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Democracy for Prosperity:
How Political Elites Interpreted “One Country, Two
Systems” for Hong Kong SAR, 1979-2007

By

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Abbreviations

BL	Hong Kong Basic Law
BLDC	Basic Law Drafting Committee
CCP	Chinese Communist Party
CE	Hong Kong Chief Executive
CDTF	Constitutional Development Task Force
CMAB	Constitutional and Mainland Affairs Bureau
HKSAR	Hong Kong Special Administrative Region
LegCo	Legislative Council of Hong Kong
NPC	National People's Congress
NPCSC	Standing Committee of the National People's Congress
OCTS	“One Country, Two Systems”
PRC	People's Republic of China
SAR	Special administrative region
SBJD	Sino-British Joint Declaration
SEZ	Special economic zone

Introduction

As the world held its breath watching millions of Hong Kongers take to the streets in the summer of 2019 to demonstrate against an extradition bill tabled in February by the Hong Kong government, it quickly became apparent that these protests, the largest ever in Hong Kong's history, were about so much more than extradition. Chief Executive Carrie Lam, leader of the Hong Kong government, put the bill in limbo on June 15 after several days of mass gatherings, and the protesters' rhetoric expanded from the initial platform of opposing the bill. "Five Demands" eventually emerged for the Hong Kong government to address:

1. Completely withdraw the extradition bill;
2. Cease describing and portraying the protesters as "rioters";
3. Release all arrested protesters without condition and drop all charges against them;
4. Conduct an independent inquiry into police conduct observed during the protests; and
5. Begin implementing universal suffrage.¹

While the first four demands directly deal with either the extradition bill (#1) or the ongoing protests (#2-4), the fifth demand sticks out like a sore thumb with its demand for universal suffrage, being rather ambitious and a tad broad relative to the more tightly-focused first four demands. For those uninitiated to contemporary Hong Kong politics, universal suffrage may seem to have little to do with either an extradition bill or improper police conduct. But for those at least reasonably familiar with Hong Kong's political trajectory before and since the transfer of sovereignty from British to Chinese hands in 1997 ("the handover"), it makes complete sense why universal suffrage remained stubbornly in the minds of the Hong Kong people in the midst of the emotional anti-extradition bill protest movement (anti-ELAB) of 2019-20.

¹ Alison Rourke, "What Do the Hong Kong Protesters Want?" *The Guardian*, August 13, 2019, sec. World news, <https://www.theguardian.com/world/2019/aug/13/what-do-the-hong-kong-protesters-want>.

To provide a brief summary of the context behind this, it should be noted that ever since it became a special administrative region (HKSAR) of the People's Republic of China (PRC)² on July 1, 1997, Hong Kong has never been considered a full democracy in the eyes of diverse groups such as its own population, respected academics, and multiple democracy indices. Put in cruder terms, Hong Kong has been kind of a democracy, but not really, and the prospects for full democratization were very much dwindling by 2019, which the Hong Kong people did not appreciate in the slightest. The puzzle behind this lies in the considerable discrepancy between the “ideal” Hong Kong and the “real” Hong Kong. For many, the “ideal” political structure of HKSAR is one based on democracy and universal suffrage: “Hong Kong people ruling Hong Kong,” as the saying goes.³ Democracy⁴ and universal suffrage are in fact legal stipulations laid out by the 1984 Sino-British Joint Declaration (SBJD), the international treaty declaring the handover, and the Hong Kong Basic Law (BL), the *de jure* mini-constitution of HKSAR. Yet while Hong Kong people have indeed ruled Hong Kong since 1997, it has not come about via solely democratic means. The reality of Hong Kong has been that at all points in time since the handover in 1997, the Chief Executive (CE), the *de facto* “head of state” for HKSAR, has never been directly elected by the Hong Kong people, and half of the seats within the Legislative Council (LegCo), the territory's unicameral legislature, have been reserved for

² Throughout this work I have tried my best to refer to China as the “PRC” since the term “China” carries some emotional baggage which renders it rather imprecise in what it ought to refer to, especially so for Hong Kong.

