a physical confrontation with the guards. Later, the Legislative Council Commission, which was the organization responsible for providing administrative support to the council, issued a warning letter to Hui and considered that he had violated Section 19B of the "Legislative Council (Powers and Privileges) Ordinance (Cap. 382)", in which anyone shall not obstruct the officers in the council to execute the president's decision (Un, 2017). The commission also stated that the organization must guarantee their staff's personal safety in the council and would not hope to see any legislators posing a threat to the officers. A pro-democracy legislator made a comment on this:

"In December 2017, the pro-democracy camp did not have any methods to stop the amendments to the rule book. The motion was a member's motion, which needed the approvals from both the geographical and functional groups. Due to the disqualification

*of six legislators, the pro-democracy camp could not have enough votes to block the motion. We have thought of various methods to create chaotic situations in the chamber, such as activating a fire alarm to evacuate all people, releasing insects in the chamber, launching tear gas, etc. However, those methods could only delay the motions for one week or more, and we did not want to harm and bring any troubles to anyone, especially the security guards in the council.*²⁰

Indirect Ways of Filibuster

There are also various indirect ways of filibuster used by the pro-democracy camp. The goal of this tactic is to occupy the council's time and delay the agenda of controversial bills to be tabled in the meeting. For example, the pro-democracy members may request the president to allow them to question the government on the matters with urgency and significant public interest. The session of the questions is usually placed as the first item of agenda in every general meeting, but in most instances, the president does not allow such urgent questions to be placed in the council without the approval from the House Committee. Another example is to request to establish subcommittees to review minor or technical legislations. Since the manpower of the council secretariat is limited, a larger number of subcommittees requested by the pro-democracy members will undermine the administrative efficiency of the controversial bills.²¹ Moreover, the members always raise points of order in the meeting to waste council time. Under article 39 of the Rules of Procedure, the members having the floor should allow members raising the points to interrupt and let the president handle the matter first (Legislative Council, 2019). All these indirect measures can delay the reviewing process of the bills in the council.

²⁰ Interview participant #6.

²¹ Interview participant #8.

Filibuster in Committees and Subcommittees

Apart from the general meeting, the phenomenon of filibuster has spread to other committees and subcommittees. Among those committees, only the Finance Committee holds real power to approve appropriations, and other panels (e.g. the Panel on Education and the Panel on Housing) and bill committees just serve advisory function. According to the “Public Finance Ordinance (Cap. 2)”, while recurrent expenditure shall be included in the annual estimates of the government, the new or single commitment items of over 10 million HKD should be approved by the Finance Committee. Most of those items are infrastructure projects or the creation of new governmental senior positions. In order to have more detailed scrutiny of the specific items, the Public Works Subcommittee and the Establishment Subcommittee work under the Finance Committee as advisory bodies.

The methods of filibuster in the Finance Committee are similar to those in the general meeting. The committee is guided by the Financial Committee Procedure, which is written with reference to the Rules of Procedure. According to paragraph 14, the quorum is formed by the chairman and another eight members. If the number of members present in the meeting room is not enough, members have the right to request the chairman to ring the summoning bell for 15 minutes. After the designated time, the meeting will be adjourned without the quorum required (Legislative Council Secretariat, 2007). As for paragraph 39, a member may move a motion of adjournment for the debate or the committee without notice. Once the motion is proposed, the committee will debate and then vote on it (Legislative Council Secretariat, 2007). Before the amendments to the procedure in 2017, the most effective method of filibuster in the committee originated from paragraph 37A, which allowed members to move an unlimited number of motions or amendments to motions on the discussion items without notice (Legislative Council Secretariat, 2007).

For example, the government proposed to launch a new monthly subsidy for elderly citizens, known as the “Old Age Living Allowance (OALA)”, and tabled the item to the Finance Committee. On the one hand, the committee would discuss the amendments to the procedure after this item; on another hand, some members demanded the government implement the universal retirement protection instead of such a piecemeal measure. One of the radical legislators then moved over 300 motions to delay the governmental appropriation. Spending over two months on the issue, the committee had not yet finished the deliberations of those amendments. If all motions were discussed one by one, the OALA would not be possible to be passed within that legislative year. The government finally withdrew the original appropriation of the subsidy and pushed another proposal of creating 90 positions to run the program. The funding required by the policy would become an item of recurrent expenditure, which could be put into the annual estimate. Due to the swift action of the government, the radical legislators did not have enough time to respond to such sudden tactics and the appropriation was passed in the end (Lee, 2012).

This is only one example of a filibuster in the Finance Committee. When the practice of filibuster became more acceptable among the pro-democracy members in recent years, most items of infrastructure projects and other important appropriations were trapped in the council. As such, the government and the pro-Beijing camp could not ignore or overlook the consequences brought by the filibuster anymore.

Factors of Successful Filibuster

The pro-democracy members considered that whether a policy can be delayed or blocked by filibuster needs to be based on three main factors.²² Firstly, the motion should not be too

²² Interview participant #18.

difficult for the public to understand. Since some of the important deliberations in the council are technical and abstruse, even some legislators may not grip the meanings behind the motions and most citizens do not know at all what the related consequences are. The amendments to the rule book in December 2017 are one example. The public did not understand why such amendments were important to the pro-Beijing camp or the government and why the pro-democracy camp exhausted all means to stop the motion. Under the political atmosphere, especially after 2014, if the public knew about the controversial matters being discussed in the council well, the masses could be gathered outside the Legislative Council Complex to exert pressure towards the authorities and show support to the pro-democracy members. In June 2019, over 40,000 protestors gathered to surround the Legislative Council and the government headquarters in order to oppose an extradition bill. Due to security reasons, the deliberation of the bill was postponed.

Secondly, if the policies caught the attention of the Chinese authorities or the pro-Beijing camp has determination to approve them, it will be more difficult to be blocked by the filibuster. While having such deliberations in the council, the pro-Beijing members are probably united under their “United Front” and there is less room for them to change the stances. For example, the juxtaposed controls in the West Kowloon Highspeed Railway Station were opposed by the pro-democracy parties. Since the local legislation was based on an NPC decision from the mainland, the pro-Beijing camp must guarantee the related bill could be passed in the council.

Finally, if some bills are tabled when the council approaches the end of the legislative term, filibuster may be more effective to stop them. All legislative procedures of the unfinished bills in the previous term shall be restarted from the first reading and the following consultation works. The pro-Beijing members also attempt to avoid any entangling in controversial bills before the upcoming legislative election. For example, the “Medical Registration (Amendment)

Bill 2016”, which proposed to reform the structure of the Medical Council, resumed the second reading before the end of the fifth term of the council. While the pro-democracy members used lengthy speeches to delay the deliberation, the pro-Beijing camp did not insist on approving the policy and allowed the council to adjourn without finishing the bill.

FAILURE OF MAINTAINING AN AUTHORITATIVE SYSTEM

As a semi-authoritative state, the governance performance of the Hong Kong government has been largely undermined. Whether it is able to maintain its authoritative features becomes doubtful.

Results of the Filibuster

The main functions of the council are to enact laws in the general meetings and approve governmental appropriations in the Finance Committee. The filibuster has hindered the overall works of these two meetings and has seriously undermined the relationship of the executive-legislative relationship.

Council Meetings

The bills reviewed in the general meetings may be shelved or aborted due to the filibuster, leading to more difficulties for the government to introduce policies. The delay of governmental proposals was rarely found before 1997 or in the early SAR period, but this has become a more common phenomenon in recent years. Appendix Table 2.2 shows the examples of bills being affected by the filibuster.

Finance Committee

As for the Finance Committee, the most significant impact is the delay of capital works projects.

According to the administration's answer to the Legislative Council in 2016, the projects required to be approved by the committee accounted for one-third of the expenditure for public and non-governmental projects in Hong Kong. Around 300,000 practitioners in the construction sector, which was about one-tenth of the labor force in the city, were affected by the filibustering activities in the council. In the previous legislative years, the yearly average amount of project expenditure approved by the committee was around 91 billion HKD, but the amount drastically decreased to 46 billion HKD in 2015-16 (Information Services Department, 2016A). Moreover, in order not to be criticized for hindering social development, the pro-democracy members sometimes approved a series of appropriations altogether after having long delays. However, since the supply of labor and machinery could not catch up with the suddenly increasing demand, this practice inevitably increased the cost of various projects and led to greater possibility of overspending. As such, a large portion of construction practitioners hold an attitude of hatred towards the pro-democracy legislators and always claimed themselves as the most vulnerable victims of filibuster. In recent years, the practitioners were being over-starved or alternatively over-stuffed on occasion.²³ The filibuster in the committee also causes loss to other stakeholders. As mentioned before, the OALA in 2012 was not approved in the month that the government proposed, and the appropriation suggestion could not be retrospective. In this way, over 400,000 senior citizens lost the right to claim several months' allowance.

Response from the Pro-Beijing Camp

As a part of the "ruling coalition", the role of the pro-Beijing legislators is to guarantee the "executive-led" system and the legislative ability of the administration. The members attempted to stop the filibuster behaviors but had not succeeded to do so for many years. What

²³ Interview participant #13.

the pro-Beijing legislators could do was to arouse the public to oppose such self-serving practices of the pro-democracy camp. Since the interests of some industry sectors or specific stakeholders were undermined by the filibuster, the pro-Beijing parties usually publicized their experiences to show the disadvantages of the council disturbance. In the 2012 and 2016 Legislative Council Elections, most pro-Beijing candidates' electoral platforms included items of opposing filibuster or amending the Rules of Procedure. On the contrary, the pro-democracy candidates standing in the elections justified their practices and proposed to use filibuster to stop draconian laws. Due to the system of proportional representation, most propaganda of the pro-Beijing camp did not have much effect on the pro-democracy supporters and the legislators who launched filibuster could not be voted out.

If the filibuster could not be prevented, the pro-Beijing legislators would face up to the problem. Usually, the president, with the supports of the government and the pro-Beijing camp, decided to schedule additional meetings to complete the businesses of the council. In the previous terms, when the filibuster was not so serious that the pro-Beijing camp thought that the items could be finished by having additional sessions, the meetings were held overnight in a non-stop way. It was also not uncommon for the Finance Committee to convene more meetings to finish the deliberations requested by the government. Another measure was to change the order of agenda items and allow those affecting the people's livelihood to come first. However, this would show weaknesses to the oppositional parties and justify their actions in the council. As the most common way of filibuster was to move tremendous amendments, the president could invoke the article 54(4d) of the Rules of Procedure to judge that some of those amendments were unmovable due to their frivolousness or meaninglessness (Legislative Council, 2019). The chairperson of the Finance Committee also followed the practice of the general meetings to cut the number of motions moved through paragraph 37A of the committee procedure. Despite this, considering the risk of being challenged by judicial reviews, a large number of motions were

kept for various items after the judgements made by the president (or the chairperson).

For the pro-Beijing camp, article 92 of Rules of Procedure is deemed an ultimate weapon to stop filibuster. The article empowers the president to decide the best ways to tackle the issues that are not covered by the existing rules (Legislative Council, 2019). The Basic Law also implies that the president is required to preside over meetings and guarantee the legislature working properly. The first time that article 92 was invoked to halt filibuster was when the council reviewed the bill related to the replacement mechanism of resigned legislators in 2011. The president judged that the radical legislators had already fully expressed their views and concerns after a 33-hour debate and decided to start the voting of the significant motions (So, 2012B). After that, article 92 was occasionally invoked by the president, especially in the deliberations of annual appropriation bills. Most legislators and officials responsible for council affairs were usually consulted before setting the debate deadline.

In December 2017, the pro-Beijing camp took advantage of the disqualification of six pro-democracy legislators and moved the motion of largely amending the Rules of Procedure during the period of a political vacuum. There were several important measures proposed to curb the filibuster in the principle motion (Lam, 2017). Firstly, the quorum was reduced from 35 to 20 in the committee of the whole council, in which the members were allowed to deliver an unlimited number of speeches in order to let the bill be discussed thoroughly. Reducing the quorum could lower the frequency of the pro-democracy legislators periodically counting the quorum. Secondly, even though the meeting might be adjourned due to a lack of quorum, the president was granted power to convene the members to continue the meeting at any time before the following designated session. Thirdly, the number of the members required to set up a select committee increased from 20 to 35 in the procedure of submitting petition. This made it nearly impossible for the pro-democracy camp to establish the select committee to review

the administration's practices without the support of the pro-Beijing members. These were just examples of the amendments moved by the pro-Beijing camp, and there were actually 49 proposals in the motion. Most of the amendments were to counter the past behaviors of the pro-democracy legislators who frequently launched the filibuster. Still, the pro-democracy legislators had other ways to delay the bills in the council.

Counter-Response from the Pro-Democracy Camp

As a pro-democracy legislator maintained, unless the Hong Kong government could disqualify all oppositional members, new methods that had never been seen before must be found in the rule books to launch filibuster. The new ways of council struggles would be more radical and further undermine the authority of the administration.²⁴ In mid-2019, the government moved an unwelcomed amendment to the current extradition policy – the “Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation Bill 2019”. The oppositional parties attempted to delay the passage through presiding bill committee in the procedure of electing the chairperson. Under the established practice, the first agenda item for a new committee should be the election of chairperson and a member in the committee who has the highest order of precedence is responsible for presiding over the procedure.²⁵ One of the pro-democracy members presided over the meeting and employed delaying tactics, such as allowing members to deliver speeches on irrelevant matters, continuously handling inquiries of procedural issues, etc. The government decided to resume the second reading without going through the completed deliberation of the bill committee. However, such practice stimulated large opposition among the public and became the sparking point of the 2019 Anti-Extradition Protests. The bill was later withdrawn after two months of riots and demonstrations, but the

²⁴ Interview participant #10.

²⁵ The order of precedence is decided by the length of continuous period serving in the council (article 2 of the Rules of Procedure).

politically chaotic situation had become uncontrollable.

Due to continuous police-citizen conflicts in the city, the pro-democracy members hindered the operation of the council in order to show support to frontline street protestors. The House Committee, which is responsible for handling the matters of law bills, had been struck by the procedure of the chairperson election since the start of the new legislative year in October 2019. While most governmental law bills could not resume their second readings in the general meeting, bill committees were also unable to be established for the bills finishing the first readings. Until April 2020, the HKMAO (a unit under the State Council) and the LOCPG (a unit in Hong Kong representing the central government) issued statements criticizing the pro-democracy members for undermining the governance of Hong Kong and the “one country, two systems” (Ng, 2020). Once the statements were made, the pro-Beijing camp took action immediately and assigned a new member to preside over the meeting. The committee resumed its works three months before the end of the current legislative term. This reflected that the filibuster had already had an impact on Hong Kong’s authoritarian system, which enjoyed efficiency in the process of policymaking without much opposition. Moreover, this also showed that the pro-Beijing parties could not be effective in cooperating with the government and needed the Chinese authorities to push them to work (this will be further discussed in the following chapter).

SUMMARY

Since the current Hong Kong Studies literature seldom analyzes the filibuster methods used by the pro-democracy members, this chapter can supplement the content of minorities’ behaviors and the related content in the academic sphere. The filibuster is a comparatively peaceful method of undermining the authority of the government and can arouse people’s attention as it

relates to public policies. The impression created by the filibuster was that the administration could be challenged and the past authoritarian nature during the colonial period could not be maintained by the SAR government. This paved the way for the 2014 Umbrella Revolution and the 2019 Anti-Extradition Protests, leading to a watershed moment in the history of Hong Kong. The situation in the council might be a miscalculation made by the pro-Beijing camp and the Chinese authorities. The latter assumed that the former had the ability to overcome the problems caused by the filibuster, but the situation of Hong Kong in recent years had proved the assumption wrong. As such, Chinese authorities tightening control over Hong Kong seemed to become inevitable.

CHAPTER 3

PRO-BEIJING SETTINGS OF HONG KONG'S

ADMINISTRATION

CHAPTER INTRODUCTION

The aim of this chapter is to analyze the pro-Beijing settings in the current political system of Hong Kong and how these features could not maintain a stable political environment after the 1997 handover. This chapter also provides one of the rationales for the filibuster to respond to the research question from the perspective of the pro-democracy camp.

Firstly, the introduction of executive-legislative settings explains the authoritarian context designed by the Basic Law and how the elections of the Chief Executive and the Legislative Council are controlled. The Chief Executive is not elected by universal suffrage, but by the EC containing 1,200 members. However, the EC members are selected through indirect elections, and the rights of voting and being elected are limited to specific sectors. As such, only pro-Beijing candidates have the possibility of being elected in the Chief Executive election. The pro-Beijing Chief Executive also has centralized powers including being able to form the government and to propose policies or bills. Moreover, due to the existence of the functional constituencies in the Legislative Council, the pro-Beijing camp occupies over half of the seats even though the pro-democracy camp obtains more popular votes in the elections.

Secondly, this chapter further explains how the cooptation system failed after the handover. Although there was no democratic system before 1997, the colonial government could absorb

public opinions through different advisory bodies. Nevertheless, the advisory system cannot satisfy people's demands of further democratization, and there have been more political considerations in the selection of members after 1997. Worse still, the residual ruling power in the local administration was centralized to the Hong Kong government through the abolition of the two democratic municipal councils in 1999. This further undermined the power and influence of the pro-democracy camp. In this way, filibuster may become the final way for the pro-democracy camp to block governmental policies and bills.

LOW LEGITIMACY OF THE CHIEF EXECUTIVE AND ITS EXECUTIVE COUNCIL

The current Chief Executive is selected by the 1,200 EC members, which are elected by voters from different subsectors, implying that not all the citizens have the rights to elect or to be elected in the elections. While the Chinese authorities always claims that the EC is “broadly representative”, to most Hong Kong people, the Chief Executive election is just restricted to a “small circle”. The current settings of the election are filled “with Chinese characteristics”, which leave much room for the Chinese authorities to influence the electoral outcomes.

Formation of the Election Committee

As shown in Appendix Table 3.1, the formation of the EC in 2016 consists of four sectors and 38 subsectors. There are three types of electoral methods in the EC subsector elections, which are (1) plurality-at-large system, (2) consultative nomination, and (3) ex-officio members. For the plurality-at-large system, most of the subsectors adopt this method in the elections. A voter selects a few candidates on one ballot, and the candidates with the highest votes in the subsector win the EC seats. As for the consultative nomination, it is adopted in the Religious Subsector (Sector III) only. The six main religions in Hong Kong, Buddhism, Catholicism, Confucianism,

Islam, Christianity and Taoism, have the right to nominate the EC members. The six designated leading religious organizations have their internal procedures to select the representatives, and the Electoral Affairs Commission does not set specific guidelines for those organizations to restrict the methods in the selections. For example, the Catholic and Christian communities decided to select their 20 seats through a lottery in 2016 (Ng, 2016). As for the ex-officio EC member, the 70 members of the Legislative Council and the 36 Hong Kong Deputies to the NPC spontaneously became the EC members.

As a matter of fact, the EC subsector elections contain various irrationalities from the perspective of democracy, and thus, this system has been criticized by the people of Hong Kong for many years. Firstly, it restricts the rights to elect and to be elected within the small groups of voters. There are two types of voters in the EC subsector elections – (1) individual voters and (2) corporate voters. To be an individual voter, a citizen must fulfill the subsector’s criteria set by the Electoral Affairs Commission. For example, in the Accountancy Subsector (Sector II), people who are certified public accountants registered under Hong Kong’s related ordinance are eligible to be registered as voters (Registration and Electoral Office, 2018A); the Medical Subsector (Sector II) requires the voters to be registered medical practitioners or dentists (Registration and Electoral Office (2018B). For the corporate voters, some institutions can be registered in the form of legal entities in some subsectors. For example, bodies that are banks, restricted license banks and deposit-taking companies within the meaning of the Banking Ordinance (Cap. 155) can register to be corporate voters in the Finance Subsector (Sector I) (Registration and Electoral Office, 2018C). A corporate voter needs to appoint an “authorized representative” in the elections. Usually, the “authorized representative” should cast the votes according to the decision made by the Board of Directors or the General Meeting of the institution. If a subsector contains individual voters and corporate voters simultaneously, the weights of one corporate vote and one individual vote are equal, no matter how large the

size of the institution is. In 2018, the numbers of individual voters and corporate voters were 222,263 and 15,486, respectively (Voter Registration, 2018), but both were still far below the number of voters for the universal seats in the geographical constituencies of the Legislative Council elections. The latter reached over three million, nearly half of the population of Hong Kong. This setting reflects that only a small part of voters could elect or be elected in the past EC subsector elections, and thus, it is inevitable that the elections are criticized as representing a “small circle”.

Secondly, the EC seats among different sectors are distributed without a reasonable foundation. Some subsectors contain more registered voters than the others. For example, the Education Subsector (Sector II) contains 78,846 voters, while the Legal Subsectors (Sector II) just 6,723 (Voter Registration, 2018). Both of these subsectors have 30 seats, respectively. In this way, one seat in the former subsector represents 2,628 voters, but one seat in the latter subsector represents 224 voters only. The vote in the Legal Subsector seems to weight more than the one in the Education Subsector. In addition, some subsectors are obviously over-represented, such as the Agriculture and Fisheries Subsectors (Sector III). If the subsector contains 60 out of 1,200 EC seats, it theoretically represents around 5% of the labor force. However, according to the 2016 Population By-Census, the working population in the item “Skilled agricultural and fishery workers; and occupations not classifiable” is just 0.1%, which is far lower than the figure of 5% the subsector should represent (Census and Statistics Department, 2018). There is no reason why the subsector can contain such a high number of seats, even though Hong Kong does not have many people engaging in the primary industries. Moreover, some organizations in some subsectors are assigned to select the EC members without proper legitimacy. Taking the Religious Subsector as an example again, the Hong Kong Christian Council (HKCC) is the official and sole institution to represent the Protestant sector of Hong Kong, and it is responsible for picking 10 representatives. Nevertheless, the HKCC is

composed of several large member churches in Hong Kong, and some small- and middle-sized churches are excluded from the organization. Under such settings, the large churches are able to manipulate the outcomes in the selection process. It is also uncommon that the large religious organizations have privileges for selecting political leaders in a region without an official religion.

Thirdly, the current EC composition is in the favor of pro-business and pro-Beijing representatives. All subsectors in Sector I contain the corporate voters, which tend to support the interests of the business people or employers, instead of employees. For some of Hong Kong's tycoons or families who own various corporations across different subsectors, those business people may control over dozens of votes in the EC subsector elections, if those corporations register as voters and cast votes in the elections. In this way, those elected EC members are the definite representatives of the business sectors. In the Chief Executive election, the candidates may propose pro-business standpoints to canvas the support from those EC members, leading to a higher probability of collusion between government and business sectors. Moreover, most seats in Sector IV are occupied by pro-Beijing politicians. The CPPCC and the NPC Subsectors are the representatives selected from the political structures inside mainland China. Due to the existence of the functional constituencies (the functional constituencies will be discussed in the latter part of this chapter), more than half of the seats in the Legislative Council Subsector support the Chinese authorities. The Heung Yee Kuk (Rural Council) is formed by the indigenous inhabitants of the New Territories, who are well known for their patriotic standpoints.²⁶ As for the two district council subsectors, since more than half of the District Councilors belong to the pro-Beijing camp, the pro-democracy District Councilors are

²⁶ Before the 1997 handover, the Chinese authorities promised that "the lawful traditional rights and interests of the indigenous inhabitants of the New Territories shall be protected by the Hong Kong Special Administrative Region" and wrote the clause into the Basic Law. Those indigenous inhabitants then supported the Chinese authorities and became die-hard pro-Beijing groups to maintain the prosperity and stability in Hong Kong.

excluded from being EC members under the plurality-at-large system.²⁷ With the current composition of Sector I and Sector IV, around 400 EC seats are surely controlled by the pro-Beijing camp, leaving a large amount of room for the Chinese authorities to influence the electoral outcome of the Chief Executive election.

The general composition of the four EC Sectors was established in the 1980s, and the then functional constituencies were taken as reference. During the drafting of the Basic Law, the method of the EC formation was designed by the BLDC members after having a broad consultation in Hong Kong during this period. One of the pro-Beijing legislators points out:

“The consultation was conducted by the BLCC, which was under the framework of the BLDC. As long as the interest groups expressed their intention to be included in the EC, the BLDC would attempt to satisfy the requests from different sectors. For example, the practitioners in the information technology industry persuaded the BLDC of the future development of information technology. As a matter of fact, very few people knew information technology well by the turn of the 1990s, but due to the lobbying activities, the BLDC later decided to set up the Information Technology Subsectors.”²⁸

While drafting the Basic Law, most people thought that the EC system was just a temporary setting to select the Chief Executive or simply a part of transitional period. The pro-democracy camp also considered that universal suffrage would be achieved after the first or second Terms of the Chief Executive elections. In this way, not many people initially paid much attention to

²⁷ The pro-Beijing camp have more resources to provide community services and stands in the district council elections. On the contrary, the pro-democracy camp finds it difficult to dispatch their candidates to every constituency of the district councils due to the financial constraints. Therefore, the majority of seats in the district councils are inevitably occupied by the pro-Beijing camp. However, the situation changed after the 2019 District Council Election.

²⁸ Interview participant #2.

the EC compositions, even though there are various irrationalities within the system.²⁹ However, for over two decades, universal suffrage has still not yet manifested. Thus, the EC system periodically attracts more criticism.

Selection of the Chief Executive and its Executive Council

Due to the pro-Beijing majority of the EC members, there is no doubt that the Chief Executive elected must be a pro-Beijing candidate. Before the 2006 EC Subsector Election, the pro-democracy camp tended to boycott such “small circle” settings, and only a few candidates stood in the elections. Until the 2007 Chief Executive Election, it was the first time that there was a pro-democracy candidate competing in the electoral campaign, and the pro-democracy camp was active in running for the EC subsector elections one year prior. The following is the number of EC seats held by the pro-democracy camp in the previous three terms.

	2007	2012	2017
Pro-democracy EC seats	<i>134</i>	<i>205</i>	<i>325</i>
Percentage	<i>16.75%</i>	<i>17.08%</i>	<i>27.08%</i>
Total EC seats	<i>800</i>	<i>1,200</i>	<i>1,200</i>

Table 3.1: Numbers of pro-democracy EC seats in the previous terms (Hung, 2007; Lee & Lau, 2011; Un, 2016)

To become formal candidates in the Chief Executive election, the potential contenders need to be nominated by 100 EC members. After the 2010 Political Reform, in which the total number of EC members grew from 800 to 1,200, the threshold then increased to 150 EC members. In this way, the pro-democracy camp could not send someone to stand in the first and second

²⁹ Interview participant #4.

Terms of the Chief Executive elections, since there were not enough pro-democracy EC members to cross the threshold. The legislator Alan Leong became the first pro-democracy candidate in the history of the Chief Executive election. As for the 2012 election, there was a division of the pro-Beijing camp, since two pro-Beijing candidates standing in the electoral campaigns. The Chinese authorities allowed two candidates to compete in a relatively free environment in order to enhance the sense of democracy and the legitimacy of the elected Chief Executive. Nevertheless, during the process of the cut-throat campaign, the pro-Beijing camp was divided into different blocs, and the solidarity amongst themselves was inevitably undermined (Chan & Sun, 2019). (Chapter 5 will further discuss the split inside the pro-Beijing camp). In the 2017 Chief Executive Election, although there were still two pro-Beijing candidates – John Tsang and Carrie Lam – the Chinese authorities influenced most EC members to support the designated candidate – Lam. This was also the first time that the EC members ignored the opinion polls to cast their votes in the election. Tsang had a higher level of popularity than Lam in the whole electoral period, but Lam was elected due to the blessing from the Chinese authorities (Chan & Sun, 2019). This reflects the illegitimacy of the current institutional settings and the room for the Chinese authorities to influence the electoral outcomes in the Chief Executive election.

After selecting the Chief Executive, the Executive Council would then be formed. The status and function of the Executive Council is similar to the cabinets of the presidential system in other democracies. The format of the current Executive Council follows the past practices in the colonial period. The constitutional document issued by the British Monarch, the Letters Patent, regulated that the governor must make and enact laws and ordinances with the advice and consent of the Executive Council and the Legislative Council. The Governor-in-Council served as the highest authority of the Crown Colony of Hong Kong, indicating that the governor exercised executive powers in the presence of the Executive Council. Different from most

Commonwealth regions,³⁰ the current Executive Councils in those regions just serve as constitutional functions without real political or policy-making powers. In Hong Kong, the council members were appointed to advise the governor on the ruling and administration (Ghai, 1991). After the 1997 handover, the Chief Executive-in-Council has replaced the Governor-in-Council serving the highest authority in the Hong Kong SAR. Under the Basic Law, Article 54 states that “the Executive Council of the Hong Kong Special Administrative Region shall be an organ for assisting the Chief Executive in policymaking” (Constitutional and Mainland Affairs Bureau, 2017). The council normally has a meeting once a week and is presided over by the Chief Executive. Moreover, the Chief Executive should consult the Council “before making important policy decisions and introducing bills to the Legislative Council” (Executive Council, 2017).

The members of the Executive Council shall be selected from the principal officials of the SAR government, the members of the Legislative Council and the public celebrities (Constitutional and Mainland Affairs Bureau, 2017). Ordinarily, the three Principal Secretaries (Chief Secretary, Financial Secretary and Secretary for Justice) and the Directors of the Policy Bureaus are the official members in the council. All these principal officers are appointed by the Chief Executive and approved by the central government. As for the unofficial members, the legislators and other public figures are selected, and the number of those members ranges from five to 16, a number set after the 1997 handover. A non-official member also takes the position of Convener, which is an honorary title not containing any extra powers. In addition, appointing the legislators as the members of the Executive Council can enhance the executive-legislative relationship, since representatives of the parties or other political forces in the Legislative Council can get first-hand information from the administration and have a chance to express

³⁰ Examples are Australia, Canada, New Zealand and the United Kingdom.

their political standpoints in the Executive Council. (Chapter 5 will further discuss the selection choice of the Executive Council among the legislators). Under such settings, the Chief Executive has the full power to control the personnel in the Executive Council, and thus, the ruling power is centralized into the hands of the Chief Executive. However, the Chief Executive is not selected by universal suffrage but by the 1,200-member EC only. In this way, the illegitimate nature of the Chief Executive undermines the legitimacy of the Executive Council, and this inevitably affects the credibility of the policies made or introduced by the council.

Executive-Led Features in the Government

Although the wording “executive-led” cannot be found in the main content of the Basic Law, the executive-led features are rooted in the institutional settings of the Hong Kong SAR government. In the decision made by the NPC Standing Committee related to the political reform in Hong Kong, it clearly stated that any selection methods of the Chief Executive and the Legislative Council should be conducive to the operation of the executive-led settings (Constitutional and Mainland Affairs Bureau, 2017). Such features also follow the practices of the colonial government while designing the institutional system of the SAR. In the colonial period, political power was centrally held by the governor, and the administration did not face any significant opposition from the legislative branch. To be frank, the current system has not been created by the Chinese authorities but by the colonial government. The executive-led features of the SAR government are shown in the following.

Firstly, as mentioned before, the Executive Council is the highest authority of the SAR government, and the Chief Executive has the right to make terminal decisions. The LOCPG leader in 2015 stated that the Chief Executive, as the head of the state, shall enjoy the legal position, which is above the executive, legislative and judicial institutions (Lau & Ngo, 2015). The Chief Executive holds enormous power inside the political system, which is higher than

what the governor did. In the colonial period, the governor was appointed by the colonial office under the British government. The constitutional document, the Royal Instructions, stipulated the process of the appointment of the members of the Executive Council:

“...Persons as We (Royal Representatives) may from time to time appoint by any Instructions or Warrant under Our Sign Manual and Signet, or as the Governor in pursuance of Instructions from Us through one of Our Principal Secretaries of State may from time to time appoint by an Instrument under the Public Seal of the Colony (Article 2 of the Royal Instructions).” (Great Britain Colonial Office, 1931)

The colonial office had the power of direct appointment of the members of the Executive Council in the Colony of Hong Kong. In order to check the power of the governor, the local leaders might be appointed by the British side. If the governor had the designated choices, including official or unofficial members, instructions should be sought from the colonial office before making the appointments. As for the SAR government, the Basic Law empowers the Chief Executive to appoint the members of the Executive Council more freely:

“Members of the Executive Council of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive from among the principal officials of the executive authorities, members of the Legislative Council and public figures. Their appointment or removal shall be decided by the Chief Executive... (Article 55 of the Basic Law)” (Constitutional and Mainland Affairs Bureau, 2017)

As mentioned before, those principal officers of the SAR government need to be approved by the central government before the appointment, but the Chief Executive still has the power to decide which principal officers can be official member of the Executive Council. In this way,

the Chief Executive enjoys more power of personnel in selecting the members in the council than the governor did in the past.

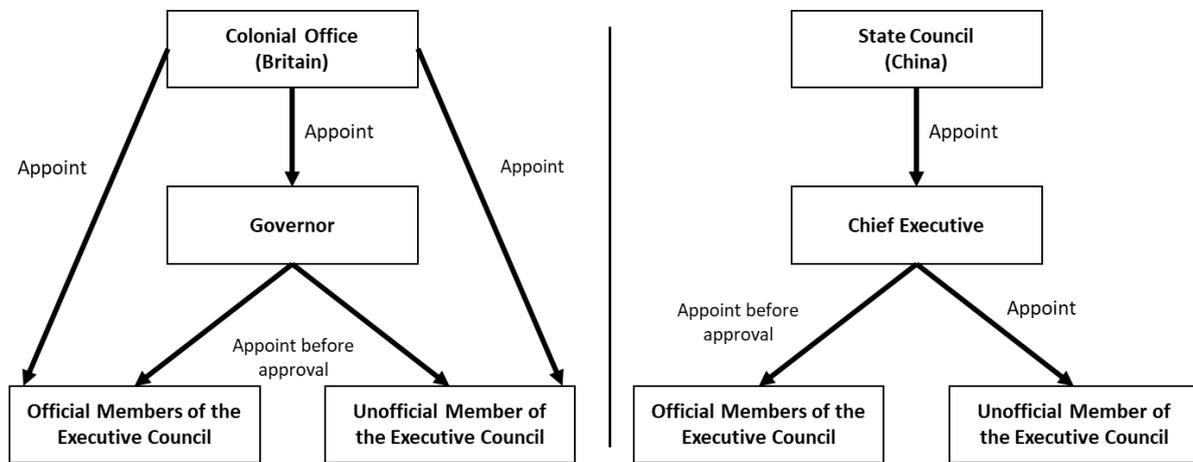


Figure 3.1: Difference in selecting the members of the Executive Council before and after 1997

In addition, Article 9 of the Royal Instructions stipulated that the proceeding of the Executive Council must be kept in the form of minutes, and the exact copy of all minutes should be transmitted to the colonial Office every six months (Great Britain Colonial Office, 1931). The British authorities could monitor the operation of the Colony of Hong Kong and the governor through those full minutes. After the 1997 handover, with the principle of “high degree of autonomy”, the State Council of the PRC does not theoretically have the right to read the proceedings of the Executive Council. Instead of transmitting the minutes, the Chief Executive needs to pay regular duty visits to Beijing to report on the ruling works for the purpose of fulfilling the criterion that the Chief Executive is accountable to the central government under the Basic Law. The Chief Executive has more freedom in the daily operations of the Executive Council, since there is less supervision of the proceedings of the meetings. Moreover, if the governor needed to act in opposition of the majority of the Executive Council, a full report must be submitted to the colonial Office with the grounds and reasons for the decision (Great

Britain Colonial Office, 1931).

On the contrary, when the Chief Executive does not accept the majority discourses of the council, only a record of the reasons on the proceedings is needed (Executive Council, 2017). This is a typical feature of the presidential system, in which the cabinet head has the right to veto advice from other members and make final decisions. In this way, the Chief Executive faces less pressure from the members of the Executive Council than the governor did, and no report is required to be submitted to the central government while acting against the majority of the council. The Chief Executive has the centralized power as the head of state who enjoys in the presidential system. However, this does not mean that the central government cannot influence the internal affairs of Hong Kong. As the proxy of the Chinese authorities, the Chief Executive maintains the pro-Beijing standpoints while operating the daily business of the Hong Kong government. (Chapter 6 will further discuss how Chinese authorities influence the internal affairs of Hong Kong).

Secondly, most of the bills related to government policies are proposed by the Executive Council. According to the Basic Law, different restrictions are imposed on the legislators to propose their bills:

“Members of the Legislative Council of the Hong Kong Special Administrative Region may introduce bills in accordance with the provisions of this Law and legal procedures. Bills which do not relate to public expenditure or political structure or the operation of the government may be introduced individually or jointly by members of the Council. The written consent of the Chief Executive shall be required before bills relating to government policies are introduced (Article 74 of the Basic Law).” (Constitutional and Mainland Affairs Bureau, 2017)

In this way, the legislators do not have the rights to initiate any important public policies, since most of those policies must incur any government expenditure. The legislators can move a type of motion without legislative effect for the purpose of arousing public concerns or urging the administration to take action or inaction on specific policies. One of the most famous examples is the member's motion related to the June Fourth Incident proposed by the pro-democracy camp every year. The content of the motion is "that this Council urges that the June Fourth Incident be not forgotten", and such types of motions would not address any changes to political structure and public expenditure. As a matter of fact, this practice could be traced back to the colonial period. Before 1997, the legislators were restricted to propose any motions to "dispose of or charge any part of the revenue or other public moneys of Hong Kong (known as charging effect)" (Legislative Council Commission, 2014, pp. 2-4 to 2-5). In addition, the governor also took up the position of the President of the Legislative Council, who had the final rights to decide the agenda in the council. This might be one of the reasons why the member's motion must be approved by the governor before being tabled in the council. It was until 1993 that the president was selected by the members, but the Chief Executive still has the power to reject any member's motions with charging effect under the Basic Law. The administration also claims that article 74 of the Basic Law is applicable to the bills as well as the amendments initiated by the members, while the Legislative Council considers the article is only applicable to the member's bills (Legislative Council Commission, 2014, pp. 2-4 to 2-5). However, in order to prevent judicial review on the related issues, the Legislative Council has laid down self-imposed clauses in the Rules of Procedure to restrict members to proposed amendments to the government's bills. What the legislators can do is to urge the administration to move the amendments in exchange for the support from the council. Undoubtedly, the administration holds the powers of setting the agenda and initiating policy, which in return diminish the legislators' power and uphold the executive-led features.

Thirdly, the Chief Executive is not allowed to hold any memberships of political parties and must maintain political neutrality. According to the Section 31 of the Chief Executive Election Ordinance (Cap. 569), the winning candidate in the Chief Executive election should publicly declare that they are not a member of any political parties within seven working days after being elected (Hong Kong e-Legislation, 2019A). This setting is to prevent the Chief Executive from being subject to any political groups in the Legislative Council that restrict the executive-led power of the administration. In Western democracies, heads of governments are always subject to the discipline of their parties. A leader even needs to step down from the position if they lose the support from their own parties in the parliamentary system. In addition, the governor during the colonial period maintained political neutrality and theoretically was not inclined to support any local political groups. After the 1997 handover, the Chief Executive followed the past practice. As such, maintaining political neutrality prevents the Chief Executive from being dragged into political quarrels among the political parties, which may undermine the executive-led authority of the administration. Moreover, one of the pro-Beijing legislators provides another reason for the Chief Executive maintaining political neutrality:

“In the 1980s, the pro-democracy politicians were heavily influenced by the KMT from Taiwan, while the leftists by the CCP. When the Chinese authorities designed the institutional systems of the SAR government, opinions suggested any proxies from outside political forces would not be conducive to good governance in Hong Kong. The Chinese authorities did not wish to have a pro-KMT Chief Executive to be elected, while the Hong Kong locals were afraid of a CCP local leader. With these considerations, the Chief Executive is now forbidden to having any memberships of political parties.”³¹

³¹ Interview participant #13.

However, such a setting leads the administration to losing its support from the Legislative Council. No parties have political obligations to support the policies proposed by the administration. The authority of the Chief Executive is then undermined under such circumstance. (Chapter 5 will further discuss the reasons why the pro-Beijing camp may not support the administration). In sum, the current system grants much power to the Chief Executive and its Executive Council to initiate policies, but at the same time, the selection of the Chief Executive is through the non-democratic method. The power is actually centralized to the executive-led government, which is lacking the proper mandate.

EXISTENCE OF FUNCTIONAL CONSTITUENCIES IN THE LEGISLATIVE COUNCIL

Another way for the Hong Kong government to guarantee less oppositional force in the legislative process is to maintain the pro-Beijing politicians holding majority seats in the Legislative Council through electoral methods. Therefore, the functional constituencies in the council is also criticized as another “small circle”.

Formation of Functional Constituencies

There are 35 seats in the Legislative Council returned by the functional constituencies. Similar to the EC subsector elections, the number of voters in the functional constituencies (excluding “District Council (Second) constituency”³²) is just about 200,000. Criteria must be reached to become a voter in most functional constituencies. Theoretically, if a citizen registers to be a voter in one of the functional constituencies, they would be categorized in a related EC

³² The electoral method of this constituency is universal suffrage. As long as a voter does not belong to other functional constituencies, they would be entitled to register in this constituency.

subsector automatically. As shown in Appendix Table 3.2, the electoral methods of the functional constituencies are divided into four types: (1) preferential elimination system, (2) plurality-at-large system, (3) first past the post and (4) proportional representation. In the preferential elimination system, voters express their candidate preference orders on ballots. If no candidate obtains over half of the votes in the first round, the candidate with the least votes would be ruled out and the procedure would repeat until one candidate obtains over the simple majority. As for the plurality-at-large system, only the Labor constituency containing three seats employs such an electoral method. Voters choose one or more candidates on their ballots, and the three candidates with the most votes get the seats. First past the post is used in most constituencies, in which voters just choose one candidate. Finally, the District Council (Second) constituency employs proportional representation, which is the same method as the one used in the geographical constituencies (the geographical constituencies will be discussed in Chapter 4). In addition, some constituencies contain corporate voters, and the rationale of seat distribution is unknown to the public. Similar to the EC subsector, the functional constituency in the Legislative Council was a system introduced to maintain pro-Beijing or pro-business interests in the legislative process.

Before the 1997 handover, the functional constituency was considered as a transitional arrangement before implementing full universal suffrage. Just one month after the signing of the 1984 Sino-British Joint Declaration, the colonial government issued the “Green Paper: The Further Development of Representative Government in Hong Kong”, proposing that Hong Kong should develop the democratic system progressively. Later, the government issued a white paper (a report of the green paper) and decided to introduce the first indirect election of the Legislative Council in 1985. There were 12 seats returned by the functional constituencies, including: (1) Commercial (2 seats), (2) Industrial (2 seats), (3) Financial, (4) Labor (2 seats), (5) Social Services, (6) Medical, (7) Teaching, (8) Legal and (9) Engineering, Architectural,

Surveying and Planning. In the discussion in the Legislative Council in 1985, the government attempted to clarify the rationale behind the distribution of the functional constituencies. The setting tried to maintain the interest balance among different interest groups and components. For those not represented in the 12 functional constituencies, their representatives would be appointed by the governor as the unofficial members in the Legislative Council or could compete for their seats through the electoral college (Legislative Council Secretariat, 1985). In addition, the government believed that the legislators elected from functional constituencies could provide expert opinions on matters related to their respective fields, resulting in better examination on bills or policy proposals in the legislative process.

A legislator further provided the reasons for introducing the system of functional constituency in the discussion of the Legislative Council:

“... That full weight should be given to representation of the economic and professional sectors of Hong Kong society which are essential to future confidence and prosperity... To let these people, who have an important bearing on the continuation of prosperity in Hong Kong, maintain representation and a voice in the Legislative Council will help to increase investors’ confidence and retain local talents.” (Legislative Council Secretariat, 1985).

During the transitional period between 1984 and 1997, the middle class and investors left Hong Kong due to the low confidence towards the city’s future. One way of retaining the local talents and investors was to grant those people more privileges in a more representative government. Once the middle and upper classes of people were shared with ruling powers and had access to first-hand information of a political nature, the sense of belonging and confidence among

themselves could be enhanced.³³ As a matter of fact, appointing local business leaders as members of the Executive Council and the Legislative Council had been a common practice since the establishment of the Crown Colony of Hong Kong. Those business leaders could be regarded as a part of the ruling coalition with the colonial government enjoying privileges and political powers while having rights to influence policy making. The settings of the functional constituency in 1985 just institutionalized the past practices and specific choices of members in the Legislative Council.

The first three constituencies were representatives from the Hong Kong General Chamber of Commerce (Commercial I), the Chinese General Chamber of Commerce (Commercial II), the Federation of Hong Kong Industries (Industrial I), the Chinese Manufacturers' Association of Hong Kong (Industrial II) and the Hong Kong Association of Banks (Financial). Until now, their members are the registered corporate voters in their respective constituencies and have the rights to select their representatives in the Legislative Council. It is inevitable that their standpoints were pro-business interests. It is important to note, those business representatives had maintained a good relationship with the mainland, which could provide a large market and business opportunities. The Chinese or local capitalists also outnumbered the British or foreign investors in the elections from the 1980s to the present. As a result, those seats for the business sectors were pro-Beijing in nature.

In the 1988 and 1991 Legislative Council Elections, the numbers of seats returned by the functional constituencies were increased to 14 and 21, respectively. As mentioned in Chapter 1, the last governor, Christopher Patten, proposed the "1992 Political Reform Package", in which nine new functional constituencies were introduced into the 1995 Legislative Council

³³ Interview participant #16.

Election, known as the “new nine groups”. The groups included: (1) Agriculture, Fisheries, Mining, Energy and Construction, (2) Textiles and Garment, (3) Manufacturing, (4) Import and Export, (5) Wholesale and Retail, (6) Hotels and Catering, (7) Transport and Communication, (8) Financing, Insurance, Real Estate and Business Services, and (9) Community, Social and Personal Services. In the previous terms, most constituencies were restricted to the professional or capitalist classes, and normal citizens were not eligible to be voters. The “new nine groups” extended the electoral franchises across various occupations and all walks of life. As long as citizens were employed or operated businesses in Hong Kong, they would automatically fall into one of the above categories and would have the right to cast votes in the functional constituency. In other words, the “new nine groups” might increase the number of voters in the functional constituencies to around 2.7 million and transform the constituencies into de facto universal suffrage.

However, the 1992 Political Reform Package was unilaterally initiated by Patten and not agreed by the Chinese side. The latter considered that the package would break the consensus previously made with the United Kingdom and would be harmful to the “stability” in Hong Kong during the last phase of the transitional period. The Chinese authorities were also disappointed that Patten, who was a politician and the leader of the Conservative Party in the United Kingdom, was playing his own political game in Hong Kong.³⁴ In order to resolve the conflicts with the Chinese side, Patten started 17 rounds of negotiations related to the issues of the local elections in 1994 and 1995, but there was no compromise reached. The Hong Kong government then pushed forward the legislation for the electoral methods of the 1995 Legislative Council Election. In February 1994, the first part of the bill (mainly related to the geographical constituencies) was passed, and Patten then waited to observe Beijing’s reaction.

³⁴ Most of the governors previously dispatched to Hong Kong were diplomatic officers under Her Majesty’s civil service.

Realizing that it was impossible to reach further compromise with the Chinese authorities, the Hong Kong government resumed the second reading on the most controversial part (the “new nine groups”).

One of the pro-democracy legislators moved an amendment to the bill in order to call for all 60 seats in the 1995 Legislative Council Election to be elected directly based on the principle of universal suffrage, but such a suggestion obviously violated the Basic Law and would increase the uncertainties between the Chinese authorities and the United Kingdom before the 1997 handover (Legislative Council Secretariat, 1994A). Another legislator further pointed out that even though the “new nine groups” were introduced to make the franchise more universal, the functional constituencies themselves violated the principle of democracy:

“The existing arrangement tends to encourage functional representatives to narrowly focus on the interests of their respective constituents with the result that we either have 30 sectorally segmented functional members or have 30 functional members segmented along class lines and that will be very dangerous indeed.” (Legislative Council Secretariat, 1994A).

Regardless of the problems the functional constituencies contained, it was the most democratic system that the Hong Kong Government could implement in the 1995 Legislative Council Election under the pressure from Beijing. However, the Chinese authorities did not recognize the Legislative Council elected by Patten’s political reform package, and its term of office inevitably ended on the last day of the colonial ruling.

The legislature of Hong Kong was then replaced by the Provisional Legislative Council after the handover. The legislators in the council were selected by the Selection Committee under

the influence of the Chinese authorities. Importantly, the Basic Law stipulated that half of the first term of the Legislative Council would be returned by the functional constituencies. Soon after the handover, the SAR government proposed a new bill for providing the electoral methods in the 1998 Legislative Council Election (first term of the SAR Legislative Council). The 30 functional constituencies were reassigned by the pro-Beijing legislators, and until today, the system is still in use without much modification.³⁵ Under such settings, the pro-Beijing camp could occupy the majority of seats in the functional constituency.

Year	Pro-Beijing	Pro-Democracy	Independent	Total Seat
1998	25 (83.3%)	5 (16.7%)	0 (0.0%)	30
2000	24 (80.0%)	6 (20.0%)	0 (0.0%)	30
2004	23 (76.7%)	7 (23.3%)	0 (0.0%)	30
2008	25 (83.3%)	4 (13.3%)	1 (3.3%)	30
2012	25 (71.4%)	9 (25.7%)	1 (2.9%)	35
2016	24 (68.6%)	11 (31.4%)	0 (0.0%)	35

Table 3.2: Seat distribution of the functional constituency among the two camps

Voting Systems in the Legislative Council

After the 1997 handover, new procedures of voting were introduced in the Legislative Council. In the colonial period, to pass a bill, motion or amendment, no matter which is proposed by the administration or the legislators, only a simple majority of the members present was needed. However, in order to enhance the executive-led features, the BLDC decided to implement the new procedures of voting and put them into the Annex II of the Basic Law:

³⁵ There were two seats returned by the two municipal councils in the 1998 Legislative Council Election, but these two councils were abolished in 1999. The two seats were replaced by the Catering and the District Council (First) constituencies. In the 2010 Political Reform, the District Council (Second) constituency containing five seats was introduced.

“The passage of bills introduced by the government shall require at least a simple majority vote of the members of the Legislative Council present. The passage of motions, bills or amendments to government bills introduced by individual members of the Legislative Council shall require a simple majority vote of each of the two groups of members present: members returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee (Constitutional and Mainland Affairs Bureau (2017).”

The method applied to the member’s motions is known as the “split voting system”. Due to the existence of the pro-Beijing settings in the functional constituency, the motions proposed by the pro-democracy legislators are nearly impossible to be passed without the support of the pro-Beijing camp. Together with the paramount motion (its passage needs a two-thirds majority of members present), there are three types of procedures of voting in the Legislative Council.

Type of motion	Voting Method
<p><u>Paramount motions</u></p> <p>(1) <i>Disqualification of legislator from office (Article 79 of the Basic Law)</i></p> <p>(2) <i>Motion of impeaching the Chief Executive (Article 79 of the Basic Law)</i></p> <p>(3) <i>Bills returned for reconsideration (Article 79 of the Basic Law)</i>³⁶</p>	<p><i>Two-thirds majority of the members present or members of the council</i>³⁷</p>

³⁶ If the Chief Executive rejects signing a bill passed by the Legislative Council, the bill can be returned to the council for reconsideration; if the bill is passed again with over two-thirds majority of the members present, the Chief Executive can dissolve the council; and if the re-elected council passes the same bill with over two-thirds majority of the members present, the Chief Executive must resign.

³⁷ The number of pro-Beijing seats cannot reach a two-thirds majority, and the pro-democracy camp is still

<p>(4) <i>Amendment to the Basic Law (Article 159 of the Basic Law)</i></p> <p>(5) <i>Amendment to the methods for selecting the Chief Executives and the members of the Legislative Council (Annex I and II of the Basic Law)</i></p>	
<p><u>Government Bill</u></p>	<p><i>Simple majority of the members present</i></p>
<p><u>Member's Bill</u></p>	<p><i>Simple majority vote of each of the following two groups of members present:</i></p> <p>(a) <i>Members returned by functional constituencies (Group I); and</i></p> <p>(b) <i>Members returned by geographical constituencies through direct elections and by the EC (Group II)</i></p>

Table 3.3: Voting systems in the Legislative Council (Legislative Council, 2019)

As a matter of fact, the “split voting system” guarantees the intactness of the bills proposed by the government, since the pro-democracy camp finds it difficult to change the governmental policies through moving amendments without the support from the functional constituencies. The BLDC considered that under the “split voting system”, the motions proposed by the legislators could be scrutinized by the functional representatives, who should have a more

holding veto power on the paramount motions. However, this is also one of reasons why the political reforms of electoral method are difficult to be achieved for many years.

professional background. Hence, those irrational or populist bills could be turned down.³⁸ A pro-Beijing legislator also expresses the further reasons for implementing the “split voting system”:

“In the 1990s, the Chinese authorities could not predict how many seats the pro-Beijing camp could get from the geographical constituencies (universal suffrage). The pro-Beijing camp might not get over half of seats in the council, even though there would be the pro-Beijing settings in the functional constituencies. The pro-democracy [camp] might propose and pass anti-Chinese motions, such as ‘not forgetting the June Fourth Incident’, to embarrasses the SAR or Chinese governments. Therefore, the ‘split voting system’ could guarantee the veto power on the legislators’ motions.”³⁹

In sum, the system of the functional constituency undermines the abilities of the pro-democracy camp to get seats in the Legislative Council. It is nearly impossible for the opposition to block the government policies through their votes. The “split voting system” also lowers the possibilities to move the legislators’ amendments to the government bills. What the democrats can do under such institutional settings is to initiate filibuster to delay the bill passing in the council and try all means to arouse public attention.

FAILURES OF “RULING WITHOUT DEMOCRACY”

Before the 1997 handover, the colonial government was ruling Hong Kong without democracy. Although the power was centralized in the hands of the governor, the colonial authority still had ways to collect public opinions to avoid departing from citizens’ views. The model was

³⁸ Interview participant #17.

³⁹ Interview participant #15.

called the “administrative absorption politics” (King, 1975), one of the chief legacies of the colonial ruling in the Hong Kong’s political system. The Chinese authorities attempted to maintain the model after 1997 and prevented the city from addressing the issue of further democratization. However, the political environment in Hong Kong had changed rapidly since the establishment of the SAR, and the “administrative absorption politics” model could not satisfy the demands of the Hong Kong locals in the policy-making process.

Legacies of the “Administrative Absorption Politics”

In the 1970s, the idea of the “administrative absorption politics” was proposed by Ambrose Yeo-Chi King, who was the President of the Chinese University of Hong Kong. King (1975) concludes that Hong Kong’s political stability in the previous century relied on the successful process of the “administrative absorption politics”. The colonial government co-opted the local elites by including them in the political-administrative bodies, thus enhancing the legitimacy of the colonial institutions and depoliticizing the policy-making process. The practice of administrative absorption could be revealed by the various advisory committees in Hong Kong, which was an administrative feature inherited from the United Kingdom. Under the British system, different royal commissions, governmental committees or quasi-governmental organizations served as a supplement to the democratic system and tools of administration. The colonial government of Hong Kong followed the practice of co-optation. Through securing the political consent from the local elites, the non-democratic authority was given the impression of “government by consultation”. In other words, the administrative absorption established the mechanism of synarchy between the British rulers and local Chinese leaders (Cheung & Wong, 2004). After the 1997 handover, the system of administrative absorption continued to serve as an important part in the policy formulating process.

Currently, there are about 500 advisory and statutory bodies in the political structure to collect

public opinions (Home Affairs Bureau, 2019). The functions of the bodies are various, and all of them can be simply divided into nine types (see Appendix Table 3.3). Some of the organizations are the statutory bodies, which are established and perform their functions under the provisions of specific legislations. For example, the Liquor Licensing Board is established under the Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg. B). The members of most advisory and statutory bodies are appointed by the Chief Executive or the related governmental departments based on the merit of individuals. The “two 6s rules” are employed to consider the candidates to be appointed – (1) no non-official members should serve the same bodies for over six years in order to prevent them developing any vested interests; and (2) no non-official members should take up the positions in over six bodies to ensure a reasonable workload (Home Affairs Bureau, 2019).

With the system of the administrative absorption, the SAR government can collect and absorb public opinions through different levels of advisory bodies. The individuals or organizations with oppositional viewpoints against the authorities are coopted into the establishment and become a part of governing bodies, although their powers are limited to specific areas. Since the administrative absorption is essential for the governance of Hong Kong, the clause related to the system of advisory bodies is written into article 65 of the Basic Law – “The previous system of establishing advisory bodies by the executive authorities shall be maintained” (Constitutional and Mainland Affairs Bureau, 2017), reflecting that the Chinese authorities placed importance on the consultative system before and after the 1997 handover. A pro-Beijing legislator comments on the current advisory bodies:

“The sources of oppositional forces against the Hong Kong government are mostly from the political groups. Those groups catch the media’s attention and have abilities to mobilize masses to exert pressure onto the authorities. The government absorbs their

*opinions through the advisory bodies. Once their demands are satisfied during the process of consultation, there will be no significantly political agenda which can be used to generate oppositional forces. On the contrary, if the government ignores the concerns raised by the groups, some minor local issues can develop into political disasters, leaving negative images among the public.*⁴⁰

However, such an advisory system had been become less effective since the 1997 handover. It could not serve as a good channel of communication between the government and the public as before. As such, the demands of democratization, at least the faster pace of development, has become greater in recent years.

Changing of the Advisory System and its Failures

After 1997, the political environment had changed rapidly due to the rise of various pro-Beijing fragments as well as the civil society. It had been more difficult for the government to depoliticize the process of formulating public policies. Several reasons related to the advisory system are concluded in the following discussion.

Firstly, the advisory bodies might be transformed into the tools of political patronage after the handover, losing the originally political neutrality maintained in the past. During the colonial period, the government was not very concerned about the local politics and upheld the principles of laissez faire and trusteeship governance. The governor could maintain political neutrality and prevent himself from getting into political confrontation among local politicians most of the time. However, it is not easy for the Chief Executive to do the same. Under the principle of “Hong Kong people ruling Hong Kong”, the Chief Executive must be a Hong Kong

⁴⁰ Interview participant #1.

local, and thus they cannot avoid establishing relationships across different sectors. In addition, through the above-mentioned electoral system influenced by the Chinese authorities, only those pro-Beijing candidates have a chance to be elected as the Chief Executive, who must be seen as one of the members in the pro-Beijing camp. In this way, not only does the Chief Executive contain a political stance, but they also may appoint their political allies as members of important advisory bodies. Such practice of political patronage undermines the professional and objective characteristics of the advisory system.

As mentioned before, the United Kingdom has a similar advisory system, in which the members are appointed by royal representatives, the Prime Minister or other governmental departments. Different from Hong Kong, the advisory system in the United Kingdom is just a supplement to the established democratic system, and the government, which appoints the members, has enough mandate from the public, since the government is formed by universal suffrage. There are also possibilities that some positions in the advisory system are used as tools of political patronage or used to strengthen the political powers for the ruling party. However, the public actually has a chance to vote the ruling party or its political allies out in elections, but this may not happen in Hong Kong. Due to the current pro-Beijing electoral settings, it is nearly impossible for the pro-democracy camp to get the majority in the Legislative Council or be elected as the Chief Executive. Even though the advisory system is inclined to the pro-Beijing side, there is nothing that can be done to change the present circumstance. In 2016, a pro-democracy legislator raised a question related to the objectivity of selecting members in the advisory system. The legislator cast doubt over the system failing to adhere to the principle of making appointments on the basis of merit, and further suggested that the authority should set up an independent commission responsible for monitoring the appointment process. For the key positions in some important bodies, the candidates should obtain an endorsement from the commission before being appointed (Information Services

Department, 2016B). However, the government refused to make any changes on the current procedures.

A pro-democracy legislator points out the difference of the practice of appointment before and after the 1997 handover:

“Before 1997, most advisory bodies contained the members both from pro-democracy and pro-Beijing camps. Appointing the latter might be due to the consideration of maintaining a good relationship with the Chinese authorities during the transitional period. In this way, different opinions could be collected through the process of consultation. The government was also given the impression of truly political neutrality.”⁴¹

Another legislator further provides an example in recent years. In 2012, the “Long Term Housing Strategy Steering Committee” was established to study and formulate the new “Long Term Housing Strategy” (LTHS) in Hong Kong. Inside the Steering Committee, there were 15 non-official members among which seven were well known as “Leung’s Fans (the Chief Executive Leung Chun-ying’s die-hard supporters)”. On one hand, the Steering Committee became the body established to reward the people who had supported Leung in the Chief Executive election; on another hand, the body served as a mouthpiece of the government by excluding any oppositional voices against the administration. A group of pro-democracy figures then formed the “Shadow LTHS Steering Committee” to follow up the proposals proposed by the governmental committee. The interviewed legislator believes that the colonial government would appoint the members from such a type of shadow organization into the advisory system. However, the administrations after the 1997 handover had no obligation to

⁴¹ Interview participant #11.

absorb the opinions outside the pro-Beijing supporters.⁴² A pro-democracy legislator also maintains that while various pro-Beijing legislators were assigned to be members in the key advisory bodies, he was just appointed on the committee on some affairs at the district level. The government obviously ignores the fact that he is the legislator universally elected by voters and has no sincere intention to absorb the voices he represents.⁴³

Secondly, the authority of the Hong Kong government had diminished since 1997 due to losing the prevailing effect of psychological colonization. Psychological colonization is a process of the standardization of perceptions previously less relevant to local people in the colonized areas (Hall & Livingston, 2003), but those perceptions originated from foreign colonizers were being accepted by the local native population and were conducive to colonial governing. The authority and dignity of the colonial government of Hong Kong was then established. During the colonial period, local Chinese attempted to prevent any troubles with their European rulers and dare not challenge the authority of the government. For example, the normal Chinese citizens seldom lodged complaints against the public services due to psychological fear as well as language barrier.⁴⁴ Even for the local Chinese leaders in Hong Kong, if they were unsatisfied with the local policies initiated by the governor, there were few times for them to make direct reports to the colonial office in the United Kingdom. However, it is not uncommon that the local leaders in the current context bypass the Chief Executive to engage lobby activities with the officials in Beijing. From the perspective of the local leaders, the Chief Executive is just the position elected and supported by the pro-Beijing camp, and thus their status cannot be comparable to that which the governor enjoyed in the past.⁴⁵

⁴² Interview participant #4.

⁴³ Interview participant #7.

⁴⁴ Interview participant #13.

⁴⁵ Interview participant #12.

As a matter of fact, once the authoritative features of the Chief Executive diminish, the credibility of the whole governing system will be shaken, especially under such non-democratic settings. After the 1997 handover, the sovereignty of Hong Kong was transferred back to the PRC, but the psychological authority of the central government had not yet developed among the Hong Kong locals. In addition, since the Chief Executive is not elected through universal suffrage, the legitimacy of the position and the governmental appointments in the advisory system is then challenged by the public. For example, the Council of the University of Hong Kong (HKU Council) is under the framework of the advisory system. According to the University of Hong Kong Ordinance (Cap. 1053), the Chief Executive is automatically serving the university's Chancellor, who has the rights to appoint the Chairperson and another six members into the HKU Council. Since there was doubt as to whether the Chief Executive could maintain political neutrality, students and staff at the university urged the government to remove the Chancellor's powers of any appointment at the university. In December 2018, the Chancellor appointed a new Chairperson who was not welcomed by the student, staff and alumni groups. Especially for the academic staff, they were afraid that the Chairperson would exert pressure on their work and harm academic freedom (Kao, 2019). Obviously, the people at the university questioned the credibility and trustworthiness of the Chief Executive and the whole political system. This reflects that the authority of the Chief Executive had deteriorated, definitely leading to greater difficulties in governing the whole city than before.

Thirdly, the development of public governance could not catch up with the expectations among the citizens. Cheng (2014) maintains that the living standard among the poor had been deteriorating since the 1997 handover, while the gap between the rich and the poor did not improve very much. Although the gross domestic product (GDP) kept its annual growth of over 3% most years, the real income among the grassroots had not increased very much. Especially for the teenagers in the city, more pessimistic sentiment towards their upward social

mobility accumulated, but the government did not absorb their voices into the current system. This provided a warm bed for developing anti-government as well as anti-China forces in Hong Kong. Cheng also considers that the economic hardship for those at the grassroots was one of the reasons for the rise of radical politics.

In the 1960s, Hong Kong was influenced by the Cultural Revolution in mainland China, and the local communist supporters (leftist) triggered the “1967 Riots” to undermine the colonial ruling in Hong Kong. The colonial government later realized that upholding the economic prosperity and raising living standards for normal people were essential to the long-term stability for the last British Crown Colony in Asia. When Governor Murray MacLehose assumed his office in 1972, various important policies, which laid down the foundation of Hong Kong’s current social system, were implemented, e.g. introducing nine years of compulsory education, enhancing the social security scheme, initiating a large-scale project of public housing construction, establishing the ICAC, etc. In addition to the fast-growing economy during that period, the Hong Kong locals experienced an improvement of living standards and were pleased with the colonial governance. As for the leftist groups (later the pro-Beijing camp), they were accused of provoking the “1967 Riots”, in which over 800 people were killed or injured and the public peace was breached. As such, the leftists in Hong Kong became unwelcome by the public for a long time, and their political influence shrunk from the 1970s to the 1990s.⁴⁶ To the colonial government, one of the oppositional forces was undermined, leading to an efficient process of policy making during the period. This might be the reason why the colonial authority could rule the city through the advisory system and the limited democratization during the last phase of the colonial period.

⁴⁶ Interview participant #15.

After the 1997 handover, the pro-Beijing camp became the ruling power. In most of the Legislative Council elections, the pro-democracy camp obtained more popular votes from the geographical constituencies that adopted universal suffrage. This reflected that even though the popularity of the pro-democracy camp was higher than the pro-Beijing camp, the pro-democracy politicians could not obtain any ruling power from the elections. The Hong Kong locals might tolerate such authoritative settings in the political structure, as long as the economic prosperity and their original lifestyle were not disturbed. However, since the 1997 handover, Hong Kong experienced several economic downturns; political scandals were found due to the malpractice of high officials; and public policies initiated by the government could not improve people's living standard. The advisory system also failed to absorb people's views and opinions. These certainly caused more and more public grievances and cast doubt on pro-Beijing ruling abilities. Worse still, unlike the other democracies, the Hong Kong locals could not vote the pro-Beijing groups out of the governing bodies under the current electoral settings. The people then turned to support more radical groups that engaged rougher (even violent) ways to block the governmental policy agendas. This definitely deferred the implementation of governmental proposals and created more difficulties in public governance. In this way, the Hong Kong locals became more eager to achieve further democratization or a genuinely as well as completely democratic system.

In sum, the Chinese authorities hoped that the original advisory system adopted in the colonial period would function well to absorb public opinions and would attempt to continue ruling without a democratic system. Nevertheless, the Chief Executive could not ignore the fact that they must belong to the pro-Beijing camp, leading to losing the status of political neutrality and casting doubt over the authority of the Hong Kong government. In addition to the policy failures and the stagnant development of the social system, the past model of "ruling without democracy" might not be sustained more than 20 years after the handover, and a more

democratic system should be achieved in order to enhance public governance.

OPPOSITIONAL FORCES LOSING ALL RULING POWERS

After the 1997 handover, the SAR government or the central government made a mistake due to miscalculation, probably leading to the seriously fragmented politics in Hong Kong. The two municipal councils, the Urban Council (UrbCo) and the Regional Council (RegCo), were democratically elected but were abolished in 1999. Without the two councils, not only has the quality of municipal services been affected, but the path of long-term political development has also been altered in Hong Kong.

The Urban Council and the Regional Council

What little research has been done in Hong Kong Studies is mostly in the context of municipal affairs. How the municipal affairs were managed is a fundamental question in Hong Kong's local administration. The answer to this improves our understandings of the current institutional defects in Hong Kong, since the abolition of the UrbCo and the RegCo may be the fundamental cause of current fragmented politics. The two councils were similar to a layer of government in terms of their functions and powers and thus were allowed to have greater freedom in local affairs.

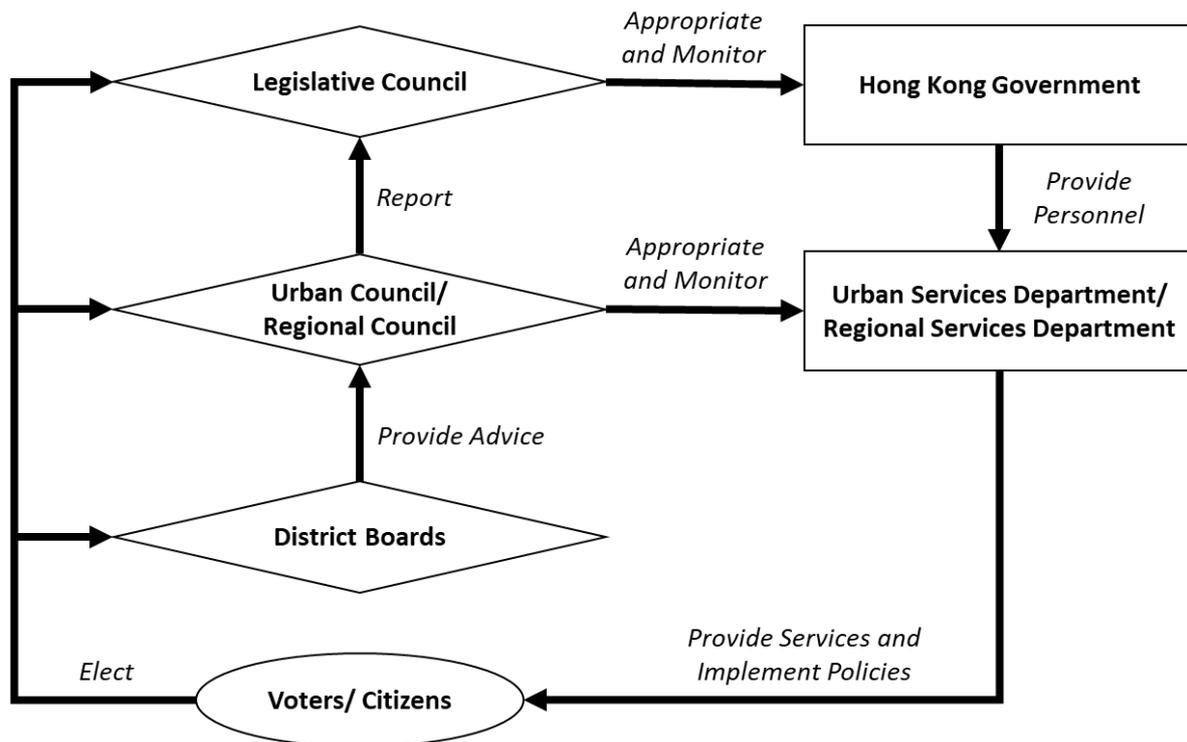


Figure 3.2: Structure of local administration in Hong Kong before 1999

The UrbCo, established in 1883, was initially responsible for maintaining environmental hygiene and preventing infectious diseases, and later its functions expanded to providing recreational and other related services. Facing the rapidly rising population outside Hong Kong Island and Kowloon (Urban Areas) in the 1980s, the colonial government established the RegCo in 1986 for performing the municipal services in the New Territories. Each of them served the communities with a population of approximately three million. The Urban Services Department (UsD) and the Regional Services Department (RsD) were the executive arms of the two councils, and the former was the largest department in the Hong Kong government with approximately 16,800 staff (Hong Kong Government, 2000). Most of the staff were civil servants under the control of the Civil Service Bureau. The two departments implemented the municipal policies passed by the two councils and managed the related facilities. The heads of the UsD and the RsD were the principal executive officers in the UrbCo and the RegCo, respectively, and their duty is to ensure the close relationship between the councils and the

administration (Hong Kong Government, 2000). The UrbCo and the RegCo enjoyed a high degree of autonomy and only needed to submit annual reports to the Legislative Council. As long as the municipal policies were not in direct conflict with the policies of the Legislative Council and the Hong Kong government, the operations of the two municipal councils were seldom intervened in.

Their respective significant financial resources could reveal the real power of the two councils. In 1999, the UrbCo incurred one billion US dollars in operating costs, while accruing 1.23 billion US dollars of revenue. The average expenditure per capita was about 335 US dollars. In the same financial year, the average expenditure per capita of the RegCo also reached 233 US dollars (Hong Kong Government, 2000). Compared to municipal councils in other developed economies, the UrbCo and the RegCo in Hong Kong had much higher financial bases in the 1990s. The sources of income for the two councils were mainly from rates, which was a type of taxation levied on property within their respective jurisdictions. Other incomes included fines, fees and charges on their services as well as licensing and rental incomes from public markets and stalls. The councils had the full power to monitor the UsD and the RsD by controlling the appropriations to the two departments. With the financially autonomous system, the councils were also responsible for constructing local infrastructures or capital works, such as installing benches, building pavilions or even some large-scale municipal facilities, e.g. the currently in-use Central Library of Hong Kong.

Apart from the financial power, the UrbCo and the RegCo served as the legislative bodies, containing the power to legislate by-laws in their jurisdictions. Those by-laws facilitated the two departments to implement the policies of environmental hygiene and recreational services. Some examples included “Milk (Urban Council) By-Laws”, “Hawker (Regional Council) By-Laws” and “Museums (Urban Council) By-Laws”. The enforcement of those by-laws relied on

the staff from the UsD and the RsD. Importantly, the councils were the only fully democratic bodies with the real powers before and after the 1997 handover. While not all the seats in the Legislative Council were elected by universal suffrage, the district boards (later the district councils) were just the advisory bodies whose members were elected.

In 1992, Christopher Patten, the last Governor of Hong Kong, proposed a political reform package, in which the appointed seats in the UrbCo and the RegCo were to be abolished, and the electoral method would be “single vote, single seat”. The following municipal council election then took place in 1995. The UrbCo contained 32 seats returned by constituencies and nine seats returned by the District Boards representatives.⁴⁷ Apart from the 27 seats returned by constituencies and nine seats returned by the District Boards representatives, the RegCo also contained three ex-officio members for one Chairperson and two Vice-Chairpersons of the Heung Yee Kuk (Rural Council). Traditionally, the UrbCo had been the first institution containing elected seats in Hong Kong since the 1930s, and thus the municipal councilors had been the essential means for collecting public views before introducing any elected seats of the Legislative Council in the 1980s. It later became a fully democratic bodies before the 1997 handover. In addition to its powers and functions, the UrbCo and the RegCo marked a milestone in the process of democratization in Hong Kong.

Abolition of Two Municipal Councils

In June 1998, the SAR government issued a public consultation document on the review of district organizations, in which there were various options for reforming the two councils and the 18 district boards (Constitutional Affairs Bureau, 1998A). The DP members criticized the

⁴⁷ There were 18 District Boards in Hong Kong, and their formations were also through the method of “single vote, single seat”. Each District Board could select one member to occupy the seats in the UrbCo and the RegCo.

SAR government for its own established position to “abrogate powers” and “kill the councils” during the public consultation and condemned such practice as “a great retrogression in democracy” (Legislative Council Secretariat, 1998). In April 1999, the “Provision of Municipal Services (Reorganization) Bill” was read the first time in the Legislative Council. The bill proposed to dissolve the two councils and transferred their existing property, functions, rights and obligations to the governmental departments. Prior to the third reading of the bill, the “District Councils Bill” was also passed to rename district boards as “district councils”, reflecting that the district councils would be upgraded to be the bodies with more powers and functions (Constitutional Affairs Bureau, 1998B). The SAR government also promised to enhance the role of 18 district councils by allocating more resources at the district level in the future (Legislative Council Secretariat, 1999). After dissolving the UrbCo and the RegCo, their main functions would then be transferred to the Food and Environmental Hygiene Department (FEHD) and the Leisure and Cultural Services Department (LCSD).

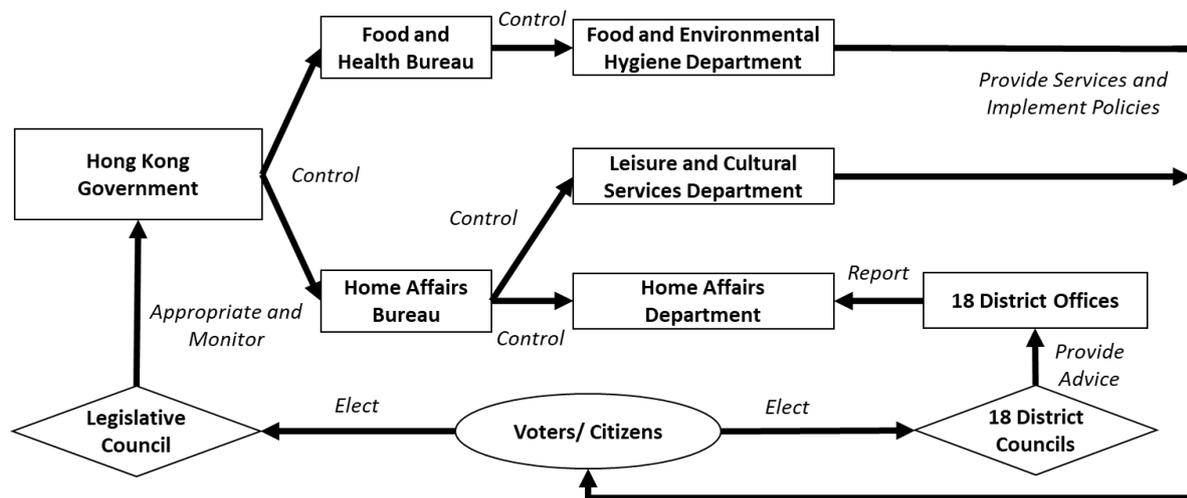


Figure 3.3: Structure of local administration in Hong Kong after 1999

Although the district boards have been upgraded to be “councils” and the members have been transformed into “councillors”, the District Councils are still advisory bodies without many

financial and legislative powers. The main functions of the district council are to advise the government “on matters affecting the well-being of the people in the district” and “on the adequacy and priorities of government programs for the district” (Home Affairs Department, 2019). The district offices under the Home Affairs Department serve as the secretariats of the councils, providing administrative support to the District Councillors. Since the establishment of the district boards in 1982, the District Management Committees, chaired by the District Officers, are also set up in every district. The committees are formed by the Chairpersons and the Vice-Chairpersons of the District Council, the Chairpersons of council subcommittees, and the representatives of different governmental departments, such as the LCSD, the FEHD, the Police Force, the Fire Services Department, the Transport Department, etc. (Hong Kong Government, 2019A).

However, both the committees and the District Councils are the advisory bodies, which just give opinions to the government. Before the abolition of the UrbCo and RegCo, since the UsD and the RsD had manpower to implement the municipal policies, the directors of the two departments could respond to local affairs promptly and swiftly. As for the District Officers, the positions are more likely to act as “coordinators”, instead of “managers” at the district level. Officers do not have the right to push other departments to take action in district affairs. In addition, the administrative ranking of the District Officer is just D2 (equivalent to the division head in the former UsD and RsD), which is far lower than the UsD and the RsD heads with the ranking of D6 (Equivalent to the Director of Health).⁴⁸ Without the manpower and enough administrative powers, the District Officers can only reflect the opinions from the district councils to the Home Affairs Departments. Since the district affairs may be addressed by various departments across different policy bureaus sometimes a higher level of coordination,

⁴⁸ The administrative officer grade in the Hong Kong government comprises seven ranks (D0, D1, D2, D3, D4, D6 and D8).

such as the Office of the Chief Secretary for Administration, is needed to resolve some minor problems at the district level. This increases the cost of administration and undermines the accountability of the governmental departments at the local level.

Without the two municipal councils, some original works would be transferred to the Legislative Council and the Hong Kong government. In 1999, a DP member pointed out the problems of the increasing burden of the Legislative Council. The member recalled that the UrbCo held 629 meetings in one of the years to discuss municipal affairs. The local issues would not disappear after the abolition of the municipal councils but must be shared among various governmental departments (Legislative Council Secretariat, 1998). Some minor municipal problems, which should be addressed at the district level, now become the businesses of the Legislative Council. For example, there was a Legislative Councillor addressing the issues of public toilets during the question session of the council, and the Secretary for Food and Health then spent time responding to the issues (Hong Kong Government, 2018A). The Panel on Food Safety and Environmental Hygiene in the Legislative Council also to set up the Subcommittee on Issues Relating to Public Markets and the Subcommittee on Hawker Policy to deal with the issues originally reviewed by the municipal councils. This would occupy the resources and time of the Legislative Council, which should focus on the macro-level issues in Hong Kong. Worse still, if some problems at the district level could not be resolved, the unsatisfied sentiments among the public would be directly transferred to the Hong Kong government. While the District Councils do not have enough administrative powers, there is no longer any buffer zone between the administration and the districts. This further undermines the governance authority of the Hong Kong government and is not conducive to the popularity of the senior officials.

Superficially, the SAR government “killed” the UrbCo and the RegCo due to the considerations of efficient administration and better organizational structure, but the practice might have the hidden agenda from the perspective of local political sphere. One of the pro-Beijing legislators recalled what happened nearly two decades later. The legislator considered that the pro-Beijing camp must support “killing” the municipal councils in 1999, since the DP occupied most seats in the UrbCo and the RegCo at that time and abolishing the two councils could undermine the DP influence and its future development (Chen, 2015). A pro-democracy legislator also points out:

“It was a decision backed by the pro-Beijing camp and the Chinese authorities. The SAR government was impossible to make such significant reform without the consultation of these two important stakeholders. While the former hoped to obtain more seats in different elections if their electoral competitors became weak, the latter was afraid that the DP’s influence in Hong Kong would threaten the legitimacy of the communist regime in mainland China.”⁴⁹

In the 1990s, the DP had an extraordinary performance in most of the elections and was a great competitor of the pro-Beijing camp. In the 1991 Legislative Council election, there were 18 universally elected seats in the geographical constituencies, and the Meeting Point and the United Democrats (later these two parties were merged into the DP) could obtain 17 seats. As for the 1995 Legislative Council Election, the DP got 12 out of 20 seats in the geographical constituencies. Before the abolition of the two municipal councils, the DP had 14 out of 32 universally elected seats in the UrbCo, and 12 out of 27 in the RegCo. The DP was the largest political party in Hong Kong, and to the SAR government, it was also the largest oppositional

⁴⁹ Interview participant #3.

force in the city. The Basic Law states that the ultimate aim of the political reform is to select the Chief Executive and the Members of the Legislative Council through universal suffrage, but no one knew when universal suffrage would be achieved in the 1990s. With the DP's majority in the electoral outcomes, the pro-Beijing camp would lose the ruling power in Hong Kong, and this was what the Chinese authorities were worried about.

In addition, most of the DP members were members of the ASPDMC simultaneously, such as Szeto Wah, Martin Lee, Albert Ho, etc. The ASPDMC was established in Hong Kong to support the students' protest in Tiananmen Square in Beijing in 1989. Its operational goals later included rehabilitating the 1989 pro-democracy movement and to end the one-party dictatorship in mainland China. If the DP had gained the ruling power through the democratic elections, it would make Hong Kong become a subversive base against the CCP and further threaten the national security of mainland China. The influence of the DP thus caught the Chinese authorities' attention.

In order to restrict the development of the DP and enhance the influence of the pro-Beijing camp, the SAR government and the Chinese authorities took two actions soon after the 1997 handover. Firstly, the Provisional Legislative Council passed the "Legislative Council Bill" for formulating the electoral methods of the Legislative Council elections (Legislative Council Secretariat, 1997). In the bill, proportional representation would be applied in the geographical constituencies and such a method was to prevent any political parties from gaining a majority in the Legislative Council (proportional representation will be discussed in Chapter 4). Although the Bill was opposed by the DP, there were only several pro-democracy members in the Provisional Legislative Council. What the DP could do was to accept the new method and strove for the best outcomes in the following elections. Secondly, the SAR government appointed a group of pro-Beijing politicians as members of the municipal councils (Hong Kong

Government, 1999). The UrbCo and the RegCo had nine and 11 new appointed members, respectively, and the pro-Beijing camp could control the two councils. Indeed, dissolving the UrbCo and the RegCo was just a decision staying in tune with the strategies of the SAR government and the Chinese authorities after the 1997 handover. Their goals were to undermine the DP and enhance the influence of the pro-Beijing camp through changing the institutional settings.

Since then, the DP or the pro-democracy camp has lost the only ruling power in Hong Kong. While the district councils do not have much power, it is also impossible for the pro-democracy camp to gain over half the seats in the Legislative Council with the existence of functional constituencies and proportional representation. The UrbCo and the RegCo were the only democratic bodies with real powers, in which the pro-democracy camp could gain a majority through elections. Without the two councils, the pro-democracy politicians completely surrendered the chance of ruling and governing, and there were no ways for them to share power with the administration. A pro-democracy legislator considers that the pro-democracy politicians had not contained any powerful means to put pressure on the government since then, because no more civil servants were directly accountable to them.⁵⁰ Once a political party lacks the possibilities to be a ruling party or part of a ruling coalition, it would become difficult to develop and enhance its internal cohesion.

Moreover, the DP lost its training ground for its members to practice electoral and policy-making businesses. The UrbCo and the RegCo provided about 60 elected seats, which could be preparatory positions for members before running for offices of the Legislative Council. In addition to their assistants, more than a few hundred positions were created to engage in

⁵⁰ Interview participant #3.

political affairs. This contributed to the party development and the quality of policy making in Hong Kong. The two municipal councils could also enhance the media exposure of the politicians, and the majority party could be more probably to gain popularity. With a stronger base at the municipal level, it would facilitate the large parties in the UrbCo and the RegCo to run for the electoral campaigns in the Legislative Council elections.

However, the DP got fewer seats in the Legislative Council under the new system of proportional representation. The influence of the DP inevitably became much weaker, leading to losing its leadership position in the pro-democracy camp in the 2000s. The only ruling power, which was possible for the pro-democracy camp to obtain through elections, was deprived by the Hong Kong government. The abolition of the two municipal councils achieved the centralization of all administrative powers into the pro-Beijing establishment, while paving the way for radical politics in Hong Kong.

OPPOSITIONAL RESPONSES TOWARD CURRENT INSTITUTIONAL SETTINGS

With the current pro-Beijing settings, the pro-democracy camp found it nearly impossible to gain any ruling powers from the administration. Since the pro-Beijing camp was holding the majority seats in the Legislative Council, once the government proposed policies or bills, what the democrats in Hong Kong could do was to interfere with the process of policy making. In recent years, methods including judicial review, mass demonstration and filibuster were the common ways to defer or delay the passing of unwelcome policies or bills. The filibuster, particularly, was the “last line of defense” of the democratic camp in the Legislative Council.

Judicial review is a common way to review executive decisions of governments in most democratic countries. In Hong Kong, the law courts have the power to interpret domestic

legislations and the Basic Law. The High Court accepts cases to review the compatibilities with the Basic Law or other administrative laws. Some democrats sought ways of judicial review to defer the processes of policy making and implementation, but in most of the cases, the reviews failed to terminate the controversial policies (See Appendix Table 3.4). In addition, former High Court Judge Henry Litton cast doubts on the social activists' intentions of lodging judicial reviews with political considerations. Litton maintained that the thresholds for judicial reviews should be enhanced to prevent a waste of time and costs (Hong Kong Policy Research Institute, 2017). Theoretically, the Court only handles legal disputes instead of political ones. Continuously requesting the Court to resolve political arguments will undermine the authority of the judiciary system of Hong Kong. This might not be a suitable way used by the democrats to oppose governmental policies.

Another way of blocking the passing of government bills is to stage mass protests to exert pressure on the administration. Since the 1997 handover, mass protests have become more common to express people's wills, especially after the economic downturn in 2003. Among the new generations of the 1990s and 2000s, teenagers tend to have low trust towards the Hong Kong government⁵¹ and are more willing to participate in mass protests to strive for common goals. Some protests developed from demonstrations to surrounding governmental buildings or the Legislative Council, and sometimes the protests became seriously violent conflicts between the police forces and the protestors. However, in most cases, the government insisted on moving forward the policies or bills, since there were enough votes from the pro-Beijing camp in the Legislative Council (See Appendix Table 3.5). As mentioned in the previous chapter, the pro-democracy camp launched a filibuster as the final means to block the passing of unpopular policies or bills. Sometimes the filibuster could arouse more public attention on

⁵¹ Ma Ngok, Associate Professor at the Chinese University of Hong Kong, said that "the government has lost the trust of a whole generation" (Kuo, 2019).

the specific issues and gather more forces in the mass protests. Still, due to the pro-Beijing majority in the Legislative Council, most oppositional ways were not effective in stopping the bills proposed by the government, and there seemed nothing better than the filibuster, which was only a political gesture and passive adaption to the current authoritative system. This also provides the reasons for why there had been an increasing number of filibusters in the council since the 1997 handover.

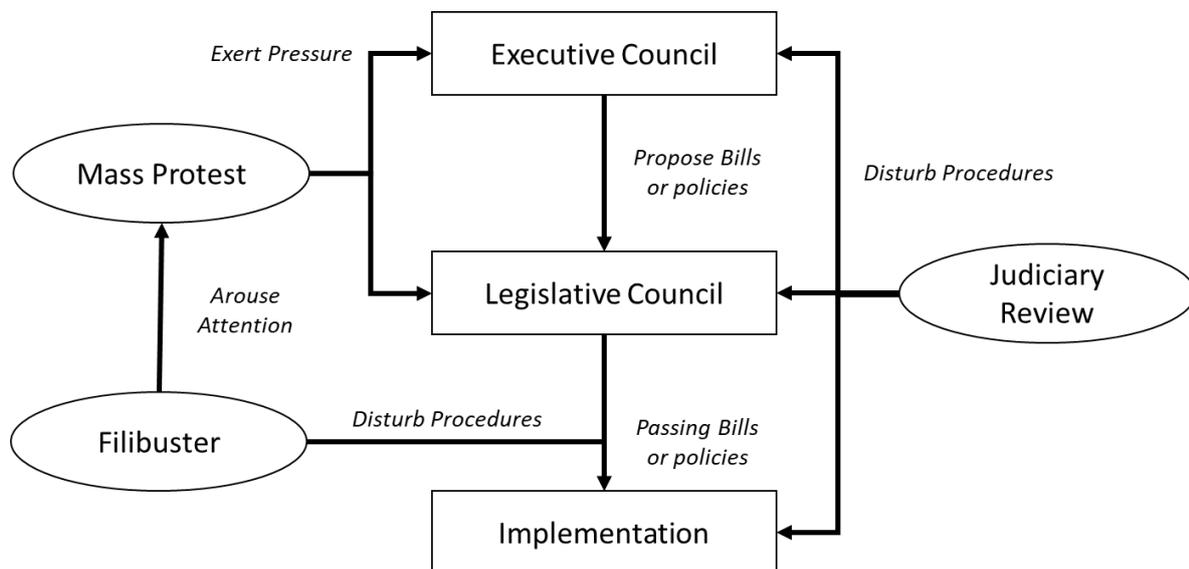


Figure 3.4: Oppositional responses toward unpopular policies

SUMMARY

This chapter examines the pro-Beijing institutional settings in the current political system of Hong Kong and explains why there was a lack of legitimacies for the Chief Executive and the Legislative Council. As mentioned in the theoretical framework, the authoritarian states should enjoy greater capacity of implement public policies without facing much electoral pressure (Maravall, 1994). Especially in recent years, the PRC national pride was enhanced due to the successful economic and social development (Rolland, 2020) and thus strengthened the confidence towards the authoritarian features in Hong Kong. With the insights of Howard and

Roessler (2006), since there are no contest elections for the Chief Executive and the functional constituencies in the Legislative Council, the political institutions of Hong Kong should be a kind of “hegemonic authoritarian”.

Under such institutional settings, the development of executive-legislative relationship had been seriously affected since the handover. As Lee (1999) and Kuan (2002) maintained, the governance of the SAR government would show that there was a gradual consolidation of power to the Chief Executive, but more challenges would be created by the popularly elected legislature, leading to an executive-legislative gridlock. Cheung (2000) considers that the Hong Kong government would lose the popular political mandate, which was enjoyed by the previous colonial regime. Although there was not much bottom-up pressure for democratization in the early stages of the handover (Sing, 2001), the worsening problems of social inequality and unfinished economic restructuring would erode the legitimacy of the Hong Kong government (Sing, 2006). The political settings had actually created a crisis for the later administrations when the Hong Kong people asked for more democracy, creating more difficulties in the governance. One phenomenon that should also be noted in the Legislative Council was that the political parties did not have rights to initiate policies, and thus, those parties could not develop their clear policy paths. Frankly, the parties were more like ad hoc electoral machines than the organizations holding stable policy ideologies. In addition to the setting of proportional representation, once politicians found it difficult to develop their loyalties to the parties, more fragmented politics might tend to result. These unique features of the Hong Kong’s presidential system contribute to the context of executive-legislative studies.

Furthermore, this chapter provided innovative points to explain why the SAR government failed to rule without democracy. As other authoritarian states like the mainland China (Tang et al., 2018) and Singapore (Rodan, 1998), cooptation should be one of the common strategies

to undermine the influence of oppositions. The colonial authorities could absorb public opinions through various advisory bodies, known as “administrative absorption politics”. After the 1997 handover, while the Chief Executive could not maintain political neutrality, the public doubted the selection of members for the advisory bodies. In addition to the policies failing to resolve the long-term social and economic problems in the city, the legitimacy of the Hong Kong government was inevitably eroded. Moreover, after the abolition of two municipal councils, the pro-democracy camp found it nearly impossible to share any ruling power and lost the ways to change the policies proposed by the administration. In this way, filibusters and other means became more common to disturb the procedures of policy making. This responds to the research question through explaining one of the reasons for the rise of filibuster and the executive-legislative gridlock.