³ While this phrase does not appear verbatim in the source at hand, the underlying logic behind it is explicated quite well in Deng Xiaoping, “One Country, Two Systems,” June 22-23, 1984, in *Deng Xiaoping on the Question of Hong Kong* (Foreign Languages Press, 1993).

⁴ Truth be told, the word “democracy” and its morphological derivatives do not appear at all in the Sino-British Joint Declaration in all three of its language versions (English, Chinese (民主), and French (démocratie)). “Democratic” appears once in the Basic Law to describe the procedures for nominating candidates for HKSAR Chief Executive in both English and Chinese (民主) text versions. See *The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*, c. 4, sec. 1, art. 45. Without getting too bogged down in the myriad definitions of democracy, it would therefore be more correct to regard *elections*, rather than democracy, as a legal stipulation of the two documents at hand. I make this conceptual distinction because not all places in the world that hold elections are considered true democracies nor are all elections held around the world conducted under truly democratic procedures.

candidates from functional constituencies which represent various areas of Hong Kong's economy, business, and society.

Thus, as the emergence of the protesters of 2019 and their “Five Demands” should suggest, it appears—at least in the eyes of the Hong Kong people and the pro-democracy camp—that democracy and universal suffrage had yet to be fully realized during the 20-plus years since the handover. For the regular people, only with the lack of full democracy (and with the help of a curious case of murder in a Taiwanese hotel) was the proposal of such an unpopular extradition bill even possible. Therefore, it should come as no surprise that the Hong Kong people found their public officials to be unrepresentative of their political values. 2019 was far from the first time the Hong Kong pro-democracy camp had locked horns or expressed frustration with the HKSAR and PRC governments, having already done so on multiple occasions over salient issues such as the eventual fulfillment of Basic Law Articles 45 and 68 (BL45, BL68), which stipulate that universal suffrage is the “ultimate aim” in formulating the selection processes for the CE and LegCo respectively, and the role of Article 23 (BL23), which requires for the HKSAR Government to enact laws of its own to uphold the national security of the PRC.⁵

Objectives, Methodology, and Arguments

With the necessary context now provided, several key questions can be raised. For one, what exactly is the PRC's governing philosophy for HKSAR? What could possibly explain for Hong Kong's seemingly arrested democratic development? And why have the HKSAR and PRC governments come under intense criticism for their perceived inaction on democratization and eventual crackdowns on the Hong Kong people? To answer these questions, I will attempt to uncover how “One Country, Two Systems” (henceforth abbreviated as OCTS), the political concept underlying

⁵ *Basic Law*, c. 4, sec. 1, art. 45.; sec. 2, art. 68.; c. 2, art. 23.

the administrative framework of HKSAR, has been defined by those responsible for designing and implementing it.⁶ Specifically, I will trace how relevant political elites⁷ have interpreted OCTS between the years 1979 (Deng Xiaoping's first full year as paramount leader of China) and 2007 (the 10th anniversary of the handover and the year that was marked by the elites themselves for ushering in electoral reforms in HKSAR). The method I have adopted for this endeavor is a textual thematic analysis of elite-produced discourse discussing the rationale, design, and implementation of OCTS in Hong Kong, but given the range of years I have allotted for my analysis I will present my findings as a chronological survey in the manner of a historical narrative. I choose the 28-year period in question as the analyzed time range as it fully encompasses the transition (1979-96) and early SAR (1997-2007) periods, which if grouped together I personally understand as “transitional Hong Kong,” a period of transformative change in Hong Kong, China, and the world at-large, suffice to say.

In my analysis, I will maintain a close eye on how political elites have understood Hong Kong as a political and economic actor between 1979 and 2007. What did Hong Kong's incorporation into the PRC mean from a state building and developmental perspective? What kinds of domestic developments shaped how the PRC prepared for the handover of Hong Kong? How does OCTS as formulated in the Joint Declaration and the Basic Law spell out the various aims the PRC sought for gaining sovereignty over Hong Kong? How was OCTS implemented and

⁶ OCTS as a concept was originally formulated in the late 1970s for the future incorporation of Kuomintang-controlled Taiwan into the People's Republic of China (PRC), but it would soon find in British Hong Kong a ready and (mostly) willing test subject. See Deng Xiaoping, “China Will Always Keep Its Promise,” in *Deng Xiaoping on the Question of Hong Kong* (Beijing, Foreign Languages Press, 1993), 42. However, the idea of Hong Kong being a “special administrative region” of China was potentially raised as early as 1971, when Hong Kong Governor Murray MacLehose (1971-82) suggested that future Hong Kong could serve as a “special administrative region” of China where foreigners could continue to reside and conduct their business after 1997. See Ray Yep, *Man in a Hurry: Murray MacLehose and Colonial Autonomy in Hong Kong* (Hong Kong University Press, 2024), 149-51.

⁷ I define political elites as PRC state leaders, top Chinese Communist Party (CCP) officials, government institutions of both the PRC and HKSAR, PRC state media, and HKSAR Government officials.

understood by the elites during the first decade of the SAR, itself a period of transition, before serious constitutional reform could take place?

From my analysis, I shall make the argument that while the underlying impetus for the PRC's resumption of sovereignty over Hong Kong was indeed fueled by nationalistic sentiments largely derived from the perceived injustices of the "unequal treaties," the political and economic context of the early transition period (1979-82) within the PRC and on the global stage resulted in a dovetailing of economic concerns with that of maintaining sovereignty in Hong Kong. This combined objective would end up figuring prominently within the design philosophy of OCTS; "maintain prosperity and stability in Hong Kong," as Deng Xiaoping himself succinctly remarked on more than one occasion. In other words, while extraneous factors such as PRC foreign policy and the Taiwan question certainly played a role in shaping it (more on that in the Conclusion), OCTS was primarily designed to cement and enhance the PRC's sovereignty over Hong Kong by preserving what the PRC regarded as Hong Kong's greatest (or most relevant) strengths: its access to foreign capital, low taxation regime, mature business environment and financial institutions, storied deep-water harbor, and many other economic qualities. Consequently, Hong Kong's political structure after 1997 would be tailor-made for this very objective while simultaneously and somewhat paradoxically being based on democratic ideals.

As a matter of fact, the outgoing British hardly rejected this "prosperity and stability"-centred approach, aspiring for this idea perhaps just as much as the incoming Chinese.⁸ Yet, there was indeed a difference in how the two sovereign nations interpreted this shared aspiration, which was a result of their respective underlying motivations. For the British, maintaining Hong Kong's "prosperity and stability" was desirable out of concern for preserving its image as benevolent

⁸ Mark Chi-kwan, *Decolonisation in the Age of Globalisation: Britain, China, and Hong Kong, 1979-89* (Manchester University Press, 2023), 81-2.

governors and keeping the global economic order intact,⁹ whereas the Chinese sought this same thing under the mindset of obtaining an economic “bonus deal” whilst simultaneously resolving a sovereignty issue “left over from the past.”¹⁰ Put simply, nationalism compelled the PRC to regain Hong Kong, but once this was guaranteed, the policy of maintaining Hong Kong’s “prosperity and stability” gained an elevated status so that the PRC could continue moving forward with its unprecedented economic ballooning. The final implication of this policy for Hong Kong’s political framework, then, is that in order to “maintain prosperity and stability,” there must be a cooperative and deferential political climate within Hong Kong. Therefore, the scope of autonomy and democratization, two privileges bestowed by OCTS, would ultimately be determined by the degree of dissent that the PRC could tolerate within both formal (government) and informal (civil society) channels in Hong Kong.

Thus, although most of these events fall outside the temporal range of this thesis, I shall also tentatively suggest that the series of political developments within Hong Kong during the past decade or so can be reasonably understood as falling in line with the fundamental logic, or *modus operandi*, of OCTS, a logic largely formulated by Deng Xiaoping in the early 1980s and executed since then by his colleagues and various political elites (with the support of lower-ranking cadres) in Beijing, Hong Kong, and neighboring Mainland provinces. This understanding goes against a not uncommon belief that OCTS was designed first and foremost to protect the Hong Kong people’s political rights and way of life (though do take note that this, a verifiable positive statement, is not the same thing as the normative belief that Beijing *ought* to protect Hong Kong people’s rights and

⁹ Steve Tsang, *Hong Kong: An Appointment with China* (I.B. Tauris, 1997), 112-3.