CHAPTER 4

SYSTEM OF PROPORTIONAL REPRESENTATION IN HONG KONG

CHAPTER INTRODUCTION

The aim of this chapter is to examine the system of proportional representation applied in the Legislative Council election of Hong Kong. The content responds to the research question through explaining the origin of filibuster – the rise of radicals.

The proportional representation adopted in Hong Kong was designed by the Chinese authorities in order to facilitate the pro-Beijing camp to obtain seats in the elections. This reflects that the electoral system is tightly controlled under the semi-authoritarian states. After more than one decade of development, the campaign strategies employed by both the pro-Beijing and pro-democracy camps were different from other regions using proportional representation due to the unique features of Hong Kong's electoral system. As a result, proportional representation in Hong Kong caused seriously fragmented politics in the Legislative Council and later directly became the main reasons for the frequent filibusters. Such electoral method was a system for safeguarding the interests of the pro-Beijing camp, but it became one of the sources of deteriorating governance. This shows the miscalculation of the Chinese authorities, since the system could not satisfy its original expectation. Furthermore, while the electoral outcomes showed that the government failed to coopt the moderate democrats, the case of Hong Kong also affirms that the proportional representation grants rooms for the radicals and affects the executive-legislative relationship.

PURPOSE OF PROPORTIONAL REPRESENTATION IN HONG KONG

The debate over the electoral methods in the geographical constituencies of the Legislative Council started in the 1980s. In a collection of views of the “Special Group on Political Structure of the Consultative Committee for the Basic Law”,⁵² the document of the special group concluded the disadvantages of applying universal suffrage to the geographical constituencies. For example, the direct election might be harmful to the stability and prosperity in Hong Kong; it might also induce unnecessary confrontation between parties during the legislative process; and Hong Kong’s society was not mature enough to run Western-style electoral systems. Simply put, some people expressed that speedy democratization would not facilitate the economic development and were afraid that the voters would urge their representatives to introduce welfare policies (the original wordings in the document were “free lunch policies”).⁵³ However, some opinions reflected that the direct election could be achieved by proportional representation to maintain the balance of power among different political groups and protect minority opinions (Basic Law Consultative Committee, 1987). The Basic Law proclaimed in 1991 later stipulated the numbers of seats returned by the EC, the geographical constituencies and the functional constituencies in the first, second and third terms of the Legislative Council only, and the related electoral method should be specified by the local enactment of the electoral ordinance (Constitutional and Mainland Affairs Bureau, 2017). This granted some freedom to the Hong Kong locals or the legislators to decide how the

⁵² After the signing of the Sino-British Joint Declaration, the central government set up the BCDL, which was responsible for drafting the Basic Law of Hong Kong. The committee later formed the BLCC to collect public opinions from the different sectors in Hong Kong. The BLCC contained different special groups addressing the issues of political structure, economy, culture, education, etc.

⁵³ In the 1980s, British Prime Minister Margaret Thatcher (Conservative Party) upheld the principle of *laissez-faire* and opposed the abuse of welfare measures. The colonial government also followed a similar ideology and therefore introduced a similar public policy in Hong Kong. During that period, Hong Kong was under the establishment process of the Basic Law. The related ruling philosophy affected the governance in Hong Kong after the handover.

election should be run in the future. However, the Chinese authorities later influenced the local enactment through the Provisional Legislative Council.

The “United Democrats’ Coattail”

In the 1991 Legislative Council Election, there were 18 seats in the geographical constituencies, which was the first time for the council to have universal elected seats. The whole of Hong Kong was divided into nine constituencies, each of which contains two seats. The electoral method was plurality-at-large voting, in which voters had two votes and the two candidates obtaining the most votes would win the seats. The breakdown of the votes displayed in Appendix Table 4.1 shows an obvious coattail effect brought by the United Democrats, which later became the DP led by Martin Lee. Calvert and Ferejohn (1983) analysed coattail voting in American presidential elections from the 1950s to the 1980s to find out whether the popularity of the presidential candidate would attract coattail votes for their own parties in the congressional elections. The study demonstrates that the correlations between the presidential and congressional voting became weaker in the 1970s, but presidential candidate Ronald Reagan was successful in facilitating the Democratic candidates taking over the Senate seats in the 1980 election due to his widespread popularity, which was known as “Reagan’s coattail”. In the 1991 Legislative Council Election, the United Democrats’ coattail took on an important role in the whole electoral campaign. Many members of the United Democrats were simultaneously members of the ASPDMC, which aimed to rehabilitate the 1989 pro-democracy movement in Tiananmen Square. In this way, the election in 1991 was under an atmosphere of communist fear and the upcoming 1997 handover, which makes it easy to understand why the United Democrats could arouse wide support in the city. Martin Lee, a “super political star” during that period, obtained the highest number of the popular votes in the election.

The strategy employed by the pro-democracy camp was to let a junior candidate be “dragged”

by a senior one. For example, Martin Lee and Szeto Wah were senior candidates in the constituencies of Hong Kong Island East and Kowloon East, respectively, both Legislative Councillors under functional constituencies since 1985, and with strong reputations and popularity. In the electoral campaign, Lee and Wah canvassed their own supporters to help junior candidates, Man Sai-cheong in Hong Kong Island East and Li Wah-ming in Kowloon East. Due to the coattail effect, the junior ones were “dragged” by the experienced politicians, and the four candidates finally won in the election together. With this campaign strategy, the pro-democracy camp obtained 17 out of 18 seats. The only pro-Beijing candidate winning in the geographical constituency was Tai Chin-wah (see Appendix Table 4.1), who was the representative of the indigenous inhabitants of the New Territories and was supported by those inhabitants from the rural villages. Still, the plurality-at-large voting applied in the 1991 Legislative Council Election provided a significant amount of room for large parties to develop and occupy seats in the council. For smaller parties or independent candidates, the system is not beneficial.

Debates over Electoral Method and the Pattern’s Package

The landslide victory of the pro-democracy camp in 1991, which resulted in the local pro-Beijing legislators inevitably becoming a minority in the geographical constituencies, aroused concerns from the central government. In order to evaluate the arrangements and the electoral methods of the previous Legislative Council elections, the Legislative Council set up a select committee to study the related issues and collect opinions from the public in early 1992. After a six-month discussion, the committee submitted a report to the council, which included the most controversial debate over the electoral method in the geographical constituencies. The committee was aware that the coattail effect in the 1991 Legislative Council Election caused the large party’s monopoly in the council. It was presented in the report as follows: “While we (the select committee) support the development of political parties, we (the select committee)

are also mindful that the chances of independent candidates should not be significantly prejudiced by the voting system” (Legislative Council Secretariat, 1992).

The committee narrowed down two final options of the voting systems in the coming election, plurality-at-large voting (remaining unchanged) and the single non-transferable vote (SNTV). The SNTV restricted each voter to cast only one vote, which was nontransferable to another candidate and was irrelevant to the total number of votes obtained by one candidate. In this way, the smaller parties or independent candidates could benefit under the SNTV, because a large party’s coattail effect was eliminated by the single vote rule. The system might achieve better proportionality in the council, like proportional representation in a different form.

The legislator Martin Lee, as the DP Leader (large party), opposed the SNTV and considered it would achieve unhealthy proportionality. Lee further explained by giving an example. In a constituency with three seats, if a voter only had one vote, they would not have the right to show support to the second or third candidates. In a constituency, a “super star” candidate might obtain over 85% of votes, while other candidates could only compete for the rest of the 15%. The SNTV then allowed a candidate with only a few “safe votes” to win, regardless of the total percentages of votes received by the candidate. Meanwhile, Tam Yiu-chung, a pro-Beijing legislator, emphasized the importance of “diversity” in the development of democracy as well as “Hong Kong’s actual needs”, which was to give some attention to the pro-Beijing representatives. Tam also considered that proportional representation was effective enough to respect the minority voices in some European countries. Although Hong Kong did not apply proportional representation before the handover, it was believed that more chances should be given to minority groups, especially to the pro-Beijing groups (Legislative Council Secretariat, 1992). Finally, pro-democracy legislator Jimmy McGregor moved an amendment motion to disregard the Report of the Select Committee, and the motion was consequently passed

(Legislative Council Secretariat, 1992). In sum, the council did not accept the possibility of running the SNTV as a casting method in the coming election.

In October 1992, the new Governor, Christopher Patten, announced a constitutional package, in which one of the most essential measures was to adopt a “single seat, single vote” method in the geographical constituencies. After the announcement of the package, the Chinese authorities expressed its dissatisfaction towards the Hong Kong government that the package deviated from the original agreements between the Chinese and British governments. New rounds of the Sino-British negotiations addressing the affairs of the 1994-95 local elections (the District Boards, the Urban Councils and the Legislative Council) started in 1993, but after 17 rounds, final compromises could not be reached. In order not to irritate the Chinese authorities, the whole package was divided into two parts in the local legislation, and the first part was read through “Electoral Provisions (Miscellaneous Amendments) (No. 2) Bill 1993”, which did not contain the most controversial content but included the adoption of the “single seat, single vote” voting method.

Still, the pro-Beijing legislators argued that the Hong Kong government had tabled the first part of the package at the Legislative Council, since this action might result in the total breakdown of the Sino-British negotiations. Those legislators also noticed the council that the passed electoral systems might not continue after the handover, if the Chinese government would not recognize the last term of the colonial Legislative Council elected in the following election. The LP attempted to move the amendment to a bill to delay the adoption of a “single seat, single vote” method, but the motion could not be passed (Legislative Council Secretariat, 1994B). Meanwhile, the United Democrats urged the government to introduce the whole political reform package as soon as possible, as the political parties needed time and manpower to prepare for the following the elections (Legislative Council Secretariat, 1994B). The bill was

finally passed, and one year later, the geographical constituencies in the 1995 Legislative Council were held in the way of a “single seat, single vote” method. Without proportional representation, the pro-Beijing camp gained three out of 20 seats only, and the pro-democracy camp still occupied the majority in the geographical constituencies (Boundary and Election Commission, 1995).

Legislation in the Provisional Legislative Council

Due to the division between China and the United Kingdom on the electoral methods in the 1995 Legislative Council Election, the Chinese government unilaterally decided to set up the Provisional Legislative Council as a replacement of Hong Kong’s legislature after the handover. The members of the Provisional Legislative Council were selected by the Selection Committee, which was also responsible for selecting the first Chief Executive. The ADPL was the only pro-democracy party willing to accept the invitation for being legislators in the Provisional Legislative Council, which was almost occupied by the pro-Beijing camp. Under such a pro-Beijing council, the SAR government moved the “Legislative Council Bill” one month after the handover, outlining the electoral methods and other related arrangements of the first term of the SAR Legislative Council election.

In the bill committee stage, the legislators and the government concluded that the decision of the Preparatory Committee on the formation of the Legislative Council should be legally binding instead of advisory in nature (Preparatory Committee, 1997). The Preparatory Committee was a subsidiary organization under the NPC between January 1996 and July 1997, dealing with the transitional affairs during the period. In the ninth meeting of the Preparatory Committee on 23 May 1997, the committee made the decision that the geographical constituencies of the first term of the SAR Legislative Council should adopt one of the following two methods: (1) “multiple seats, single vote”, in which the whole Hong Kong would

be divided into four to nine constituencies, or (2)“proportional representation”, in which there would be only three to five constituencies. Both electoral methods were in favor of the pro-Beijing camp by ensuring that the pro-democracy candidates could not take all the seats in any constituencies. The government then initiated the bill with the method of proportional representation. Although the ADPL opposed the electoral method and criticized that the method would lead the legislators to being less accountable to the voters in the larger constituencies, the bill was finally passed by the Provisional Legislative Council (Preparatory Committee, 1997). The pro-Beijing camp considered that the proportional representation system would benefit itself to obtain more seats, but later the system developed into the sources of filibuster, which was totally out of the pro-Beijing camp’s expectation in the 1990s.

NATURE OF PROPORTIONAL REPRESENTATION IN HONG KONG

The setting of proportional representation in Hong Kong causes fragmented politics in the Legislative Council. It is a type of system encouraging parties to divide themselves in order to obtain more seats.

Electoral Method of Proportional Representation in Hong Kong

If there is a constituency containing 100 voters present on the polling day and five seats to be elected, the quota of getting one seat would be 20 votes (100 divided by five is equal to 20). In this election, there are five parties/lists running for the campaign.

Lists	Candidates					Votes
List A	<i>A1</i>	<i>A2</i>	<i>A3</i>	<i>A4</i>	<i>A5</i>	43
List B	<i>B1</i>					31

List C	<i>C1</i>	<i>C2</i>	<i>C3</i>	<i>C4</i>	<i>C5</i>	20
List D	<i>D1</i>	<i>D2</i>	<i>D3</i>			4
List E	<i>E1</i>	<i>E2</i>	<i>E3</i>	<i>E4</i>		2
						100

Table 4.1: Candidates and electoral results in a model constituency

Since there are five seats in this constituency, the maximum number of candidates in a list is five and the minimum number is one. From Table 4.1, list A contains five candidates (A1, A2, A3, A4 and A5), and list B contains only one candidate (B1). Those candidates must be elected in ascending order assigned by themselves during the nomination period. As the quota of this constituency is 20, the lists reaching the first 20 votes or second 20 votes can obtain one or two seats. In this way, since list A obtains 43 votes, Candidate A1 and A2 can get first two seats with the first 20 and second 20 votes. Candidate B1 in list B and Candidate C1 in list C can also get another two seats by reaching their quotas, respectively.

	List B	List D	List A	List E	List C
Remaining Votes	<i>11</i>	<i>4</i>	<i>3</i>	<i>2</i>	<i>0</i>

Table 4.2: Remaining votes after cutting completed quotas

There is still a seat that has not yet been decided in the constituency. Since no more lists can have a completed quota of votes, the remaining votes would then be counted. List B contains the largest remaining votes, and theoretically, the list can get the second seats. However, list B only has one candidate and candidate B1 has already been elected with the first completed quota. List D contains the second largest remaining votes, and thus, candidate D1 can get the

parliamentary elections adopt the mixed member proportional system (MMP), which is a type of proportional representation. Each voter has two votes, which are for the political party and geographical electorate, respectively. If a political party plans to contest the party vote, it must be registered with the Electoral Commission under the Electoral Act 1993. In order to qualify to register, the political party needs to contain 500 members who are paying membership fees and are eligible to vote (Vowles, 2005).

As for Hong Kong, without the requirement of party registration or the legal status of political party, the combination of the candidates in a list running for the geographical constituency is not restricted by any laws. The candidates also have the rights to claim or not to claim any political affiliations in the elections, as long as consent is given by the political organizations they belong to. For instance, in Table 4.1, the candidates forming list A can claim that they are from five different political parties or all of them are independent. Sometimes, a large party deploys more than one list within a single constituency, since it may be benefited through dividing the party lists. In the above example, list C gets 20 votes but can obtain one seat only. Assuming that list C divides into two lists and the original number of votes is evenly distributed, the list can win one more seat in the election. In Figure 4.2, list C is divided into list Ca and Cb, and both lists can get 10 votes, respectively. Under this situation, the two lists can get two seats altogether, since the votes each of them obtained outnumber what list D gets. In other words, lists do not need to reach the quota for winning seats, and list C can fully utilize the remaining votes in the election. As for the other lists, there are still a certain amount of remaining votes, which are in turn wasted. However, this strategy of dividing lists must be achieved through careful calculation of the vote numbers, and it is quite difficult for the party supporters to evenly distribute their votes among the divided lists. The details related to the operational issues in the electoral campaigns will be discussed in the later part of this chapter.

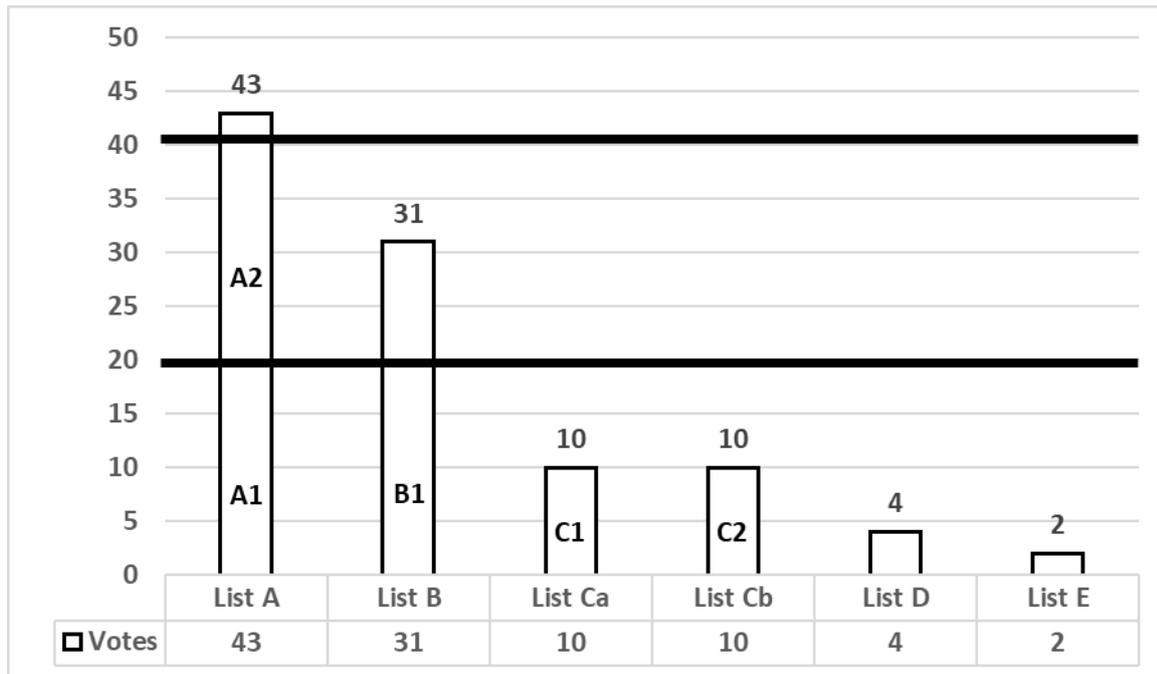


Figure 4.2: Seat distribution in evenly dividing list C

No mechanism for excluding small political parties

Another concerning point in Hong Kong's proportional representation is the lack of the mechanism for excluding small political parties. Taking New Zealand as an example again, a threshold was set for the political parties to obtain parliamentary seats through the party votes. The threshold can be crossed by two ways – either getting 5% or more of the party vote or obtaining one or more single-member district (SMD) in the geographical electorates (Vowles, 2005). The New Zealand House of Representative consists of 120 Members of Parliament and obtaining 5% of the party votes implies gaining at least six seats. Meanwhile, having one SMD ensures that the political party at least gets a large portion of support from one electorate. The purpose of setting such a threshold is to keep any small party obtaining only a few percent of votes out of parliament (Karp, 2006). The small parties tend to arouse extreme ideas to attract exposure, and if there are several political parties containing just one or two seats in parliament, it would increase the government's cost to canvas their support and explain the policies to them. The threshold also discourages the party votes for those parties expected not to reach the

threshold. (Karp et al., 2002) In order not to waste their votes, voters tend to support the parties having chances to cross the threshold. The larger parties then obtain more seats with the existence of the threshold. In the parliamentary review of the MMP in 2000, the small parties, such as ACT, the Green Party and the United Party, attempted to reduce the party vote threshold to 4%, but they finally failed to do so (Church & McLeay, 2003).

Under the proportional representation system in Hong Kong, there is no threshold to prevent any small parties from obtaining seats in the Legislative Council. Theoretically, as long as the list contains the largest remaining votes no matter how small the number is, the list can get one seat. In Figure 4.1, although list D only has four votes, which is a very small number compared with the numbers lists A, B and C get, it can also be allocated one seat in the council. The lack of threshold implies that the small parties have higher chances to win the election. Another concerning point is that the largest remainder is applied to decide the seats while not reaching the completed quota. In some extreme cases, parties with very small numbers of votes can also obtain seats in the council. Some regions running a proportion representation system prevent the above situations by applying the d'Hondt method. Instead of counting the highest remaining votes, the d'Hondt method relies on the highest average votes to distribute the remaining seats. The numbers of votes each candidate gets would be the quotients of the total number of votes the list obtains. Taking the above model constituency as an example again, the outcomes would be different under the d'Hondt method.

	Votes/1	Votes/2	Votes/3	Votes/4	Votes/5
List A	<u>*A1 43</u>	<u>*A2 21.5</u>	<u>*A3 14.33</u>	A4 10.75	A5 8.6
List B	<u>*B1 31</u>				
List C	<u>*C1 20</u>	C2 10	C3 6.67	C4 5	C5 4

List D	<i>D1</i> 4	<i>D2</i> 2	<i>D3</i> 1.33		
List E	<i>E1</i> 2	<i>E2</i> 1	<i>E3</i> 0.67	<i>E4</i> 0.5	

**Elected*

Table 4.3: Electoral outcomes in the model constituency under the d’Hondt method

In Table 4.3, the number of votes obtained by the candidates ranked first in the lists would be the lists’ total numbers of votes divided by one; the candidates ranked second would be divided by two; and then so on. Without the largest remainder, list D would be excluded to obtain any seats while list A would win one more seat under the d’Hondt method. This method ensures that the allocation of seats would be more proportional according to the distribution of votes cast by the voters. However, Hong Kong uses proportional representation, which applies the largest remainders without a threshold, and thus, the large parties do not gain any benefit from this system.

As a matter of fact, Hong Kong’s system not only has no threshold to keep the small parties out of the council, but it also encourages the small parties to win the seats. In New Zealand, proportional representation runs in a single large electorate, which is the whole country. This increases the difficulties for small parties in electoral campaigns, since they might not have enough resources to canvas support from all areas in the country. However, Hong Kong, which is a small city, is divided into five geographical constituencies, and in each of them there are five to nine seats. Since the density of the population in every district is high, a small party can centralize its limited resources into several constituencies in order to strive for one or two seats. As a result, the electoral outcomes would reflect proportional distribution for a constituency but not for the whole of Hong Kong. This setting was backed by the Chinese authorities to guarantee at least one or two seats obtained by pro-Beijing candidates in every constituency.

In addition, as mentioned above, some large political parties may decide to divide themselves into two or three lists in a constituency, and in this way, there are no reasons for the political parties with similar ideologies to unify, leading to a more fragmented situation in Hong Kong's political sphere. The system was deliberately designed by the Chinese authorities before the handover but has caused the rise of different small parties in recent years.

CAMPAIGN STRATEGIES FOR TWO CAMPS

After the implementation of the proportional system, the ratio of the popular votes obtained by the pro-democracy and pro-Beijing camps maintains six to four in most Legislative Council elections. Table 4.4 shows the popular votes distributed between the two camps in the past elections.

	Pro-Democracy Camp			Pro-Beijing Camp			Total Valid Votes	Total Seats
	Popular Votes	Percentage	Seats	Popular Votes	Percentage	Seats		
1998	982,249	66.36%	15	449,668	30.38%	5	1,480,240	20 ⁵⁴
2000	799,249	60.56%	16	461,048	39.94%	8	1,319,694	24 ⁵⁵
2004	1,105,388	62.44%	18	661,972	37.40%	12	1,770,190	30
2008	901,707	59.50%	19	602,468	39.75%	11	1,515,479	30
2012	1,018,552	56.24%	18	772,487	42.66%	17	1,810,984	35 ⁵⁶
2016	1,193,061	55.05%	19	871,016	40.17%	16	2,167,411	35

Table 4.4: Distributions of popular votes and seats in the geographical constituencies (Electoral Affairs Commission, 1998; Electoral Affairs Commission, 2000; Electoral

⁵⁴ The EC selected ten seats in 1998.

⁵⁵ The EC selected six seats in 2000.

⁵⁶ The 2010 political reform package was passed, and thus the number of seats in the geographical constituencies had increased to 35 since 2012.

Affairs Commission, 2004; Electoral Affairs Commission, 2008; Electoral Affairs Commission, 2012; Electoral Affairs Commission, 2016A)

In the first three terms of the Legislative Council elections, the gap of the seats occupied by the two camps was obvious –the democrats obtained over half of the seats. Especially for the DP, it appeared to be the largest anti-communist political party in Hong Kong in the 1990s. Kuan and Lau (2002B) note that the less-informed voters supporting the DP were heavily based on a partisan factor. One of the current legislators from the pro-Beijing camp expresses:

“In the 1990s, anything related to ‘patriotic’ or ‘pro-Beijing’ ideologies were the ‘poison of votes’. The public supported the pro-democracy camp without taking much consideration. The members from the DP could be easily elected in the elections of the District Councils, Municipal Councils and Legislative Council, regardless of their personal abilities sometimes.”⁵⁷

However, Table 4.4 shows that the pro-Beijing camp could gain more seats in the last three terms of the elections, even though the percentage of votes between two camps did not have much change (maintaining around 40%). The pro-Beijing camp started to “know how to play the game”,⁵⁸ which is proportional representation, implying that the strategies in the electoral engineering used by the pro-Beijing camp has become more sophisticated than before.

Development of Electoral Engineering

Proportional representation is a complicated electoral method, and thus, both the parties and voters need time to get used to the system. Especially for Hong Kong, since the universally

⁵⁷ Interview participant #15.

⁵⁸ Interview participant #12.

elected seats in the Legislative Council were first introduced in 1991, the citizens and political parties were lack of experience in facing this new electoral method.

First Phase – Focusing Resource on One List

Initially, both the two camps tended to coordinate their candidates to run for the campaigns in fewer lists. The large political parties deployed candidates in one single list to enhance the coattail effect. The more experienced politicians might “drag” the second-listed candidates into the council. From the pro-democracy camp side, the 1998 Legislative Council Election was an obvious example reflecting the coattail effect. In Appendix Table 4.2, these two constituencies show the typical outcomes in the early terms of the elections, in which the DP obtained more than one seat with a single list while the DAB could get the final seat.

In the 2004 Legislative Council Election, the pro-democracy camp strove to coordinate all candidates from different political parties running for the campaign in a single list in every geographical constituency. Before the election, Hong Kong had just experienced the outbreak of severe acute respiratory syndrome (SARS) in 2003, leading to serious economic downturn. In addition, the government attempted to legislate the controversial “Article 23 of the Basic Law” addressing the issue of national security, but the bill aroused citizens’ fear towards the restrictions of original freedoms and rights. Under such circumstances, the pro-Beijing camp suffered a great loss in the 2003 District Council Election. With the low popularity of the Hong Kong government and the landslide victory of the District Council election, the pro-democracy camp set a target to win over 31 seats in the following Legislative Council election, so that the camp could gain control in the process of legislation (Qi, 2004). In order to prevent internal competition among pro-democracy candidates, the camp decided to put all candidates into one single list in every constituency, but finally only the candidates in the New Territories East constituency followed this strategy. The list was known as the “diamond list”, since the

candidates on that list were the politicians with a strong reputation (See Appendix Table 4.3).

Initially, the pro-democracy camp expected the “diamond list” to win at least four seats and strive for the fifth one, but the result was only three seats obtained. Even though the outcome disappointed the people who proposed such “all-in” strategy, the “diamond list” did have its advantages. Firstly, it could lower the cost of coordination inside the camp. Under the system of proportional representation, different political parties in the same camp usually competed for supporters’ votes among themselves. Without efficient coordination, some lists might get more votes than they needed and thus, other lists did not have enough votes to be elected. If all candidates could be placed on a single list, it was easy to persuade the pro-democracy voters to support the “diamond list” and the candidates did not need to provide any reasons to make themselves stand out among the other pro-democracy politicians. Secondly, the “all-in” strategy could facilitate an administrative operation in campaign engineering. Candidates could not run for election without the support of administrative staff, since the electoral process involved tremendous miscellaneous affairs, including canvasser management, advertising material production, rally organization, etc. Mature political parties could provide such kinds of support to candidates. In the “diamond list”, the third candidate, Tong Ka-wah, had a strong reputation but did not come from any political parties having enough resources to run for the election. The Article 45 Concern Group was just an ad hoc pressure group formed in 2003 aiming to push the implementation of universal suffrage for the Chief Executive and the Legislative Council in 2007 and 2008, respectively. Strictly, the Group was not a political party and thus, placing its member Tong on the “diamond list” could facilitate campaign engineering. Thirdly, the strategy could also enhance the coattail effect for the pro-democracy camp. On the “diamond list”, the reputation of the candidates placed in the lower position was not as high as the ones in the upper position. By running for the election on a single list, the winning probability of those candidates placed in the lower position could be increased.

However, the strategy also had serious disadvantages as revealed by the electoral result. Firstly, the platform of the “diamond list” was just the compromise among those candidates from different political groups. This made their ideologies become unnecessarily blurred and lost their respective focus. The “diamond list” also employed the strategy of exaggerating the sentiment of the 2003 mass protest but probably neglected the local affairs in the geographical constituency, leading to a certain amount of votes lost from their supporters. Secondly, even though the “diamond list” could attract candidates’ supporters, the list also prevented their opposers from casting votes. If voters disliked only one or two candidates on the list, they might not support the whole list due to the dislike of the candidates. Thirdly, since proportional representation was a complicated system for voters and even candidates, this would increase the cost of explaining to voters how to cast votes and why they should do so. Most voters just identified with one or two supporting politicians on the “diamond list”, but sometimes the supporters of the candidates ranked in the lower positions did not understand why they still needed to support the list (Lai, 2004). Especially for some party supporters, they just recognized the party they were supporting. The canvassers had to put much effort on persuading them to support the candidates who were not from their favorite party. Unlike a list only containing one or two potential candidates, all resources could be focused on those candidates specifically. With this experience of failure in the 2004 Legislative Council, the pro-democracy camp needed to evaluate such an “all-in” strategy. This also explains why the pro-democracy camp would not put all candidates across different political parties into a single list again under such a proportional system.

As for the pro-Beijing camp, there were two main political parties, the DAB and the LP. The former focused on canvassing support from the grassroots, and the latter had support from the middle-class and business sectors. It was quite pragmatic that the pro-Beijing camp realized

that the number of popular votes they could obtain were far lower than what the pro-democracy camp did. The Pro-Beijing lists just targeted to get one or two seats in every constituency. In Appendix Table 4.2, the two constituencies in the 1998 Legislative Council Election also show the typical strategy employed by the pro-Beijing camp during this period. The DAB had its lists in every constituency, and the LP sometimes did not run for the campaigns in some constituencies in order not to affect the seats obtained by the camp. Later, the DAB found that some lists could gain more than one seat. For example, Appendix Table 4.3 shows the DAB list won over two seats of the New Territories East constituency in 2004. It implied some votes were not fully utilized and provided a foundation of a changing campaign strategy in the following elections. In addition to the support of the Chinese authorities, the pro-Beijing camp might gain more seats under the new strategy.

Second Phase – Dividing Party for More Seats

As mentioned before, in order to fully utilize the remaining votes, some parties may decide to divide the list into two or three. In the 2000 Legislative Council Election, the DP deployed two and three lists in the New Territories East constituency and the New Territories West constituency, respectively. It was the first time that a political party employed the “list dividing” strategy in the Legislative Council election. Although one candidate in the New Territories West constituency lost the seat, the outcomes revealed that it was possible to distribute party’s votes quite evenly in practice. In the New Territories West constituency, the three DP candidates obtained 12.69%, 11.2% and 10.38%, respectively, and the difference between the highest and the lowest was just 2.31% (Electoral Affairs Commission, 2000). After 2004, only the candidates ranked first on the pro-democracy lists could win the seats and employing the strategy of “list dividing” became much more common than before. In the 2008 Legislative Council Election, the DP deployed more than one list within the Kowloon West constituency, the New Territories East constituency and the New Territories West constituency. Especially in

the New Territories West constituency, the DP had three lists running in a single constituency. As for the 2012 Legislative Council, the DP used a similar strategy, in which over one list was deployed in some constituencies. However, not all DP lists could get seats in the elections. On one hand, the number of the DP supporters decreased from time to time, and there were newly arisen pro-democracy parties that could be chosen by the voters. On the one hand, compared to the pro-Beijing camp, the coordination inside the pro-democracy camp was not successful to achieve what the camp targeted to do.

On the side of the pro-Beijing camp, it employed the strategy of “list dividing” later than the pro-democracy camp. One of the obvious examples was that the FTU separated from the DAB in electoral campaigns after 2004. The FTU was established in 1948 as a form of labor union, and most of its members joined the DAB in 1992. In the early terms of elections, the FTU members ran for the campaigns under the party name of the DAB. In the past, the FTU could be seen as one of the cliques inside the DAB. In the 2008 Legislative Council Election, the FTU had its own list in the Kowloon East constituency, and the FTU list in the New Territories West constituency claimed that it belonged to FTU and DAB simultaneously. As for the 2012 and 2016 Legislative Council Elections, the FTU also deployed its own lists without the name of the DAB in several constituencies. A current legislator provided an explanation for the FTU separating from the DAB:

“The FTU and the DAB are maintaining good relationship in the council’s affairs as well as in the electoral campaigns. The FTU politicians joined the DAB in order to unite all ‘patriotic’ forces against the pro-democracy camp in the 1990s and early 2000s. The DAB also had served as a good ‘electoral machine’ for providing administrative support to the FTU members in the elections in the past. The two organizations separated just due to the system of proportional representation. After serious calculation, this practice is a better

*way to absorb supporters for the pro-Beijing camp.*⁵⁹

Apart from the FTU gaining independence from the DAB, the DAB itself also applied the strategy of “list dividing” in the electoral campaigns. In the 2012 and 2016 Legislative Council Elections, there was over one DAB list within the New Territories East constituency and the New Territories West. As a matter of fact, the electoral outcomes show that no candidates ranked second or lower won the geographical constituencies in the recent year.

Year	Non-Establishment			Pro-Beijing			Total Seats
	Rank 1 st	Rank 2 nd	Rank 3 rd	Rank 1 st	Rank 2 nd	Rank 3 rd	
1998	10	5	0	5	0	0	20
2000	13	3	0	5	3	0	24
2004	15	2	1	9	3	0	30
2008	18	1	0	9	2	0	30
2012	18	0	0	17	0	0	35
2016	19	0	0	16	0	0	35

Table 4.5: Winning candidates’ order place on the lists

From Table 4.5, in the 2012 and 2016, only those candidates ranked first in the list could be elected, reflecting that the strategy of “list dividing” had become a trend in electoral campaigns. However, such a strategy needs careful calculation and sophisticated mobilization. The following section provides reasons as to why the pro-Beijing camp had better electoral outcomes under such a setting of proportional representation.

⁵⁹ Interview participant #9.

Coordination Arrangements Inside the Two Camps

The pro-Beijing camp could get more seats in recent years, even though the whole camp just maintained to get around 40% of votes in most terms of elections. It implied that the pro-Beijing camp had better coordination arrangement in the electoral campaigns. One of pro-democracy legislators explains it in this way:

“The pro-Beijing camp itself has established a coordination system for elections. During the periods of electoral campaigns, a coordination officer would be dispatched to every pro-Beijing list. The officers’ duties were to monitor the operation of campaign works and report the updated information back to the senior pro-Beijing figures. In return, those figures would spread suggestions or information through the officers to coordinate among different lists. This practice has become common in recent years, and their networks have been established across various communities in Hong Kong.”⁶⁰

The following are the ways that the pro-Beijing camp ran for elections differently and provides the reasons as to why these ways could do better than the pro-democracy camp.

Distributing Responsibility Zones

The whole of Hong Kong contains 18 administrative districts, and each of them establishes a District Council responsible for providing advice for local affairs to the related governmental departments. The electoral method of the District Councils is the “first-past-first-post” system, in which the whole district is divided into a certain number of District Council constituency areas (DCCAs) (each one contains a population of around 16,599⁶¹). The number of DCCAs

⁶⁰ Interview participant #5.

⁶¹ According to the Census, the population of Hong Kong is 7,502,600. The whole population is divided by 452 seats, and then the standard base of the small constituency is 16,599. The electoral ordinance does not allow the population in a small constituency to be 25% higher or lower than the standard base. Therefore, the figure varies from 12,449 to 20,749 (Electoral Affairs Commission, 2018).

in each district council varies from 13 to 41, and in this way, the whole of Hong Kong contains 452 DCCAs in total.

To the pro-Beijing political parties, the DCCAs are the responsibility zones in the electoral campaigns. The parties send Community Officers to their responsibility zones. Those officers may set up offices to handle inquiries as well as other affairs from residents and thus build up their personal relationships with local people. In the district in which the pro-Beijing camp holds the majority of seats, some officers may be appointed as co-opted members by the District Council. Thus, the officers enjoy the rights to attend meetings, deliver speeches and vote for bills in the designated subcommittees of the District Council, even though they are not elected to be councillors.⁶² When the District Council election takes place, those officers will run for the campaign as candidates. If the officers can win in the elections, they will become District Councillors to continue their community service under the name of their political parties. In return, those Community Officers and District Councillors will support their parties' candidates in the Legislative Council elections. Due to their personal networks and familiarity with local communities, it is easier to arouse local residents' support for the legislative candidates who belong to the same parties with those officers or District Councillors.

In other words, the responsibility zones are the sphere of influence in practice, and thus the pro-Beijing parties seldom provide services or canvas support from the zones that do not belong to themselves. Depending on their policy standpoints and images from the public, different parties focus their works on different types of DCAAs. For example, the DAB and FTU usually work in the DCAAs containing public housing estates⁶³ or the grassroots community; the LP,

⁶² Under Clause 2 of article 70 of the District Council Ordinance (Cap. 547), "A district council may appoint to a committee any person who is not a member..." (Hong Kong e-Legislation, 2019B).

⁶³ Public housing estates are residences rented to those at the grassroots by the Housing Authority of Hong Kong. The tenants' monthly income and family assets need to be reviewed by the Authority. As the most common type of welfare in Hong Kong, over 40% of the population are living in public housing estates.

the NPP, the BPA usually works in private estates and the middle-class community; and the BPA and DAB sometimes also have the support from the rural areas and the indigenous inhabitants of the New Territories. In the District Council elections, there are very few circumstances in which two pro-Beijing candidates compete in the same constituency. In addition, some DCAAs are known as the “white zones”, in which there are no pro-Beijing District Councillors or Community Officers. The white zones and some DCAAs would be assigned to the specific pro-Beijing political parties or individuals sometimes. During the campaign period of the Legislative Council elections, those DCAAs would become a sphere of influence for the specific list, and other pro-Beijing lists would not canvas their supporters in those areas. However, the pro-Beijing groups are sometimes allowed to compete freely in those zones, depending on the circumstances in the local communities.

From Appendix Table 4.4, the pro-Beijing lists divided their spheres of influence clearly in the Legislative Council election. If the DCCAs belonged to the assigned District Councillors or Community Officers with political parties, the specific party lists would get the highest percentage of votes in those responsibility zones. For example, K06, K10 and K13 belonged to the NPP, the list led by Michael Tien Puk-sun (NPP), and gained most of the votes in those areas. In some pro-Beijing independent DCCAs, such as K01, K03 and K12, Chan Han-pan (DAB/NTAS) and Tien (NPP) could compete freely, reflecting the existence of the detailed coordination among themselves. In addition, the pro-Beijing camp had a macro arrangement across the whole constituency. Chan (DAB/NTAS) had taken the position of District Councillor in Tsuen Wan for over ten years, and thus, 11 out of 18 DCCAs were assigned to the DAB or the NTAS. Other pro-Beijing lists would get more responsibility zones in other districts (Kwai Tsing, Tuen Mun, Yuen Long and Islands) within the New Territories West constituency. Appendix Table 4.4 also shows that the clear distribution inside the large party DAB/NTAS (this party had two lists, Leung Che-cheung and Chan, in the constituency). Obviously, Leung did not canvas his supporters in Tsuen Wan, as the percentage of votes in the above DCCAs

was lower than 2%. On the contrary, Leung got most of his votes in Yuen Long, in which Chan had very few votes there. Even though electoral coordination was quite successful among the pro-Beijing lists, it was an extremely difficult task during the electoral period. A pro-Beijing legislator points out:

“Firstly, different political parties needed to know well how many supporters in their responsibility zones, otherwise it was impossible to divide the spheres of influence in the Elections. To achieve this, much resource must be put on the community services for nurturing the district councilors or the community officers. Secondly, much effort is needed to distribute the responsibility zones among political parties, and sometimes it might cause internal conflicts inside the pro-Beijing camp. Thirdly, the pro-Beijing voters could not be controlled which lists they should support in the Elections. Some voters just want to support the candidates they were fond of, making the coordination became harder⁶⁴.”

However, the pro-Beijing camp still had a good coordination in the electoral campaign. In the New Territories West constituency of the 2016 Legislative Council Election, the five designated pro-Beijing candidates were elected successfully (Some other lists claimed that they had pro-Beijing standpoints but got lower than 3% of votes.), and just very few votes were wasted. For the side of pro-democracy camp, the parties did not have a good coordination as what the pro-Beijing camp did in the electoral campaign. The Appendix Table 4.5 shows that the spheres of influence among the pro-democracy camp were fragmented. Even though the DP was the largest pro-democracy party in Hong Kong, it just had 3 District Councilors or Community Officers among the 18 DCCAs in Tsuen Wan District. In most of the DCCAs, only the other

⁶⁴ Interview participant #8.

parties (not the parties running for seats in the New Territories West constituency in the 2016 Legislative Council Election) competed for a position in the 2015 District Council Election. This made the coordination in the Legislative Council election become much more difficult, since more effort was needed to persuade other parties or individuals to assist the local mobilization.

From the perspective of the pro-democracy lists, even though there were District Councillors or Community Officers belonging to their parties in some DCCAs, the lists did not always get the highest percentages of votes in the areas. For example, K06, K07, K08, K09, K10 and K18 were spheres of the DP, CP or Labor Party, but Eddie Chu Hoi-dick (Independent) obtained the highest votes in those DCCAs. Only Kwok Ka-ki (CP) could arouse the largest numbers of supporters in the K15 and K16 (two of the three CP zones in Tsuen Wan). Without dividing the responsibility zones clearly, the internal competition among the pro-democracy camp could be fierce. At the end of the election, Chu (Independent) obtained 84,121 votes, which was two times more than Ho Kwan-yiu (the pro-Beijing Independent candidate who had the fewest votes among the elected) got. It implied that many pro-democracy votes were wasted. If the votes could be distributed more evenly, two more seats would be obtained by the pro-democracy camp. Seven main pro-democracy candidates ran for the election, but only four won the seats.

Excluding the candidates having lower than 3% of the votes, the popular votes of the pro-Beijing and pro-democracy camps were 264,846 (43.89%) and 302,307 (50.10%), respectively, in the New Territories West constituency. The pro-democracy camp got the larger number of votes, but due to the lack of efficient coordination, fewer seats could be won finally.

Without dividing the responsibility zones, the pro-democracy candidates could not prevent the unnecessary competition within the most DCCAs. Worse still, the camp did not have successful macro-level electoral strategies prior to the campaigns. Taking the above case as an example, it was impossible for the camp to obtain seven out of nine seats in the New Territories West constituency, but there were at least seven main pro-democracy candidates running for the campaign. Only four candidates won finally, and many votes were wasted. On the contrary, the pro-Beijing camp only had five lists in the constituency, and all five candidates placed first on the lists could get the seats. It was obvious that the pro-Beijing camp had more successful macro-level electoral strategies across its own political parties than the pro-democracy camp. The pro-democracy side did not set up a subtle coordination mechanism, and each political party or individual just strove for maximizing their own interests by sacrificing other pro-democracy lists. Appendix Table 4.6 shows a typical example to explain the consequences of lacking macro-level electoral strategies.

In the 2012 Legislative Council Election, there were nine seats in the New Territories West constituency, but due to the poor macro-level strategy, the pro-democracy camp only got four seats. The CP list contained two candidates, Kwok Ka-ki and Audrey Eu Yuet-mee, while Eu was an experienced politician with a strong reputation. The CP's strategy was to put Eu in the second place to enhance the "coattail effect", and thus, the CP list targeted to gain two seats (*Hong Kong Economic Journal*, 2012). The quota of this constituency was 55,401, and the CP list got 72,185, implying that the remainder of votes was just 16,784. It was not enough to get the second seats, but at the same time, this strategy affected the other pro-democracy lists in the constituency. The DP had two lists running for the seats in the election simultaneously, and both two failed to win any seats. The two DP lists were ranked 10th and 11th in terms of the votes obtained, and the differences of the votes with the last candidate elected were just 985 and 7,885, respectively. Among the four potential candidates, only Kwok (CP) could win the seats in this constituency.

As a matter of fact, there were two ways to prevent the above circumstance. Firstly, the CP list could be divided into two lists, and if the two lists could distribute the votes evenly, each list could get around 36,000 votes and two seats were still secured. However, Kwok's reputation was far weaker than Eu's, and whether Kwok in his single list could get the same votes as EU became doubtful. Also, the CP did not have enough personnel resources at the community level to run for the two separate lists in a constituency (Hong Kong Economic Journal, 2012). Secondly, the CP might target one seat only, and more votes could be retained by the DP. Since the political spectrums of the CP and the DP were closed to each other, these two parties were indifferent to many pro-democracy voters. If the CP just needed one seat in the election, at least 15,000 votes could be diverted to the DP, which were enough for the two DP lists to get another two seats. However, the coordination between the two parties was difficult to achieve, and as the former DP Chairperson Albert Ho commented after the election, it was reasonable and fair for political parties to strive for the most seats (Hong Kong Economic Journal, 2012). With this poor macro-level strategy, the pro-democracy camp could not obtain as many seats as they should have.

On the contrary, the pro-Beijing camp reflected the ability to distribute their votes evenly among their parties. The DAB had three lists running in the constituency, and three seats were won. It was the first time for any political party to have three lists with elected candidates in a single constituency, reflecting that the pro-Beijing camp had a detailed calculation and sophisticated mobilization strategy during the electoral campaign. Each pro-Beijing list did not obtain more votes than it needed, and the target set before the campaign was rational and feasible. In addition to the poor coordination of the pro-democracy camp, the pro-Beijing camp could win more seats with few votes in the constituency.

Mobilizing Masses on Voting Days

Distributing votes among different lists within the same camp requires instant information and local mobilization on voting days. Since the voters cannot be controlled, some lists may get more votes than they need and affect other lists gaining seats. Under such circumstances, some lists may need to call their supporters to cast votes for friendly lists. A pro-democracy legislator suspected that the pro-Beijing camp used the data obtained from exit polls for strategic voting.⁶⁵ With the instant electoral results, the pro-Beijing camp could mobilize their supporters to assist the lists with fewer votes. However, according to the “Guidelines on Election-Related Activities”, the result disclosure of exit polls, particularly in relation to any list of candidates, is not allowed, since the practices may cause an impact on final election outcomes (Electoral Affairs Commission, 2016B). The pro-Beijing camp denies that their candidates had cooperation with any research organizations conducting exit polls, and their accurate estimation on the instant results relied on the observation from the District Councillors and Community Officers, who were experienced in local mobilization, at different responsibility zones across Hong Kong.⁶⁶ Importantly, this demonstrates the local networks of which the pro-democracy camp was lacking.

Apart from the accurate estimation on the instant results, a reserved pool of supporters who can engage in strategic voting is also essential for the pro-Beijing candidates to win the seats under proportional representation. After getting the updated information on the voting days, the die-hard supporters would be encouraged to cast votes to the specific lists with fewer votes. As a result, the effect of distributing votes became obvious. A pro-democracy legislator points out that a large portion of the pro-Beijing camp’s supporters were from organizations; these are known as “organizational votes”:

⁶⁵ Interview participant #6.

⁶⁶ Interview participant #13.

“The pro-Beijing camp has many more resources than the pro-democracy camp. When the pro-Beijing District Councillors or Community Officers worked in the DCCAs, they would set up some local residents’ associations and then provide some free or low-priced goods or services, such as banquets, travelling trips, daily commodities, etc. to their members. Apart from the local residents’ associations, some native societies, which are mainly formed by the Guangdong and Fujian native compatriots, and other various ‘patriotic’ associations are under the control of the pro-Beijing camp. These types of ‘satellite organizations’ build up their networks with strong financial bases, and their members can be called for casting votes to specific lists during the elections. Since the ‘organizational votes’ are easier to be coordinated and estimated, the ‘satellite organizations’ become the essential tools for distributing votes on the polling days.”⁶⁷

For the pro-democracy camp, Professor Benny Tai, who was a professor from the Faculty of Law at the University of Hong Kong, organized the “ThunderGo” program, which was designed to coordinate the pro-democracy lists in the 2016 Legislative Council Election. The aim of the “ThunderGo” was to strive for over half of the seats in the council by preventing internal competition (Hong Kong Economic Journal, 2016A). The program created an online opinion poll called “VotSonar Voting”, which was a platform for pro-democracy voters to express their choices after vote casting and showed the real-time voting results on voting day. Tai designed the program to invite over 200,000 voters to be “strategic voters”, and this group of voters could cast their votes voluntarily according to the suggestions made by the “ThunderGo” (Hong Kong Economic Journal, 2016B). However, some pro-democracy politicians expressed that they did not want the “ThunderGo” to disturb the election and

⁶⁷ Interview participant #7.

criticized that the program was just the democrats dividing cakes in a small circle (Ming Pao Daily, 2016A). On the evening of the voting day, the “ThunderGo” released a recommendation list of candidates according to an analysis of the immediate opinion polls, but the information could not reflect the instant electoral outcomes accurately. As a result, some candidates, who originally had a high probability to get seats, lost the elections, while some just won under risky circumstances. Some elected candidates criticized the “ThunderGo” as dangerous, and many pan-democrats lost due to the wrong suggestions made by the program. After the election, Tai made an apology for the failure of the “ThunderGo” (Apple Daily, 2016).

Although the pro-democracy camp attempted to have a high level of coordination in the 2016 Legislation Council election, it failed to achieve the target of the “ThunderGo”. Different from the pro-Beijing camp, the pro-democracy camp did not have strong organizational networks across different constituencies in Hong Kong, and it heavily relied on the self-awareness among their voters. In this way, efficient mobilization on voting day was difficult to be achieved by the pro-democracy camp.

CONSEQUENCES OF PROPORTIONAL REPRESENTATION

Since the nature of proportional representation in Hong Kong is unique, most of the strategies utilized by the local politicians cannot be found in other regions also running proportional representation. As a result, a unique outcome of the electoral system in Hong Kong is the fragmented politics and prolonged filibusters in the Legislative Council, which was not expected by the Chinese authorities.

Shrinking of the Democratic Party

In the 1990s, the DP was the largest political party in Hong Kong. In the 1998 Legislative Council Election, the first election after the handover, the DP could still successfully obtain nine out of 20 seats from the geographical constituencies. The DP had held the leadership of the pro-democracy camp over 10 years. However, proportional representation induced further subdivision of political forces running for the electoral campaigns, directly leading to the shrinking of the DP after 2000 (See Table 4.6).

	1995	1998	2000	2004	2008	2012	2016
Seats	<i>19</i>	<i>13</i>	<i>13</i>	<i>9</i>	<i>8</i>	<i>6</i>	<i>7</i>
Popular Votes (%)	<i>41.84</i>	<i>42.87</i>	<i>31.74</i>	<i>23.74</i>	<i>20.63</i>	<i>13.65</i>	<i>9.22</i>

Table 4.6: Change of the DP seat numbers from 1995 to 2016

Since the candidates only needed a few percent of votes to win the elections, many pro-democracy parties arose, such as the CP, the Labor Party, etc. Since these new parties would first compete for the popular vote inside the pro-democracy camp, it got increasingly difficult to cooperate across different parties. In addition, the DP had been criticized by its member for not being democratic enough to select its party candidates in elections. Such criticism is partially related to the “big brother culture” inside the party, in which only the senior party members and leaders had the power to distribute political resources and to decide choices of candidates in elections. While such practices would violate the basic principle of democracy, the DP did hardly anything to reform the selection process.⁶⁸ Due to the previously-mentioned low threshold of a seat in the Legislative Council elections, the potential candidates did not need support from a large political party. In this way, some DP members decided to withdraw from the party for opportunities from other pro-democracy parties. For example, a group of

⁶⁸ Interview participant #10.

young DP members formed the Neo Democrats in 2012 and split from the DP. The new party got one seat in the 2012 Legislative Council Election. This reflects that the shrinking of the DP was not only due to external competition from other parties but was also a natural result of the electoral system itself as well as a reflection of its internal problem of not being democratic enough.

With the DP losing its leadership role, the pro-democracy camp became fragmented and provided room for extremist parties to mushroom. For example, Leung Kwok-hung, well-known for his radical political standpoints, received a seat from 2004. Later, Leung formed the LSD in 2006 with other politicians sharing similar political ideas, which successfully obtained three seats in 2008. After several years, a group of LSD members disappointed with senior party leaders formed a new group, the PP. These two parties oftentimes supported party lines that were different from the mainstream of the pro-democracy camp, and their legislators always engaged in filibuster in the Legislative Council. Furthermore, after the “Occupy Central Movement” in 2014, the localist groups drew much public attention. Under proportional representation, the localist groups also took seats in the 2016 Legislative Council. Since a part of localist ideas covered the possibility of Hong Kong’s independence, the Chinese authorities were alerted and enhanced their intervention in the internal affairs in the city (there will be further analysis of this in the following chapters). As mentioned before, the system of proportional representation was designed by the Chinese authorities, but it later became one of the reasons for the filibuster and fragmented politics in the Legislative Council in Hong Kong.

Fragmented Politics Inside the Pro-Beijing Camp

The system of proportional representation resulted in the fragmented politics existing not only within the pro-democracy camp, but also within the pro-Beijing camp. The pro-Beijing camp had maintained about 40% of the popular votes for many years, reflecting a relatively stable

pool of voters. In order to gain more votes, the pro-Beijing lists needed to make themselves stand out from other pro-Beijing lists, instead of canvassing the support from the pro-democracy supporters. Therefore, the real competitors under proportional representation are the candidates from the same camp. Internal competition inevitably increased, which had the possibility of undermining the relationships among comrades. Even though the pro-Beijing camp had a high-level of coordination, there were still various cases in which some lists deliberately intruded on others' responsibility zones by placing and spreading their promotional materials, such as street banners, leaflets or small gifts with their names. Although most conflicts could be resolved immediately, sometimes the situations were out of control. Especially on the voting days, some lists might claim that other lists had already obtained enough votes to win the seats and persuaded pro-Beijing supporters from others' responsibility zones to shift votes to them. This was not uncommon in the past Legislative Council elections. As a matter of fact, the length of the polling period was only approximately 13 hours. Since the voting rate in several DCCAs could alter the electoral outcomes, there might not be enough time for other lists to respond to the misbehaviours in such a short period. The poorly disciplined candidates might be blamed by the others after the election, but the electoral outcomes were definitely settled and the pro-Beijing candidates who lost the seats could do nothing but admit their own failures.⁶⁹

Such fragmented circumstances could only be explained by the proportional representation in Hong Kong. If the method of "single vote, single seat" is applied, the inner-party competition would not have been this fierce. Due to the contention in the local community, the pro-Beijing parties or even the politicians from the same party had less room for cooperation. The cohesion of the pro-Beijing camp would directly affect the executive-legislative relationship, which also went beyond the Chinese authorities' initial expectation in the 1990s.

⁶⁹ Interview participant #17.

Difficulty in Choosing Representatives

The system of proportional representation in Hong Kong encouraged more lists running in the elections. Initially, one of the reasons for applying proportional representation was to respect the minority voices in society, and thus the voters could choose the candidate closest to their political standpoints. However, as more and more lists joined the election, the voters needed more calculation to decide their preferences. Oftentimes, the voters need to shop around among candidates from several similar parties.

	1998	2000	2004	2008	2012	2016
Seats	5	5	7	7	9	9
Lists	7	10	6	10	19	22

Table 4.7: Number of lists running in the New Territories East constituency

The New Territories East constituency in Table 4.7 provides a great example to show how the increased number of lists running in this constituency increased from seven (1998) to 22 (2016). The voters can only choose one list from the 22 lists. A legislator explains in detail how such an arrangement increased the difficulties in canvassing support in the elections:

“The television debate only lasted for a maximum of two hours for each geographical constituency. Under the ‘fair and equal treatment’ principle, each list might only be allocated with five minutes to express political standpoints, if there were over 20 lists running in the campaigns. Only those candidates having radical ideas could attract public exposure, and the debate was no longer a platform to spread rational standpoints.”⁷⁰

⁷⁰ Interview participant #1.

As a matter of fact, more lists in a single constituency would enhance the difficulties in choosing representatives, and therefore further increases the probability for the radical groups to win seats in the elections due to the following reasons. Firstly, compared to the moderate pro-democracy parties, the radical groups can draw the attention away from the pro-democracy supporters more easily. Voters with little time to carefully consider their choices might simply choose the most eye-catching list. Secondly, whether a candidate can win heavily depends more on electoral strategies than popularity. Some voters might feel that their choices lost elections only due to this unreasonable system and considered that their opinions could not be expressed in the council. As a vicious cycle, more unsatisfactory sentiments towards the administration accumulate in society, and more people turned the radical groups out of disappointment.

SUMMARY

This chapter examines the system of proportional representation in Hong Kong and reveals the unique electoral strategies employed by the political parties. The system was designed by the Chinese authorities to undermine the development of the political parties which might put pressure on the administration (Chan, 1999; Scott, 2004). Comparing with the functional constituencies, the elections in the geographical constituencies adopting the proportional representation are relatively free and open. With the insights provided by Howard and Roessler (2006), such elections should be seen as a kind of competitive authoritarian. Schedler (2002) mentioned that the authoritarian governments build up victorious images through keeping their oppositions being weak and fragmented. As Ngok and Choy (1999) predicted, the proportional representation would bring about the fragmented politics in the Legislative Council of Hong Kong. One of the direct results of such system is the establishments of various political parties (See Appendix Table 4.7). Although the political parties were small and underdeveloped, there

were rooms for the radicals to obtain the seats in the council. This shows the Chinese authorities' miscalculation in the 1990s which resulted in the unintentional creation of fragmented politics and filibusters today. Such a result goes against the authoritarian aim in designing the system. Carey (2017) proposes that the current system might be reformed by amending the formula of proportional representation. However, this is not easy to achieve in the council with the number of small parties and independent legislators from both the pro-Beijing and pro-democracy camps. These legislators would not benefit from the reform of the electoral system and would probably oppose any reforms.

As for the campaign strategies, this chapter examines how the political parties split their lists in order to win more seats and caused the fragmented politics. Coupled with firsthand material from interviews with current legislators, the most significant part of this chapter analyzed why the pro-Beijing camp performed better than the pro-democracy camp in the elections. As Ngok (2001) noted, the DP would inevitably decline under such an electoral system, and the practice of strategic voting had been already observed in the 1998 and 2000 Legislative Council Elections (Ngok & Choy, 2003). It supplemented the gap in the current literature from the perspective of campaign strategies under the proportional representation. Furthermore, the pro-Beijing strategies also undermined the development of moderate democrats and caused the failure of cooptation system. Gerschewski (2013) proposed that one of the three pillars for maintaining stability in the autocratic regimes is cooptation. Once the moderate democrats lost their development rooms and were marinated by the government, some of them tended to become more radical indeed. In sum, to respond to the research question, the chapter concludes that the rise of radicals, which initiated the filibusters in the council, was directly caused by the electoral system - proportional representation.

CHAPTER 5

PARTY POLITICS IN THE LEGISLATIVE COUNCIL

CHAPTER INTRODUCTION

The aim of this chapter is to analyze how the pro-democracy camp, the pro-Beijing camp and the administration interact in the legislative process. The content contributes to the research question through explaining the two causes of the executive-legislative gridlock – (1) the moderate democrats gradually became more radical, and (2) the internal struggles inside the pro-Beijing camp lower the legislative ability of the government.

In this chapter, the quantitative measurements including the Rice and Unity Indices are adopted to evaluate the cohesion of the two camps in voting on government and member's bills. This research finds that the pro-democracy camp had a higher cohesion in the member's motions while the pro-Beijing did in the government ones. The chapter further analyzes the strategies employed by the two camps. The pro-democracy legislators deliberately separated from the administration, and some of them also kept a distance from the radical groups. However, more room for cooperation between the moderate democrats and the radical groups was found in recent years, since more pro-democracy legislators engaged in the filibuster. As for the pro-Beijing camp, although the parties were regarded as part of the ruling coalition, the legislators just shared limited power by the administration. In addition to the internal conflicts inside the camp, the government faced various difficulties in the legislative process.

This chapter shows that the cooptation strategies employed by the government failed to arouse the supports both from the pro-democracy and pro-Beijing camps. Due the nature of the

presidential system and the settings of the Basic Law, the government also has the difficulties in forming coalitions with the fragmented parties elected by the proportional representation. Such unique relationship between the government and the parties in Hong Kong supplements the content of executive-legislative studies.

GENERAL DISTRIBUTION OF VOTING

Current studies seldom analyze the unities of the two camps in the Legislative Council of Hong Kong with quantitative methods. Roll-call cohesion scores are nothing new for the measurements of voting blocs in various legislatures, and those scores can serve as a simple way to examine the political blocs in Hong Kong. The earliest measurement of party voting unity was developed by Stuart Rice (1925), known as the Rice Score. This score reflects the degrees of cross-voting in a party or a political bloc on a specific motion. The formula is shown as follows:

$$\text{RICE}_{dt} = \frac{|Yes_{dt} - No_{dt}|}{\text{Vote}_{dt}}, \quad \text{for party } d \text{ on motion } t$$

Formula 5.1

However, since not all members in the legislature cast votes in every voting, the Rice Index, which just counts the numbers of “Yes” and “No” votes, does not take nonvoting into consideration. As some members oppose a motion and do not want to cast “No” votes in order to not arouse unnecessary attention, they may choose not to vote on that motion. For the purpose of measuring the party unity in terms of the proportion of the party members, Carey (2008) proposes the Unity Score. The formula is shown as the following:

$$UNITY_{dt} = \frac{|Yes_{dt} - No_{dt}|}{Member_{dt}}, \quad \text{for party } d \text{ on motion } t$$

Formula 5.2

Both the Rice and Unity Scores range from 1 to 0, where 1 and 0 indicate perfect unity and perfect divide, respectively. The average of the Rice and Unity Scores for different motions in a specific period are the Rice and Unity Indices of the party or the political bloc. Carey (2008) further considers that these two indices may not reflect how important the motions are in the calculations, since some matters may be “unimportant enough to attract any opposition”. In this way, Carey attempts to weight the scores in line with how the members value the motions they vote on. The Weighted Rice and Unity Indices are calculated in the following ways:

$$WRICE_d = \frac{\sum RICE_{dt} * CLOSE_t}{\sum CLOSE_t}, \quad \text{for party } d \text{ on various motions } t$$

$$WUNITY_d = \frac{\sum UNITY_{dt} * CLOSE_t}{\sum CLOSE_t}, \quad \text{for party } d \text{ on various motions } t$$

Where,

$$CLOSE_t = 1 - \left(\frac{1}{THRESHOLD} * |THRESHOLD - \%Yes_t| \right), \quad \text{for motion } t^{71}$$

Formula 5.3

In the Legislative Council of Hong Kong, not all motions are requested to have the completed records of members’ voting (division). According to article 47 of the “Rules of Procedure”, “the President or Chairman shall first call upon those Members...to raise their hands” and “according to his judgment, state whether or not he thinks the required majority of the Members

⁷¹ For a simple majority, “threshold” will be 0.5; and for a two-thirds majority, “threshold” will be 0.66.

present are in favour of the question”. Any Members present in the voting can challenge the President’s judgement by claiming a division (Legislative Council, 2019). Most of the time, the Members request to leave records of voting on the important motions. In a division, the Members can choose six voting options: “Yes”, “No”, “Abstain”, “Present”, “Absent” and “No action”. Except for “Yes” and “No”, the rest are seen as nonvoting. In this research, all divisions (including amendments or bill readings) are included to analyze the cohesion inside the pro-Beijing and pro-democracy camps. If a vote has a record of division, the motion should be important to the legislator who claim the division.

Some legislators may use voting as a means of filibuster by proposing tremendous insignificant amendments and claiming division for every motion. In order not to affect the data analysis in this research, if there were more than 20 similar members’ amendments to the specific bill, those members’ motions would be excluded in the analysis. For example, in reviewing the “Appropriation Bill 2014”, several legislators moved 1192 amendments to the Bill and claimed division for every amendment. To these tremendous similar motions, the pro-Beijing camp usually opposed them by voting “No” altogether, and the cohesion would be largely enhanced without eliminating those voting records. In this way, those motions would be better excluded in this research.

As mentioned in the previous chapter, there are three types of voting methods in the Legislative Council, which are the two-thirds majority of the members present or the members of the council, the simple majority of the members present and the split voting system. The first one is applied to the paramount motions, such as disqualification of legislator from office or motion of impeaching the Chief Executive; the second one is used for the government’s motions; and the final one is used for the member’s motions, in which the passages require simple majority votes both from the geographical and the functional groups. This research analyzes the

cohesion of the pro-Beijing and pro-democracy camps from the second term (2000-2004) to the fourth term (2012-2016) of the Legislative Council. Both the government's and member's motions are included, and since the split voting system is used for the member's motions, the cohesion of the geographical and functional groups are separated in order to analyze them.

Appendix Table 5.1 shows the Rice, Weighted Rice, Unity and Weighted Unity Indices of the pro-Beijing and pro-democracy camps across the four terms of the Legislative Council. From the result, there are two important insights seen from the data – (1) Among the government motions, the pro-Beijing camp tended to have a stronger cohesion than the pro-democracy camp did. One of the reasons for this is that the government officials would have lobbying activities to ensure that there were enough pro-Beijing votes to have the governmental bills passed. (2) On the contrary, among the member's motions, the pro-democracy camp tended to have a stronger cohesion. Since proposing motions was also a means to enhance exposure, the pro-democracy legislators did this more frequently to express their lack of satisfaction towards the government policies and their political viewpoints in the council. In this way, the pro-democracy legislators tended to support the member's motions. Meanwhile, the pro-Beijing camp, especially for the functional constituencies, represents various interests or sectors in society, leading to a weaker cohesion amongst themselves. Once there was a lack of governmental lobby activities, they might not unite on the matter of the member's motions. The detailed analysis of their unity will be discussed in the later part of this chapter.

Apart from the normal government and the member's motions, the paramount motions, which need a two-thirds majority of members to be passed, are also examined in Appendix Table 5.2. Neither the pro-Beijing camp nor the pro-democracy camp would have enough votes to approve such a type of motions. This is also one of the reasons why the political reforms were difficult to be implemented, as the pro-democracy camp was holding the veto power. For most

paramount motions, both camps demonstrated their strong cohesion, and the Rice Indices are always “1”.⁷² However, in the 2010 Political Reform, the DP and several pro-democracy legislators supported the governmental proposal. Although the political system could make a little progress with the consent of the moderate democrats, such a decision or compromise brought about a great disaster to them in the following elections. The relationship between the DP and the radical politicians will also be further discussed in the latter part of this chapter.

In 1997, when the Provisional Legislative Council reviewed the bill of employing proportional representation in the Legislative Council election, an experienced legislator, Frederick Fung, notified the other members:

“I anticipate proportional representation will result in the 20 seats of the legislature being shared by six or seven political parties. Seats in the future legislature would be shared by a number of political parties. The greater the number of political parties, the more likely it will be for them to be lobbied by the executive...they would easily come under pressure or even threat. If we did not pass the laws proposed by the executive, the Secretary SUEN (the government) would use numerous ‘secret weapons’ against us.” (Legislative Council Secretariat, 1997)

After around 20 years, proportional representation resulted in the fragmented politics in the council, but the pro-democracy camp is not “more likely to be lobbied by the executive”. Given the lapse of time, the two camps had been polarizing to their representing stances, leading to less room for making political compromises between themselves. At the early stage of the SAR,

⁷² The motion of “disqualification of the legislator Leung Kwok-hung” in 2012 was an exceptional case, in which some pro-Beijing legislators considered that though Leung committed several criminal offenses related to social resistance, the severity did not suffice supporting the decision of the disqualification.

the two camps were not hostile as in the present day, since sometimes they might cooperate to express their demands to the administration. A typical example was the “Eight-Party Coalition” formed around 2001,⁷³ when Hong Kong was suffering from the 1997 Asian Economic Storm and serious deflation in the city. Over 40 out of 60 Members of the Legislative Council were in the Coalition, bringing about a real force to the administration. The eight parties first sought the common proposed policies (mostly on livelihood issues) in their electoral platforms, and then requested the government to accept the consensus they had reached (Chu, 2017). Some proposed policies were adopted in the 2001 Policy Address, and nearly all legislators voted in favor of the motion of supporting the Policy Address that year. A pro-Beijing legislator recalls the political atmosphere at the time:

“Nowadays, it is so difficult to imagine the cooperation with the pro-democracy camp in the second term of the Legislative Council. Although we did not have full trust amongst ourselves, at least the two camps had a communication mechanism to share what we were holding. Of course, the Coalition was an ad hoc organization. Once the DAB and the LP leaders were appointed into the Executive Council, the mistrust must be exacerbated.”⁷⁴

Another pro-Beijing legislator maintains that the administration at that time was not willing to see the existence of the coalition in the council, since such a political force would affect its executive-led governance. If the legislators united to have enough votes to alter the policies, this would become legislative-led in the policy-making process.⁷⁵ As Lau and Kuan (2002) stated, Beijing’s leaders did not allow any political parties (including the pro-Beijing groups) to develop into a large scale that could challenge the Chinese authorities or the Hong Kong

⁷³ The pro-Beijing camp included the DAB, the LP, the Hong Kong Progressive Alliance (HKPA) and the Breakfast Group, while the pro-democracy camp included the DP, the Frontier, the ADPL and the Hong Kong Confederation of Trade Unions (CTU).

⁷⁴ Interview participant #13.

⁷⁵ Interview participant #1.

government. The Coalition was dissolved around 2002, when the representatives of the eight parties did not convene the meeting again.

In recent years, the relationship between the two camps has become more remote, and there is less room for them to make compromises. In the past, most legislators did not have preferences of whoever chaired the committees or the panels in the Legislative Council. The selection of the chairpersons just depended on the majority of the members who joined the committees.⁷⁶ However, when there were legislators engaging filibuster in various committees and the pro-democracy chairpersons “tolerated” such practices, the pro-Beijing camp staged a “total competition” in the selection of the chairperson. As shown in Appendix Table 5.3, during the fourth term of the Legislative Council (2008-2012), the Finance Committee, which was one of most important committees and was responsible for approving appropriations, was chaired by a pro-democracy legislator, even though the majority of members in the Committee belonged to the pro-Beijing camp. After 2012, the pro-Beijing camp took control of the important committees and only allowed the pro-democracy legislators to chair some committees, in which there were no essential issues to be reviewed in that legislative year. In order to have enough votes to select the chairpersons, the pro-Beijing legislators actively joined the committees in the first meeting of a legislative year. After selecting the chairperson, most of them would withdraw from the committees. This reflects that there is more mistrust between the two camps than before, and the pro-Beijing camp does not believe that the pro-democracy legislators can enforce the Rules of Procedure without political bias. Having said that, the factors affecting the executive-legislative relationship include not only the two camps’ competition but also their internal decision-making mechanism. The latter part of the chapter will further discuss the fragmented features inside the two camps.

⁷⁶ Interview participant #18.

PRO-DEMOCRACY STRATEGIES IN THE COUNCIL

The composition of the pro-democracy camp in the Legislative Council is fragmented, and there are no leading parties inside the camp to take up the position of leadership. However, the pro-democracy parties or legislators usually made their decisions on the important issues in a consistent way. If one of them accepts the governmental proposals, their decision may be seen as a betrayal of the pro-democracy camp and they would be punished by their voters.

(1) Political Blocs and Decision-Making Mechanism

Taking the six terms of the Legislative Council as an example, the whole pro-democracy camp can be divided into four political blocs. Each of the blocs is loosely formed by the legislators who share similar policy ideologies and interests (See Appendix Table 5.4). The four bloc leaders maintain close communication and collaboration with one another regarding the issues that need to be responded to quickly. However, the bloc leaders are just a representative and may not have the powers to control their members, especially in the Professional Guild and the Council Front.⁷⁷ Except for the summer recession of the Legislative Council, the pro-democracy camp holds meetings, known as the “Lunchbox Conference” or “Democracy Camp Meetings”, every Friday to share their viewpoints related to the matters of the council as well as the up-to-date current affairs. The Convenor of the pro-democracy camp was Claudia Mo (Hong Kong First) in the 2018-19 legislative year. The position is the nominal leader of the camp but does not contain any real powers. Sometimes the Convenor just serves the function of administrative purpose by being the spokesperson to respond to the media on specific issues. A pro-democracy legislator comments on the current system:

⁷⁷ Interview participant #7.

“The ‘Lunchbox Conference’ is a very loose organization in the council, and I always describe it as the ‘Holy Roman Empire’, which was formed by various multi-ethnic states. The Conference should be a caucus of the pro-democracy camp, but we do not have any whips to enforce our decisions. Even though someone or any political blocs violate our consensus, there would not be any consequences for them. It, therefore, is just a platform to maintain mutual relationships and enhance understandings.”⁷⁸

Moreover, the Conference does not include all oppositional members (anti-government) in the council. In the previous terms, the LSD and the PP did not participate the Conference, since most pro-democracy members considered the radical lines applied by these two parties were not in line with them. In addition to some conflicts in the local spheres of influence during the electoral periods, the relationships among themselves had been frozen for a long time. In the sixth term of the Legislative Council, Cheng Chung-tai (Civic Passion), who inherited the political resource from Wong Yuk-man (PP), did not participate the Conference.⁷⁹ As such, the pro-democracy camp sometimes regards themselves as the “non-establishment camp” (including all oppositional members) to differentiate the narrow meaning of the pro-democracy camp (including just the members who join the Conference). This “Lunchbox Conference” system also extended to the level of the District Council in recent years. The pro-democracy District Councillors formed loose caucuses to coordinate their council affairs in the 18 District Councils, but still, those organizations did not have much power in enforcing any disciplinary decisions.

(2) Separating from the Administration

⁷⁸ Interview participant #7.

⁷⁹ Interview participant #10.

As mentioned in the previous chapter, the Chief Executive can appoint the Members of the Legislative Council and public figures as the Members of the Executive Council for the purpose of enhancing the executive-legislative relationship. In the colonial period, the unofficial members of the Executive Council could be mainly divided into three types – (1) business people, (2) prominent figures from various sectors, such as legal, medical, engineering, etc., and (3) political figures. The political figures included members both from the pro-Beijing and pro-democracy camps, e.g. Chow Liang Shuk-ye (later joined the Liberal Party), Wong Wang-fat (Pro-democracy Independent), Tung Chee-hwa (later became the First Chief Executive), etc. However, most of the figures from the pro-democracy camp were reluctant to accept the position after the 1997 Handover, even though the Chief Executive attempted to invite the democratic side to join the Executive Council. In 2017, Carrie Lam, being the Chief Executive-elected, had approached the DP to seek one or two party members to be appointed into the Executive Council,⁸⁰ but the Party Leader said that no party member could take up the top governmental positions before the implementation of universal suffrage (Chung, 2017). Such practice was due to the considerations of their political standpoints and the current behavioural restrictions on the members in the Executive Council.

Similar to the cabinets of other democracies, the principles of confidentiality and collective responsibility shall be observed in the Executive Council of Hong Kong. Taking New Zealand as an example, Ministers or officials of the Cabinet are not allowed to disclose any policy proposals discussed or any views expressed by individual Ministers or officials in the Cabinet Meetings. As for the principle of collective responsibility, “the House (of Representatives) expresses its confidence in the collective whole of government, rather than in individual Minister” and “once Cabinet makes a decision, Ministers must support it regardless of their

⁸⁰ Interview participant #15.

personal views and whether or not they were at the meeting concerned” (Department of the Prime Minister and Cabinet New Zealand, 2017). In Hong Kong, the Executive Council also contains similar regulations. In accordance with the Oaths and Declarations Ordinance (Cap. 11), members of the Executive Council should take an Oath of Fidelity after their appointment, and the content of the oath is as follows:

“I will not, except with the authority of the Chief Executive, reveal the agenda or proceedings of the Executive Council, or any document communicated to me or any matter coming to my knowledge in my capacity as a Member of the Executive Council; that I will not seek to make or assist others to make any personal gain through the exercise of my official duties and I will be bound by and be collectively accountable for the decisions of the Executive Council.” (Information Services Department, 2013).

The aim of this principle is to ensure that the members can speak freely without any fear and pressure, so as to facilitate the Chief Executive receiving prompt and objective advice in the policy-making process. If the members contravene the above principle, the Chief Executive may consider taking the following actions: (1) taking legal action, (2) disqualifying the members, (3) giving open reprimand, (4) issuing warning, or (5) issuing suggestions or advice (Information Services Department, 2012). Moreover, the conclusions made by the Executive Council are usually presented as collective decisions, regardless of the discussion process on specific issues. In New Zealand, there is a “agree to disagree” process allowing the Cabinet members from coalition parties to maintain their own party lines on particular policies. As long as the process is established, the members can make comments or statements differing from the collective decisions (Department of the Prime Minister and Cabinet New Zealand, 2017). As for Hong Kong, members of the Executive Council are also allowed to establish such an “agree to disagree” process, and the members, if being members of the Legislative Council

simultaneously, would not be need to follow the collective decision to vote in the legislature. Still, this does not remove the worries of the pro-democracy camp, and one of the legislators from a pro-democracy party makes the following comments:

“Even though one of our party members is appointed as a member of the Executive Council, the party would not be a part of coalition government. In other democracies, ruling power can be shared by the smaller parties in a coalition, and the parties have bargaining strength to influence policies. Once the smaller parties withdraw from the ruling coalition, the largest party would not have enough seats to form the majority government. However, in Hong Kong, the figures, representing any political parties and sitting on the Executive Council, just serve an advisory role in the policy-making process. Even though you threaten the government to quit the position, the Chief Executive would not change their mind on the big issues in order to entertain your party.”⁸¹

The legislator further explains the consequence of being appointed into the Executive Council:

“Due to the principles of confidentiality and collective responsibility, the party member in the Executive Council should abide by the decision made with the government. If the member is a legislator in the Legislative Council, they may need to inform our caucus not to follow the party line. Imagining that one party just holds five or six seats in the Council, losing one vote may undermine our influence to a large extent. Of course, the member can request the Executive Council to ‘agree to disagree’ on some particular issues. However, they cannot expose what he has discussed in the council, while some people criticize why the member cannot persuade the Chief Executive to change the policies. Some even accuse

⁸¹ Interview participant #3.

the member of colluding with the officials, placing them or the whole party into an embarrassing situation.”⁸²

Moreover, the pro-democracy figures also do not have much interest in taking the politically appointed positions in the policy bureaus. In 2002, the Political Appointments System (PAS) of the Hong Kong government was introduced, allowing the Chief Executive to appoint public figures, instead of civil servants, as the three chief secretaries (Chief Secretary for Administration, Financial Secretary and Secretary for Justice) and the policy bureau leaders (Secretaries). Some positions in the Chief Executive Office are also politically appointed. The appointees would become political officers under the direct control of the Chief Executive and no longer a part of the civil servant system. The PAS extended the establishment of the positions of Under Secretary and Political Assistant to Secretary in 2008. Since the implementation of the PAS, there were very few pro-democracy figures joining the government, such as Cheung Bing-leung (former DP member and the Secretary for Transport and Housing, 2012-2017), Loh Kung-wai (former member of the Citizen Party and the Under Secretary for Environment, 2012-2017) and Law Chi-kwong (former DP member and the Secretary for Labour and Welfare, 2017-2022).

Since the politically appointed officials are requested to maintain political neutrality, those pro-democracy figures need to withdraw from their parties before accepting appointments. Sometime the process might worsen relationships with other party members, and the pro-democracy legislators would not consider those officials as a part of the pro-democracy camp anymore. For example, Fung Wai-kwong was a DP member, but he quit the party before being appointed as the Information Coordinator in the Chief Executive Office. Since then, Fung has

⁸² Interview participant #3.

become well-known for his pro-government viewpoints and the hostile relationship with the pro-democracy camp.⁸³ Under the current pro-democracy logic, the politically appointed officials, who originally had party memberships, are difficult to achieve dual accountabilities. As the top governmental officials, they should be accountable to the Chief Executive or the administration, which usually has various conflicts of interest with the pro-democracy camp in the policy process. As such, even though the pro-democracy figures are appointed as top officials, it is difficult for them to serve as the communication agents for the purpose of enhancing the executive-legislative relationship.

Effects on the Executive-Legislative Relationship

As one of the pro-Beijing legislators asserted, the SAR government and the Chinese authorities would like to invite more moderate democratic figures into the government structure. With the concept of the “United Front”, in recent years some pro-democracy figures have become the targets to be united under the Front established by the Chinese departments addressing Hong Kong affairs. Unlike the early stage of the 1997 Handover, the DP and other moderate democrats were regarded as the main opposition of the SAR government or the “reactionary” forces to the Chinese Communist regime.⁸⁴ Appointing these figures into the top governmental positions facilitates the absorption of public voices represented by the pro-democracy parties and follows the principle of “administrative absorption politics”.

However, most pro-democracy members reject being united due to their party loyalties or political considerations. On one hand, without the participation of the pro-democracy camp, the government may not promptly gauge public views and secure a broader support base. As a result, the policies proposed by the administration may tilt heavily towards pro-Beijing interests.

⁸³ Interview participant #9.

⁸⁴ Interview participant #13.

On the other hand, the pro-democracy camp deliberately separates from the administration, leading to deeper mistrust between the administration and the democrats in the Legislative Council. Without any representatives sitting in the Executive Council, it may be difficult for the pro-democracy camp to understand the administration's motives on specific issues. The officials from the policy bureaus also have not much interest in engaging in lobbying with them. This inevitably affects the current executive-legislative relationship.

(3) Being Marginalized in the Legislative Process

The existence of functional constituencies and proportional representation being applied to the geographical constituencies guarantee the pro-Beijing majority in the Legislative Council. In other words, the pro-democracy camp is the “permanent” opposition, and there must not be any rotations of a ruling coalition. Even though the pro-democracy camp has the most ideal performance in the elections, the camp is still unable to get over 35 seats (a simple majority) in the Legislative Council.

In Appendix Table 5.5, since most of the functional constituencies contain pro-Beijing or pro-business features, the pro-democracy figures find it nearly impossible to win the seats through those constituencies. Only the constituencies representing the professional practitioners, such as Education, Legal, Medial, etc., can be won by the pro-democracy side. In those professional sectors, the corporate voters do not have much influence as in other constituencies, and the individual voters usually outnumber the corporate ones. Simply put, the highest number of seats in the functional constituencies possibly taken by the pro-democracy camp is just 10 (the number was eight at the end of 2018). As for the geographical constituencies, with the system of proportional representation, the ratio of popular votes obtained by the pro-democracy camp has maintained about 60% since the Handover. Assuming that the pro-democracy candidates distribute their votes evenly and are able to obtain three-fifths of the geographical seats, there are only 21 seats for the ideal outcome (19 seats were won by the pro-democracy camp in the

2016 Legislative Council Election). In addition to the functional constituencies, the maximum number of seats that can be obtained by the pro-democracy camp is just 31. In sum, the democrats are unable to obtain over half of the seats in the council under the current electoral settings.

As the “permanent” opposition, the pro-democracy camp does not have veto power on any governmental policies. The legislators from the democratic side more likely perform an advisory role, instead of holding real powers to check the administration. As the government does not rely on any pro-democracy votes to have the policies or bills passed, the officials may sometimes lobby support only from the pro-Beijing members. In this way, some members in the Legislative Council are deliberately marginalized by the administration in the legislative process. A pro-democracy legislator points out the difference of the officials’ attitudes before and after the 1997 Handover:

“Before 1997, even though the pro-democracy camp did not hold over a half of the seats in the Legislative Council, the officials at least respected the members from our side. They understood that we were the people’s representatives having public mandates and actively invited us to express opinions on various issues. The political neutrality could be maintained by the officials at the time. However, the supervisors of the policy bureaus had become politically appointed in the 2000s, leading to more bias over the pro-democracy camp. The officials, including the permanent secretaries who are not supposed to have any political stances, usually assume that we will not support their policies and become reluctant to lobby our supporters. As such, more mistrust has been developed between the pro-democracy camp and the administration.”⁸⁵

⁸⁵ Interview participant #11.

Moreover, some pro-Beijing legislators consider that since the pro-democracy parties do not have any ruling pressures, their legislators have no obligations to fulfill their electoral pledges. If the administration turns down what the pro-democracy camp proposes, the legislators can shift responsibilities onto the government and openly claim that the officials do not accept public opinion.⁸⁶ In other democracies, the opposition party of one year may be the ruling party the next year. This is the reason why the opposition parties would not propose something unrealistic, since the parties may not fulfill their political pledges while gaining power. However, the pro-democracy legislators in Hong Kong do not have such worries, and the political figures can propose aggressive policies in order to draw public attention and support. The pro-Beijing camp always criticize that some democrats place themselves on the moral high ground and put up demands that are exceedingly difficult to achieve.⁸⁷ A pro-Beijing legislator gives two examples as shown in Appendix Table 5.6. This part does not judge whether the policy viewpoints proposed by the administration or the pro-democracy camp are rational or not, but it reflects a clear fact that the administration usually consider that the pro-democracy legislators have demands that are too high to achieve. In this way, this makes the administration more unwilling to establish communication with the pro-democracy camp.

Effects on the Executive-Legislative Relationship

Although the pro-democracy camp did not have any ruling power and was difficult to persuade the administration to change the policies proposed, the pro-democracy camp did not always cast their votes against the administration. From Appendix Table 5.1, the four indices (Rice Index, Weighted Rice Index, Unity Index and Weighted Unity Index) show that the pro-democracy camp had lower cohesion on the government motion from the second to fifth terms

⁸⁶ Interview participant #8.

⁸⁷ Interview participant #1.

of the Legislative Council. This means that some pro-democracy legislators supported the government motions while some opposed and reflected the different ideologies inside the camp. For example, on 9 July 2014, the council cast a vote on “Supplementary Appropriation (2013-2014) Bill” (government motion), in which the moderate democrats agreed to pass the bill but the radical legislators cast “No” or did not cast votes (Legislative Council, 2014). The moderate democrats explain the reasons why they cannot reject government motions in most cases:

“The moderate democrats, especially the DP members, need to create a balance between the public voices and the practical situation. If they disagree with some constructive policies proposed by the administration, the pro-Beijing camp may attack the moderate democrats on the issues. Since their supporters are from moderate voters, rejecting most of the bills irrationally cannot arouse support. Also, the moderate democrats establish their community base and stand in the District Council elections. At the community level, the moderate democrats are more vulnerable to being criticized as trouble-makers by the pro-Beijing camp.”⁸⁸

However, the radical groups in the council usually arouse the moderate democrats to have further actions to block the government motions. The radical groups consider that the pro-democracy camp should a clear-cut stand against the government. Even if most pro-democracy legislators cast “No” votes on the government motions, the bills are also passed due to the pro-Beijing majority in the council. The policy outcomes are indifferent, while the pro-democracy camp can express its dissatisfaction towards the current system through this political gesture. The radical groups also prefer initiating filibuster to delay policy deliberation or strive for higher demands. On one hand, the senior members of the moderate democrats deliberately

⁸⁸ Interview participant #6.

separate with those radical groups and take an in-between line to maximize their support. On another hand, the young members from the moderate parties more likely employ filibuster than the senior members. Due to the restrictions of party discipline, the young members usually do this in a low-profile way, known as “hidden filibuster”. They delay the time of policy deliberation through increasing their floor and attempting to get more detailed information from the government departments.⁸⁹ All in all, marginalizing the pro-democracy legislators in the legislative process causes mistrust between the administration and the pro-democracy camp, leading to a worsening executive-legislative relationship in the council.

(4) Embarrassing the Administration for Gaining Support

Apart from the impossibility for obtaining ruling power, the pro-democracy status of opposition is also strengthened by the system of proportional representation. Since various pro-democracy parties stand in the legislative council elections, the political figures elected usually represent a narrow range of the political spectrum and there is only a little room for them to change their political or policy viewpoints. Especially for the radical groups, they represent the most extreme ideologies in the city, and their voter base is not as large as that of the moderate democrats. The radical groups must go beyond the traditional resistance methods to gain support. Embarrassing the administration in the legislative process is one of the ways to arouse public attention. At the same time, citizens who support the pro-democracy camp also expect that the Legislative Council serves the role of watchdog over the Hong Kong government. Exposing policy mistakes or even officials’ scandal benefits their popularity.

One of the typical examples is that the pro-democracy camps tends to invoke the “Legislative Council (Powers and Privileges) Ordinance (Cap. 382) (P&P Ordinance)” to investigate

⁸⁹ Interview participant #4.

governmental scandals. The P&P Ordinance provides powers and privileges to the legislators to discharge the functions of the council and safeguard the dignity of the legislature. Section 9 of the ordinance specifically empowers the council or a standing committee to order attendance of witnesses. The council can also confer the power to a select committee to investigate any issues related to public interests. If the witnesses being ordered to testify before the council disobey the orders (e.g. not attending, not providing requested documents, giving false statements or refusing to answer questions put forward by the council), such behaviors would constitute a criminal offence. The offender is liable to a fine of \$10,000 and to be imprisoned for 12 months (Hong Kong e-Legislation, 2017). As such, the P&P Ordinance is regarded as the “imperial sword (granted arbitrary by the ‘emperor’)” of the Legislative Council.

After the 1997 Handover, the P&P Ordinance has been invoked to order witnesses to testify in relation to issues addressing significant public interest, such as the chaotic situation during the commencement of the new international airport (1998) and the crisis management problems of handling the Severe Acute Respiratory Syndrome (2003). However, since the fifth term of the Legislative Council (2012-2016), the pro-Beijing camp has complained that the pro-democracy camp abuses the P&P Ordinance in order to enhance their media exposure.⁹⁰ The Appendix Table 5.7 shows the motions moved by the pro-democracy legislators to invoke the P&P Ordinance in the legislative year of 2012-13.

Apart from invoking the P&P Ordinance, legislators can also express their paramount viewpoints by way of submitting a petition. According to the “Rules of Procedure”, the legislators have the right to independently or jointly submit a petition to the Legislative Council in the General Meeting. The representative of the petitioners makes a summary statement of

⁹⁰ Interview participant #12.

the petition before the council. After the statement is made, if more than 20 members rise in their place, the petition shall be referred to the House Committee for further action (Clerk to the Legislative Council, 2017; Legislative Council, 2019). The committee usually establishes a select committee for handling the issues concerned by the petition. For example, the P&P Ordinance could not be invoked to investigate the case of the ICAC's head Tong, but the pro-democracy legislators endorsed a petition in the General Meeting one week later. This was the first time for the Legislative Council after the 1997 Handover to handle a petition endorsed by the legislators through rising in their places. The "Select Committee to Inquire into Matters Relating to Mr Timothy Tong's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption" was later set up to inquire into whether Tong's behaviors met the values of the ICAC (Legislative Council Secretariat, 2013E). However, the select committee was not empowered by the P&P Ordinance. Even though the witnesses and Tong himself gave false statements before the committee members, they would not be subject to any legal liabilities. It was only a means to arouse the public's attention on the related issues, but the legislators have been more frequently submitting petitions to the council since then.

Moreover, the legislators could move the motion on no-confidence in the Chief Executive, other officials or the whole administration. In the legislative year of 2012-13, the pro-democracy camp moved motions of no confidence in the Chief Executive Leung Chun-ying, the Secretary for Education Ng Hak-kim, the Secretary for Development Chan Mo-po and the former Unofficial Member of the Executive Council Lam Fan-keung. In 2019, there was also a moved motion of no confidence in the fifth term of the SAR government. Under the frameworks of the Basic Law and local ordinance, the no-confidence motion does not contain any legally binding power and is moved as a usual member's motion. Even though it is passed by the council, the specific figure or the organization addressed by the motion does not need to

resign or be dissolved. The motion just provides a platform for the Legislative Council to discuss the issue and arouse public attention. Furthermore, the Basic Law provides the procedures of impeaching the Chief Executive, but the threshold is impossible for the pro-democracy camp to reach under the current setting of the council. Article 73(9) of the Basic Law states that:

“If a motion initiated jointly by one-fourth of all the members of the Legislative Council charges the Chief Executive with serious breach of law or dereliction of duty and if he or she refuses to resign, the council may, after passing a motion for investigation, give a mandate to the Chief Justice of the Court of Final Appeal to form and chair an independent investigation committee. The committee shall be responsible for carrying out the investigation and reporting its findings to the council. If the committee considers the evidence sufficient to substantiate such charges, the council may pass a motion of impeachment by a two-thirds majority of all its members and report it to the Central People’s Government for decision.” (Constitutional and Mainland Affairs Bureau, 2017)

Until mid-2019, there had been two times in which article 73(9) was invoked to initiate the procedures of impeachment, and both impeachments were targeted at the Chief Executive Leung Chun-ying. With the pro-Beijing majority in the council, the motion of establishing an independent investigation committee could not be passed.

Effects on the Executive-Legislative Relationship

Invoking the P&P Ordinance, submitting petitions, moving a no-confidence motion and initiating the procedures of impeachment are methods to embarrass the administration, but these approaches cannot be employed without political scandals or sensitive issues. Having said that, the anti-government mentality is already established and is also reflected in the daily

operations of the council. Instead of the above methods, the pro-democracy legislators move other member's motions to undermine the image of the administration. Through counting the records of voting from 2000 to 2016, more pro-democracy members' motions are found. Those motions include a large number of amendments to the governmental motions. The pro-democracy legislators explain that proposing amendments is a political gesture to express viewpoints and expose the weaknesses of the policies. On one day, the pro-Beijing camp or their individual members may support the pro-democracy amendments, as long as someone provides the opportunities to do so.⁹¹ Different from the government motions, the pro-democracy camp has a closer cohesion on the member's motions. More than half of the member's motions are moved by the pro-democracy legislators, and thus, they tend to support what the legislators from the same camp propose. Appendix Table 5.1 shows that the four indices are higher among the pro-democracy legislators both in the geographical groups and functional groups. Especially for the functional groups, the pro-democracy cohesion is obviously closer than the pro-Beijing camp. In every term of elections, the pro-democracy camp only occupies less than 10 seats from the functional constituencies. Due to the small number of the seats held, this may be the reason why the pro-democracy legislators from the functional groups have a closer cohesion, since it is easier to have coordination between themselves. However, with the pro-Beijing majority in the council, most of the member's motions cannot be passed.