¹⁰ *Deng Xiaoping on the Question of Hong Kong*, 1st ed. (Foreign Languages Press, 1993), 64. The PRC’s characterization of Hong Kong as a problem “left over from the past” pops up frequently in elite rhetoric discussing the resumption of sovereignty. For example, in the aftermath of the PRC’s establishment, Zhou Enlai (serving as Foreign Minister at the time) told the director of Xinhua’s Hong Kong branch that Hong Kong was a problem ‘left behind by history.’ See John M. Carroll, *The Hong Kong-China Nexus: A Brief History*, (Cambridge University Press, 2022), 40. Zhao Ziyang would later express this same sentiment to Margaret Thatcher during September 1982 meetings, describing the Hong Kong question as “an issue left over from history.” See Mark, *Decolonisation in the Age of Globalisation*, 82.

way and of life). As such, I also reject a perception largely held by pro-democracy activists, international watchdogs, and foreign governments that the PRC has reneged on its promise to fulfill Hong Kong's democratic aspirations as provided by the SBJD and BL. On the contrary, I propose that there was never any intended backstabbing or betrayal in the minds of the PRC elite.

Still, it must be acknowledged that while a highly institutionalized "Hong Kong strategy" has existed in Beijing since the days of Deng (and perhaps even earlier), it would be intellectually heedless to suggest that every political and legal action undertaken as part of Beijing's Hong Kong strategy was planned right from the start. In writing a political history of transitional Hong Kong, I must reconcile my view of a largely static Hong Kong strategy with a necessary and proportional appreciation of historical contingencies, which in Hong Kong has often come in the form of social "ruptures" if understood in a Foucauldian sense. However, I do not extend my appreciation of social ruptures as far as Foucault would; if characterizing Beijing's Hong Kong strategy developed in the early 1980s as a three-dimensional shape with a uniform color, ruptures in Hong Kong's political history have only inflicted minor to moderate changes such as dents to the surface and shifts in color tone, stopping short of wholesale transformations in shape or color.

Analytical Framework: Why Analyze Elite Discourse?

This is not a study on how the PRC developed its attitude towards Hong Kong, per se. That is a subject that would require casting a far wider net than the one I have used here for examining OCTS, which in some sense is a policy outcome of the PRC's attitude towards Hong Kong. Still, it is useful to tie in some of the prevailing concepts put forward by eminent scholars on the nature of PRC-Hong Kong relations so that my findings concerning OCTS can be understood within their proper contexts. And since my baseline objective is to outline elite interpretations of OCTS, I will undertake both formalistic (or legalistic) and interpretative analyses of the primary documents collected hitherto. In essence, the former dissects *what* the written words say, whereas the latter

investigates *why* and *how* the written words say what they say. As historical sociologist Tanweer Fazal notes, “concepts and categories of knowledge remain vacuous and unintelligible if devoid of the histories of their origins and mutation in different contexts.”¹¹

The most straightforward answer to the question of “why elite discourse” is simply because of the PRC’s party-state power structure under the Chinese Communist Party (CCP) and the resultant approach to formulating policies for Hong Kong. Steve Tsang, who remains arguably the prime voice on the politics of transitional Hong Kong, explains that during the transitional decades of the 1980s and 1990s, top policy decisions in the PRC concerning Hong Kong could not see the light of day “without the approval of the top leaders” since the question of Hong Kong was wrapped up in the emotional issues of national sovereignty and dignity.¹² Thus, according to Sir Percy Cradock, one of Britain’s top China hands and leader of the British team for the handover negotiations, “the amount of flexibility senior PRC cadres or diplomats [were] able to exercise” was highly restricted.¹³

In fact, one could reasonably trace nearly everything about the PRC’s Hong Kong policy back to something Deng Xiaoping said or strove for. As the subsequent analysis sections shall demonstrate, Hong Kong’s bumpy journey back to Chinese hands was fundamentally shaped by Deng’s ascendance to paramount leadership in the PRC during the late 1970s and his new vision for his country moving forward. It was Deng who led the version of China that began addressing the question of Hong Kong, and it was Deng himself who led the way for his country in handling the handover of Hong Kong and making the most out of it for the China. As Steve Tsang observed on the eve of the handover, “the PRC’s basic policy towards Hong Kong as it now stands was laid

¹¹ Tanweer Fazal, “Documents of Power?: Historical Method and the Study of Politics,” *Studies in Indian Politics* 11, no. 1 (2023): 142.

¹² Steve Tsang, “Maximum Flexibility, Rigid Framework: China’s Policy Towards Hong Kong and Its Implications,” *Journal of International Affairs* 49, no. 2 (1996): 414.

¹³ S. Tsang, *Appointment with China*, 139.

down by Deng Xiaoping in the early 1980s, and has not been changed in any fundamental way”¹⁴ in spite of Deng’s waning influence in elite politics as old age caught up to him (remember that Deng was already 74 when he assumed paramount leadership in 1978!).¹⁵

Just as authoritative as Deng was in shaping the PRC’s Hong Kong policy was the PRC itself in determining the pace of political reform in Hong Kong during the transition years proper (1985-96). To explain, Britain and China agreed to adhere to a policy of “convergence” upon the signing of the Joint Declaration, whereby the present and future sovereigns of Hong Kong would work together to prepare the territory for 1997 and shape it according to the stipulations laid out in the SBJD. The problem with this lay in how the two nations understood what “convergence” really entailed. The British assumed that “convergence” simply meant that they and China would “converge” at a middle point after the two would complete the necessary tasks on their respective ends to realize the SBJD’s stipulations. And since they remained the governing powers in Hong Kong until 1997, the British and Hong Kong governments thought that they might as well begin initiating political reforms on their own accord.

For the Chinese, however, “convergence” meant that the British would merely meet with them at whichever points they would see fit. With the drafting of the Basic Law now under way, the Chinese saw any attempts by the British to shape the look of post-1997 Hong Kong as a transgression of “convergence.” Drafting the BL was effectively a PRC affair,¹⁶ and so in the eyes of the Chinese, the British had no business trying to shape post-1997 Hong Kong on their own accord. So, despite holding a great deal of confidence in shaping Hong Kong into its ideal image that fits the

¹⁴ S. Tsang, *Maximum Flexibility*, 418.

¹⁵ S. Tsang, *Appointment with China*, 139.

¹⁶ While the BL’s drafting was the sole prerogative of the PRC on paper, the Chinese did allow for the British to provide consultation when appropriate. See S. Tsang, *Appointment with China*, 144-5. For more detail, see Albert H. Y. Chen and Michael Ng, “The Making of the Constitutional Order of the Hong Kong SAR: The Role of Sino-British Diplomacy (1982–90),” in *Constitutional Foundings in Northeast Asia*, ed. Kevin Y. L. Tan and Michael Ng (Hart Publishing, 2022).

SBJD's joint stipulations, London eventually realized shortly after the SBJD's signing that "in practice, the PRC could exercise a de facto veto over [Britain's] plan for democratization in Hong Kong."¹⁷ What the Chinese wanted the British to do, then, was to simply accede to their demands and ensure that Hong Kong would "survive" 1997 so that the SBJD would not be effectively discarded after so much effort was expended producing an admittedly reasonable compromise on the future of Hong Kong. For Steve Tsang, the PRC's approach here along with the basic provisions of both the SBJD and BL amount to a Hong Kong strategy consisting of "maximum flexibility or a high degree of autonomy for Hong Kong within a rigid framework of safeguarding the PRC's sovereignty", or "maximum flexibility within a rigid framework" more concisely.¹⁸

None of this is to say that the PRC's leading officials, including Deng, were consummately logical or even rational in formulating their Hong Kong policy. Despite the presence of a local Xinhua branch (the *de facto* diplomatic representative of the PRC in Hong Kong during the colonial years) and a respectable army of Party cadres and officials roughly 6,000 strong present in Hong Kong in the mid-1980s,¹⁹ intel on developments in Hong Kong was essentially filtered through a long-distance game of self-interested Telephone when sent over to the Party top brass in Beijing, thus leading to "policies that are made by top leaders who. . . often have an incomplete understanding of Hong Kong."²⁰ This notion of the CCP having a rather limited and myopic assessment of Hong Kong's strengths and qualities leading up to the handover will be briefly touched on more in the concluding section of Part I.²¹

¹⁷ S. Tsang, *Appointment with China*, 115.