In recent years, more pro-democracy parties have also engaged in the activities of filibuster to embarrass the administration. As a matter of fact, the motives of filibuster can be divided into two types – (1) block the governmental policies to be passed and (2) undermine the image of the administration. The former motive is discussed in the previous part, and the moderate

⁹¹ Interview participant #6.

democrats have much more considerations of whether they should join the filibuster. As for the latter motive, the moderate democrats are more willing to engage in this “non-cooperation movement”, as long as the constructive policies will not be affected. For example, in 2017, the new Chief Executive wished to fulfill one of the measures in her election manifesto, which would be increasing recurrent expenditure on education by \$5 billion HKD a year (Legislative Council Secretariat, 2017A). This policy was supported by all legislators in the council, especially for the education sector. The item was put to the Finance Committee on 14 July 2017, the day when the court ruled that four pro-democracy legislators had been disqualified from their positions. Some legislators decided to initiate a filibuster campaign to stop all ongoing procedures to express their dissatisfaction towards the current institutional settings (Legislative Council Secretariat, 2017B). However, due to the large amount of funding appropriated to the education sector, the pro-democracy camp was in a dilemma. If the item could not be passed before the summer recess, the appropriation might not benefit the sector in the following year. The moderate democrats made a deal with other camp members that they would engage in filibuster after the passing of the item.⁹² After five days, when the committee resumed, the educational funding was passed. This case reflects that the pro-democracy camp can be united to employ the strategy of filibuster for the purpose of undermining the image of the administration or expressing dissatisfaction, as long as no policies addressing citizens’ wellbeing are affected. Such a situation provides a common platform for the cooperation and closer cohesion among different political forces in the pro-democracy camp.

(5) Losing Support if Making a Compromise on Paramount Issues

As mentioned before, the motions of paramount issues need a two-thirds majority of the legislators in the council to be passed. As such, the pro-democracy camp still holds the veto

⁹² Interview participant #14.

power tightly, and the administration must seek their support in order to pass some paramount issues. However, that the pro-democracy camp makes compromises with the administration on those issues can be very risky and not conducive to arousing more support. Under the current institutional settings, it is also difficult for the government to share power with the pro-democracy camp. Even though some democrats are willing to make such compromises, nothing or few benefits from the administration can be obtained.

Some legislators maintained that the 2000s may be the decade in which it was more possible for the pro-democracy camp to negotiate with the administration.⁹³ During that period, the DP still held the leadership and the political sphere was not as fragmented as it is currently. After that, more radical groups arose to have seats in the council, and the pro-democracy voters are not necessary to support the DP as well as other moderate democrats. As a result, there is less room for making compromises with the administration than before. Appendix Table 5.2 shows that each of the camps had high cohesion on most paramount motions. Ignoring the member's motions, there were five paramount motions proposed by the administration, and all of them addressed the political reform packages in 2005, 2010 or 2015. The package in 2010 was the only one in which a compromise was made, while the another two were not supported by over a two-thirds majority of the council. However, the moderate democrats were seriously criticized to accept the 2010 Political Reform Package by other groups in the camp, leading to a change of the political strategies employed by the moderate democrats in the later period.

In 2010, the administration introduced the political reform package, in which the number of EC members increased from 800 to 1,200 and the number of the Legislative Councillors increased from 60 to 70. Among those 10 newly established seats in the Legislative Council,

⁹³ Interview participant #12.

five seats would be returned by the geographical constituencies and another five seats would be elected from among the District Councillors (not including the appointed members). The whole pro-democracy camp initially opposed the package, since what they were demanding was the immediate implementation of “genuine universal suffrage”. However, in 2007, the NPC Standing Committee made a decision that the earliest times of the implementation of universal suffrage for the Chief Executive and the Legislative Council would be 2017 and 2020, respectively (Constitutional and Mainland Affairs Bureau, 2009). The 2010 Political Reform Package just addressed the electoral methods of selecting the Chief Executive and forming the Legislative Council in 2012.

Later, the DP initiated a negotiation with the Chinese authorities in the final stage of the package’s scrutiny. The DP leaders met Li Gang, the Deputy Director of the LOCPG in Hong Kong, at the liaison office headquarters. While the Chinese side praised that the DP was willing to communicate to contribute to the constitutional development in Hong Kong (Li & Guo, 2010), other pro-democracy parties condemned the DP for betraying the democratic movement. The DP proposed that the five new functional seats would be elected by the voters who did not belong to any functional groups. In this way, over three million voters could get two votes in their hands (geographical and functional constituencies). The administration moved the amendments to the original package, and later the final bills were passed with the support of the DP and the ADPL. One of the DP legislators explained why the party needed to make such a decision:

“We understood that Beijing was also one of the stakeholders in the development of the democratic system in Hong Kong, and the NPC Standing Committee was the highest authority in the whole process of decision-making. We could not ignore that the NPC Standing Committee only allowed the implementation of universal suffrage after 2017.

What we were fighting for was the best options of the two elections in 2012. The DP also attempted to ensure that Beijing could fulfill its promises on Hong Kong's democracy. Through making a compromise, we hoped that the relationship between the pro-democracy camp and the central government could be improved.”⁹⁴

However, other pro-democracy parties considered that the DP just hoped to retake its status of leadership in the pro-democracy camp. Before the release of the 2010 Political Reform Package, there were five legislators from the CP and the LSD resigning from the Legislative Council in 2009. The resignation initiated the by-elections in five constituencies, known as the “Five Constituencies Referendum”. The referendum granted the voters an opportunity to show their determination of achieving universal suffrage. Later, the pro-Beijing camp boycotted the by-election and the five legislators who had resigned were re-elected before the final scrutiny of the reform package. Without a doubt, the DP was marginalized in these democratic campaigns and needed to find a way to make itself stand out. A pro-democracy legislator made a comment on this:

“The DP just wanted to establish the image as a kingmaker in 2010, but they were walking the wrong way. The DP undermined the solidarity of the whole pro-democracy camp and had become the so-called ‘leftist idiot (zuojiao)’. Furthermore, the new proposal also provided the DP an advantageous environment to win more seats in the Legislative Council. More than 15 District Councillors were needed to nominate a candidate in the new functional constituency. The DP could stand at least two candidates in the elections and get two more seats under proportional representation. Due to these two seats, the DP were walking further and further away from other pro-democracy parties.”⁹⁵

⁹⁴ Interview participant #3.

⁹⁵ Interview participant #10.

The reason why the 2010 Political Reform Package was the watershed of the democratic development was that the tension between the moderate democrats and the radical groups had come out into the open since then. The PP, which was a radical organization established in 2011, committed itself to undermining the DP and other moderate democrats. In the 2011 District Council Election, the PP candidates stood in the constituencies in which the DP also stood. With the system of first-past-the-post, the DP vote bases were divided, leading to losing in the elections. While the number of DP supporters dropped, the pro-Beijing candidates benefited. In the 2012 Legislative Council Election, even though the DP got two seats from the new functional constituency, the performance in the geographical constituencies were not good as expected. More pro-democracy voters supported other parties, such as the CP, instead of the DP. Therefore, it can be concluded that the DP could not benefit from making compromises with the Chinese authorities.

Until 2014, the NPC Standing Committee promulgated the “831 Decision”, in which it ruled that Hong Kong could implement universal suffrage for the Chief Executive, given that the candidates shall be nominated by a nomination committee that should be formed under the structure of the present EC. The decision later triggered off the Occupy Central movement, but the mass movement could not make the Central Government withdraw the decision. The Hong Kong government proposed the 2015 Political Reform Package under the framework of the 831 Decision. The package granted Hong Kong people the ability to cast their votes with the “one man, one vote” principle, but the candidates standing in the election shall be selected by the nomination committee before starting their campaigns. The pro-democracy parties took a hard line to oppose the government proposal, but they were still afraid of the DP accepting the package. A pro-democracy legislator pointed out that:

“Once the administration released the version of the 2015 Political Reform Package, some ‘leftist idiots’ from the DP took the proposal into the consideration. They believed that the moderate democrats could be granted by the nomination committee to stand in the election. Once there is a pro-democracy candidate running in an election having universal suffrage, the pro-democracy camp would get the ruling power. However, with previous experience, we have much mistrust with the Chinese side. We expected that universal suffrage could be implemented in the 2000s, but what can we get from the Basic Law?”⁹⁶

Another pro-democracy legislator further considered that:

“If the DP accepted the governmental proposal in 2015, the party would be the enemy of the Hong Kong people and would lose all support. The 2015 Political Reform Package was a pitfall set by the Chinese authorities. When the so-called ‘universal suffrage’ defined by Beijing will be implemented, this may be the final version of fulfilling article 45 of the Basic Law.⁹⁷ Further demanding a more democratic system would become difficult or impossible forever. The DP fortunately realized what the people wanted after the Umbrella Revolution and chose the right side. At least, nowadays, the DP dare not make decisions without having full consultation among other pro-democracy parties.”⁹⁸

Effects on the Executive-Legislative Relationship

The influence of the moderate democrats has become weaker in recent years, leading to less

⁹⁶ Interview participant #7.

⁹⁷ Article 45 of the Basic Law says: “...The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures...”

⁹⁸ Interview participant #5.

room for making compromises with the administration on paramount issues, especially for political reforms. While the Chinese authorities do not trust the pro-democracy camp, the radical groups drew more support from the Hong Kong people and eroded the voter base from the DP and other moderate democrats. On the one hand, if somebody in the pro-democracy camp attempts to initiate negotiations with the Chinese authorities under the framework of the 831 Decision, those political figures will be considered as traitors to the democratic movement. On the other hand, if the moderate democrats unite with the radical groups, the Chinese authorities would have fewer chances to withdraw the decision. The fragmentation of the pro-democracy camp makes the situation become much more complicated and establishes a political gridlock. Without further democratization and the enhancement of the government's legitimacy, the executive-legislative relationship cannot be improved through any piecemeal reforms.

Lees-Marshment (2014) proposes several models to analyze the political marketing employed by political parties. A product-oriented party (POP) is a traditional party establishing their party lines without much attention to voters' response, while a market-oriented party (MOP) is a party that designs their viewpoints after conducting thorough market research. The nature of the DP in Hong Kong has been transformed from the POP to MOP. Before the 1997 Handover, the DP had leadership among the pro-democracy groups and supported "one country, two systems". The party attempted to maintain a good relationship with the Chinese authorities, although various measures, including the abolition of the municipal councils and the implementation of proportional representation, were taken by the SAR government to prevent the DP from developing further. With this mindset, the DP believed that the moderate line could arouse the moderate voters who formed the largest base in the population, and this was one of the reasons why the DP was confident to make a deal with the Chinese authorities in 2010. However, when the supporters shifted to support the other pro-democracy parties, the DP was

forced to change itself to be a MOP. While the DP became more willing to engage in filibuster in the council, it also attempted to be more in line with other pro-democracy parties.

PRO-BEIJING STRATEGIES IN THE COUNCIL

The phenomenon of fragmented politics is also found in the pro-Beijing camp. As mentioned in the previous chapter, the proportional representation system employed in the geographical constituencies intensifies the competition among as well as inside the pro-Beijing parties. In addition to the existence of functional constituencies, there are various interested sectors represented in the camp. Similar to the filibuster initiated by the pro-democracy legislators, the fragmented politics inside the pro-Beijing camp also lowers the legislative abilities of the administration.

(1) Political Blocs and Decision-Making Mechanisms

Inside the pro-Beijing camp, there are five political parties and other individual legislators. The composition is more or less the same as the pro-democracy camp that no party can take the role of leadership inside the camp (See Appendix Table 5.8).

Compared with the pro-democracy camp, the pro-Beijing legislators have more discipline due to the larger party structure. At least, the members from the same party are restricted by the decision-making of their caucuses. The pro-Beijing legislators also have a “pro-establishment coordination conference” every Wednesday afternoon. This is a platform for all pro-Beijing legislators to exchange their concerns over the council and other political affairs. The members of the Executive Council, who are simultaneously legislators, take this opportunity to transfer the administration’s viewpoints to the other pro-Beijing members. However, the conference is just a loose mechanism to maintain the relationships among different legislators, and this is not

a formal caucus to restrict the members' discipline. There is a convener for the whole camp, responsible for the daily administrative matters, such as reminding the legislators to attend meetings or being a spokesperson on some issues, but they do not have extra powers beyond other party structures. Due to the pro-Beijing majority in the council, the camp also takes the positions of the President of the Legislative Council and the Chairperson of the House Committee. These two figures have regular meetings with the officials, mainly the Chief Secretary for Administration, to arrange the priority order of agenda items in the general meeting.

(2) Sharing Limited Power with the Administration

The legislators' appointment as unofficial members of the Executive Council presents a method to enhance the executive-legislative relationship. Usually, the Chief Executive appoints one or two representatives from each pro-Beijing party.

	Bloc/Party	Members	Remarks
Leung Chun-ying's Administration (2012-2017)	<i>DAB</i>	<i>Cheung Hok-ming (2012.07.01-2017.06.30)</i>	<i>Representative of the Rural Council</i>
		<i>Starry Lee (2012.07.01-2017.03.17)</i>	<i>Legislator</i>
		<i>Ip Kwok-him (2017.03.17-2017.06.30)</i>	<i>Legislator</i>
	<i>FTU</i>	<i>Cheng Yiu-tong (2012.07.01-2017.06.30)</i>	--
	<i>NPP</i>	<i>Regina Ip (2012.10.17-2016.12.15)</i>	<i>Legislator</i>
	<i>BPA</i>	<i>Jeffrey Lam (2012.07.01-2017.06.30)</i>	<i>Legislator</i>
	<i>LP</i>	<i>Tommy Cheung (2016.11.25-2017.06.30)</i>	<i>Legislator</i>
	<i>Other</i>	<i>Martin Liao (2016.11.25-2017.06.30)</i>	<i>Legislator</i>
Carrie Lam's	<i>DAB</i>	<i>Ip Kwok-him (2017.07.01-Present)</i>	--

Administration (2017-Present)		<i>Horace Cheung (2017.07.01-Present)</i>	<i>Legislator</i>
	<i>FTU</i>	<i>Wong Kwok-kin (2017.07.01-Present)</i>	<i>Legislator</i>
	<i>NPP</i>	<i>Regina Ip (2017.07.01-Present)</i>	<i>Legislator</i>
	<i>BPA</i>	<i>Kenneth Lau (2017.07.01-Present)</i>	<i>Legislator; Representative of the Rural Council</i>
		<i>Jeffrey Lam (2017.07.01-Present)</i>	<i>Legislator</i>
	<i>LP</i>	<i>Tommy Cheung (2017.07.01-Present)</i>	<i>Legislator</i>
<i>Other</i>	<i>Martin Liao (2017.07.01-Present)</i>	<i>Legislator</i>	

Table 5.1: Pro-Beijing figures in the Executive Council

Although the Executive Council is nominally the highest authority in Hong Kong’s political structure, most policies are not made in the council and those party representatives seldom take part in the process of formulating policies. The council is just a platform to inform various representatives of the governmental decisions and explain the administration’s viewpoints on these. One pro-Beijing legislator made a comment on the current process of policy making:

“Many people believe that the pro-Beijing parties have inherent advantages over getting more information from the government or even formulating public policies. However, even though the party members sit in the Executive Council, members are informed of some important issues just a few hours before the announcement in the news press. On one hand, members do not have time to digest the information given by the government and find it difficult to express their personal viewpoints. On another hand, there is no time for them to consult the party caucuses. To most pro-Beijing parties, how the government makes

decisions is also a black box and the council loses the advisory function.”⁹⁹

The legislator further pointed out that:

*“Sometime the pro-Beijing parties may have a feeling that they are hijacked by the government. The Chief Executive appoints only one or two members of a party into the council, but they request the whole party unanimously supports the administration’s policies. When the people regard the party as a part of ‘ruling coalition’, the government just shares limited power with us. Even though one party opposes the governmental proposal, there are still enough votes for the bills to be passed. Thus, a pro-Beijing party may not have enough bargaining power against the administration.”*¹⁰⁰

Furthermore, some members from the pro-Beijing parties are appointed as political officials under the PAS. Some parties, especially the DAB and NPP, recommended various members to be officials in the policy bureaus in order to facilitate the communication between the pro-Beijing camp and the administration.

Name	Position	Political Affiliation
Lau Kong-wah	<i>Secretary for Home Affairs</i>	<i>DAB</i>
Caspar Tsui Ying-wai	<i>Under Secretary for Labour and Welfare</i>	<i>DAB</i>
Joseph Chan Ho-lim	<i>Under Secretary for Financial Services and the Treasury Bureau</i>	<i>LP</i>
Bernard Chan Pak-li	<i>Under Secretary for Commerce and Economic Development Bureau</i>	<i>DAB</i>

⁹⁹ Interview participant #15.

¹⁰⁰ Interview participant #15.

Mark Fu	<i>Political Assistant to Transport and Housing Bureau</i>	<i>LP</i>
Siu Ka-Yi	<i>Political Assistant to Chief Secretary for Administration</i>	<i>DAB</i>

Table 5.2: Current politically appointed officials with political affiliations

Although those political officials with party memberships are supposed to take the parties' viewpoints into the administration, most of them just become messengers to exchange the information. The PAS was established with a civil servant mindset and is operated to maintain the original administrative system. In order to maintain political neutrality, most of those officials were suspended from their party memberships before accepting the appointments. As such, there were no mechanisms (e.g. caucuses or party meetings) to connect those officials with the parties.

In addition, since the development of most parties in Hong Kong is not mature, whether the parties are able to provide suitable choices of people to the government is also a problem. During the 1960s, the pro-communist supporters (leftists) triggered off the 1967 Riot in Hong Kong in an attempt to overthrow the colonial government, but the riot caused many innocent citizens to be injured and killed. The leftists have been regarded as troublemakers for a long time, and normal citizens try to prevent having any relationships with them. In spite of communist China taking back the sovereignty of Hong Kong, the negative image held by the local leftists has not faded away and anti-China sentiment accumulated among the people from time to time. This leads to the difficulties in recruiting the party members from the local professions. In recent years, some pro-Beijing parties, such as the DAB and the FTU, offered courses through a collaboration with tertiary education institutions to nurture potential talent (DAB, 2014; FTU, 2018), but these programs achieved only limited results and could not attract talent to join the parties as expected. During the process of selecting the politically

appointed officials, the administration might not accept the candidates nominated by the pro-Beijing parties due to the party members' personal qualities. Since the politically appointed officials nominally having higher rankings than most civil servants (who usually have gone through a tough selection process), not many party members are capable of performing their duties as leaders of civil servants. This is also one of the reasons why most of those politically appointed positions are taken by civil servants instead of party members.¹⁰¹ In this way, the PAS is not a system that can largely enhance the communication between the administration and the political parties.

Furthermore, officials may take pro-Beijing support for granted and sometimes deliberately ignore the pro-Beijing legislators' demands. A pro-Beijing legislator gave the "Stamp Duty (Amendment) Bill 2013" as an example. The aim of moving the bill was to suppress property prices by introducing new taxation, but the proposed measure also affected the government-subsidized flats, whose the buyers had no intentions of involving in speculative activities. Thus, a pro-Beijing legislator intended to move an amendment to exempt the transaction of those subsidized flats from the taxation. However, there were officials persuading the legislator not to move the amendment in order to save time in the council.¹⁰² The officials further claimed that the amendment might be related to public expenditure and would not be allowed by the council secretariat or the President of the Legislative Council.¹⁰³ Later, the DP moved a similar amendment and was not blocked by the president. The government stated in the council that it did not agree with the amendment moved by the DP in order not to upset the integrity of the relevant measure. The amendment was passed with the support of the pro-democracy camp and

¹⁰¹ Interview participant #1.

¹⁰² Interview participant #13.

¹⁰³ Article 74 of the Basic Law states that "Members of the Legislative Council of the Hong Kong Special Administrative Region may introduce bills in accordance with the provisions of this Law and legal procedures. Bills which do not relate to public expenditure or political structure or the operation of the government may be introduced individually or jointly by members of the council. The written consent of the Chief Executive shall be required before bills relating to government policies are introduced."

a part of the pro-Beijing camp (Legislative Council Secretariat, 2014A). The interviewed legislator considered that the officials attempted to request all pro-Beijing legislators to follow their policies without much consideration and made the motion be credited to the pro-democracy camp. Even though the pro-Beijing camp is regarded as a part of the “ruling coalition”, the officials are not always willing to accept their opinions in the legislative process.

Effects on the Executive-Legislative Relationship

The administration just shares the limited power with the pro-Beijing camp and does not let the latter be largely involved in the process of policy formulation. This leads to mistrust between the pro-Beijing camp and the administration. In the 2017 Policy Address, the Chief Executive decided to establish the Policy Innovation and Co-ordination Office (PICO) to enhance communication among various stakeholders. One of the PICO’s duties was to collect the pro-Beijing figures’ opinions related to the future policies. The officials also set up different ad hoc working groups to invite the current pro-Beijing legislators to give advice on the upcoming motions moved in the Legislative Council. The groups were formed by the legislators, the PAS officials and other senior civil servants, and thus, the legislators could obtain first-hand information from the officials responsible for the specific policies.¹⁰⁴ However, there has not been enough time to reflect whether the PICO is effective in enhancing the executive-legislative relationship. In addition, the Anti-Extradition Protest developed into a large scale long-term riot in 2019, and the administration was occupied by suppressing the social disturbance. The formulation or implementation of many new policies were halted until the riots ended. During the process of handling the social uprising, the disagreements between the administration and the pro-Beijing camp were intensified and came into the open. The pro-Beijing camp could not share much power from the administration but was dragged into the

¹⁰⁴ Interview participant #12.

troubled waters. This also makes the pro-Beijing camp dissatisfied with the current institutional settings.

(3) Struggling between the Pro-government Stances and Popular Votes

Although the pro-Beijing camp is not shared much power from the administration, the camp always gives the impression to the public that it must act in concert with the administration. Sometime the camp is regarded as “royalist” (baohuangdang).¹⁰⁵ However, since the parties need to stand in the elections, the political figures cannot ignore public opinions and support all governmental policies blindly. In its 25th Anniversary Declaration, the DAB deliberately claimed that they were the party adopting the principle of “telling it like it is” (DAB, 2017). If the DAB disagreed with the policies proposed by the government, there would not be enough votes to pass the bills or motions. One of the typical examples usually given by the DAB was the bid to host the Asian Games. In 2011, the Hong Kong government proposed to host the 2023 Asian Games and sought six billion HKD to be approved in the Finance Committee for the bid in the Olympic Council of Asia. Due to a lack of social consensus in the community, the DAB and the Liberal Party opposed the governmental bid in the committee and the motion could be continued (Cheung & Yau, 2011). It reflected that the pro-Beijing parties might not support the government all the time.

Another example in recent years was the proposal of raising tolls of two harbor crossings. There were three harbor crossings connecting Kowloon Peninsular and Hong Kong Island: (1) the Cross Harbor Tunnel (CHT), (2) the Eastern Harbor Crossing (EHC) and (3) the Western Harbor Crossing (WHC). The CHT and the EHC were owned by the government, while the WHC is owned by a private corporation until 2023 when its franchise will expire. As such, the

¹⁰⁵ It indicates the parties that support the old and weak institutional system.

tolls of the CHT and the EHC were lower than the WHC, leading to higher traffic demands for the two government-owned crossings. In order to alleviate the traffic congestion and fully utilize the WHC, the government proposed to largely increase the tolls of the CHT and the EHC and decrease those of the WHC (Transport Department, 2019). In the 2018 Policy Address, the Chief Executive announced that public funding would be appropriated to provide a compensation scheme to subsidize the corporation owning the WHC. The pro-Beijing parties considered that the measures would be opposed by passengers and road users and could not be effective in diverting the traffic to the WHC. Later, the officials attempted to move non-binding motions in the Legislative Council in 2019 January and March. However, before starting the debates, the government decided to withdraw the motions in order not to waste time in the council. Without the support of the DAB and FTU, two main pro-Beijing parties, the government only secured about 20 votes in the council (Un, 2019). After that, the Chief Executive promised that the government would not implement any new measures related to the three harbor crossings before 2023. Importantly, the government proposed such a policy without having full consultations with the pro-Beijing camp and placed the legislators into embarrassing positions.

Sometimes, the pro-Beijing camp falls into a dilemma when the government faces scandals. As mentioned before, the pro-democracy camp attempted to invoke the P&P Ordinance to investigate various cases related to governmental scandals or officials' misconduct. A pro-Beijing legislator commented on this:

“When the government makes mistakes, the pro-Beijing camp may be dragged into the troubled waters together. The citizens consider that the pro-Beijing camp is a part of the government and cannot evade responsibilities. What we can do is to minimize the media exposure brought by the scandals while separating ourselves from the government. We do

not have any ruling powers and should not need to bear responsibilities for the officials.”¹⁰⁶

Taking a political scandal as an example, the pro-Beijing camp attempted to minimize the impacts to the government and themselves. In 2014, the Secretary for Transport and Housing announced the delay of the construction works of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL). The secretary claimed that he was caught by surprise and did not know any information about the delay before that (Information Services Department, 2014B). However, the Transport and Housing Bureau (THB) was the governmental structure monitoring the construction works managed by the Mass Transit Railway Corporation Limited (MTRCL), and the bureau should be informed of the most up-to-date progress of the construction. In addition, the construction of the XRL was a controversial project, which caused large opposition against its appropriation. The delay due to the management problems of the THB and the MTRCL could not be accepted by the pro-democracy camp.

A pro-democracy legislator later moved a motion to invoke P& P Ordinance to investigate whether the MTRCL and the Hong Kong government had covered up the progress of the construction. The pro-Beijing camp did not hope to empower the Legislative Council, especially for the pro-democracy legislators, to investigate the issue. On one hand, the select committee, which was based on the P&P Ordinance, would become a platform for the pro-democracy legislators to question the governmental officials and the senior staff of the MTRCL; on another hand, the pro-Beijing legislators would become a scapegoat who had approved the XRL construction. As such, the pro-Beijing camp opposed the motion of the P&P Ordinance.

¹⁰⁶ Interview participant #12.

Meanwhile, in order to dispel any misunderstandings or concerns, an independent expert panel appointed by the Chief Executive was established to conduct a professional review of the previous monitoring system, and the THB was also informed that the MTRCL set up an independent committee to investigate its internal coordination problems (Legislative Council Secretariat, 2014B). The pro-Beijing camp considered that if the motion was passed, the officials and contractors who were responsible for the construction would spend time on preparing the upcoming hearing instead of focusing on catching up with the construction progress. Despite that, a select committee was agreed to set up through the petition system of the Legislative Council in 2014 October, when the public attention was shifted to the Umbrella Revolution. This reflected that the pro-Beijing camp attempted to minimize impacts caused by the governmental scandals.

As a matter of fact, the pro-Beijing camp always blames that the governmental officials are not familiar with electoral politics and public sentiment. Most of the officials and even the leaders of the policy bureaus are from a pool of civil servants who do not have much experience in dealing with political issues. The civil servants only take administrative matters, instead of political ones, into consideration. While the officials mainly focus on the feasibilities and effectiveness of policies, the political consequences are seldom paid much attention to, leading to placing the pro-Beijing camp into embarrassing positions.¹⁰⁷ Different from other democratic regions, there are usually ruling parties to connect the executive and legislative branches. Especially for the parliamentary system, the ministers (the leaders of policy-making units) are chosen from the members of the legislature. At least, those members need to stand in elections to get the positions and understand the importance of the public sentiments to the policy implementation. Furthermore, as mentioned before, the civil servants usually look down

¹⁰⁷ Interview participant #13.

upon the pro-Beijing parties and take the legislators' loyalty for granted.¹⁰⁸ This also undermines the trust between the administration and the pro-Beijing camp.

Effects on the Executive-Legislative Relationship

Although the pro-Beijing camp needs to struggle between the pro-government stances and popular votes, the legislators tend to support the government motions to ensure the efficiency of the Hong Kong government. In Appendix Table 5.1, all four indices show that the pro-Beijing camp had higher cohesion in voting government motions than the pro-democracy camp did from 2000 to 2016. In most circumstances, the administration seeks the pro-Beijing legislators' support and explains the policy in detail before casting votes for the government motions. Sometime the officials remind the legislators about attending meetings and casting votes in order to ensure that the motions can be passed. One of the reasons is that successful legislation and implementation of policies is also a part of their performance assessment for promotion in the civil servant system. In addition, the political ideology of the pro-Beijing camp is to guarantee the prosperity and stability of Hong Kong, and the efficiency of the government reflects the effective implementation of the "high degree of autonomy" and the "one country, two systems". Thus, the pro-Beijing camp does not hope to see any political setback faced by the government.

As mentioned before, since the public also have the impression that the pro-Beijing camp is a part of the administration, the legislators may need extra time to explain their decisions if they do not support the government policies. Last but not least, the collaboration between the administration and the pro-Beijing camp can be reflected in the information given in advance by the officials. After knowing that there are possibilities for the government to implement

¹⁰⁸ Interview participant #1.

some specific policies, the pro-Beijing figures can openly strive for the demands before the formal announcement from the government. The citizens may think the pro-Beijing camp has more political influence than the pro-democracy camp does. Such kinds of practices also strengthen the image that the administration and the pro-Beijing camp have a close relationship with each other.¹⁰⁹

(4) Suffering from Internal Conflicts among Different Sectors

Inside the pro-Beijing camp, there are various groups representing divergent interests from different sectors. As mentioned in the previous chapter, in order to prevent the local capitalists from withdrawing their investment in Hong Kong, the Chinese authorities granted the business sectors more political rights in selecting the Chief Executive and the members of the Legislative Council. Meanwhile, the EC and the functional constituencies contain representatives from the anti-business groups – labor unions. The pro-Beijing parties, the DAB and the FTU, also obtain the support of the grassroots and the disadvantaged. This inevitably causes internal conflicts on the policy viewpoints inside the camp. One of the pro-Beijing legislators commented that:

“The Chinese authorities emphasize that the institutional system should be ‘broadly represented’. We cannot deny that the strategy of the united front is employed to maintain the solidarity of the pro-Beijing camp, but in recent years, there were more internal conflicts surfacing and being exposed to the media. On one hand, providing benefits to the business sectors was just a temporary measure during the transitional period. On another hand, the pro-Beijing parties must strive for the support of the general people in order to prepare for the upcoming universal suffrage.”¹¹⁰

¹⁰⁹ Interview participant #6.

¹¹⁰ Interview participant #8.

In 2012, there were two pro-Beijing candidates, Leung Chun-ying and Henry Tang, standing in the Chief Executive election. This was the first time that the Chinese authorities allowed two pro-Beijing candidates to compete for the purpose of enhancing the legitimacy and democracy of the election. However, during the process of the electoral campaign, the competition was so fierce that several scandals were exposed to the public. For example, both candidates' houses were discovered to be unauthorized structures, and Tang was even found to be involved in extramarital affairs. Not only did these undermine the public image towards the pro-Beijing camp, but also the relationships among the political figures (Chan & Sun, 2019). After the election, although Leung became the Chief Executive, the whole camp was divided into two blocs –Leung supporters and opposers. Especially for the LP, the members maintained a hostile relationship with the administration. A legislator pointed out that:

“The LP supported Henry Tang in the 2012 Chief Executive Election, but Tang was defeated by Leung at the end. In the beginning of the Leung administration, no LP members were appointed into the Executive Council. Sometimes the LP legislators united the pro-democracy members to criticize Leung’s policies. Although the administration did not need the five LP legislators to pass the government motions in the council, the LP represented a part of business sectors in Hong Kong and their voices should not be ignored.”¹¹¹

Furthermore, the existence of the pro-Beijing labor unions also intensifies the confrontations with various business sectors inside the camp. The FTU was the CCP local branch of Hong Kong and was established in 1948. It was an organization to unite all pro-Beijing unions and

¹¹¹ Interview participant #4.

support employees to strive for their welfare and rights. In the past, the FTU followed the line of overthrowing the British colonial ruling through triggering a labor rebellion. The core members organizing the 1967 Hong Kong Riots were from the FTU. Ignoring the history of the FTU in the colonial period, it is the largest network of labor unions claiming over 400,000 members. Among the functional constituencies, there are three seats returned by the Labor constituency, in which the labor unions cast corporate votes (one union has one vote) to select the legislators. As for the EC, there are also 60 seats returned by the Labor Subsector. Due to the network of the labor unions, the pro-Beijing camp has occupied by all those seats since the 1997 Handover, and there are no pro-democracy representatives from labor unions in the Legislative Council and the EC. In this way, there is also a political force to promote the ideology of social welfare in the pro-Beijing camp.

Taking the review of paternity leave as an example, conflicts were provoked between the representatives of the labor and the business sectors. The FTU policy line was to introduce seven days of paternity leave with full pay for male employees. During the campaign of the 2012 Chief Executive Election, the FTU requested candidate Leung (later elected) to accept the demand in exchange of the FTU votes from the EC (Mao Pao Daily, 2012). The Leung administration later agreed to follow the decision made by the Labor Advisory Board (LAB). The LAB was an advisory body formed by employee and employer representatives according to the Trade Unions Ordinance (cap. 332). Most of the employee representatives were elected by the labor unions through the corporate votes, and thus, the pro-Beijing figures could control the seats in the LAB. In November 2012, the board passed the motion to endorse the administration's proposal for only three days of paternity leave. Before that, the employer representatives opposed the FTU proposal for providing five-day or even seven-day leave and expressed concerns that the small and medium-sized enterprises could not bear the extra cost incurred by the new measures. The LAB's final decision was the consensus between the labor

unions and the business sectors from the pro-Beijing camp (Siu, 2012). After two years, the Employment (Amendment) Bill was proposed and passed in the Legislative Council under the framework made by the LAB. Although the pro-democracy legislators moved an amendment to increase the leave to seven days, the FTU did not agree to support the amendment with the explanation of respecting the LAB decision (Siu, 2012). As such, the FTU was always criticized of not insisting its policy line and betraying the working class at the critical moment.

One of the pro-Beijing legislators explained how the decision was made inside the camp:

“This is the weakness generated by the functional constituencies, since most legislators only focus on or exaggerate their own sectoral interests. In the past administrations, the government was keen to do more to enhance the social welfare in order to bring the policies in line with other developed countries or Asian cities. However, any measures promoting welfare increase the cost of operating a business in the city and are usually opposed by the business sectors. The policies, such as the minimum wage, standard working time or retirement arrangements, are controversial issues creating confrontation between the labor and business representatives. As such, reaching consensus can be extremely time-consuming, and the related legislations are inevitably prolonged. Having said that, most political forces in the pro-Beijing camp mutually respect the others. The policies can still be improved in an orderly and gradual way.”¹¹²

Effects on the Executive-Legislative Relationship

Due to the fragmented composition in the pro-Beijing camp, the legislators hold divergent views, which can be reflected by the vote casting on the member’s bills. In Appendix Table 5.1,

¹¹² Interview participant #15.

both the geographical and functional groups from the pro-Beijing camp have lower cohesions than the pro-democracy camp in the voting of the member's motions. The governmental officials seldom engage in lobbying activities on those motions and the pro-Beijing legislators usually have greater freedom to choose their standpoints, since the voting can rarely influence the main policies proposed by the administration. For example, in October 2012, there was a member's motion proposed by a pro-democracy legislator to request the administration to legislate the regulation of working hours. While the business sectors opposed the motion and the rest of the pro-Beijing legislators were absent or abstained their votes, only the FTU and one representative from the Labor constituency in line with the pro-democracy camp approved the suggestion (Legislative Council, 2012). This is a sign that shows that the pro-Beijing camp is not as united as expected due to different interests being represented. From another angle, the business sectors occupy over one-third of all seats in the council, making themselves be essential stakeholders in the legislative process. Ignoring the standpoints towards the CCP in mainland China, the FTU and pro-democracy camp have very similar views on various social policies. The government is also eager to reach consensus to improve the measures of social welfare, but the main blockade is still from the business sectors.¹¹³ This also directly led to the standstill in the development of various social policies and the widest gap between rich and poor among the most developed regions.¹¹⁴ In addition, since there is no rotation of the ruling party and no possible way to vote out the conservative business representatives, the gridlock has been maintained since the 1997 Handover. With more grievances accumulating in recent years, the pro-democracy camp engaged in more filibuster to put more pressure onto the government as well as the pro-Beijing camp.

(5) Uniting on the Paramount Issues under the “United Front”

¹¹³ Interview participant #8.

¹¹⁴ Interview participant #18.

As the pro-Beijing camp, most legislators are in the structure of the “united front” which is controlled by the Chinese authorities. In the 2017 Chief Executive Election, the Chinese authorities assigned Carrie Lam as the only recognized candidate to be supported by the pro-Beijing camp in order to prevent the cut-throat competition that happened in 2012. However, another pro-Beijing figure, John Tsang, insisted on standing in the election by seeking the pro-democracy nominations. During the whole election process, the LOCPG also aroused the pro-Beijing EC members to support Lam and continued to pressure their supporters.¹¹⁵ This reflects that the Chinese authorities influence the internal affairs of the paramount issues in Hong Kong.

In 2003, the failure of legislating article 23 of the Basic Law alerted the Central Government, and thus, the status of the LOCPG had been enhanced since then. The bill addressing national security should have been passed in the Legislative Council with the pro-Beijing majority. However, before the final voting of the bill, the leader of the LP resigned from the Executive Council and announced that the party would oppose the bill. Having not enough votes in the council, the Hong Kong government could only withdraw the bill to soothe people’s indignation over the unpopular legislation. A legislator commented on this:

“After the incident in 2003, the Chinese authorities were more concerned about the legislative process and the electoral affairs. The LP was later punished due to the behavior of betrayal. There were fewer chances for the party to be assigned to send lists in the geographical constituencies under the pro-Beijing internal coordination, while some seats in the functional constituencies were assigned to other pro-Beijing parties. The influence of the LP was marginalized and diminished, and at least, its power could not be

¹¹⁵ Interview participant #10.

comparable to what it had before 2003. This is one of the ways of the Chinese authorities ensuring the completed 'united front' on the paramount issues."¹¹⁶

In fact, the pro-Beijing legislators admitted that the Chinese authorities only expressed its stances on the paramount issues, especially for those addressing political structures or the mainland-Hong Kong affairs. For the social policies, there is much freedom for the legislators or parties to have their own viewpoints and decisions.¹¹⁷

Effects on the Executive-Legislative Relationship

In Appendix Table 5.2, the pro-Beijing camp is usually united on the paramount issues, and most of the Rice Indices are 1 (the legislators who cast votes were holding the same stance). At the critical moment, the pro-Beijing legislators did not oppose the administration's policies and had a very strong cohesion in voting the motions. On one hand, the government engaged in lobbying activities on the issues; on another hand, the Chinese authorities exerted influence over the legislators to ensure that the important policies could be approved without much opposition. With the "united front" of the pro-Beijing camp, the administration guarantees that the important issues can obtain support from the pro-Beijing legislators. Although some kinds of bills need a two-thirds majority to be passed in the council, the government is able to generate a kind of impression that the policy is supported by the majority of the council. From another angle, the pro-democracy camp cannot persuade the pro-Beijing camp to oppose the administration on some important policies due to the existence of the "united front". In this way, the government does have the ability to formulate unwelcome policies with the support of the pro-Beijing camp as well as the Chinese authorities.

¹¹⁶ Interview participant #7.

¹¹⁷ Interview participant #17.

SUMMARY

This chapter analyzes the interaction among the pro-democracy camp, the pro-Beijing camp and the administration in the Legislative Council. As Ngok (2011B) noted, the democrats started to divide due to the rise of radical voices in the political sphere. In the beginning, the moderate democrats attempted to separate from the radical groups in order to maintain their rational image, but in recent years, the democrats had more cooperation with the radicals and were willing to engage in filibuster. As for the pro-Beijing camp, Fong (2014) and Ngok (2016) consider that the business sectors proposed many sector-oriented demands through the current pro-business settings. It makes it more difficult for the Hong Kong government to introduce social policies that can improve people's livelihoods. As Schedler and Hoffmann (2015) maintained, the autocratic rulers need to satisfy the positive demands from loyalists and tackle the negative demands from opponents to reinforce the ruling. The Hong Kong government obviously failed to employ the cooptation strategies to arouse its necessary supports to maintain the popularity.

This chapter also provides the most up-to-date situation in the 2010s and employed the quantitative method to examine the cohesion of the pro-democracy and the pro-Beijing camps. The data reflects the complexities of the government-parties relationship in Hong Kong. While the Basic Law's settings emphasize the executive-led value, the government were suffered by the fragmented politics caused by the electoral method. The case of Hong Kong reaffirms the disadvantages of combing the presidential system and the proportional representation. The outcomes also reflect the main gist of the research – the Chinese authorities miscalculated the political settings before the 1997 handover, which led to the inevitable council resistance in recent years. In addition to the existence of the business representatives in the council, the pro-democracy camp could only launch filibuster to delay the unpopular policies. While the pro-

democracy camp had less room to make compromises with the administration, the pro-Beijing camp was dragged into trouble waters due to the low popularity of the government and may not have fully supported the officials all the time. Lastly, this chapter provides more strategies of filibuster employed by the pro-democracy camp, such as initiating the investigative power of the council. These strategies supplement the studies on filibustering activities.

CHAPTER 6

CHINESE INFLUENCE AND ITS WATERSHED IN 2016

CHAPTER INTRODUCTION

This chapter aims to analyze the development of the Chinese influence over Hong Kong and its watershed in 2016. It contributes to the research question through explaining how the new Chinese policy towards Hong Kong intensified the problem of council struggles.

Before the 1997 handover, the Chinese authorities supported the patriotic organizations or figures to compete with the KMT forces in Hong Kong. After Deng Xiaoping confirmed the resumption of the sovereignty, the Chinese authorities nurtured more local governing talents to prepare for the future handover. In order to maintain the principle of “one country, two systems”, the central government attempted not to be involved in the local affairs in Hong Kong and kept in a very low profile. Until 2003 when there was a large-scale of protest against the government, the LOCPG strengthened the communication among various pro-Beijing organizations to support the ruling of the Hong Kong government. In recent years, since the localist ideologies promoting the pro-independence stances arose in the society, the Chinese authorities tightened the policy towards Hong Kong.

The development of Chinese policy towards Hong Kong reflects the authoritarian features maintained in Hong Kong and shows the failures of cooptation with the oppositional forces. The moderate democrats were united with the radicals and employed all means to shut down the council after the starts of the 2019 Anti-Extradition Protests. The practices totally broke up the relationship with the government which needed to implement new measures to tackle the

council struggles.

CHINESE INFLUENCE BEFORE AND AFTER THE 1997 HANDOVER

The CCP activities in Hong Kong can be traced back to the pre-war period, when the Guangdong provincial party structure was established in the 1920s. During the Japanese Occupation (1941-1945), the communist leaders set up the Dongjiang Column, a local guerrilla force, responsible for gathering information, escorting very important persons and recruiting party members in the colony. In addition to the FTU established in 1948, the CCP influence in the city had been developed to a level that could not be overlooked. In the 1950s and 1960s, Hong Kong became a struggling arena between the CCP and the KMT. The two sides had physical confrontations with each other and contested the leading positions among workers through labor campaigns. As long as the campaigns did not largely affect people's livelihood and social order, the colonial authorities usually turned a blind eye to these two Chinese forces. Until 1967, the leftists launched a series of riots under the influence of the Cultural Revolution and the instruction from the CCP Central in order was to overthrow the colonial government. The Hong Kong government then fiercely suppressed the communist forces in the city. Due to the violent practices committed in the riots, the leftists have had an extremely negative impression among the people since this time. The CCP development in Hong Kong had almost ceased for more than one decade.

Before 1978, the pro-communist forces in Hong Kong were under the control of the Guangdong Provincial Party Committee. Since the colonial authorities did not allow any foreign political parties, including the CCP and the KMT, to set up their branches in Hong Kong, the Hong Kong Work Committee functioned behind the name of the HKXNA. The setting of the HKXNA also served the interests of the PRC, which did not recognize any unequal treaties signed by

the previous regimes (it implied that the sovereignty of Hong Kong should belong to China), and thus, it was not suitable to establish a consulate-like institution in Hong Kong to handle liaison affairs with the colonial government. The HKXNA was responsible for coordinating all “patriotic” or leftist organizations, mainly being divided into four sectors – (1) labor sect (various trade unions), (2) propaganda sect (e.g. newspapers, publishers, studios), (3) business sect (local-based and mainland-based corporations), and (4) social sect (e.g. educational institutions, native associations, youth organizations). The Hong Kong Work Committee nominally reported to the provincial committee, but most of time it was directly commanded by the then premier Zhou Enlai, who proposed the principle of the Chinese policies towards Hong Kong – “long term planning and full utilization”.

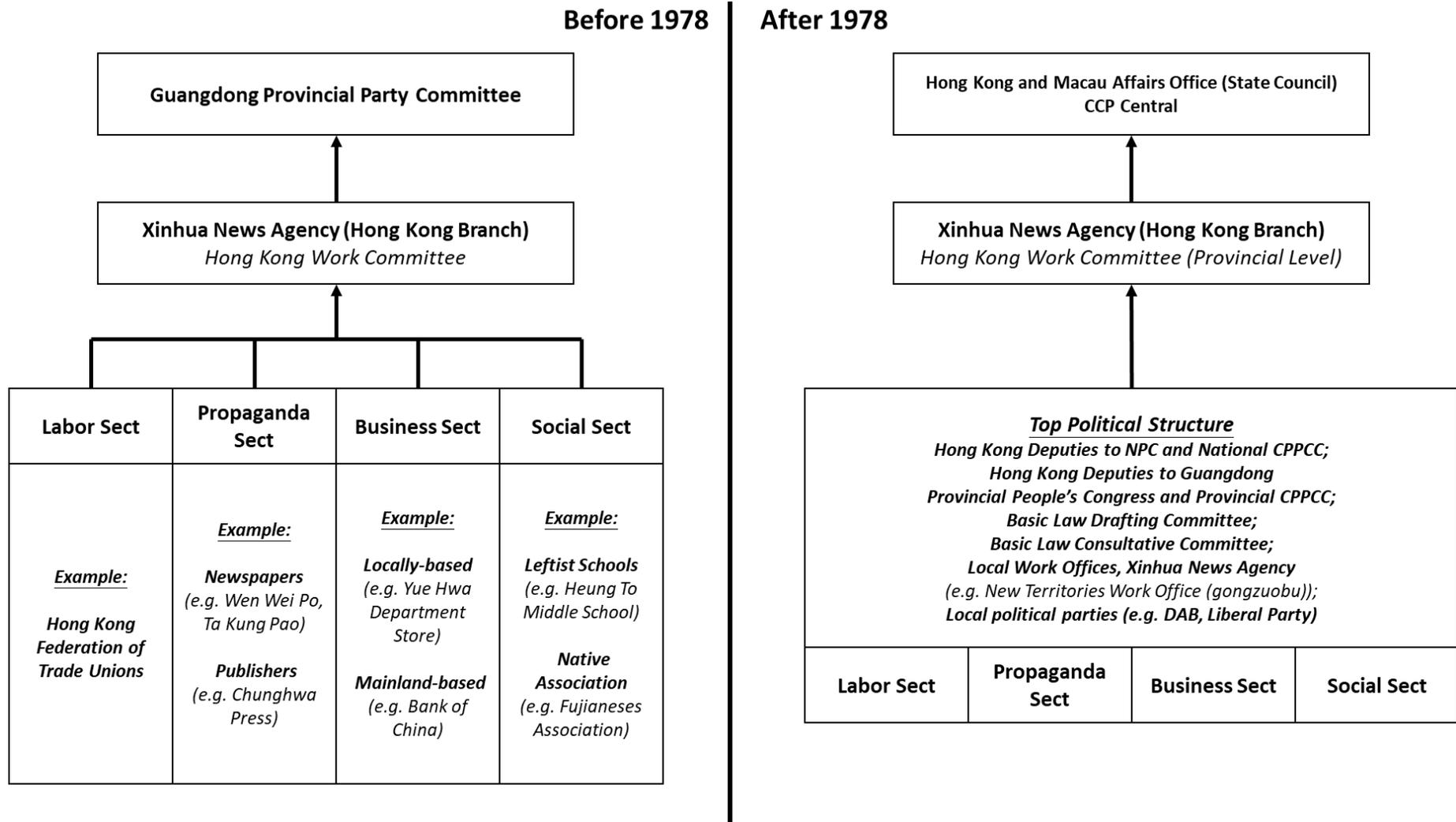


Figure 6.1: Chinese influence in Hong Kong before the 1997 Handover¹¹⁸

¹¹⁸ Burns (1990).

After the end of the Cultural Revolution and the rise of Deng Xiaoping, the principle of “one country, two system” was proposed to resolve the problem of Taiwan and Hong Kong’s future. The institutional system of Hong Kong affairs was upgraded to prepare for the upcoming handover. While the Hong Kong and Macau Affairs Office (HKMAO) was established within the structure of the State Council, the Hong Kong Work Committee became a provincial-level unit and directly reported to the CCP Central Committee. In order to nurture a pool of local talent administering Hong Kong after the handover, the central government also invited more local people, especially from the business and professional sectors, to take up the newly established positions in the system of Hong Kong affairs, such as the deputies to the national and Guangdong provincial people’s congresses and CPPCC, the BLDC, the BLCC and later the Preparatory Committee for the Hong Kong SAR. The HKXNA also set up works offices to coordinate various patriotic groups in Hong Kong. After the 1991 Legislative Council Election, two new pro-Beijing parties, the DAB and the LP, were established to prepare for the future elections.

In July 1997, the PRC resumed the sovereignty of Hong Kong, and the Hong Kong Liaison Office replaced the partial function of the HKXNA. The main duties of the LOCPG include the following:

- (1) Handling liaison affairs with the diplomatic and military institutions operating in Hong Kong;*
- (2) Assisting the state-owned enterprises to manage their local branches in Hong Kong;*
- (3) Communicating with the various sectors of Hong Kong and enhancing mainland-Hong Kong interactions;*
- (4) Handling local affairs addressing the Taiwan’s jurisdiction; and*
- (5) Handling other affairs assigned by the Central People’s Government. (Liaison Office*

of the Central People's Government, 2020)

The LOCPG closely cooperates with the HKMAO in the State Council, which is responsible for appointing the Chief Executive and the principal officials of the Hong Kong government, including three chief secretaries, secretaries for policy bureaus and the chief leaders of the Police Force, the ICAC, the audit commission, the customs and the immigration department. Burns (1990) estimated that the reason why the above officials needed to be approved by the State Council is due to those positions being listed on the nomenklaturas of the CCP Central Committee. This reflects that the central government tightly controls Hong Kong affairs through the party-state nexus.

Before the first term of the Legislative Council elected in 1998, the Provincial Legislative Council took the role of the legal legislature for the newly established SAR. With the influence and support from the Chinese authorities, the council swiftly approved several controversial bills during the period without much opposition. One of the examples was the amendments to the Public Order Ordinance (Cap. 245). The ordinance was enacted in 1967 and made a major amendment by the Legislative Council in 1995, just two years before the handover. Before the amendment, licenses were needed to be issued by the police before holding any public assemblies. The new version of the ordinance only required the organizers to inform the police in advance and did not require the above-mentioned licenses. Since the Chinese authorities considered that the last governor Christopher Patten implemented the 1992 Political Reform Package, in which more democratic seats were granted in the legislature, and broke the original agreement during the transition period, the last term of colonial Legislative Council was deemed as illegitimate by the Chinese authorities. As such, the NPC Standing Committee ruled that the Public Order Ordinance could not be adopted as the law of the SAR in February 1997.

The provisional council then moved an amendment again to the ordinance, and the original required licenses for public assemblies were restored. The Commissioner of Police has the right to object to any assemblies, if they consider such assemblies violate “the interests of national security or public safety” (Hong Kong Government, 1998). Such hasty amendments to colonial ordinances during the period of the provisional council mirrored the influence of the Chinese authorities in the early stage of the SAR.

Rise of the Liaison Office of the People’s Central Government

As a matter of fact, in order to uphold the principle of “one country, two systems” and “Hong Kong people administering Hong Kong”, the Chinese authorities and the LOCPG attempted to keep a low profile in the city just after the handover. The Hong Kong deputies to the NPC suggested opening personal offices to serve the citizens, as if what the elected District Councillors, Municipal Councillors and Legislative Councillors did, but the LOCPG rejected accepting the suggestion and called for the pro-Beijing figures to “govern with a low-profile manner.”¹¹⁹ Until 2003 when more than 50,000 people took to the streets to demonstrate, the Chinese authorities considered that a more pro-active role should be taken by the LOCPG to assist the SAR government to maintain the prosperity and stability of Hong Kong.

¹¹⁹ Interview participant #13.

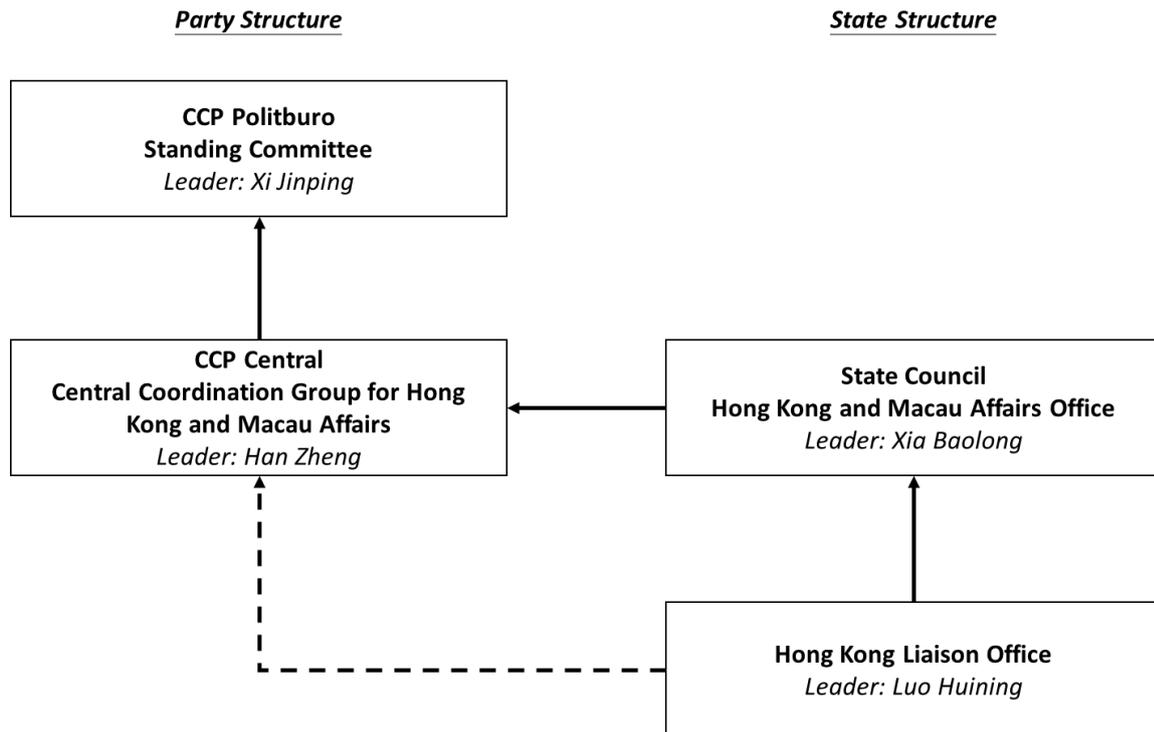


Figure 6.2: Central structure addressing the Hong Kong affairs

In mid-2003, Hong Kong’s economy seriously suffered from the outbreak of severe acute respiratory syndrome (SARS). The popularity of the government was also on the low side due to the attempt of legislating article 23 of the Basic Law (an ordinance addressing national security issues). As such, the central government and Hong Kong swiftly reached the first free trade agreement, the CEPA, to stimulate the local economy and soothe people’s indignation (Chan, 2020). In order to better coordinate various departments to implement economic measures and respond to the political crisis in Hong Kong, the CCP Central established the Central Coordination Group for Hong Kong and Macau Affairs (CGHKA), which was chaired by a member of the CCP Politburo Standing Committee, Zeng Qinghong. Since personnel in the HKMAO and the CGHKA largely overlapped, these two departments were usually known as a party-state structure or the model of “one institution with two names”.

Since then, that the CGHKA is chaired by a member of the CCP Politburo Standing Committee

has become usual practice. In 2007, Zeng was replaced by the then first-ranked member of the CCP Central Secretariat Xi Jinping as the party secretary of the CGHKA. The following successors, Zhang Dejiang and Han Zheng, were also top CCP officials, reflecting the importance of Hong Kong affairs to the CCP Central. In addition, both the LOCPG and the HKMAO are provincial-level units, and thus, the former one is not vertically accountable to the latter one. The LOCPG sometimes bypasses the HKMAO to report to the CGHKA directly in order to guarantee prompt responds to the Hong Kong's ever-changing situations.

Moreover, the LOCPG has strengthened its communications with various sectors in Hong Kong since 2003. To the Chinese authorities, the outcomes of local elections, the District Council and the Legislative Council, largely affected the ruling stability of the SAR government. With the landslide loss in the 2003 District Council Election, the pro-Beijing parties had better coordination through more sophisticated community networks in the following 2004 Legislative Council Election. The pro-democracy camp could not finally obtain more than a half of the seats in the council, proving the effectiveness of the coordination networks. One of the obvious measures taken by the LOCPG was to encourage more “patriotic” organizations to support the pro-Beijing candidates through three regional work offices and the Social Work Office (shehui gongzuobu).

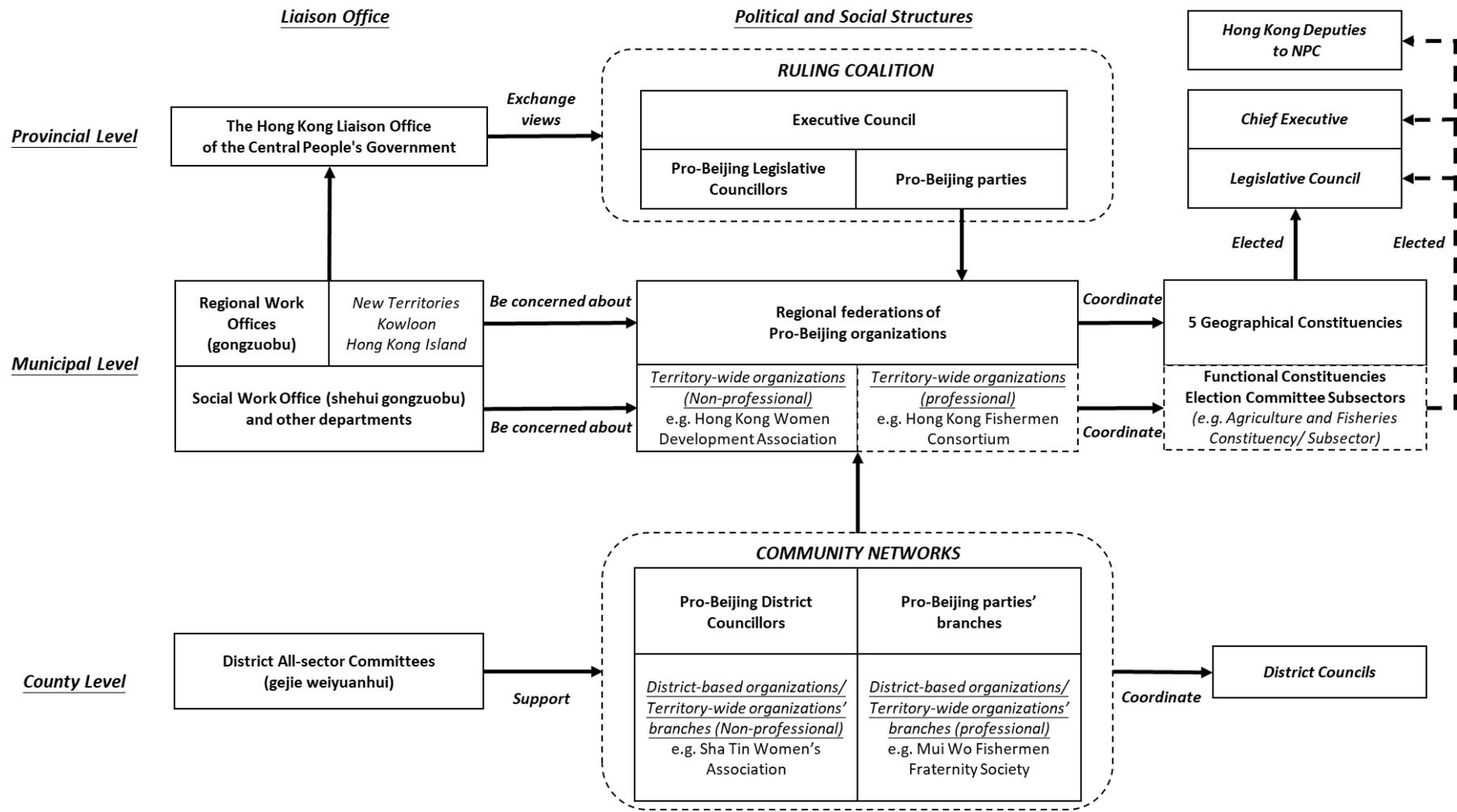


Figure 6.3: Pro-Beijing political and social networks for electoral affairs

The geographical constituencies in the legislative elections employ the system of proportional representation, which requires strong coordination among different parties from the same camp. Before 2003, the pro-Beijing parties mainly included the DAB (focusing on grassroots voters) and the LP (focusing on professional and business sectors). However, the LP openly disobeyed the pro-Beijing line in the deliberation of article 23 of the Basic Law. The Chinese authorities then felt that new parties, which should be more loyal to Beijing, were needed to represent the professional and business sectors. In the following elections, some newly established parties, such as the NPP and the BPA, and the pro-Beijing independent candidates, such as Paul Tse, stood in the electoral campaigns. At the same time, the FTU was separated from the DAB due to different party lines held on the labor issues.

As such, all these pro-Beijing forces need to closely cooperate in the constituency-level communities. The parties or individuals are coordinated by several regional federations of pro-Beijing organizations through consultations in the spirit of friendship and cooperation. As an internal operation, the process is usually in the black box and unknown by the public. The regional federations unite various institutional members in their constituencies to support the pro-Beijing figures. The work offices also call the “patriotic” organizations for providing support to the federations from time to time. The Social Work Office and other departments are responsible for handling liaison affairs with the territory-wide organizations, among which there are various professional guilds from different sectors. Those organizations and their members are corporate and individual voters, respectively, in the functional constituencies and the EC subsectors. Through coordination, those organizations mobilize members to support the pro-Beijing candidates in their related elections. One more point that should be noted is the district-level community networks further developed after 2003. The District All-Sector Committees (gejie weiyuanhui) (DASCs) were established to coordinate the district-based pro-Beijing organizations and support the works of friendly District Councillors and parties. The

DASCs usually convene various local representations to celebrate two annual events, the SAR establishment day and the national day, in their districts with the appropriation of district councils.¹²⁰ During the campaigns of the legislative elections, the DASCs also mobilized their followers to support the candidates assigned by the regional federations.

With the community networks and the coordination mechanism, the pro-Beijing camp had outstanding electoral performances in the past two decades. Unlike the low-profile practices before 2003, the LOCPG openly support the pro-Beijing parties and attend their functions more frequently. For example, the then leader of the LOCPG, Zhang Xiaoming, donated his calligraphy artworks to the DAB for fundraising activities. The DAB usually sold each piece of his works to the pro-Beijing businessmen at over 10 million HKD at its anniversary banquets (Fung, 2014). In the past decade, more radical pro-Beijing groups, such as the Hong Kong Youth Care Association, the Justice Alliance and the Caring Hong Kong Power, were established to voice pro-Beijing opinions and maintain good relationships with the LOCPG. Those organizations were responsible for mobilizing the pro-Beijing supporters to build up momentum, which made the public feel that the pro-Beijing stances prevailed in society.¹²¹ A pro-democracy legislator also made a comment on the LOCPG:

“Before or the first decade after the handover, the officials in the LOCPG seldom had public exposure in front of Hong Kong’s citizens, just like the People’s Liberation Army working in their garrison camps. However, in recent years, various public organizations, such as the District Councils, the Town Planning Board, etc., invited officials to attend their public functions as very VIP guests. This was not problematic, but the organizations

¹²⁰ Before 2019, the pro-Beijing camp held the majority seats of all District Councils most of time. Thus, the councils could approve the appropriation, which was reserved for community recreation activities, to the DASCs.

¹²¹ Interview participant #7.

usually embraced submissive attitudes towards the LOCPG, as if we needed to be accountable to the mainland officials. Worse still, the members of these organizations sometimes followed the opinions given by those officials without much consideration. The whole practice was similar to that the superior officials gave 'instructive suggestions (zhidao yijian)' to the lower-level units in the mainland."¹²²

The legislator further pointed out that those leaders or members of the organizations might show their loyalties to the LOCPG in order to obtain the mainland's honorable positions, such as at different levels of the CPPCC, in future. However, from the pro-Beijing perspective, the LOCPG encouraged more communications from various sectors and did not intervene the organization operations as what the pro-democracy thought¹²³. Appointing the Hong Kong people as the CPPCC members in the mainland is also a common way to unite the pro-Beijing loyal supporters. Since the CPPCC members are the honorable advisors to the national and local governments, such positions provide a way for the local people to express their patriotism. Apart from the CPPCC, the elections of the Hong Kong NPC deputies have become more open than before. The candidates usually held electoral campaigns to canvas the support of the EC members. The LOCPG sometime called the CPPCC members and the NPC deputies in Hong Kong for voicing support for the SAR government or specific policies. These all reflect that the activities of the LOCPG have been increasing in Hong Kong since the handover. Again, the pro-Beijing legislators considered as long as the LOCPG worked under the framework of "one country, two systems", all things done by the office should be acceptable.¹²⁴

Hong Kong Government as a Proxy Agent

¹²² Interview participant #11.

¹²³ Interview participant #14.

¹²⁴ Interview participant #12.

Viewed from another perspective, the Chinese authorities expect the Hong Kong government to be a proxy agent implementing the Chinese policies in Hong Kong. In the Chief Executive elections, with the pro-Beijing majority of the EC members, only the candidates blessed by the Chinese authorities have the possibility of being elected. During the electoral campaigns, the LOCPG and the central departments also openly aroused the EC members to unite to support the designated candidates (Chan & Sun, 2019). According to article 43 of the Basic Law, the Chief Executive is accountable both to Hong Kong and the central government. In this way, they are politically and constitutionally influenced by the Chinese authorities. The leader of the LOCPG in 2018 claimed that “Central district (Hong Kong government)” and “Western district (LOCPG)” would work more together in the coming future (Ng, 2018).

From the handover, various political tasks were assigned to the Chief Executive by the central government. One of the typical examples was the legislation of article 23 mentioned before. Until now, the national security ordinance required by the Basic Law has not been legislated by the Hong Kong government, and the Chinese authorities urge the pro-Beijing camp in Hong Kong to achieve such tasks from time to time. Another example is the National Anthem Bill, which preserves the dignity of the national anthem and imposes punishments on those paying no respect to this. The bill was proposed by the Hong Kong government after the implementation of the National Anthem Law in the mainland. The pro-democracy camp sees the bill as a kind of Chinese encroachment on Hong Kong’s local original freedoms.¹²⁵ In recent years, the Chinese authorities attempt to promote the integration between the mainland and Hong Kong under the framework of the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) and request the Hong Kong government to push the related measures (Chan, 2020). The contradictions between some Hong Kong locals and the central government makes it more

¹²⁵ Interview participant #5.

difficult for the Chief Executive to govern the city with their dual roles of accountability.

RISE OF RADICAL IDEAS AFTER THE OCCUPY CENTRAL

In 2007, the NPC Standing Committee made a decision that Hong Kong could implement the method of universal suffrage in selecting the Chief Executive in 2017. Before the election year, the details of universal suffrage must be determined through amending the related election ordinance, but social consensus on the selection method was not easily reached. Realizing that the central government might not grant “genuine universal suffrage” to the Hong Kong people, three social celebrities, Benny Tai (Associate Professor of Law), Chan Kin-man (Associate Professor of Sociology) and Chu Yiu-ming (clergyman), started to plan an unprecedented demonstration to force the central government to make a concession. With the insight of Occupy Wall Street from the United States, the three figures initiated the campaign of the “Occupy Central with Love and Peace (Occupy Central)” movement, later known as the “Umbrella Revolution”. The goal of the campaign was to strive for “genuine universal suffrage” through paralyzing the central business and administrative district of Hong Kong. On 31 August 2014, the NPC Standing Committee laid out a framework on the method of universal suffrage (831 Decision), in which the candidates of the Chief Executive must be approved by a nomination committee. This directly triggered the “Occupy Central” lasting from September to December. During the period, the main streets of three areas, including Admiralty, Causeway Bay and Mong Kok, were occupied by the protestors, and the clashes between police and citizen happened periodically. The representatives, mostly students instead of any members from the pro-democracy parties, attempted to hold negotiations with the Hong Kong government and the central government, but no concession could be obtained at the end of the movement. However, the “Occupy Central” brought about substantial consequences over the political sphere in Hong Kong.

Development of the Localist Ideologies

After the “Occupy Central” in 2014, some people started to realize that the PRC was an authoritative regime by nature. Even though the Hong Kong locals were successful in initiating a large-scale mass protest, the Chinese authorities did not necessarily grant the Western-style democracy to the people in the city. After almost 20 years since the Handover, the people, especially for a younger generation, lost their patience with such a slow progress of democratization designed by Beijing. At the same time, the traditional pro-democracy parties did not have much bargaining power with the Chinese authorities. Instead of changing the situation through an institutional system, more people shifted their emphasis on maintaining local interests and separating from mainland China. Such an ideology was known as “localism” and gradually became a political force influencing the political development in the post-umbrella period.

From the cultural and social perspectives, the localists believe that Hong Kong had developed a Westernized system with a legacy of British rule. The lifestyle and mindsets of common practices are different from the people on the mainland. In order not to be influenced by the mainland, the interactions between two places should be minimized and any measures promoting the integration should be prevented. The localists also search for the distinguishing characteristics among the Hong Kong people and deliberately exaggerate those cultural elements to strengthen their own local identity. For example, they promote the use of Cantonese, which is the mother tongue of most locals, while being unwelcome toward people who use Mandarin. Such a practice may generate discrimination especially on the university campuses and the tourist areas.¹²⁶ Preserving the local culture itself is not problematic, but this definitely

¹²⁶ Interview participant #8.

intensifies the confrontational sentiments against the government policies that address the mainland. The opposition of the co-location of immigration and customs clearance in the West Kowloon High-speed Railway Station is one of the typical examples. One group of people do not trust mainland officers enforcing laws within the jurisdiction of Hong Kong. Another example is the introduction of national education into the curriculum of secondary schools. Although the new curriculum was to promote deeper understanding of the motherland, parents and students were afraid that this would be used as a brainwashing tool to promote pro-China ideologies. The new curriculum had aroused large opposition in 2012, successfully forcing the education bureau to suspend the introduction. With the rise of localist ideologies and the mistrust towards the mainland, this makes it more difficult for the Hong Kong government to propose similar policies and undermines its authority as well as popularity.

As for the economic perspective, the localists propose the principle of self-sufficiency for the city. Hong Kong should survive by maintaining its own economy and daily commodities. Due to the lack of primary and secondary industries in the city, Hong Kong heavily relies on the supplies of fresh water, foodstuffs and other manufacturing products from the mainland. The localists suggest producing fresh water and agricultural products by Hong Kong locals themselves or importing the supplies from other regions in order to reduce the reliance on the mainland. Through the localist proposals, their supporters claim that safety problems caused by the food imported from the mainland can be prevented and the Hong Kong government does not need to purchase fresh water from Guangdong at a comparatively high price.¹²⁷ As mentioned previously, the central government promotes economic integration through the GBA framework, but this is definitely opposed by the localists who consider that the mainland-based corporations are just taking advantage of Hong Kong's status as an international financial

¹²⁷ Interview participant #1.

centre. If the mainland economy slides into a deep recession one day, Hong Kong will be victimized by the highly interconnected activities. As such, the economy's industrial structure in Hong Kong should operate without much influence from the mainland. Moreover, while witnessing the influx of mainland visitors through the Individual Visit Scheme and the shortage of daily commodities due to parallel trading, the localists were successful in arousing many locals to support their proposals of separating from the mainland. People's grievance is also transferred to the government, which did not impose measures to improve circumstances, leading to more mistrust towards the Hong Kong government and the mainland authorities.

For the political perspective, the development of localism has changed the past political sphere in Hong Kong. In the 2015 District Council Elections, various post-umbrella organizations stood in the elections and claimed themselves as the localists who could safeguard the interests of the Hong Kong locals. Those candidates encroached on the political sphere of the traditional pro-democracy parties and criticized that the pro-democracy camp had not achieved much for democratization since the handover.¹²⁸ One of the main differences in political stances between the localists and the pro-democracy camp are the attitudes towards the mainland. While the former attempts to totally separate from the motherland, the latter has strived for ending the one-party dictatorship and a democratized China for long. For example, the localists called for the boycott of the June Fourth Candlelight Vigil, which was organised by the pro-democracy figures, since the student movements on the mainland should not be the events Hong Kong locals should be concerned about. Later, the localist ideas were developed into promoting independence from the PRC and the establishment of a new polity in Hong Kong. In the 2016 Legislative Council by-election, a new localist organization, Hong Kong Indigenous (HKI), stood in the election and encouraged people to employ the strategy of

¹²⁸ Interview participant #6.

“ending authoritarian system by violent means” (yiwuzhibao). The HKI triggered off the Mong Kok riot on the first day of the lunar new year and later obtained over 60,000 votes (around 15%) in the election. The influence of the new localist groups alerted the Chinese authorities and the pro-democracy camp.

Beijing’s Baseline of the Radical Ideologies

On the 20th anniversary day of handover, PRC President Xi Jinping visited Hong Kong to swear in the Chief Executive Carrie Lam at the inauguration of a new administration term. During the visit, Xi emphasized that Hong Kong must not cross the red line of national sovereignty and provided three examples of forbidden circumstances – (1) to endanger national sovereignty and security, (2) to challenge the power of the Central People’s Government, and (3) to utilize Hong Kong as a base to subvert the country (Lau, 2017). A pro-democracy legislator made a comment on this:

“Since there were not many people having a pro-independence ideology, I cannot see any reason why the Chinese authorities emphasized the importance of national security from time to time. The creators of Hong Kong’s independence were actually the Chinese authorities and the Hong Kong government themselves. Through this, they could set a new agenda of suppressing the pro-independence forces in order to tighten the control over the pro-democracy camp. The room for the Hong Kong people’s freedom might be diminished in this way.”¹²⁹

However, a pro-Beijing legislator pointed out:

¹²⁹ Interview participant #3.

“The original rights and freedoms are guaranteed by the Basic Law and have remained unchanged for many years. The red line mentioned by the national leader has existed since the first day of the SAR. Under the principle of ‘one county, two systems’, ‘one country’ comes first. Any radical ideology proposing the separation from the mainland would endanger the national security. As such, the Chinese authorities inevitably respond to such radical ideology in order to guarantee the long-term development of the ‘one county, two systems’. As long as the people respect and comply with the Basic Law, most things, including the implementation of universal suffrage, could be negotiable.”¹³⁰

With the rise of localism, the Chinese authorities tightened the policy towards Hong Kong and targeted to clamp down on the pro-independence movement. The pro-democracy camp initially seemed to be unconcerned about the suppression of localist forces, but the democrats later shared more sympathy with the localist figures and have coordination with them.

NEW STRATEGIES TOWARDS LOCALISTS: THE WATERSHED OF 2016

The year of 2016 marked a watershed of the political development, when the Chinese authorities tightened the control of Hong Kong affairs. While the Central Government implemented measures to suppress the ideologies of independence, the SAR government restrained the pro-democracy camp’s political spheres.

(1) Disqualifications of Electoral Nominees

In the 2016 Legislative Council Election, the Electoral Affairs Commission requested to all nominees to sign a confirmation form to declare that they would uphold the Basic Law and

¹³⁰ Interview participant #15.

pledge allegiance to the Hong Kong SAR as well as the PRC. It was the first time to empower the returning officers to decide whether the nominees could become formal candidates through the review of the confirmation form. When the nomination period for the election commenced on 16 July 2016, the pro-democracy figures expressed their concerns over the form and requested the administration to clarify the motive of introducing such an administrative measure. A few day later, the Electoral Affairs Commission explained that those who did not sign the form “would not necessarily be invalidated” (Cheung, 2016). A pro-democracy legislator criticized the government’s practice and the pro-democracy responds to the new policy:

“Some of the pro-democracy legislators had a meeting with the government officials responsible for the electoral affairs around that period. Although I did not know what information was informed to those legislators, I believed that they were told that the new measure was directed against the radicals who proposed the Hong Kong’s independence. Since the pro-democracy members might think that they would be benefited from the disqualification of the radicals and there would be fewer competitions under the proportional representation in the upcoming election, some parties did not oppose the confirmation form as vehemently as before. Maybe due to the internal conflicts with the radicals, the pro-democracy camp allowed the government to open the Pandora’s box of similar cases.”¹³¹

Under such circumstances, most pro-democracy nominees rejected to sign the confirmation form, but they were still confirmed to be the formal candidates before the end of the nomination period. As explained by the Electoral Affairs Commission, the form was just an administrative

¹³¹ Interview participant #7.

measure for the purpose of assisting the returning officers to judge whether the nominees upheld the Basic Law or reached the criteria required by the Legislative Council Ordinance (Cap. 542). If the returning officers had queries as to whether a specific nominee complied with the legal requirements, the officers would request the nominee to provide further information or explanation of their political statements (Information Services Department, 2016C). Some nominees were confirmed as the formal candidates after the officers accepted their response. For example, the nominees, Wong Yeung-tat and Alvin Cheng, from the Civic Passion were requested through the emails sent by the returning officers to explain their viewpoints towards the Basic Law. The two nominees then replied that they would not push Hong Kong to establish its own nation-state, and their responses to the emails were accepted by the officers (Sing Tao Daily, 2016). However, there were various nominees rejected to be formal candidates by the government, even though some of them had signed the confirmation forms. Leung Tin-kei (HKI) was one of the typical examples. Leung had signed the confirmation form and had claimed that he would not maintain his pro-independence stances in the future. Having said that, the returning officer still made the decision that his nomination was invalid with reference to Leung's messages on social media and public speeches in the past (Li, 2016B). As such, the nomination procedures of any public elections in Hong Kong became a new way for the Chinese authorities as well as the Hong Kong government to suppress the voices of independence (See Appendix Table 6.1).

Different returning officers seemed to have their own assessment criteria to make judgements, and each case were considered on its merits (Chung, 2018). Both Law Kwun-chung and Chow Ting were members of the Demosisto, but the former could stand in the 2016 general election while the latter could not in the 2018 by-election. Lau Siu-lai also had a similar circumstance, in which she was banned in the by-election despite her political stance not having much change. Most of the disqualified nominees lodged applications for judicial review against the decisions,

but the court usually ruled in favor of the administration. In September 2019, Chow Ting won in the election petition, as the judge ruled that the returning officer did not give enough opportunities for Chow to explain her political stance (Cheung, 2019A). However, the court’s decision also confirmed the legality of the disqualification and the power given to the returning officers. Under such circumstances, since some of the pro-democracy members did not know whether they would be disqualified due to any reasons, some would arrange backup candidates, known as “Plan B”, to prepare elections (Lum, 2019). In some sense, the people who have been disqualified in any elections lose their rights to join elections or be elected. To the radical groups, the only way to arouse people’s attention is not through the current political system anymore but by violent protests on the street. This paved the ways for the later mass demonstrations and disturbances in the city.

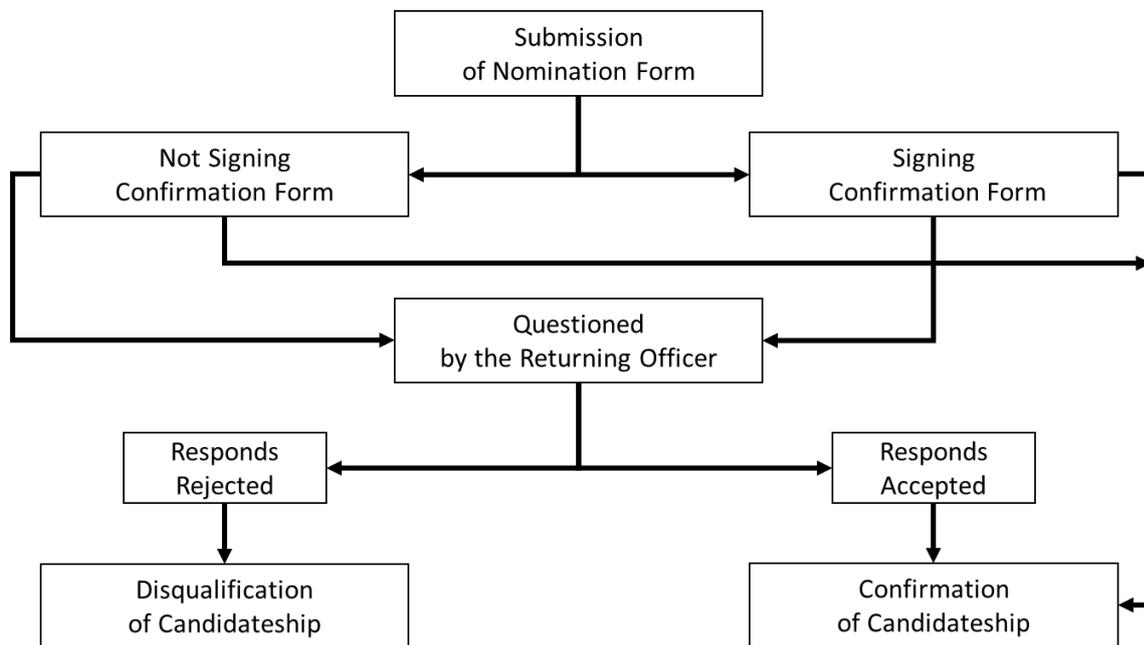


Figure 6.4: Nomination Procedure of Elections after 2016

(2) Disqualifications of Elected Legislators

Soon after the 2016 Legislative Council Election, another controversy was aroused in the oath-

taking ceremony. In the previous terms, some radical legislators used the ceremonies as an arena to express their political viewpoints. For example, Leung Kwok-hung in 2012 screamed his slogans, including “long live the people”, “long live democracy”, “ending one-party dictatorship”, etc., after reading out the formal oath. Leung and other legislators who had similar behaviors did not have any consequences and were successful in assuming their offices, leading to more aggressive gestures in the following ceremonies. After that two localist legislators (Youngspiration) deliberately insulted the name of the PRC, the Hong Kong government in the collaboration with the Chinese authorities had responded swiftly to disqualify the above two and another four legislators who could not satisfy the requirements of taking the oath. With the legal procedures, the administration took out the most radical legislators from the Legislative Council and suppressed the development of the localist forces in Hong Kong.

In September 2016, around one month before the oath-taking ceremony in the Legislative Council of Hong Kong, the State Council in the mainland held a ceremony for the new central government’s employees, in which 55 appointed officials pledged to uphold the state constitution in front of a constitution copy and the whole procedure was overseen by the Premier Li Keqiang. It was the first time for the central government to uphold the ceremony, and the local government had already adopted the related procedures around 2015 for the purpose of raising the awareness of the constitution and enhancing the principle of “rule by law” (Hu, 2016). As such, whether the newly elected localist legislators pledged their allegiance to the Basic Law as well as the PRC (required by article 104 of the Basic Law) had caught the attention of the pro-Beijing camp and the Chinese authorities. However, the two Youngspiration legislators elected, who called for the self-determination of Hong Kong’s future, still decided to bypass article 104 to express their stances by changing the wording of the oath. They saw the disturbance of the parliamentary procedures as a part of filibuster to challenge

the authority of the council. Before the oath-taking ceremony, most legislators, including those from the pro-Beijing camp,¹³² considered that there would not be any consequences over the misbehavior, and thus, more legislators deliberately took the oath without proper manners compared to that of the previous terms.

On the day of the oath-taking ceremony, the chief clerk of the council, Kenneth Chen, oversaw the elected legislators to take their oaths, and he was the person responsible for judging whether the swearers fulfill all legal requirements before the president elected. Chen rejected to accept that three legislators, including Yau Wai-ching (Youngspiration), Leung Chung-hang (Youngspiration) and Yiu Chung-yim, had completed their oaths (See Appendix Table 6.2). Later, the newly elected president also judged Lau Siu-lai's oath to be invalid due to her articulation manner. Yiu and Lau were successful in retaking their oaths in front of the president in the following meetings. As for the two Youngspiration members, the administration had filed a judicial review against the council president's decision to hear their second oaths, and the two were not allowed to access to the council chamber to finish the procedures.

During the intertwining time, the Chinese authorities got involved in the oath-taking incident. The NPC Standing Committee actively made a decision on the interpretation of article 104 of the Basic Law, which stipulated that "an oath taker must take the oath sincerely and solemnly, and must accurately, completely and solemnly read out the oath prescribed by law" (China Daily, 2016). This was the fifth time for the NPC Standing Committee to interpret the Basic Law, and in the previous times, three of the interpretation cases were initiated by the government or court system of Hong Kong. From the perspective of the pro-democracy side, the 2016 interpretation was obviously dominated by a political consideration, triggering off a

¹³² Interview participant #12.

violent protest outside the LOCPG headquarters in Hong Kong. A few day later, the High Court ruled in favor of the Hong Kong government in the judicial review and affirmed that the decision made by the NPC was legally binding in Hong Kong's court system. As such, the two Youngspiration members were disqualified as members of the Legislative Council (Liu, 2016). The Hong Kong government further lodged the application for judicial review against the legitimacy of other four legislators including Yiu Chung-yim, Lau Siu-lai, Law Kwun-chung (Demosisto) and Leung Kwok-hung. All of them were also disqualified by the court in 2017 July.

One of the pro-democracy legislators commented that:

“The NPC did not need to interpret the Basic Law to deal with the oath-taking saga. The court system contained enough powers to judge whether the elected legislators took their oath sincerely and solemnly, since the Oaths and Declarations Ordinance (Cap. 11) had been effective for long. The interpretation was making a new ordinance for Hong Kong in reality, and the central government can do whatever through the interpretation of the Basic Law in future. The Chinese authorities cracked a nut with a sledgehammer, but such practice was also damaging the ‘one country, two systems’. Beijing did want to define political correctness in Hong Kong and take out all politicians who called for Hong Kong’s independence.”¹³³

Another pro-democracy legislator further pointed out:

“I cannot see any significant differences of the misbehaviors between the ones in 2016

¹³³ Interview participant #3.

and the previous terms. Leung Kwok-hung did similar things in every oath-taking ceremony, and he could retake his oath again and again. The disqualification in this term was specifically used to suppress the development of the localist forces. The two Youngspiration members, Lau Siu-lai and Law Kwun-chung, had ever called for self-determination or Hong Kong's independence. In addition, some DP members, such as Lam Cheuk-ting, also chanted slogans after reading out his oath. Lam's circumstance was similar to Yiu Chung-yim, but the former did not have any consequences and the latter was disqualified.”¹³⁴

A pro-Beijing legislator attempted to justify the disqualification by using a metaphor:

“There are many vehicles legally parked on a street, among which some are fined but some not. Those that are not fined are also illegal. The legislators who had wired manners in the previous terms should be punished or disqualified as well. The administration picked up the ones having the most serious circumstances to lodge the application for judicial reviews. This is to kill the chicken in order to warn the monkey. No matter whether the pro-democracy camp accepts it or not, at least I believe that no one will do similar things in the future oath-taking ceremony and no one dare insult their motherland.”¹³⁵

After a series of disqualifications, the localist forces were largely suppressed. No politicians or legislators dare call for Hong Kong's independence or openly claimed them as the localists. The localist supporters lost the nominal leaders in the council or the open political sphere, but at the same time, their activities might go underground and were more difficult to be noticed.¹³⁶

¹³⁴ Interview participant #13.

¹³⁵ Interview participant #1.

¹³⁶ Interview participant #12.

(3) Moving Amendments to the Parliamentary Procedures

After the disqualification of the six legislators, the pro-democracy camp lost veto power in the split voting system. In the 2016 Legislative Council Election, the pro-democracy camp obtained 19 out of 35 seats returned by the geographical constituencies. However, among those ousted legislators, there were five members from the geographical constituencies. Under such circumstances, the pro-democracy camp lost the simple majority in the geographical group and could not reject any member's motions proposed by the pro-Beijing camp. Before having by-elections to replace the disqualified legislators, the pro-Beijing camp took this opportunity to amend the Rules of Procedure to minimize the effect caused by filibuster. Since amending the parliamentary procedures needed to be moved by the member's motion, the pro-Beijing camp could not do anything in the past unless the motion was agreed by part of the pro-democracy members. As such, the pro-democracy camp criticized that the pro-Beijing legislators took advantages of their precarious position after losing five seats in the geographical group. However, the pro-Beijing camp explained that this was to fulfill their electoral platforms, which were proposed in the elections, to move the amendments for the purpose of restoring the efficiency of policy making in the council.

In December 2017, the principle motion of amending the Rules of Procedures was tabled in the general meeting. In order to gather the forces of opposition towards the amendment, the pro-democracy camp called for a rally outside the Legislative Council Complex. However, only around 100 protestors attended the rally and later were evicted by the police under the requests of the council secretariat (He, 2017). Some legislators even attempted to disturb the deliberation of the motion by charging the president's stage and ringing their own siren in the chamber, but the principle motion was still passed after two weeks of debate. One of the pro-democracy legislators explained the reasons for failing to stop the motion:

“Around December 2017, it was the period when the morale of the whole pro-democracy camp had been severely impaired due to a series of disqualifications. Some of us were occupied to prepare for the coming by-elections, and different parties needed to compete for the candidationship among themselves. Moreover, the amendments were too abstruse for the public to understand, and there were only few people who knew the importance of blocking the motion. The pro-Beijing camp also put much effort into promoting the disadvantages of the filibuster, leading to the pro-democracy legislators losing the moral high ground. Without a huge rally outside the Legislative Council Complex, it was just a matter of time to let the motion be approved.”¹³⁷

After amending the Rules of Procedure, it was more difficult for the pro-democracy legislators to launch the filibuster. For example, in mid-2018, the “Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-Location) Bill” was passed successfully with a comparatively short period of deliberation. The bill was to declare an area in the West Kowloon Station (high-speed railway) as a part of the mainland China’s jurisdiction in order to implement a co-location arrangement for immigration, customs and quarantine procedures in Hong Kong. The pro-democracy camp opposed the bill due to the fear of the mainland law enforcement officers abusing their powers in Hong Kong and undermining the principle of “one country, two systems”. However, the new version of the parliamentary procedures made the original filibuster tactics invalid, and thus, the pro-democracy legislators failed to delay or even block the bill passing. Although the amendments had improved the efficiency of the council for a certain period, the pro-democracy camp found new ways to launch the filibuster in 2019. The new method caused the council to become completely paralyzed and made the executive-

¹³⁷ Interview participant #4.

legislative relationship worse than before (this will be discussed in the later part of this chapter).

(4) Shirking the Scope of Localist Ideologies

As a matter of fact, when Carrie Lam assumed to her office as the Chief Executive in July 2017, she attempted to rebuild the relationship between the administration and the pro-democracy camp. At the 23rd anniversary banquet of the DP, Lam privately donated 30,000 HKD to the party. This was the first time that the incumbent Chief Executive donated money to a pro-democracy party, and Lam's assistant later claimed on social media that this was a gesture of "reconciliation" (Lam, 2018). Another example of Lam showing her goodwill to the pro-democracy camp was to accept the CP suggestion on a housing policy. The party proposed to introduce a rate on vacant first-hand private residential properties in order to prevent developers from accumulating the stock of emptied flats and increase the supply of housing in the city. In mid-2018, Lam accepted the proposal of the related taxation and started to study its feasibility, but such a policy would affect the interests of the real estate sector, which was one of the essential components in the pro-Beijing camp. Through this move, Lam attempted to improve the relationship with the moderate democrats and divided them from the radical forces. As such, the Hong Kong government could prepare harsher strategies for undermining the localist ideologies without much opposition.