¹⁸ S. Tsang, *Maximum Flexibility*, 421.

¹⁹ S. Tsang, *Appointment with China*, 143. This number was provided by Xu Jiatur, director of Xinhua's Hong Kong branch from 1983 to 1990.

²⁰ S. Tsang, *Maximum Flexibility*, 417.

²¹ For some further context, the British government, especially Margaret Thatcher, was already skeptical of China's understanding of Hong Kong's strengths during the leadup to the handover negotiations. Thatcher apparently regarded Deng as remaining staunchly Marxist-Leninist in character despite his pragmatic sensibilities. See Mark, *Decolonisation in the Age of Globalisation*, 78, 80-1, 85-6.

Moving away from the “elite” aspect to the “discourse” aspect, I subscribe to Ray Yep’s view that formalistic approaches (such as those adopted by some legal scholars) fall short in fully capturing the scope and nuances of Hong Kong’s autonomy as an SAR from the PRC. Yep argues that in the case of studying center-periphery relations such as those between the PRC and HKSAR, an examination of the “political process of mutual learning” between center and periphery sheds far more light on the origins of peripheral autonomy than a strict formalistic analysis of what the legal documents say.²² There is an entire world of politics circulating around and between legal documents such as the SBJD, the BL, and the numerous legal decisions and interpretations emerging subsequent to the handover, and politics figures just as prominently as the law does in shaping the PRC’s Hong Kong policy. And so, connecting back to my comment made at the end of the Introduction about reconciling the PRC’s static Hong Kong policy with an appreciation for historical contingencies, Yep perhaps puts it best by arguing that “earlier exchanges and responses to interactions create institutional memory, protocols for action, and, most important of all, limits to legitimate expectations.”²³

The Analyzed Sources

The sources I am using can be grouped into their respective time periods—pre-handover (1979-96) and post-handover (1997-2007) Hong Kong—which both possess their own specific types of sources.

Forming the foundation of the 1979-96 sources is a series of edited and translated essays presenting Deng Xiaoping’s thoughts on Hong Kong. All of these essays are originally found in the three-volume *Selected Works of Deng Xiaoping* and were later compiled in 1993 by the Foreign

²² Ray Yep, “Understanding the Autonomy of Hong Kong from Historical and Comparative Perspectives,” *China Information* 24, no. 3 (2010): 237.

²³ *Ibid.*

Languages Press in Beijing into a separate publication titled *Deng Xiaoping on the Question of Hong Kong*. Much like many of the other entries in the *Selected Works*, the content of all of these essays did not originate on paper but instead from various informal and formal contexts such as speeches, meetings, and even casual conversations. Supplementing these Hong Kong-specific sources are several other *Selected Works* dating from 1979 to 1982 which discuss Deng's guiding ideas for China after Mao. These ideas ultimately laid a substantial portion of the groundwork for Deng and China to approach the question of Hong Kong's future.

Supporting Deng's words are those of other leading PRC officials who played a major role in shaping their country's Hong Kong strategy. These are found within the *China Documents Annual* series published by the US-based Academic International Press. The objective of this series was to compile the most prominent political and politics-adjacent discourse emerging from the PRC within a given year. This includes official speeches by state leaders, reports produced by government ministries, and editorial pieces found in the likes of Xinhua and People's Daily; most of these were translated into English for publication. A physical copy of this series is kept in the East Asia Collection of the University of Chicago's Regenstein Library, though the only available volumes were from 1989 to 2000. Whether these volumes were the only such ever published is unknown to me. As such, words originating from political elites other than Deng during the 1980s have had to be extracted from secondary sources.