The prosecuting department did not adopt a lenient approach in handling the cases related to the 2016 Mong Kok Riot. The department chose the most serious accusation, the offence of rioting, to charge Leung Tin-kei (HKI), the first leader in the event. The offence was introduced by the colonial authorities in the latter stages of the 1967 Hong Kong Riot, and the colonial officials at that time admitted that it was borrowed from an ancient ordinance in the United Kingdom. The maximum penalty would be 10 years' imprisonment. After the legislation, the offence just appeared in the bloodiest events in relation to Vietnamese boat people at the

Whitehead Detention Centre (1989), Shek Kong Detention Centre (1992) and Hei Ling Chau Drug Addiction Treatment Centre (2000) (Lum, 2018). It was the first time that such an offence was used to prosecute local participants in a police-citizen clash. In May 2018, Leung Tin-kei was ruled guilty of rioting, instead of other less serious offenses (e.g. unlawful assembly), after the jury arrived at a verdict. Even though the Occupy Central campaign in 2014 lasted for over three months and caused a series of violent conflicts, no one in the campaign was charged with rioting. The pro-Beijing legislators considered that Leung's sentence had a deterrent effect on the violent conduct in the anti-government protests.¹³⁸

Later, the government moved a further action to ban a localist organization, the Hong Kong National Party (HKNP), in July 2018. According to the Societies Ordinance (Cap. 151), any organizations containing more 10 people are required to register. Since the ordinance is specifically enacted to suppress Triad groups (Chinese Mafia), the government usually appointed a police officer as the societies officer responsible for the related registration. The HKNP was established in 2016 and openly claimed that the goals of the party included to establish "the Republic of Hong Kong", which would be separated from the PRC. The society officer then made a recommendation for the Security Bureau to ban the party. The Secretary for Security explained that the officer took "the interests of national security, public security, public safety, prevention and protection of the rights and freedom of the others" into consideration (Hong Kong Government, 2018B). The party leader appealed the case to the Executive Council (chaired by the Chief Executive) but failed to overrule the original order made by the police force. The HKNP was declared to be an illegal society and was finally dissolved in September. This was the first time for the government to invoke the Societies Ordinance to ban a politically related organization after the handover.

¹³⁸ Interview participant #8.

A few months later, a British journalist, Victor Mallet, who was an editor working for the *Financial Times* and the vice-president of the Foreign Correspondents' Club (FCC), was denied a working visa by the Immigration Department of Hong Kong. Although the government did not give any explanations on the denial, the public generally linked this to the fact that the FCC had invited the HKNP convenor, Chan Ho-tin, to deliver a guest speech to promote pro-independence ideology in a club event. Mallet later attempted to re-enter Hong Kong as a visitor but still failed to do so. The decision made by the Hong Kong government aroused concerns over freedoms of the press and speech in the city. While the State Department of the United States expressed that the event “mirrored problems faced by international journalists on the mainland and appears inconsistent with the principles enshrined in the Basic Law” (Lum et al., 2018), the PRC Foreign Ministry Spokesperson responded that “this was quite normal” for the SAR to deny entry to visitors in accordance with the law (Ministry of Foreign Affairs PRC, 2018). This event might be one of the measures in which the Hong Kong government and the Chinese authorities employed the containment of pro-independence or localist ideologies developing in the city. For individuals, the authorities attempted to charge the localist leaders as serious offenders; for organizations, the localist-related parties were declared to be illegal; and for the international community, the Hong Kong government might show its upper hand through the Mallet's denial in order to warn others against touching the red line set by the Chinese authorities.

(5) Taking the Pro-Democracy Seats through By-Elections

Due to the disqualification of the six legislators in 2016 and 2017, two by-elections were held in March and November 2018 to replace the original seats. For the geographical constituencies, if more than one seat is needed to be re-elected within one electorate, the electoral method would be proportional representation, in which it would not be possible for the pro-democracy

camp to obtain all seats. Among the six ousted legislators, Yau Wai-ching and Lau Siu-lai were from the Kowloon West constituency, Leung Chung-hang and Leung Kwok-hung from the New Territories East constituency, Law Kwun-chung from the Hong Kong Island constituency and Yiu Chung-yim from a functional constituency. In order not to have proportional representation employed in the by-elections, Lau and Leung Kwok-hung deliberately deferred judicial reviews against the disqualifications, leading to their original seats not being re-elected in March. In the first by-election, three seats were re-elected in the New Territories East, Hong Kong Island and Kowloon West constituencies with the system of “single-seat, single-vote”. The pro-democracy camp won back two seats in the first two constituencies but lost one to the DAB in Kowloon West. In November, the second by-election was held to replace Lau’s seats in the Kowloon West constituency (she had already withdrawn the judicial review for her case), but a pro-Beijing independent candidate won the election. Before these two by-elections, no pro-Beijing candidates could take any seats of the Legislative Council under the system of “single-seat, single-vote”, and this was one of the reasons why the Chinese authorities decided to employ proportional representation in the geographical constituencies after the handover. The two pro-Beijing candidates winning the by-elections produced record performances in the history of the Legislative Council elections.

One of the pro-democracy legislators commented:

“The pro-Beijing camp put much effort into preparing for the elections. Many new satellite organizations were established to mobilise people on the polling days. A large number of gifts, such as foodstuffs, commodities and even electrical appliances, were given to the residents in the constituency for the purpose of attracting them to become members of those pro-Beijing organizations. The quality and quantity of the goods were higher than ever, reflecting the pro-Beijing determination of winning these two by-elections.

On the contrary, the pro-democracy camp still suffered from our internal fragmentation. For example, in the November election, the Labour Party represented the whole camp to stand and coordinate in the campaign. I did not understand why the Labour Party did not invite all pro-democracy parties in one of the electoral rallies. This was the system of 'single-seat, single-vote', instead of proportional representation, and all political blocs inside the camp should secure our union."¹³⁹

Another pro-democracy legislator further pointed out:

"The two seats in Kowloon West belonged to Yau and Lau, whose supporters were from the localist sphere. Not only were there no localist candidates standing in the two elections, but the localist figures also did not openly arouse their supporters to support the traditional candidates. Worse still, the primaries held by the camp exposed their fragmentation, which intensified the hatred towards the traditional democrats. The elections were finally lost maybe due to the lack of localist support."¹⁴⁰

At least after the two by-elections, the pro-democracy camp realized the ability of the pro-Beijing electoral engineering and the importance of the localist sphere. The localist supporters shared a large proportion of pro-democracy camp, which could not be overlooked by the traditional democrats. In the past, the pro-democracy camp was separated from those localists in order not to get into any troubles related to the independence issues, but the camp tended to be more open-minded to cooperate with them after the elections. This paved the way for the solidarity established between the traditional democrats and localists in the following large-scale protests.

¹³⁹ Interview participant #7.

¹⁴⁰ Interview participant #10.

ULTIMATE EXPLOSION: 2019 ANTI-EXTRADITION PROTESTS

The Chinese authorities miscalculated people's reaction towards the resentment towards the upper hand and continued to exert more influence over the local issues. This later developed into the 2019 Anti-Extradition Protests, which were the largest riots in the history of Hong Kong. One of the reasons for the political turmoil was also the fragmented politics. The voices of the pro-Beijing camp could not be effectively absorbed by the Chief Executive and the Chinese authorities in a timely manner.

Sparking Point – Extradition Bill

The event could be traced back to 2018 February when a Hong Kong resident, Chan Tong-kai, murdered his girlfriend in the jurisdiction of Taiwan and fled back to Hong Kong. Since there was no extradition arrangement between Hong Kong and Taiwan, the suspect could not be extradited without his active surrender to Taiwan's judiciary system while the Hong Kong Police did not have right to prosecute him. As such, the Hong Kong government moved amendments to the "Fugitive Offenders Ordinance (Cap. 503)" and the "Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)" in order to apply the ordinance to all parts of the PRC (including Taiwan and Macau). The bill was known as the "Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 (extradition bill)". Hong Kong at that time had reached extradition agreements with 20 countries, which could request Hong Kong to extradite fugitives on established procedures. For the countries/regions having no agreements, the case would be reviewed by the Legislative Council after receiving a transfer request from other jurisdictions. The Hong Kong government claimed that the procedures through the Legislative Council would alert the fugitives and allow them to have enough time to leave Hong Kong. Under the proposed bill, the Hong Kong

government could be allowed to transfer a fugitive with the approvals of the High Court and the Chief Executive (Cheung et al., 2019A). The former Secretary for Justice Elsie Leung noted that the amendments were to close a loophole in the legal system of Hong Kong. During the transitional period and the early stage of the SAR, the people had not yet had enough confidence in the “one country, two systems”, and this was the reason why there had been no formal extradition arrangement with the mainland and other parts of China. Leung considered that after 20 years from the handover, the worries towards the Hong Kong’s post-handover system had been minimized and it was time to have new legislation to deal with the extradition (Ng, 2019).

Another concerning point of the extradition bill was which authority initiated the transfer request for the Chan Tong-kai case. The Chief Executive maintained that only the requests from the countries’ top courts or prosecutors would be accepted by the Hong Kong government to initiate the extradition procedures (Sum et al., 2019). For the Chan case, since the Hong Kong SAR did not recognize Taiwan region as an independent country, the request should be made by the Supreme People’s Court or the Supreme People’s Procuratorate from the PRC, but not the Ministry of Justice from the Republic of China. With the past experience, there was an informal transfer system between the mainland and Taiwan. Due to the “one China policy”, most countries would transfer the overseas suspects to the mainland and then their fates would be decided by Beijing’s authorities. While some suspects could be extradited to Taiwan, some were on trial and imprisoned on the mainland. For example, in 2016, the Kenyan government transferred eight Taiwanese fraud suspects to the mainland and all of them were later prosecuted on the mainland despite requests from the Taiwan jurisdiction (Turton, 2016). This practice showed that the PRC had the overall sovereignty over the Taiwan region and warned that the Tsai Ing-wen administration (pro-independence party) should not challenge Beijing’s authority. If the extradition bill in Hong Kong was passed, Chan might be extradited to the

mainland for trial or transferred to Taiwan. The Tsai administration had openly announced that Taiwan would not accept any fugitives from Hong Kong through the new arrangements of the bill. If the mainland's law enforcement officers took Chan to Taiwan, whether the Tsai administration arrested him or not would become a politically loaded decision. However, Taiwan reacted would embarrass the Tsai administration and force Taiwan to recognize the "one China policy" of this event.

With the issue related to the mainland, Taiwan and Hong Kong, the then HKMAO leader, Zhang Xiaoming, reiterated that the amendments were necessary to safeguard the rule of law in Hong Kong. However, the pro-democracy camp opposed the extradition bill due to the mistrust towards the mainland's judiciary system. They considered that the new ordinance might be used by the Chinese authorities to transfer political dissents back to the mainland. As for the pro-Beijing camp, most parties were cautious about the bill from the very beginning. On one hand, the District Council elections would be held at the end of the year and any controversial policies in the election year would not be welcomed by the pro-Beijing camp. On another hand, the pro-Beijing business sectors were also worried about the bill covering economic crimes, which caused them to be potential extradition targets in future. In order to relieve the pressure from the business sectors, the Hong Kong government later crossed out several categories of economic crimes in the bill (Cheung et al., 2019B). In addition to the encouragement from the Chinese authorities, the pro-Beijing camp finally untied their diverse stances to support the Hong Kong government to move the bill.

In April 2019, the extradition bill completed its first reading in the Legislative Council and moved to the committee stage. As mentioned before, the newly amended Rules of Procedures undermined the legislators to launch filibuster. Once the bill committee finished the review, the pro-democracy legislators would have no ways to block the bill in the general meeting. From

their perspective, the bill must be stopped before it was too late. With the established rule, the most senior member presided over the meeting to handle the procedure of electing chairperson. That member was James To (DP), who employed a delaying tactic in the procedure. James To allowed the various pro-democracy members to stand in the chairperson election and handle a large amount of procedural matters proposed by them. Since the bill committee was a subcommittee working under the House Committee, the upper committee then assigned a pro-Beijing member to preside over the meeting. To claimed that the practice was not legal and convened the bill committee as the presiding member by bypassing the council secretariat. Without the participation of the pro-Beijing members, the pro-democracy camp occupied a room in the Legislative Council Complex to hold the meeting and elect a chairperson. From the pro-Beijing side, another meeting was also convened with the assistance of the council secretariat, but the pro-democracy members employed all means to disturb the procedures. A serious clash resulted between the two camps' members in the council (Cheung et al., 2019C).

Without any possible solutions for resolving the deadlock, the government decided to bypass the bill committee and push the Legislative Council to resume the second reading as soon as possible. The Chief Executive reiterated that the fugitive issue was an urgent matter, since Chan would be released after several months from the jail for the charges of money laundering. Without the new ordinances, the suspect would have the right to leave Hong Kong and the law enforcement agencies would lose the chance to extradite them (Sum & Lum, 2019). In this way, the bill would be tabled for a second reading in mid-June with the support of the pro-Beijing camp. Before the day of the reading, over one million and over two million people attended two demonstrations on 9 June and 12 June, respectively, largely breaking the record set in the demonstration against the Basic Law's article 23 in 2003.

Development – Riots and Serious Police-Citizen Conflicts

Even though the mass demonstrations took place in the city, the Chief Executive insisted to push the extradition bill to the second reading. On 13 June 2019, which was the day scheduled for resuming the bill in the council, the pro-Beijing legislators could not access the Legislative Council Complex due to the mass rallying around the area. The situation deteriorated drastically when the protestors attempted to storm the government headquarters and the council in the afternoon. On the first day of the outbreak of riots, the police had already fired a larger number of tear gas rounds than the 2014 Umbrella Revolution. It was also the first time to use rubber bullets to suppress mass protests after the handover. As the serious police-citizen conflict continued over the following days, the Chief Executive announced the suspension of the bill, but she did not decide to withdraw it (Cheung, 2019B). However, the riots did not die down and the Chief Executive later made an apology for causing sadness in order to heal the grievances. With the general support from the masses, the pro-democracy camp did not condemn the violent practices done by the protestors. In the past, the traditional democrats tried to separate from the radical groups in order to maintain their images. Later, the Civil Human Rights Front (CHRF), a confederation of most pro-democracy parties, proposed the slogan “five demands, not one less”, in which the five demands were (1) to withdraw the extradition bill, (2) not to determine the nature of protests as riots, (3) to exempt all protestors from punishment or prosecution, (4) to establish an independent committee to investigate police operations, and (5) to implement universal suffrage for the Chief Executive and the Legislative Council (BBC, 2019). Only the first demand was achieved, when the Chief Executive formally announced to withdraw the bill after 12 weeks from starting the riots.

The chaotic situation in the city continued to the end of year, and sporadic conflicts were sparked from time to time after 2019. From June 2019 to March 2020, there were around 240 protests or rallies attended by over 10 million people. Over 7,000 people were arrested and around 2,000 injured (Leung et al., 2020). During the crisis, several important events should

be highlighted to show that these protests were the largest scale in the history of Hong Kong. On 1 July 2019, which was the day of 22nd handover anniversary, a group of radical protestors stormed into the Legislative Council Complex with extreme violence in order to occupy the chamber to stop the bill. The protestors damaged facilities, spraying propaganda statements and even vandalizing the Hong Kong emblem in the middle of the chamber. Before the police reinforcement surrounded the building, all protestors retreated to the street in an orderly and rapid way (South China Morning Post, 2019A). In early September, a new strategy of obstructing the international airport was employed to arouse international attention. However, such a practice just caused serious police-citizen conflicts and inconvenience to the international passengers in the airport terminals. In November, the conflict venues moved to the campuses of two universities after the police suspected that the places were used as weapon factories to produce petrol bombs or other deadly devices (South China Morning Post, 2019B). The police tried to dispel the masses at the Chinese University of Hong Kong and the Hong Kong Polytechnic University. During the operations, over 1,000 protestors were arrested and a large number of international students and staff retreated from the institutions. Last but not least, the radical protests damaged and set on fire retail shops with a pro-Beijing background, such as Starbucks+HK, Maxim's MX, etc.

To suppress the riots in the city, the police not only used the traditional weapons including batons, pepper spray, tear gas and rubber bullets, but also introduced specialized crowd management vehicles (SCMV), known as "water cannon vehicles". The SCMVs were equipped with colored pepper-based solution, which could cause protestors to feel temporarily uncomfortable and be more easily spotted by the police. The police departments also allowed their officers not to display their identification numbers on uniforms for the purpose of protecting the privacy of the police (Hong Kong Government, 2019B). There were not few cases that the protestors posed threats to the officers and their family members through

collecting information from the internet. In October, the Hong Kong government invoked the “Emergency Regulations Ordinance (Cap. 241)” to implement the “Prohibition on Face Covering Regulation (anti-mask law)”, which forbade protestors from covering their face at all protests without reasonable explanation (Cheung et al., 2019D). However, the anti-mask law was not effective in being enforced by the police and most protestors still wore masks to cover their identities. This reflected that the authority of the government hit the bottom among the radical protestors.

The 2019 Anti-Extradition Protests alerted the Chinese authorities and the CCP top officials inside Zhongnanhai Beijing. The South China Morning Post, which is owned by the Chinese company Alibaba Group, had a source that said the Chief Executive sought the approval from Xi Jinping before withdrawing the extradition bill (Cheung, 2019C). This showed that the CCP top structure was highly concerned about Hong Kong’s circumstances. What made the Chinese authorities most worried was the rise of pro-independence demands or sentiments during the violent riots. The slogan “Liberate Hong Kong, the revolution of our times” chanted by the protestors caught attention of the central government. In the newspaper in August, the spokesperson of the HKMAO casted a doubt on what the protestors demanded to liberate and condemned that the stance was undermining the principle of “one country, two systems” (Ta Kung Pao, 2019). In October, various groups of the pro-independence protestors claimed the song “Glory to Hong Kong” as the national anthem of Hong Kong and proclaimed the “Declaration of Hong Kong Temporary Government” (Jian, 2019). During the period, China and the United States were having negotiations on the trade war and the Hong Kong problem inevitably became one of the American bargaining chips against the Chinese side. With the lobbying activities from the Hong Kong’s pro-democracy figures, US Congress passed the “Hong Kong Human Rights and Democracy Act of 2019”, which granted the US President to have the right to impose sanctions against any officials in Hong Kong and mainland China

when the human rights in Hong Kong were found to be infringed upon.

Under such an anti-government atmosphere in Hong Kong, the pro-Beijing camp largely lost the 2019 District Council Election. There were 17 out of 18 District Councils being controlled by the pro-democracy camp. The tensions between the government and the protestors were gradually alleviated after the election and the outbreak of Covid-19 in 2020, but the administration had already lost the supports from the pro-democracy camp and even a part of the pro-Beijing figures.

Changing Relationships with Various Stakeholders

When the government started to restrict the development of the localists in 2016, a differentiation strategy was employed to divide the traditional democrats from the localists. While the pro-independence nominees were not allowed to stand in the elections, the democrats who did not sign the confirmation forms could become the candidates. From the perspectives of the pro-democracy parties, this practice could facilitate the minimization of wasteful competition and obtain more seats under proportional representation. The Chief Executive Carrie Lam also had a show of goodwill to the democrats soon after assuming her office. However, the pro-Beijing camp later moved the amendments to the Rule of Procedures and took more seats from the by-elections, making the pro-democracy camp understand the importance of solidarity. Since the 2019 Anti-Extradition Protests, the democrats openly announced not to separate from the radical protestors and provided all necessary assistance to them. The Chinese authorities did not distinguish the moderate groups from the radical ones and defined all types of protestors as “pro-independence members” in the mainland news media. This might strengthen the moderate democrats’ intentions for seeking attention from other foreign countries, leading to the “collusion with Western anti-China powers” from the view of the Chinese authorities.

As for the pro-Beijing camp, the riots and protests had undermined the relationship between the Hong Kong government and the pro-Beijing parties. While the government did not need to face the pressure from elections, the parties might not survive if they lost seats in the councils. In a private meeting with the Chief Executive, the pro-Beijing parties harshly criticized the ways of handling the controversial bill and the political crisis (Cheung & Cheung, 2019). A faction of pro-Beijing figures also requested Carrie Lam to step down from the position in order to allay public grievances. Especially for the business sectors, most of them did not support the extradition bill from the very beginning. During the peak period of the riots, the government ascribed “deep-rooted problems” to the shortage of housing and pointed the finger at property developers. The representative of the business sectors criticized that the government failed to garner public opinion. Among the five demands, nothing was related to housing problems, and what the people strove for were universal values, such as democracy and transparency (Cheng, 2019). Obviously, the government also lost support from the pro-Beijing parties in the council during the uncontrollable protests.

SUMMARY

This chapter analyzed the Chinese influence and the watershed of its policy towards Hong Kong in 2016. Since the handover, the LOCPG had strengthened the concerns over local affairs. After the 2014 Umbrella Revolution, localism arose to become an important political force and compete with the pro-democracy camp. The Hong Kong government and the Chinese authorities attempted to restrict the localist development by the disqualifications of candidates and legislators, administrative measures and other political actions. Through these, the Chinese authorities wished to define political correctness and reiterate the “red line” set by the central government. The analysis of these political events in Hong Kong supplements the studies of

electoral controls in the authoritarian states. As Schedler (2002) mentioned, one of authoritarian ways for influencing elections is to select candidates or define eligibilities. While Donno (2013) maintained that the competitive elections may lead to democratization, the pro-democracy or radical figures in Hong Kong could not accelerate the pace of political reforms through winning the election.

Furthermore, when the extradition bill was proposed, both the Hong Kong government and the Chinese authorities miscalculated the reactions from the locals. This made the Hong Kong government lose the support of a part of the pro-Beijing parties while the pro-democracy camp united with the radical groups. The Hong Kong government also miscalculated the ways to suppress the riots, which had lasted for over six months. Obviously, the cooptation system employed by the government failed to absorb the public grievance. This again shows the importance of cooptation for maintaining the stability in the authoritarian states.

Another noticeable point is that during the review of the extradition bill, the pro-democracy camp employed a new filibuster strategy to delay the bill passing. Again, the council resistance became the last resort for blocking the controversial policy proposed by the government. This definitely undermined the executive-legislative relationship in Hong Kong and explains how the high hand measures of Beijing and the Hong Kong government intensified the behaviors of council struggles.

CHAPTER 7

CONCLUDING REMARKS

CONCLUSION: THE FAILURE OF PAST SEMI-AUTHORITARIAN POLICIES

The research question of this study is to explore the reasons for the current executive-legislative gridlock in Hong Kong. The main observed phenomenon of the gridlock is the rise of filibuster causing the lower legislative ability in the Legislative Council. The conclusion of this research is that there are three main reasons for causing the current executive-legislative relationship - (1) the Basic Law's institutional settings, (2) the Chinese path-dependent attitudes towards the pro-democracy and pro-Beijing parties, and (3) the strategies on suppressing the localist ideologies worsened the seriousness of council struggles in Hong Kong. This research also argues that the Beijing's past semi-authoritarian policies led to the present circumstances. If the system was democratic enough, the legitimacy problem of the government would not affect its governability; on the contrary, if the system was authoritarian enough, there would be fewer rooms for the radicals to disrupt the process of policymaking.

During the colonial period, even though the institutional settings was not democratic, the government enjoyed the authoritarian advantages without facing much opposition. After the handover, the Chinese authorities kept influencing the electoral outcomes through the electoral colleges of the EC and the functional constituencies. The efficiency of the Hong Kong government could be maintained in the early post-handover period. However, when the social environment changed and the people had more concerns on the political development, the Basic Law-designed institutions may not be trusted by the people and gradually lose the authoritarian advantages. Having said that, the Chinese authorities and the Hong Kong government only

pushed the democratisation with a slow pace, leading to the continuous accumulation of social grievance.

As other authoritarian states, the legitimacy is heavily relied on the performance of public governance. With the rise of filibuster, the performance of the government was greatly undermined by the radicals and some moderate democrats. In addition to the failures of the cooptation, which is an important means to maintain stability for the authoritarian states, the moderate democrats turned to employ more radical ways to oppose the government. However, if the Chinese authorities or the Hong Kong government stopped the filibuster on time with more active approaches, the deteriorating governance might be prevented. This research explores the Hong Kong's political settings as a fail case of semi-authoritarian system.

Furthermore, since the design of the Basic Law emphasizes the executive-led value, the complexities of the post-handover executive-legislative relationship were not taken into consideration by the Chinese authorities. While the proportional representation causes the fragmented politics, forming coalitions in the presidential system is more difficult than in the parliamentary system. Under such institutional settings, the government shared only limited power with both the pro-Beijing and pro-democracy camps. The case of Hong Kong supplements the content of the executive-legislative studies in the academic sphere.

WHY THE GRIDLOCK CANNOT BE RESOLVED BY PRO-DEMOCRACY MEANS

The legitimacy problem has plagued the Hong Kong government since the 1997 handover and has become an important source of a worsening executive-legislative relationship. In the first decade of the SAR, there might have been an opportunity window of implementing universal suffrage for the Chief Executive and the Legislative Council. The relationship between the

central government and the moderate democrats was kept harmonious, reflecting the compromise made in the 2010 Political Reform. However, the Chinese authorities employed the strategy of procrastination on the issue of democratization. The NPC even made a decision in 2007 that the Hong Kong SAR would implement universal suffrage for the Chief Executive no earlier than 2017 and only after the Chief Executive was selected by universal suffrage, and the Legislative Council would be universally elected.

The fourth term of the council (2018-2022) marked the rise of radical groups whose members employed the strategies of filibuster to embarrass the administration. The pro-Beijing legislators still guaranteed most governmental policies to be passed in the council while attempting to stop the activities of filibuster. After the 2014 Umbrella Revolution, the localist representatives stood in the elections and obtained several legislative seats. Before launching their perceived uncooperative struggles, most localist legislators were disqualified by the Hong Kong government due to various reasons. The pro-Beijing camp also took the political vacuum as an opportunity to amend the rule book of the council, only leading to more radical struggles employed by the opposition and an inevitable vicious cycle emerged.

During the 2019 Anti-Extradition Protests, the pro-democracy camp used a new strategy to fully paralyze the House Committee. As the committee was responsible for the essential process of scrutinizing most legislative bills, the council and the administration were nearly brought to a standstill. The council struggles were raised to a level that had never seen in the history of the Legislative Council. To respond to such opposition, the Chinese authorities issued statements to condemn the pro-democracy practices and threaten to disqualify the legislators involved. The room for making compromise among the moderate democrats, the pro-Beijing camp and the administration became nearly impossible. With the support aroused by the protests in 2019, the pro-democracy camp had called for obtaining over half of the seats in the

coming election to further paralyze the administration, but both the Chinese authorities and the Hong Kong government claimed that such practice might constitute behaviors of electoral manipulation and violate the related ordinance.

From another angle of view, even though the pro-democracy camp occupies the majority of seats in the legislature, the Chinese authorities still have different ways of minimizing the oppositional powers in Hong Kong. For example, the Basic Law states that the Hong Kong government should feature an “executive-led” system, implying that half of the seats in the council must be occupied by the pro-government members and the whole legislature may be required to be reelected. Under such circumstances, more oppositional struggles will be predicted in the council as well as on the street and will further exacerbate the vicious cycle. As such, unless the Chinese authorities fully control the local affairs, there should be no way for resolving the executive-legislative gridlock before the implementation of universal suffrage.

MINDSET OF CHINESE AUTHORITIES

The policy of “one country, two systems” was originally designed for resolving the problem of Taiwan and took Hong Kong as the example of showcasing a peaceful unification while maintaining its prosperity and stability. In Xi Jinping’s “2019 Message to Taiwanese Compatriots”, the CCP reiterated that Taiwan must be unified with mainland China under the “one country, two systems” formula. On the one hand, Hong Kong’s Anti-Extradition Protests in the same year alerted the Taiwanese that the central government might intervene in the internal affairs under the formula. Due to the fears towards the mainland and the CCP, Tsai Ing-Wen from the Democratic Progressive Party, which supported Taiwan’s independence, was reelected as the president on the island in 2020. On the other hand, the central government was alert to the fact that Hong Kong could become a subversive base against the CCP’s legitimacy

in the mainland. To the Chinese authorities, more intervening means needed to be employed in Hong Kong before it was too late, and thus, the national security law for Hong Kong was legislated directly through the NPC Standing Committee, instead of local procedures in the Legislative Council. In the past, Hong Kong might be an experimental site for the mainland to examine its perceived democratization with the Chinese characteristic. However, after the political crises in recent years, only more high hand policies from the central government will be predicted. Without much ground for reaching social consensus, universal suffrage for the Chief Executive and the Legislative Council will also be more difficult to be achieved.

As the former Prime Minister of Singapore, Lee Kuan Yew, stated in the 1990s, Hong Kong would only be an economic model to the mainland but not a political one; in 50 years after the handover, the Chinese authorities would not allow Hong Kong be different from its Guangdong province. What the central government proposes is accelerating Hong Kong's economic integration with the mainland through the Greater Bay Area, which is a metropolitan cluster including Hong Kong, Macau and nine cities in Guangdong. Once the Hong Kong locals enjoy the economic benefits brought by the development of the mainland, anti-China sentiment and the demand for Westernized democracy may be minimized in the city. Before achieving such economic integration, the council struggles will continue to exert pressure onto the administration, but most policies will still be guaranteed to be approved under the "executive-led" system designed by the Basic Law. Perhaps, more sincere policy consultations launched by the SAR government and the Chinese authorities may help to reduce unnecessary opposition and achieve better governance for Hong Kong.

APPENDIX I – INTERVIEW PARTICIPANT LIST

Participant #	Political Affiliation	Interview Date
1	Pro-Beijing	October 2018
2	Pro-Beijing	October 2018
3	Pro-democracy	September 2018
4	Pro-democracy	July 2018
5	Pro-democracy	August 2018
6	Pro-democracy	August 2018
7	Pro-democracy	August 2018
8	Pro-Beijing	September 2018
9	Pro-Beijing	August 2018
10	Pro-democracy	October 2018
11	Pro-democracy	August 2018
12	Pro-Beijing	September 2018
13	Pro-Beijing	July 2018
14	Pro-Beijing	October 2018
15	Pro-Beijing	November 2018
16	Pro-Beijing	October 2018
17	Pro-Beijing	November 2018
18	Pro-democracy	August 2018

Eighteen members of the sixth term of the Legislative Council of Hong Kong participated in

the semi-structural interviews from July to November 2018. All interviews occurred in the Legislative Council Complex (1 Legislative Council Road, Central, Hong Kong SAR) or the participants' local community offices. The participant codes are assigned randomly without any logic. As per the University of Auckland Human Participants Ethics Committee requirements for the approved ethics application, the names of the above participants have been kept anonymous.

APPENDIX II – SAMPLE QUESTIONS OF SEMI-STRUCTURAL INTERVIEWS

In the semi-structured interviews, the participants are given opportunities to expand their ideas and the below questions only serve as a guide for these conversations.

Politics in the Council

1. Do the governmental officials and the legislators value the importance of executive-legislative relationship less than before the 1997 handover?
2. Do the governmental officials have more incentive to engage in the lobbying activities with the legislators from the pro-Beijing camp than those from the pro-democracy camp?
3. Do you agree that there are rooms for cooperation between the pro-Beijing and pro-democracy camps?
4. Does the pro-Beijing camp have more incentive to support the governmental proposal in the policy making process?
5. Does the pro-democracy camp have more incentive to oppose the governmental proposal in the policy making process?
6. How you think that the relationship between the moderately democratic camp and the radical groups?
7. What are the causes of radical behaviors in the council?
8. Which side or sides should take the most responsibility for filibuster in the council?
9. Other than engaging in the filibuster, do you think there are other ways to block the governmental bills passing in the council?
10. In what circumstances will the governmental officials and the legislators from different

sides make compromises in the policy making process?

11. Do you think that amending the “House Rules” and the “Rules of Procedure” of the Legislative Council can improve the legislative-executive relationship?
12. What is your prediction towards the development of political situation in the council in the coming future?

Consequences of Radical Ideas

13. How do you predict the development of “one country, two systems”?
14. Do you think that there is a growing tendency for the Chinese influence over the Hong Kong’s internal affairs in recent years?
15. Do you think that the foreign influences have intervened the Hong Kong’s internal affairs?
16. Do you think that there are any baselines for the Chinese authorities to tolerate the radical ideas in Hong Kong?
17. What is your prediction towards the development of radical ideas in the coming future?
18. Do you think that the central government’s policy towards Hong Kong will have a fundamental change after the year of 2047?

APPENDIX III – LONG TABLES

Appendix Table 2.1: Examples of adjournment motions

Clauses of the Rules of Procedures	Description	Example
Article 16(2)	<p><i>The motion for the adjournment of the council shall be proposed without notice between two agenda items. The president has the right to determine whether the moving of motion is for the purpose of discussing urgent matters. If the motion can be moved, a debate on the issue will start. After the debate, the members will vote to decide whether the council adjourns.</i></p>	<p><i>Yung Hoi-yan moved an adjournment motion after the item of questions to the government in the council on 20 November 2019.</i></p>
Article 40(1)	<p><i>The motion for the adjournment of debate on discussing item shall be moved without notice by the member who is having the floor. Once the motion is moved, the council will then debate on the motion and then vote on it. If the motion is rejected, other members are not allowed to move this motion in the same agenda item.</i></p>	<p><i>Tanya Chan moved an adjournment motion for the debate on the item of “Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill” in the council on 7 June 2018</i></p>
Article 40(4)	<p><i>In the committee of the whole council, the member shall move a motion for the adjournments of debate or the meeting without notice. The motion is</i></p>	<p><i>Wong Yuk-man moved an adjournment motion of the committee with regard to the</i></p>

	<p><i>required to be debated and voted. The adjournment of debate can be moved by the members once; and the adjournment of the committee can be moved more than once. However, the chairperson has the right to allow the rejected motion to propose again.</i></p>	<p><i>“Copyright (Amendment) Bill 2014” in the council on 28 January 2018.</i></p>
<p>Article 55(1)a</p>	<p><i>The member can propose a motion without notice for committing the bill to a select committee. The motion must be moved immediately after the passage of second reading.</i></p>	<p><i>Cyd Ho moved a motion that the “Copyright (Amendment) Bill 2014” shall be committed to a select committee in the council on 21 January 2016.</i></p>

Appendix Table 2.2: Examples of filibuster outcomes

Scenario #	Description	Examples
1	<p><i>The pro-democracy members launched filibuster to delay the voting of bills, but those were still passed finally and only more time was required.</i></p>	<p><i>(1) Legislative Council (Amendment) Bill 2012;</i> <i>(2) Appropriation Bill 2013;</i> <i>(3) Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill</i></p>
2	<p><i>The bills resumed seconding readings, but the government decided to withdraw the filibustered bills in order to prevent wasting too much of the council's time.</i></p>	<p><i>Copyright (Amendment) Bill 2014</i></p>
3	<p><i>Since the council was occupied by other filibustered items, the government decided not to resume the second readings of the bills.</i></p>	<p><i>Copyright (Amendment) Bill 2012</i></p>
4	<p><i>The filibustered bills could not be passed before the end of the legislative term and automatically became invalid.</i></p>	<p><i>(1) Proposed Resolution under Section 54A of the Interpretation and General Clauses Ordinance (2012 Government Reorganization);</i> <i>(2) Medical Registration (Amendment) Bill 2016</i></p>
5	<p><i>Masses surrounding the Legislative Council Complex constituted a security issue, leading to adjournment of the council.</i></p>	<p><i>Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation Bill 2019</i></p>

Appendix Table 3.1: Composition of the Election Committee for the 2017 Chief Executive Election

SECTOR I		SECTOR II	
<i>Catering</i>	17	<i>Chinese Medicine</i>	30
<i>Employers' Federation of Hong Kong</i>	16	<i>Education</i>	30
<i>Hong Kong Chinese Enterprises Association</i>	16	<i>Higher Education</i>	30
<i>Insurance</i>	18	<i>Legal</i>	30
<i>Transport</i>	18	<i>Accountancy</i>	30
<i>Real Estate and Construction</i>	18	<i>Medical</i>	30
<i>Tourism</i>	18	<i>Health Services</i>	30
<i>Hotel</i>	17	<i>Engineering</i>	30
<i>Commercial (First)</i>	18	<i>Architectural, Surveying and Planning</i>	30
<i>Commercial (Second)</i>	18	<i>Information Technology</i>	30
<i>Industrial (First)</i>	18		
<i>Industrial (Second)</i>	18		
<i>Finance</i>	18		
<i>Financial Services</i>	18		
<i>Import and Export</i>	18		
<i>Textiles and Garment</i>	18		
<i>Wholesale and Retail</i>	18		
<i>Sector Sub-Total</i>	300		
SECTOR III		SECTOR IV	
<i>Agriculture and Fisheries</i>	60	<i>Chinese People's Political Consultative Conference</i>	51
<i>Labour</i>	60	<i>Hong Kong and Kowloon District Councils</i>	57

<i>Social Welfare</i>	<i>60</i>	<i>New Territories District Councils</i>	<i>60</i>
<i>Sports, Performing Arts, Culture and Publication</i>	<i>60</i>	<i>Heung Yee Kuk</i>	<i>26</i>
<i>Religious</i>	<i>60</i>	<i>National People's Congress</i>	<i>36</i>
		<i>Legislative Council</i>	<i>70</i>
<i>Sector Sub-Total</i>	<i>300</i>	<i>Sector Sub-Total</i>	<i>300</i>

Appendix Table 3.2: Composition of the functional constituencies (Electoral Affairs Commission, 2016A)

	Number of Seats	Corporate Voter	Individual Voter	Method
Heung Yee Kuk	<i>1</i>		✓	<i>Preferential elimination system</i>
Agriculture and Fisheries	<i>1</i>	✓		<i>Preferential elimination system</i>
Insurance	<i>1</i>	✓		<i>Preferential elimination system</i>
Transport	<i>1</i>	✓		<i>Preferential elimination system</i>
Education	<i>1</i>		✓	<i>First past the post</i>
Legal	<i>1</i>		✓	<i>First past the post</i>
Accountancy	<i>1</i>		✓	<i>First past the post</i>
Medical	<i>1</i>		✓	<i>First past the post</i>
Health Services	<i>1</i>		✓	<i>First past the post</i>
Engineering	<i>1</i>		✓	<i>First past the post</i>
Architectural, Surveying, Planning and Landscape	<i>1</i>		✓	<i>First past the post</i>
Labour	<i>3</i>	✓		<i>Plurality-at-large</i>
Social Welfare	<i>1</i>		✓	<i>First past the post</i>
Real Estate and Construction	<i>1</i>	✓	✓	<i>First past the post</i>
Tourism	<i>1</i>	✓		<i>First past the post</i>
Commercial (First)	<i>1</i>	✓		<i>First past the post</i>

Commercial (Second)	<i>1</i>	✓	✓	<i>First past the post</i>
Industrial (First)	<i>1</i>	✓	✓	<i>First past the post</i>
Industrial (Second)	<i>1</i>	✓		<i>First past the post</i>
Finance	<i>1</i>	✓		<i>First past the post</i>
Financial Services	<i>1</i>	✓		<i>First past the post</i>
Sports, Performing Arts, Culture and Publication	<i>1</i>	✓	✓	<i>First past the post</i>
Import and Export	<i>1</i>	✓	✓	<i>First past the post</i>
Textiles and Garment	<i>1</i>	✓	✓	<i>First past the post</i>
Wholesale and Retail	<i>1</i>	✓	✓	<i>First past the post</i>
Information Technology	<i>1</i>	✓	✓	<i>First past the post</i>
Catering	<i>1</i>	✓	✓	<i>First past the post</i>
District Council (First)	<i>1</i>		✓	<i>First past the post</i>
District Council (Second)	<i>5</i>		✓	<i>Proportional representation</i>

Appendix Table 3.3: Types of advisory and statutory bodies (Home Affairs Bureau, 2003)

Type	Examples	Functions
Highest Governing Body	<ul style="list-style-type: none"> • <i>Executive Council</i> 	<ul style="list-style-type: none"> ▪ <i>The members are appointed by the Chief Executive to provide advice on public policies and legislations.</i>
Politically Elected Structures	<ul style="list-style-type: none"> • <i>Legislative Council</i> • <i>District Councils</i> • <i>Heung Yee Kuk (Rural Council)</i> 	<ul style="list-style-type: none"> ▪ <i>The members are elected through universal suffrage or restricted elections.</i> ▪ <i>The Committees of the Legislative Council serve as important advisory bodies to the government.</i> ▪ <i>The District Councils and the Heung Yee Kuk are also the advisory bodies on the issues of local and rural affairs.</i>
Advisory Committees	<ul style="list-style-type: none"> • <i>Action Committee Against Narcotics</i> • <i>Advisory Committee on Arts Development</i> • <i>Board of Scientific Advisers</i> • <i>Chinese Medicine Development Committee</i> 	<ul style="list-style-type: none"> ▪ <i>These bodies are set up to provide professional expertise or advise on the development of policies in specific areas.</i>

	<ul style="list-style-type: none"> • <i>Family Council</i> 	
Non-Departmental Public Bodies	<ul style="list-style-type: none"> • <i>Airport Authority</i> • <i>Hospital Authority</i> • <i>Hong Kong Trade Development Council</i> 	<ul style="list-style-type: none"> ▪ <i>These organizations deliver public services outside governmental arms.</i> ▪ <i>This practice is to enhance the efficiency and effectiveness of the services provided.</i>
Regulatory Boards	<ul style="list-style-type: none"> • <i>Chiropractors Council</i> • <i>Dental Council of Hong Kong</i> • <i>Engineers Registration Board</i> • <i>Electoral Affairs Commission</i> • <i>Liquor Licensing Board</i> 	<ul style="list-style-type: none"> ▪ <i>There are three types of regulatory boards.</i> ▪ <i>The first ones are registration boards, which regulate different licensed professions, e.g. Chiropractors Council.</i> ▪ <i>The second ones are supervisory boards, which supervise specific ranges of activities, e.g. Electoral Affairs Commission.</i> ▪ <i>The third ones are licensing boards, which provide licensing services for specific purposes, e.g. Liquor Licensing Board.</i>
Appeal Boards	<ul style="list-style-type: none"> • <i>Administrative Appeals Board</i> • <i>Appeal Board Panel (Town Planning)</i> 	<ul style="list-style-type: none"> ▪ <i>These boards perform quasi-judicial functions on the appeals in specific areas.</i>

	<ul style="list-style-type: none"> • <i>Hong Kong War Memorial Pensions Appeal Board</i> 	
Trusts	<ul style="list-style-type: none"> • <i>Governing Committee of the Beat Drugs Fund Association</i> • <i>Grantham Scholarships Fund Committee</i> • <i>Hong Kong War Memorial Pensions Advisory Committee</i> 	<ul style="list-style-type: none"> ▪ <i>These bodies control and manage property or funding for their stated purposes.</i>
Public Corporations	<ul style="list-style-type: none"> • <i>Board of Directors of the Hong Kong Science and Technology Parks Corporation</i> • <i>Board of Ocean Park Corporation</i> • <i>Managing Board of the Kowloon-Canton Railway Corporation</i> 	<ul style="list-style-type: none"> ▪ <i>These corporations are set up by the government to operate specific businesses.</i> ▪ <i>Most are profit-oriented business organizations but concern public interests.</i>
Miscellaneous Boards and Committees	<ul style="list-style-type: none"> • <i>Councils of Public Universities</i> 	<ul style="list-style-type: none"> ▪ <i>Other advisory bodies could not be categorized into the previous types of organizations.</i>

Appendix Table 3.4: Some examples of judicial reviews addressing political controversies (Cheung & Lau, 2014; Chiu, 2015; Gentle & Wong, 2007; Li, 2005; Li, 2011)

<p>Case 1: Privatization of Housing Authority's Properties (2005)</p>	<p><i>Description: The Housing Authority privatized its shopping malls in the public housing estates, and a listed and profit-oriented limited company would be established to manage those facilities. Worried about the increasing rent and cost of living in the estates, a housing tenant supported by the legislators requested a judicial review to stop the process of privatization.</i></p> <p><i>Result: The court ruled in favor of the Housing Authority.</i></p>
<p>Case 2: Demolition of Queen's Pier (2007)</p>	<p><i>Description: Queen's Pier, named after Queen Victoria and visited by Queen Elizabeth II in the colonial period, was officially granted the status of a Grade I historical building. Due to the Central Reclamation Project, the pier needed to be demolished to vacate the site. The conservationists demanded the on-site preservation of the pier, but the government rejected doing so. Eddie Chu, later elected as a legislator, sought a judicial review against the government's decision.</i></p> <p><i>Result: The court ruled in favor of the government.</i></p>
<p>Case 3: Hong Kong–Zhuhai–Macau Bridge (2011)</p>	<p><i>Description: The construction of the Hong Kong–Zhuhai–Macau Bridge (HZMB) began in 2009. Assisted by members of the Civic Party, a resident of Lantau Island initiated a judicial review to challenge the environmental impact assessment conducted by the government. The construction was suspended until the settlement of the legal affairs, leading to the drastic increase of project cost.</i></p>

	<p>Result: <i>The Court of First Instance ruled in favor of the resident on Lantau Island, but the Court of Appeal overturned the judgement and the government won the case after the appeal.</i></p>
<p>Case 4: Lung Mei Beach Works Project (2014)</p>	<p>Description: <i>The government proposed to build a man-made bathing beach in Long Mei, Tai Po, but the environmentally friendly group, Save Lung Mei Alliance, reported the coastline was ecologically sensitive and opposed the government's proposal. An activist from the group then filed a judicial review to expose the flaws in the environmental impact assessment. Meanwhile, the local villagers supported the government's proposal.</i></p> <p>Result: <i>The court ruled in favor of the government.</i></p>
<p>Case 5: 831 Decision and Constitutional Reform (2015)</p>	<p>Description: <i>A student activist from the Occupy Central Movement filed a judicial review against the government's legislative proposal of the political reform under the framework of the "831 Decision". The activist alleged that the government provided misleading information during the consultation period, since she considered that the decision made by the NPC might not be legally binding in Hong Kong.</i></p> <p>Result: <i>The court rejected the application of judicial review out of respect of the legislative process and the separation of powers.</i></p>

Appendix Table 3.5: Some examples of mass protests against governmental policies

(But, 2013; Lau et al., 2012; Li, 2014)

<p>Case 1: Anti-Express Railway Campaign (2010)</p>	<p><i>Description: The proposal of the Hong Kong section of the Guangzhou–Shenzhen–Hong Kong Express Rail Link was tabled for appropriation in the Finance Committee of the Legislative Council in 2010. One of the reasons for opposing the project was to prevent further integration between Hong Kong and mainland China. Around 2,000 protestors surrounded the Legislative Council Building (Old) in the final stage of reviewing the appropriation.</i></p> <p><i>Result: The appropriation was passed with the support of the pro-Beijing camp.</i></p>
<p>Case 2: Anti-Moral and National Education Campaign (2012)</p>	<p><i>Description: The Education Bureau proposed a new subject, “Moral and National Education (MNE)”, in primary and secondary schools, aiming to enhance students’ understanding of the PRC as well as the communist system. The MNE was criticized as a way of brainwashing under the authoritative regime. Scholarism, the organization led by Joshua Wong, organized over 100,000 protestors to occupy the forecourt of the Government Headquarters in Central.</i></p> <p><i>Result: The Education Bureau withdrew the proposal, since the pro-Beijing camp hoped that the anti-government sentiment would not affect the electoral outcomes of the coming Legislative Council election in the same month.</i></p>
<p>Case 3: Rally for the Free-to-Air Television License to</p>	<p><i>Description: The Executive Council rejected issuing a free-to-air television license to the Hong Kong Television Network Limited (HKTV) without giving proper reasons. Some Hong Kong citizens were unsatisfied with the monopoly</i></p>

<p>HKTU (2013)</p>	<p><i>in the television broadcasting market and were eager to see new broadcasting companies operating their businesses. As such, over 120,000 protestors surrounded the Government Headquarters to request the Chief Executive withdraw the decision.</i></p> <p>Result: <i>The Executive Council maintained its original decision.</i></p>
<p>Case 4: Anti-North-Eastern New Territories Development Campaign (2014)</p>	<p>Description: <i>The government proposed to develop the area of North-Eastern New Territories to accommodate the rising population in the city. The conservationists were afraid of the project affecting the environment and the settlement of the villagers. When the Finance Committee of the Legislative Council reviewed the 340 million HKD pre-project funding bill in June 2014, over 5,000 violent protestors stormed the gates of the Legislative Council Complex.</i></p> <p>Result: <i>The appropriation was passed with the support of the pro-Beijing camp.</i></p>
<p>Case 5: Occupy Central (2014)</p>	<p>Description: <i>The government was planning to move a political reform package under the framework set by the NPC, known as the “831 Decision”. Protestors had occupied and blocked the road in Central, Causeway Bay and Mong Kok for 79 days in order to strive for “genuine universal suffrage” by withdrawing the “831 Decision”.</i></p> <p>Result: <i>The campaign failed to change the governmental proposal of the political reform package.</i></p>

Appendix Table 4.1: Results of three constituencies in the 1991 Legislative Council

Election (Lei & Shen, 1995)

Constituencies	Candidates	Ideologies	Political Affiliations Claimed	Votes
Hong Kong Island East	<u>*Martin Lee</u> <u>Chu-ming</u>	<i>Pro-democracy</i>	<i>United Democrats</i>	76,831*
	<u>*Man Sai- cheong</u>	<i>Pro-democracy</i>	<i>United Democrats</i>	43,615*
	<i>Cheng Kai-nam</i>	<i>Pro-Beijing</i>	<i>Citizen Forum</i>	29,902
	<i>Chan Ying-lun</i>	<i>Pro-democracy</i>	<i>Hong Kong Democratic Foundation</i>	19,806
	<i>Diana Leung Wai-tung</i>	<i>Non-partisan</i>	<i>Independent</i>	15,230
	<i>Jennifer Chow Kit-bing</i>	<i>Non-partisan</i>	<i>Independent</i>	5,805
Kowloon East	<u>*Szeto Wah</u>	<i>Pro-democracy</i>	<i>United Democrats</i>	57,921*
	<u>*Li Wah-ming</u>	<i>Pro-democracy</i>	<i>Meeting Point</i>	49,643*
	<i>Hau Shui-pui</i>	<i>Pro-Beijing</i>	<i>Kwun Tong Residents Association</i>	21,225
	<i>Poon Chi-fai</i>	<i>Non-partisan</i>	<i>Independent</i>	16,625
	<i>Chan Cheong</i>	<i>Pro-democracy</i>	<i>October Review</i>	3,431
	<i>Li Ting-kit</i>	<i>Pro-democracy</i>	<i>Hong Kong and Kowloon Trades Union Council</i>	3,393
	<i>Philip Li Koi-hop</i>	<i>Pro-Beijing</i>	<i>Liberal Democratic Federation</i>	865
New Territories	<u>*Ng Ming-yam</u>	<i>Pro-democracy</i>	<i>United Democrats</i>	42,319*
West	<u>*Tai Chin-wah</u>	<i>Pro-Beijing</i>	<i>Federation for the Stability</i>	30,871*

<i>Zachary Wong Wai-yin</i>	<i>Pro-democracy</i>	<i>Meeting Point</i>	<i>27,243</i>
<i>Tang Siu-tong</i>	<i>Non-partisan</i>	<i>Independent</i>	<i>23,389</i>
<i>Tso Shiu-wai</i>	<i>Pro-Beijing</i>	<i>Liberal Democratic Federation</i>	<i>20,018</i>

***Elected**

Appendix Table 4.2: Results among two constituencies in the 1998 Legislative Council Election (Electoral Affairs Commission, 1998)

Constituencies	Political Affiliations Claimed	Votes	Votes (%)	Candidates
Kowloon East	DP (Pro-democracy)	145,986	55.8	<u>*(1) Szeto Wah</u> <u>*(2) Li Wah-ming</u> (3) Mak Hoi-wah
	DAB (Pro-Beijing)	109,296	41.78	<u>*(1) Chan Yuen-han</u> (2) Kwok Bit-chun (3) Lam Man-fai
	Independent	6,339	2.42	(1) Fok Pui-yee
Kowloon West	DP (Pro-democracy)	113,079	55.5	<u>*(1) Lau Chin-shek</u> <u>*(2) James To Kun-sun</u> (3) Eric Wong Chong-ki
	ADPL (Pro-democracy)	39,534	19.25	(1) Frederick Fung Kin-kee (2) Liu Sing-lee (3) Tam Kwok-kiu
	Independent	2,302	1.12	(1) Helen Chung Yee-fong
	LP (Pro-Beijing)	5,854	2.85	(1) Chiang Sai-cheong (2) Chan Noi-yue (3) Edward Li King-wah
	DAB	44,632	21.73	<u>*(1) Jasper Tsang Yok-sing</u>

(Pro-Beijing)

(2) Ip Kwok-chung

(3) Wen Choy-bon

***Elected**

Appendix Table 4.3: Results of New Territories East constituency in the 2004 Legislative Council Election (Electoral Affairs Commission, 2004)

Constituencies	Political Affiliations Claimed	Votes	Votes (%)	Candidates
	<i>April Fifth Action (Pro-democracy)</i>	60,925	14.14	<u>*(1) Leung Kwok-hung</u>
	<i>Progressive Alliance (Pro-Beijing)</i>	14,174	3.29	(1) Tso Wung-wai
New Territories East	<i>7.1 United Front (Pro-democracy)</i>	168,833	39.17	<u>*(1) Andrew Cheng Kar-foo</u> <u>(DP)</u> <u>*(2) Emily Lau Wai-hing</u> <u>(The Frontier)</u> <u>*(3) Tong Ka-wah</u> <u>(Article 45 Concern Group)</u> (4) Wong Sing-chi (DP) (5) Richard Tsoi Yiu-cheong <i>(Hong Kong Confederation of Trade Unions)</i> (6) Shirley Ho Suk-ping (DP) (7) Ricky Or Yiu-lam <i>(The Frontier)</i>

<i>LP</i> <i>(Pro-Beijing)</i>	68,560	15.91	<u>*(1) James Tien Pei-chun</u>
<i>Independent</i>	23,081	5.36	<i>(1) Andrew Wong Wang-fat</i>
<i>DAB</i> <i>(Pro-Beijing)</i>	95,434	22.14	<u>*(1) Lau Kong-wah</u> <u>*(2) Li Kwok-ying</u> <i>(3) Mok Kam-kwai</i> <i>(4) Chan Kwok-kai</i> <i>(5) So Sai-chi</i> <i>(6) Wong Pik-kiu</i> <i>(7) Chan Hak-kan</i>

***Elected**

Appendix Table 4.4: Voting distribution (%) among the pro-Beijing lists in the DCCAs of Tsuen Wan District in the 2016 Legislative Council Election ¹⁴¹ (Electoral Affairs Commission, 2016A)

DCCA ¹⁴²	^Michael Tien Puk-sun (NPP)	^Ho Kwan- yiu (Pro-Beijing Independent)	^Leung Che- cheung (DAB/ NTAS ¹⁴³)	^Alice Mak Mei-kuen (FTU)	^Chan Han- pan (DAB/ NTAS)	Political Affiliations of District Councilors/ Community Officers in the DCCAs
K01	11.7	5.7	0.9	5.6	23.5	<i>Pro-Beijing Independent</i>
K02	9.1	3.2	0.5	4.3	<u>31.5*</u>	<i>DAB</i>
K03	13.7	6.2	1.0	4.8	16.3	<i>Pro-Beijing Independent</i>
K04	8.4	4.7	0.7	5.8	<u>28.8*</u>	<i>DAB</i>
K05	6.2	3.0	0.4	<u>35.5*</u>	8.4	<i>FTU</i>
K06	<u>36.7*</u>	2.4	0.5	2.3	5.5	<i>NPP</i>
K07	12.7	3.5	0.6	3.9	<u>20.4*</u>	<i>DAB</i>
K08	14.0	3.6	0.6	3.1	<u>23.7*</u>	<i>NTAS</i>
K09	13.6	4.9	0.8	4.0	<u>18.3*</u>	<i>NTAS</i>

¹⁴¹ For example, in the DCCA K01, there were 20 lists (including the pro-Beijing and pro-democracy camps) and 3,024 valid votes. Michael Tien Puk-sun got 355 votes in this DCCA, and thus, the table shows 11.7%. The New Territories West constituency contained five administrative districts – Tsuen Wan, Kwai Tsing, Tuen Mun, Yuen Long and Islands, and this table just shows the electoral outcomes in Tsuen Wan District.

¹⁴² All lists need to place an election deposit while submitting their electoral application. If the lists obtained less than 3% of the valid votes, the deposit would be forfeited. With this criterion, this table excludes the candidates who could not get more than 3% of votes.

¹⁴³ The New Territories Association of Societies (NTAS) is a local organization in the New Territories, and it is always regarded as one of the political cliques in the DAB.

K10	<u>23.0*</u>	6.1	1.1	2.9	10.5	NPP
K11	12.2	3.6	0.7	3.5	<u>23.1*</u>	DAB
K12	20.1	7.4	1.5	3.9	14.3	Pro-Beijing Independent
K13	<u>18.0*</u>	3.6	2.0	2.9	8.0	NPP
K14	12.8	10.4	1.0	4.9	<u>15.7*</u>	NTAS
K15	7.9	3.7	1.4	6.2	<u>23.7*</u>	DAB
K16	5.9	1.9	0.7	8.4	<u>25.2*</u>	DAB
K17	7.0	3.6	1.2	7.6	<u>35.7*</u>	NTAS
K18	6.9	3.7	1.3	5.9	<u>33.4*</u>	DAB

[^]*Elected*

Appendix Table 4.5: Voting distribution (%) among the pro-democracy lists in the DCCAs of Tsuen Wan District in the 2016 Legislative Council Election (Electoral Affairs Commission, 2016A)

DCC A ¹⁴⁴	Ivan Wong Yun-tat (NWSC)	^Andre w Wan Siu-kin (DP)	^Cheng Chung-tai (Civic Passion)	^Kwok Ka-ki (CP)	Wong Ho-ming (LSD)	Lee Cheuk-yan (Labor)	^Eddie Chu Hoi-dick (Independent)	Political Affiliations of District Councilors/Community Officers in the DCCAs ¹⁴⁵
K01	2.8	6.6	6.9	9.0	5.7	5.1	11.2	White Zone
K02	3.8	5.5	7.2	8.4	4.4	4.7	12.5	Other
K03	2.6	6.4	8.6	10.4	4.4	4.9	14.2	Other
K04	1.7	4.8	6.3	7.5	6.2	4.9	10.9	Other
K05	1.9	4.8	7.1	6.5	7.6	4.4	9.1	White Zone
K06	1.6	5.2	7.0	11.3	4.0	6.2	<u>12.2*</u>	Labor
K07	2.8	8.2	8.4	9.7	4.4	5.2	<u>14.9*</u>	DP
K08	1.8	6.3	7.6	9.2	4.4	5.4	<u>14.0*</u>	DP
K09	2.2	6.5	8.0	12.6	4.7	4.0	<u>14.4*</u>	CP
K10	1.9	5.0	7.2	12.8	4.9	4.1	<u>14.9*</u>	Labor
K11	2.6	6.3	7.8	11.8	4.3	3.9	14.7	Other
K12	1.5	6.9	7.4	10.5	5.5	3.3	12.8	Other

¹⁴⁴ This table also excludes the candidates who could not get more than 3% of the votes.

¹⁴⁵ “Other” means that the District Councillors/Community Officers in the DCCAs were from the parties other than those running in the New Territories West constituency in the 2016 Legislative Council Election; and “White Zones” means that there were no pro-democracy candidates running in that DCCA in the previous District Council election.

K13	3.9	5.7	6.3	12.7	5.6	5.4	19.4	<i>Other</i>
K14	3.0	5.1	6.6	11.2	4.4	4.6	13.7	<i>Other</i>
K15	2.9	5.0	9.5	<u>12.2*</u>	5.8	5.1	11.5	<i>CP</i>
K16	3.7	4.7	9.4	<u>15.5*</u>	6.8	4.5	8.8	<i>CP</i>
K17	3.6	4.8	7.2	6.0	5.2	4.8	8.3	<i>Other</i>
K18	3.3	5.7	7.7	5.8	6.0	4.9	<u>10.7*</u>	<i>DP</i>

^Elected

Appendix Table 4.6: Electoral outcomes in the New Territories West constituency of the 2012 Legislative Council election (Electoral Affairs Commission, 2012)

Rank	Party	Pro-Beijing/Pro-Democracy	Lists	Votes
1	CP	Pro-democracy	<u>*(1) Kwok Ka-ki</u> (2) Audrey Eu Yuet-mee	72,185
2	PP	Pro-democracy	<u>*(1) Albert Chan Wai-yip</u> (2) Jacqueline Chan So-ling (3) Raymond Lai, Tong Wing-chi	44,355
3	DAB	Pro-Beijing	<u>*(1) Tam Yiu-chung</u> (2) Lung Shui-hing (3) Yip Man-pan (4) Mo Shing-fung	43,496
4	NWSC	Pro-democracy	<u>*(1) Leung Yiu-chung</u> (2) Wong Yun-tat	42,799
5	Labor	Pro-democracy	<u>*(1) Lee Cheuk-yan</u> (2) Tam Chun-yin	40,967
6	NPP	Pro-Beijing	<u>*(1) Michael Tien Puk-sun</u> (2) Clarice Cheung Wai-ching (3) Legward Wong Cheuk-kin (4) Ho Kin-cheong	37,808
7	DAB/NTAS	Pro-Beijing	<u>*(1) Chan Han-pan</u> (2) Poon Chi-shing (3) Nixie Lam Lam (4) Chan Chun-chung	36,555

			<p>(5) Law Kwan</p> <p>(6) Leung Kar-ming</p> <p>(7) Tsang Tai</p>	
8	<i>FTU</i>	<i>Pro-Beijing</i>	<p><u>*(1) Alice Mak Mei-kuen</u></p> <p>(2) Michael Luk Chung-hung</p> <p>(3) Manwell Chan</p> <p>(4) Kot Siu-yuen</p> <p>(5) Tang Cheuk-him</p>	35,239
9	<i>DAB/NTAS</i>	<i>Pro-Beijing</i>	<p><u>*(1) Leung Che-cheung</u></p> <p>(2) Tsang Hin-keung, Lui Kin</p> <p>(3) Christina Maisenne Lee</p> <p>(4) Wong Wai-ling</p> <p>(5) Chui Kwan-siu</p>	33,777
10	<i>DP</i>	<i>Pro-democracy</i>	<p>(1) Lee Wing-tat</p> <p>(2) Lam Lap-chi</p> <p>(3) Lai King-wai</p>	32,792
11	<i>DP</i>	<i>Pro-democracy</i>	<p>(1) Josephine Chan Shu-ying</p> <p>(2) Zachary Wong Wai-yin</p> <p>(3) Li Hung-por</p> <p>(4) Catherine Wong Lai-sheung</p> <p>(5) Ho Hang-mui</p>	25,892

***Elected**

Appendix Table 4.7: Political parties holding seats in the Legislative Council after the handover

Year of Establishment	Political Party/Group	Largest Number of Seats Held in the Council (respective year(s))	Number of Seats in 2016	Remarks
<i>Pro-Beijing/ Pro-government/ Pro-establishment Camp</i>				
1948	<i>Hong Kong Federation of Trade Unions (FTU)</i>	6 (2012)	5	<ul style="list-style-type: none"> • <i>The FTU was the first pro-Beijing political group in Hong Kong.</i> • <i>It is in close relationship with the CCP in mainland China and triggered several riots during the colonial period.</i> • <i>Most members joined the DAB in 1992.</i> • <i>Its policy proposals focus on labor issues.</i>
1984	<i>Federation of Hong Kong and Kowloon Labour Unions (FLU)</i>	1 (Provisional, 1998, 2000, 2004, 2008,	1	<ul style="list-style-type: none"> • <i>The FLU has held a seat in the Labour constituency for several continuous terms.</i>

		2012, 2016)		
1989	<i>New Hong Kong Alliance (NHKA)</i>	1 (Provisional)	0	<ul style="list-style-type: none"> The NHKA was dissolved in 1999.
1990	<i>Liberal Democratic Federation of Hong Kong (LDFHK)</i>	3 (Provisional)	0	<ul style="list-style-type: none"> The LDFHK was merged into the HKPA in 1997.
1992	<i>Democratic Alliance for the Betterment and Progress of Hong Kong (DAB)</i>	13 (2008, 2012)	12	<ul style="list-style-type: none"> The DAB united the pro-Beijing groups in the 1990s for electoral purposes. Its former name was the Democratic Alliance for the Betterment of Hong Kong, and was later joined by the HKPA, after which it changed to its current name. It is now the party with the largest number of members in Hong Kong. It targets grassroots supporters.
1993	<i>Liberal Party (LP)</i>	10 (1998, 2004)	4	<ul style="list-style-type: none"> The LP members are mainly from the business sectors. It favors policies with pro-business interests.
1994	<i>Hong Kong Progressive</i>	9 (Provisional)	0	<ul style="list-style-type: none"> It was merged into the DAB in 2005.

	<i>Alliance (HKPA)</i>			
1999	<i>New Century Forum</i>	<i>1 (2000, 2012, 2016)</i>	<i>1</i>	<ul style="list-style-type: none"> <i>It is a pro-Beijing think tank.</i>
2011	<i>New People's Party (NPP)</i>	<i>3 (2016)</i>	<i>3</i>	<ul style="list-style-type: none"> <i>The NPP was formed by the former Secretary of Security, Regina Ip.</i> <i>A part of its members comes from the LP.</i> <i>It targets supporters from middle class.</i>
2012	<i>Business and Professionals Alliance for Hong Kong (BPA)</i>	<i>7 (2016)</i>	<i>7</i>	<ul style="list-style-type: none"> <i>The BPA was split from the LP.</i> <i>Its former name was "Economic Synergy".</i> <i>The Chairperson of the Heung Yee Kuk (the council responsible for the issues of the indigenous inhabitants of the New Territories) is a BPA member.</i>
<i>Pro-Democracy/Non-Establishment Camp</i>				
1985	<i>Neighbourhood and Worker's Service Centre (NWSC)</i>	<i>1 (1998, 2000, 2004, 2008, 2012, 2016)</i>	<i>1</i>	<ul style="list-style-type: none"> <i>Leung Yiu-chung is the only NWSC legislator.</i> <i>It focuses on the local affairs in Kwai Tsing District.</i>
1986	<i>Association for Democracy</i>	<i>4 (Provisional)</i>	<i>0</i>	<ul style="list-style-type: none"> <i>The ADPL was the only pro-democracy party in the Provisional</i>

	<i>and People's Livelihood (ADPL)</i>			<p><i>Legislative Council.</i></p> <ul style="list-style-type: none"> <i>It held only one seat for many terms.</i>
1990	<i>Hong Kong Confederation of Trade Unions (CTU)</i>	2 (2000, 2004)	0	<ul style="list-style-type: none"> <i>The CTU had a close relationship with the Labor Party.</i>
1994	<i>Democratic Party (DP)</i>	13 (1998)	7	<ul style="list-style-type: none"> <i>The DP was once the largest political party in the pro-democracy camp as well as in Hong Kong (now replaced by the DAB).</i> <i>It started shrinking after the introduction of proportional representation.</i>
1996	<i>Frontier</i>	3 (1998)	0	<ul style="list-style-type: none"> <i>The Frontier was merged into the DP in 2008.</i> <i>The original members resumed the name in 2010.</i>
1997	<i>Citizens Party</i>	1 (1998)	0	<ul style="list-style-type: none"> <i>The Citizens Party was dissolved in 2008.</i>
2006	<i>Civic Party (CP)</i>	6 (2012, 2016)	6	<ul style="list-style-type: none"> <i>The CP was formed by a group of professional practitioners.</i> <i>It targets supporters from the middle class.</i>
2006	<i>League of Social Democrats (LSD)</i>	3 (2008)	0	<ul style="list-style-type: none"> <i>The LSD was known as the radical group in Hong Kong.</i> <i>It was actively involved in filibuster.</i>
2007	<i>Professional Commons</i>	3 (2016)	3	<ul style="list-style-type: none"> <i>The Professional Commons was formed by several independent pro-democracy legislators.</i>

2010	<i>Neo Democrats</i>	<i>1 (2012)</i>	<i>0</i>	<ul style="list-style-type: none"> <i>The Neo Democrats split from the DP.</i>
2011	<i>Labor Party (Labor)</i>	<i>4 (2012)</i>	<i>1</i>	<ul style="list-style-type: none"> <i>Labor's policy proposals focus on labor issues.</i>
2011	<i>People Power (PP)</i>	<i>3 (2012)</i>	<i>1</i>	<ul style="list-style-type: none"> <i>The PP split from the LSD.</i> <i>It was actively involved in filibuster.</i>
2012	<i>Civic Passion</i>	<i>1 (2016)</i>	<i>1</i>	<ul style="list-style-type: none"> <i>The Civic Passion is known as a localist group.</i>
2015	<i>Youngspiration</i>	<i>2 (2016)</i>	<i>1</i>	<ul style="list-style-type: none"> <i>The Youngspiration is known as a localist group.</i> <i>Its two elected legislators were disqualified.</i>
2016	<i>Demosisto</i>	<i>1 (2016)</i>	<i>1</i>	<ul style="list-style-type: none"> <i>The Demosisto was transformed from the former Scholarism (one of the important organizations in the 2014 Umbrella Revolution and formed by a group of secondary school students).</i> <i>Its elected legislator was disqualified.</i>

Appendix Table 5.1: Cohesion of the pro-Beijing and pro-democracy camps in the Legislative Council

		Second Term (2000-2004)			Third Term (2004-2008)			Fourth Term (2008-2012)			Fifth Term (2012-2016)		
			<i>BJ</i>	<i>DM</i>		<i>BJ</i>	<i>DM</i>		<i>BJ</i>	<i>DM</i>		<i>BJ</i>	<i>DM</i>
Government Motion		<i>Rice</i>	0.862	0.772	<i>Rice</i>	0.902	0.675	<i>Rice</i>	0.939	0.814	<i>Rice</i>	0.942	0.791
		<i>WRice</i>	0.838	0.773	<i>WRice</i>	0.892	0.673	<i>WRice</i>	0.921	0.797	<i>WRice</i>	0.853	0.694
		<i>Unity</i>	0.673	0.613	<i>Unity</i>	0.694	0.477	<i>Unity</i>	0.654	0.548	<i>Unity</i>	0.648	0.419
		<i>WUnity</i>	0.648	0.615	<i>WUnity</i>	0.673	0.463	<i>WUnity</i>	0.632	0.528	<i>WUnity</i>	0.640	0.455
Member's Motion	Geographical Group		<i>BJ</i>	<i>DM</i>		<i>BJ</i>	<i>DM</i>		<i>BJ</i>	<i>DM</i>		<i>BJ</i>	<i>DM</i>
		<i>Rice</i>	0.827	0.869	<i>Rice</i>	0.859	0.899	<i>Rice</i>	0.864	0.892	<i>Rice</i>	0.823	0.883
		<i>WRice</i>	0.838	0.850	<i>WRice</i>	0.857	0.889	<i>WRice</i>	0.875	0.876	<i>WRice</i>	0.837	0.866
		<i>Unity</i>	0.562	0.643	<i>Unity</i>	0.515	0.625	<i>Unity</i>	0.569	0.645	<i>Unity</i>	0.492	0.654
	<i>WUnity</i>	0.559	0.611	<i>WUnity</i>	0.503	0.589	<i>WUnity</i>	0.570	0.607	<i>WUnity</i>	0.557	0.648	
	Functional Group		<i>BJ</i>	<i>DM</i>		<i>BJ</i>	<i>DM</i>		<i>BJ</i>	<i>DM</i>		<i>BJ</i>	<i>DM</i>
		<i>Rice</i>	0.704	0.914	<i>Rice</i>	0.761	0.905	<i>Rice</i>	0.862	0.882	<i>Rice</i>	0.791	0.906
		<i>WRice</i>	0.721	0.919	<i>WRice</i>	0.754	0.899	<i>WRice</i>	0.838	0.881	<i>WRice</i>	0.822	0.898

	Unity	0.484	0.781	Unity	0.464	0.701	Unity	0.673	0.690	Unity	0.524	0.642
	WUnity	0.497	0.784	WUnity	0.455	0.696	WUnity	0.648	0.685	WUnity	0.584	0.641

**BJ = Pro-Beijing Camp; DM = Pro-democracy Camp*

Appendix Table 5.2: Paramount motions (required two-third majority) after the Handover

Year	Motion	Pro-Beijing		Pro-Democracy		Result
		Preference	Approved	Preference	Approved	
1998	<i>Disqualification of the legislator Chim Pui-chung</i>	<i>Preference</i>	<i>Approved</i>	<i>Preference</i>	<i>Approved</i>	<i>Approved</i>
		<i>Rice</i>	<i>1</i>	<i>Rice</i>	<i>1</i>	
		<i>Unity</i>	<i>0.692</i>	<i>Unity</i>	<i>0.9</i>	
2000	<i>Proposed amendment to the Basic Law</i>	<i>Preference</i>	<i>Rejected</i>	<i>Preference</i>	<i>Approved</i>	<i>Rejected</i>
		<i>Rice</i>	<i>0.945</i>	<i>Rice</i>	<i>1</i>	
		<i>Unity</i>	<i>0.897</i>	<i>Unity</i>	<i>0.95</i>	
2005	2005 Political Reform (Chief Executive Election)	<i>Preference</i>	<i>Approved</i>	<i>Preference</i>	<i>Rejected</i>	<i>Rejected</i>
		<i>Rice</i>	<i>1</i>	<i>Rice</i>	<i>1</i>	
		<i>Unity</i>	<i>0.971</i>	<i>Unity</i>	<i>0.96</i>	
2005	2005 Political Reform (Legislative Council Election)	<i>Preference</i>	<i>Approved</i>	<i>Preference</i>	<i>Rejected</i>	<i>Rejected</i>
		<i>Rice</i>	<i>1</i>	<i>Rice</i>	<i>1</i>	
		<i>Unity</i>	<i>0.971</i>	<i>Unity</i>	<i>0.96</i>	
2010	2010 Political Reform (Chief Executive Election)	<i>Preference</i>	<i>Approved</i>	<i>Preference</i>	<i>Rejected</i>	<i>Approved</i>
		<i>Rice</i>	<i>1</i>	<i>Rice</i>	<i>0.083</i>	
		<i>Unity</i>	<i>1</i>	<i>Unity</i>	<i>0.083</i>	
2010	2010 Political Reform (Legislative Council Election)	<i>Preference</i>	<i>Approved</i>	<i>Preference</i>	<i>Rejected</i>	<i>Approved</i>
		<i>Rice</i>	<i>1</i>	<i>Rice</i>	<i>0.043</i>	
		<i>Unity</i>	<i>1</i>	<i>Unity</i>	<i>0.041</i>	
2012	<i>Disqualification of the legislator Kam Nai-wai</i>	<i>Preference</i>	<i>Rejected</i>	<i>Preference</i>	<i>Rejected</i>	<i>Rejected</i>
		<i>Rice</i>	<i>1</i>	<i>Rice</i>	<i>1</i>	
		<i>Unity</i>	<i>0.166</i>	<i>Unity</i>	<i>0.875</i>	

2012	<i>Disqualification of the legislator</i> <i>Leung Kwok-hung</i>	<i>Preference</i>	<i>Approved</i>	<i>Preference</i>	<i>Rejected</i>	<i>Rejected</i>
		<i>Rice</i>	0.583	<i>Rice</i>	1	
		<i>Unity</i>	0.388	<i>Unity</i>	0.833	
2015	2015 Political Reform	<i>Preference</i>	<i>Approved</i>	<i>Preference</i>	<i>Rejected</i>	<i>Rejected</i>
		<i>Rice</i>	1	<i>Rice</i>	1	
		<i>Unity</i>	0.190	<i>Unity</i>	1	

Appendix Table 5.3: Chairpersons of the Committees in the Legislative Council

	2016-17	2012-13	2008-09
House Committee	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>
Finance Committee	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-democracy</i>
Panel on Administration of Justice and Legal Services	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-democracy</i>
Panel on Commerce and Industry	<i>Pro-democracy</i>	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>
Panel on Constitutional Affairs	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>
Panel on Development	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>
Panel on Economic Development	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>
Panel on Education	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-democracy</i>
Panel on Environmental Affairs	<i>Pro-democracy</i>	<i>Pro-democracy</i>	<i>Pro-democracy</i>
Panel on Financial Affairs	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>
Panel on Food Safety and Environmental Hygiene	<i>Pro-democracy</i>	<i>Pro-democracy</i>	<i>Pro-democracy</i>
Panel on Health Services	<i>Pro-democracy</i>	<i>Independent</i>	<i>Pro-democracy</i>
Panel on Home Affairs	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>
Panel on Housing	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>
Panel on Information Technology and Broadcasting	<i>Pro-Beijing</i>	<i>Pro-democracy</i>	<i>Pro-Beijing</i>
Panel on Manpower	<i>Pro-democracy</i>	<i>Pro-democracy</i>	<i>Pro-Beijing</i>
Panel on Public Service	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-democracy</i>
Panel on Security	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>
Panel on Transport	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>	<i>Pro-Beijing</i>
Panel on Welfare Services	<i>Pro-democracy</i>	<i>Pro-Beijing</i>	<i>Pro-democracy</i>

<i>Number of Committees Chaired by Pro-Beijing Member</i>	14	15	12
<i>Number of Committees Chaired by Pro-Democracy Member</i>	6	4	8

Appendix Table 5.4: Political blocs of the pro-democracy camp

Bloc	Members (Party)	Remarks
(26 members)		
DP (7 members)	<i>HUI Chi-fung (DP)</i> <i>KWONG Chun-yu (DP)</i> <i>LAM Cheuk-ting (DP)</i> <i>James TO (DP)</i> <i>Andrew WAN (DP)</i> <i>Helena WONG (DP)</i> <i>WU Chi-wai (DP)</i>	<i>They are DP members.</i>
CP (5 members)	<i>Tanya CHAN (CP)</i> <i>Dennis KWOK (CP)*</i> <i>KWOK Ka-ki (CP)</i> <i>Jeremy TAM (CP)</i> <i>Alvin YEUNG (CP)</i>	<i>They are CP members.</i> <i>*Dennis KWOK is also a member of the Professional Guild.</i>
Professional Guild (6 members)	<i>IP Kin-yuen (Hong Kong professional Teachers' Union)</i> <i>Dennis KWOK (CP)*</i> <i>Joseph LEE (Independent)</i> <i>Kenneth LEUNG (Professional Commons)</i> <i>Charles MOK (Professional Commons)</i> <i>SHIU Ka-chun (Reclaiming Social Work Movement)</i>	<i>Most members are from the functional constituencies of the professional sector. Some members have a close relationship with the United States.¹⁴⁶</i>
Council Front	<i>AU Nok-hin (Independent)</i>	<i>Most members are from the "one-person</i>

¹⁴⁶ Interview participant #10.

(6 members)	<p><i>Raymond CHAN (PP)</i></p> <p><i>Eddie CHU (Land Justice League)</i></p> <p><i>Gary FAN (Neo Democrats)</i></p> <p><i>LEUNG Yiu-chung (NWSC)</i></p> <p><i>Claudia MO (Hong Kong First)</i></p>	<i>parties”, which hold just one seat in the council.</i>
Others (3 members)	<p><i>Pierre CHAN (Independent)</i></p> <p><i>CHENG Chung-tai (Civic Passion)</i></p> <p><i>Fernando CHEUNG (Labor)</i></p>	<i>They do not belong to any political blocs.</i>

**Updated November 2018*

Appendix Table 5.5: Pro-democracy camp’s ideal electoral performances in the functional constituencies¹⁴⁷

	Number of Seats	Remarks
Heung Yee Kuk	<i>1</i>	<i>The members of Heung Yee Kuk (Rural Council) are well known for their pro-Beijing stances in order to protect the rights of indigenous inhabitants written in the Basic Law.</i>
Agriculture and Fisheries Labour Sports, Performing Arts, Culture and Publication	<i>5</i>	<i>Most organizations, which are holding corporate votes in these three constituencies, are nurtured or even funded by pro-Beijing affiliations.</i>
Insurance Transport Accountancy Engineering Real Estate and Construction Tourism Commercial (First) Commercial (Second) Industrial (First) Industrial (Second) Finance	<i>16</i>	<i>The representatives from these constituencies are pro-Beijing and pro-business hardliners.</i>

¹⁴⁷ Interview participant #11.

<p>Financial Services</p> <p>Import and Export</p> <p>Textiles and Garment</p> <p>Wholesale and Retail</p> <p>Catering</p>		
<p>District Council (First)</p>	1	<p><i>Most seats in the 18 District Councils are occupied by the pro-Beijing camp.¹⁴⁸</i></p>
<p>District Council (Second)</p>	5	<p><i>Under proportional representation, the pro-democracy camp can obtain three out of five seats mostly.</i></p>
<p>Education</p> <p>Legal</p> <p>Medical</p> <p>Architectural, Surveying, Planning and Landscape*</p> <p>Health Services</p> <p>Social welfare</p> <p>Information Technology</p>	7	<p><i>These constituencies have the chances of being won by pro-democracy figures.</i></p> <p><i>* The constituency of Architectural, Surveying, Planning and Landscape is normally occupied by the pro-Beijing camp. Since there were two pro-Beijing candidates standing in the 2016 Legislative Council, Edward Yiu (pro-democracy) took the chance to win the election. However, he was disqualified due to a political event.</i></p>

¹⁴⁸ The situation changed after the 2019 District Council Election.

Appendix Table 5.6: Two examples of the pro-democracy demands (Fung & Leung, 2016; Information Services Department, 2014A; Kao, 2015; Legislative Council Secretariat, 2016)

**Case 1:
Cost Overrun on the
Construction of the
Express Railway Project**

***Description:** The appropriation of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link was passed in 2010, but the administration in 2014 announced that the construction could not be completed by the target of 2015. The Mass Transit Railway Corporation Limited (MTRCL), the private corporation responsible for managing the construction, requested the administration to bear the overrun cost of 19.4 billion HKD. The extra funding needed to be approved by the Finance Committee of the Legislative Council in 2016.*

***Pro-democracy view:** The pro-democracy camp rejected the administration financing the project with public funding. From the very beginning, the camp did not agree to initiate the construction, which was considered as a useless “white elephant” wasting enormous social resources. A figure from the Professional Commons even proposed to stop the project and turn the railway terminus into an “underground shopping city”. Later, the pro-democracy legislators waged a filibuster campaign against the appropriation in the Finance Committee.*

***Administration’s view:** The project had spent 65 billion HKD and could be completed within the following two years. The MTRCL would pay a special dividend at 4.4 HKD per share. Since the Hong Kong government was the largest shareholder of the MTRCL, around 19.5 billion HKD could be received*

by the administration to cover the overrun cost. No extra funding was needed from the Government Treasury.

Case 2:
Advance Site Formation
Works in the North East
New Territories

Description: Due to the shortage of housing in the city, the administration proposed to initiate a study on the feasibility of developing two new development areas (NDAs) in Kwu Tung North and Fanling North. According to the government's documents, the NDAs would be the essential sources of housing and land supply, which were expected to provide about 60,000 residential units. In 2014, the administration sought funding approval from the Legislative Council for advance works, such as detailed design and ground investigation works.

Pro-democracy view: As the two NDAs were then settled by villagers and agricultural activities were kept in those areas, some legislators and pressure groups held the baseline of "no demolition and no clearance". Regardless of the compensation given by the government, the residents insisted on staying in their home villages. As such, the pro-democracy legislators requested the administration to withdraw the funding application for the advance works.

Administration's view: The administration reiterated that the NDAs would accommodate about 175,000 people and provide about 37,000 job positions and were the new towns planned for Hong Kong people. The principle of "no demolition and no clearance" was impossible to be achieved, but the related departments would provide more packages for compensation. Moreover, the funding was just spent for the advance site formation, and no building projects would be commenced.

**Appendix Table 5.7: Issues proposed to invoke the P&P Ordinance in the year of 2012-14
(Legislative Council Secretariat, 2012A, 2012B, 2013A, 2013B, 2013C, 2013D)**

Date	Case	Outcome
2012-12-05	<p><i>Political intervention in the Digital Broadcasting Corporation Hong Kong Limited (DBC):</i></p> <p><i>The DBC was a licensed private audio broadcasting operator in Hong Kong and the investors stopped capital injection into the company. The pro-democracy camp suspected that the investors were under the pressure from the LOCPG.</i></p>	<p><i>Rejected</i></p> <p><i>(General Meeting)</i></p>
2012-12-19	<p><i>The unauthorized building works (UBWs) of a house owned by the Chief Executive Leung Chun-ying:</i></p> <p><i>A house privately owned by Chief Executive Leung was suspected to contain the UBWs, but Leung denied the accusation.</i></p>	<p><i>Rejected</i></p> <p><i>(General Meeting)</i></p>
2013-02-20	<p><i>The Chief Executive Leung's false statement on the UBWs:</i></p> <p><i>Leung's former ally LEW Mon-hung made some astonishing remarks and concrete allegations on the Leung's UBWs and misconduct in the Chief Executive election. The pro-democracy camp suspected that Leung's statement on the UBWs involved false statement or misrepresentation and he had given improper undertaking while standing for the Chief Executive election.</i></p>	<p><i>Rejected</i></p> <p><i>(General Meeting)</i></p>
2013-05-03	<p><i>The conduct of the former ICAC Commissioner Tong Hin-ming:</i></p> <p><i>As the leader of the ICAC, which was the highest authority responsible for fighting corruption in the city, Tong was suspected to have misconduct on the arrangements for expenses related to entertainment, duty visits outside</i></p>	<p><i>Rejected</i></p> <p><i>(House Committee)¹⁴⁹</i></p>

¹⁴⁹ When a motion is moved in the House Committee, it needs a simple majority to be passed. If the motion is moved in the general meeting, it would be a member's motion which employs the split voting system.

	<i>Hong Kong and giving of gifts during his term of office.</i>	
2013-06-26	<p><i>The conduct of the former Executive Council Member CHEUNG Chun-yuen:</i></p> <p><i>Cheung took up various important advisory positions, such as the Executive Council Member and the Chairman of the Urban Renewal Authority. His financial status was in jeopardy and at the brink of bankruptcy, but he had never declared his debt to the Executive Council. The pro-democracy camp was worried about the conflicts of interest in performing his public duties.</i></p>	<p><i>Rejected</i></p> <p><i>(General Meeting)</i></p>
2013-07-05	<p><i>The interference with the editorial independence of Radio Television Hong Kong (RTHK) by the Director of Broadcasting Roy TANG:</i></p> <p><i>Tang was a civil servant appointed to be the Director of Broadcasting by the government and was suspected to transform the RTHK to be the governmental mouthpiece. He was accused of interfering in the editorial independence of the RTHK.</i></p>	<p><i>Rejected</i></p> <p><i>(House Committee)</i></p>

Appendix Table 5.8: Political blocs of the pro-Beijing camp

Bloc/Party (26 members)	Members (Affiliation)	Remarks
<p>DAB (13 members)</p>	<p><i>CHAN Hak-kan</i></p> <p><i>CHAN Han-pan</i></p> <p><i>Vincent CHENG</i></p> <p><i>CHEUNG Kwok-kwan</i></p> <p><i>CHIANG Lai-wan</i></p> <p><i>Holden CHOW</i></p> <p><i>Steven HO</i></p> <p><i>LAU Kwok-fan</i></p> <p><i>Starry LEE</i></p> <p><i>LEUNG Che-cheung</i></p> <p><i>Wilson OR</i></p> <p><i>Elizabeth QUAT</i></p> <p><i>WONG Ting-kwong</i></p>	<p><i>The DAB is the largest political party in Hong Kong.</i></p>
<p>FTU (5 members)</p>	<p><i>HO Kai-ming</i></p> <p><i>KWOK Wai-keung</i></p> <p><i>LUK Chung-hung</i></p> <p><i>Alice MAK</i></p> <p><i>WONG Kwok-kin</i></p>	<p><i>The FTU was separated from the DAB.</i></p>
<p>NPP (2 members)</p>	<p><i>Regina IP</i></p> <p><i>YUNG Hoi-yan</i></p>	<p><i>The NNP legislators are elected from the geographical constituencies.</i></p>
<p>BPA (8 members)</p>	<p><i>Christopher CHEUNG</i></p> <p><i>Kenneth LAU</i></p>	<p><i>The BPA was separated from the LP, and most legislators are elected from the functional</i></p>

	<p><i>Jeffrey LAM</i></p> <p><i>LO Wai-kwok</i></p> <p><i>Andrew LEUNG</i></p> <p><i>Priscilla LEUNG</i></p> <p><i>Jimmy NG</i></p> <p><i>Abraham SHEK</i></p>	<i>constituencies.</i>
<p>LP</p> <p>(4 members)</p>	<p><i>Tommy CHEUNG</i></p> <p><i>CHUNG Kwok-pan</i></p> <p><i>SHIU Ka-fai</i></p> <p><i>Frankie YICK</i></p>	<i>Most legislators are elected from the functional constituencies.</i>
<p>Others or</p> <p>Individuals</p> <p>(11 members)</p>	<p><i>CHAN Chun-ying</i></p> <p><i>CHAN Hoi-yan</i></p> <p><i>CHAN Kin-por</i></p> <p><i>Junius HO</i></p> <p><i>Martin LIAO</i></p> <p><i>MA Fung-kwok (New Century Forum)</i></p> <p><i>POON Siu-ping (FLU¹⁵⁰)</i></p> <p><i>Michael TIEN (Roundtable)</i></p> <p><i>Paul TSE</i></p> <p><i>Tony TSE</i></p> <p><i>YIU Si-wing</i></p>	<i>They do not belong to any political parties and represent various interests in society.</i>

¹⁵⁰ Federation of Hong Kong and Kowloon Labour Unions.

Appendix Table 6.1: Examples of the nominees being disqualified in the public elections (Chung, 2018; Lum et al., 2019; Ming Pao Daily, 2016B; Sum, 2018; Sum et al., 2018; Wen Wei Po, 2016)

	Nominee	Political Affiliation	Reasons
2016 Legislative Council General Election	<i>Leung Tin-kei</i>	<i>Hong Kong Indigenous</i>	<i>The returning officer considered that Leung would continue to support Hong Kong's independence after being elected as a Legislative Councillor. Even though Leung eliminated the pro-independence stances on his social media, the officer could not accept that he had sincerely abandoned the past political viewpoints, which violated the Basic Law.</i>
	<i>Chan Ho-tin</i>	<i>Hong Kong National Party</i>	<i>The line of the Hong Kong National Party was to oppose the Basic Law and to support Hong Kong's independence.</i>
	<i>Chan Kwok-keung</i>	<i>Nil</i>	<i>Chan deliberately sent a message to the returning officer to express that he supported Hong Kong's independence.</i>
	<i>Lai Yee-man</i>	<i>Hong Kong Conservative Party</i>	<i>Lai proposed Hong Kong's sovereignty should be returned to the United Kingdom.</i>
	<i>Nakade Hitsujiko</i>	<i>City-State Localist</i>	<i>Nakade proposed to abandon article 1 of the Basic Law, which stipulated Hong Kong was a part of China.</i>
	<i>Yeung Ke-</i>	<i>Hong Kong</i>	<i>Yeung did not finish application forms and</i>

	<i>cheong</i>	<i>Democratic Progressive Party</i>	<i>supported the Hong Kong's independence.</i>
2018 Legislative Council By- Election (March)	<i>Chow Ting</i>	<i>Demosisto</i>	<i>Demosisto had called for the "self-determination" of Hong Kong's future, which was regarded as the violation of the Basic Law.</i>
2018 Legislative Council By- Election (November)	<i>Lau Siu-lai</i>	<i>Labor Party</i>	<i>The returning officer considered that Lau advocated "self-determination" and did not accept that she had changed her stance.</i>
2019 Village Representative Election	<i>Chu Hoi-dick</i>	<i>Land Justice League</i>	<i>The returning officer claimed that Chu "implicitly confirmed his support" for self-determination.</i>
2019 District Council Election	<i>Joshua Wong</i>	<i>Demosisto</i>	<i>The returning officer considered that Wong supported the idea of a non-binding referendum on self-determination and independence was one of the options.</i>

Appendix Table 6.2: Circumstances of the six ousted legislators (Cheung et al., 2016)

<p>Yau Wai-ching (Youngspiration)</p>	<ul style="list-style-type: none"> • <i>Yau displayed a banner bearing the slogan – “Hong Kong is not China”. While she chose English as the language used to take the vow (her mother tongue is Cantonese), she deliberately mispronounced “the People’s Republic of China” as “IPA /ðə pi:plz rɪfʌkɪŋ vɪ ʃi:nə/”, which was a derogatory pronunciation to insult the official name of the country.</i> • <i>Her oath was not accepted by the Chief Clerk to the Legislative Council overseeing the ceremony.</i> • <i>The court ruled that she was disqualified as a legislator in November 2016.</i>
<p>Leung Chung-hang (Youngspiration)</p>	<ul style="list-style-type: none"> • <i>His circumstances in the ceremony was similar to Yau, and he was also disqualified in November 2016.</i>
<p>Yiu Chung-yim</p>	<ul style="list-style-type: none"> • <i>Yiu read out his own statements, “I will uphold procedural justice in Hong Kong, fight for genuine universal suffrage and serve the city’s sustainable development”, after the formal content of the oath.</i> • <i>He was allowed to take the oath again in front of the newly elected president of the council in the following meeting, and his oath was accepted this time.</i> • <i>The court ruled in July 2017 that he was disqualified as a legislator in the judicial review initiated by the administration.</i>
<p>Lau Siu-lai</p>	<ul style="list-style-type: none"> • <i>Lau spent over eight minutes on reading out her oath by pausing for over five seconds between all Chinese characters.</i> • <i>Her oath was taken again in the following meeting and was accepted by the president.</i> • <i>The court disqualified her in July 2017.</i>
<p>Law Kwun-chung (Demosisto)</p>	<ul style="list-style-type: none"> • <i>Law changed his tone to articulate the phrase “the People’s Republic of China”, making the statement as if asking a question “I pledge allegiance to the People’s</i>

Republic of China?”

- *The Chief Clerk to the Legislative Council accepted his oath in the ceremony.*
- *The court in July 2017 disqualified him in the judicial review.*

Leung Kwok-hung

- *Leung was holding and displaying props, including a yellow umbrella and a notice board showing his opposition towards the “831 Decision”, during the whole oath-taking procedures. He was also chanting slogans including “the people’s self-determination”.*
- *His oath was accepted in the ceremony, but the court disqualified him in July 2017.*

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