Next, forming the pivot between the pre-handover and SAR sources are, of course, the two most important legal documents for HKSAR: the 1984 Sino-British Joint Declaration (SBJD) and the Hong Kong Basic Law (BL), which was drafted from 1985-90 and adopted by the National People's Congress (NPC) on April 4, 1990. These two documents are what all the other primary sources are judged against. They are the formal and legal blueprints for the PRC's Hong Kong strategy, but as mentioned in the preceding section, analyzing the PRC's actions and sentiments

while taking every written word on these two documents at face value is epistemically limited. As I will reveal in the analysis sections, undertaking textual analysis requires one to judge a source not only by its words, but also its origins and purpose. Fortunately, the PRC itself has helped facilitate this endeavor by having attached numerous instruments to the BL, several of which are pivotal decisions and interpretations made by the NPC or its Standing Committee (NPCSC) concerning the BL that span the years on both sides of 1997. Just as significant is the transcribed speech given by Ji Pengfei, the Chairman of the Basic Law Drafting Committee (BLDC), to explain the BL during the 3rd Session of the 7th NPC on March 28, 1990.

As we enter the SAR period, the sources can be split into two subgroups. The first consist of publicized speeches, all but one of which are the annual CE's Policy Addresses delivered in front of the LegCo. These speeches, drafted and rehearsed in advance and typically delivered during the first session of a new LegCo term, outline the CE's goals, visions, and thoughts concerning nearly all aspects of governing Hong Kong, including constitutional reform, democracy, and universal suffrage, *inter alia*. Given the time range I have chosen to analyze, the addresses of only the first two CEs—Tung Chee-hwa (1997-2005) and Sir Donald Tsang (2005-12)—are examined. Supporting the Policy Addresses is Tung Chee-hwa's inaugural speech as CE delivered on the day of the handover.

The second group of SAR sources consist of published HKSAR government reports pertaining to the issues of constitutional reform. Among these are five reports produced by the Constitutional Development Task Force (CDTF), a three-member team established by Tung Chee-hwa in January 2004 that was tasked with “[examining] in-depth the relevant principles and legislative process in the Basic Law relating to constitutional development, [consulting] the relevant departments of the Central Authorities, and [listening] to the views of the public on the relevant

issues.”²⁴ This group was led by Donald Tsang (then serving as the Chief Secretary for Administration, the second-highest office in the HKSAR government), with Secretary for Justice Elsie Leung and Secretary for Constitutional Affairs Stephen Lam completing the task force triumvirate.²⁵ Due to their greater relevance with my subject of analysis, only the first two reports have been analyzed. Finally, the July 2007 Green Paper on Constitutional Development produced by the HKSAR Constitutional and Mainland Affairs Bureau (CMAB) bookends my primary source analysis. The Green Paper is a pivotal document which has been somewhat overshadowed by the series of dramatic political developments in the 15-plus years since its publication.

Before I continue on to the main analysis, I would also like to touch on some small points of historiography and method. Though I will not make source criticism a readily apparent quality of my analysis, I would still like to highlight a distinction between what Fazal terms “documents of power” and “personal documents.” Put simply, the former consist of the documents produced by the plethora of rules and regulations our organized societies are based on. As Fazal understands, they “are lifelines of the modern state and its bureaucratic order—they encapsulate rules, procedures, decisions, legal processes, judicial orders, testimonies, reports of commissions of enquiries, First Information Reports and so on.”²⁶ Of my collected sources, the “documents of power” include the SBJD, BL, NPCSC decisions and interpretations, CDTF reports, and the Green Paper.

“Personal documents,” in contrast, include “diaries, memoirs, personal letters, . . . letters, speeches of political leaders, interventions in the Constituent Assembly, autobiographies, opinion pieces in newspapers, party journals or magazines and interviews.”²⁷ The “personal documents” among my sources include the essays of Deng Xiaoping, the texts contained within the *China*

²⁴ HKSAR Constitutional Development Task Force, *The First Report of the Constitutional Development Task Force: Issues of Legislative Process in the Basic Law Relating to Constitutional Development*, (March 30, 2004), 1.

²⁵ Tung Chee-hwa, “The 2004 Policy Address,” (speech, Hong Kong, January 7, 2004), 28.

²⁶ Fazal, *Documents of Power*, 144.

²⁷ *Ibid.*, 145.

Documents Annual, other sources produced by individual officials (such as Ji Pengfei's explanation of the BL), and the CE Policy Addresses. Aside from the extant secondary literature, "personal documents" (though still very much treated as primary sources in my analysis) serve to provide a link between the somewhat hermetically sealed "documents of power" with the external context of what was simply going on in the real world at the time the "documents of power" were being produced.²⁸ Referencing anthropologist Emma Tarlo, Fazal insists that since "official documents embody social relationships, . . . our interest [in them] should lie not simply in their content but in the circumstances surrounding their 'production, circulation and interpretation.'"²⁹

²⁸ Ibid.

²⁹ Ibid., 146-47.

Part I: Developing the “Recipe” for OCTS, 1979-96

“Maintain Prosperity and Stability”: The Politics (and Economics) of the Transition

For much of the 20th century, the British crown colony of Hong Kong essentially served as a microcosmic contrast to everything that was wrong about Mainland China: Hong Kong was affluent, China was impoverished; Hong Kong was stable, China was chaotic; Hong Kong was a reminder of the power of Western imperialism, China persistently viewed itself as a victim of Western imperialism with Hong Kong serving as the most painful reminder. The declining Qing Empire’s cession of Hong Kong Island to the rising British Empire in 1841 (and later Kowloon Peninsula in 1860 and the New Territories in 1898) commenced China’s “century of humiliation” as Chinese national memory understands it, with the Treaty of Nanking that granted said cession being considered the first of the “unequal treaties” signed between China and various foreign imperialist powers.³⁰

The founding of the PRC in 1949 is widely viewed as having put an end to the “century of humiliation,”³¹ yet by replacing foreign imperialists as its own biggest threat, China and its people had to endure several more decades of ill-thought out reforms, famine, overzealous government spending, and cultural experiments under PRC Founding Father Mao Zedong. But with Deng Xiaoping’s assumption of power in the late 1970s, China finally entered an optimistic new era characterized by Deng’s vision of economic development via the “reform and opening up” policy.³²

In the meantime, British Hong Kong had evolved from its pre-war status as a commercial mercantile entrepot to an industrious manufacturing hub in the immediate postwar decades and

³⁰ Carroll, *Hong Kong-China Nexus*, 1.

³¹ The fuel for this narrative of national redemption can be found in the text of the Basic Law itself, the preamble of which states that Hong Kong’s return to the motherland in 1997 fulfilled a “common aspiration” and Article 1 stating that HKSAR is “an inalienable part” of the PRC. See *Basic Law*, preamble; c. 1, art. 1.

³² Ezra F. Vogel, *Deng Xiaoping and the Transformation of China* (Harvard University Press, 2011), 218.

finally to a bustling international financial centre by the 1980s. In a curious convergence of history, the economically experienced and largely Westernized Hong Kong would soon have to confront its future sovereign status under the eyes of the now dying British Empire and the rapidly growing and liberalizing PRC under the leadership of Deng, who “regarded regaining Taiwan and Hong Kong as among his most sacred responsibilities.”³³ By this point in time, Hong Kong was evidently well ahead of the development curve and ran on a completely different set of governing rules and customs from the PRC.³⁴ Hong Kong and the PRC were not the same, yet they would eventually have to learn to live together under one flag—that of the PRC. Britain and China thus took upon the responsibility of outlining this new living arrangement for Hong Kong. A child custody transfer on a global scale, if you will. And as Britain and China deliberated, the people of Hong Kong, the child to be transferred, watched on with apprehensive eyes.

Simmering underneath this tense geopolitical standoff between Britain, China, and the people of Hong Kong, however, was a revitalization of economic and business ties between Hong Kong and Mainland China which cannot be ignored when dealing with the grounding impetus for China’s plan to resume sovereignty over Hong Kong in 1997. Indeed, there was a sort of special relationship held between Hong Kong and the PRC’s special economic zones (SEZ) such as Shenzhen right across the border and Zhuhai across the Pearl River Delta. This was no accident, with the SEZs’ purpose having been to “attract overseas capital, especially from ethnic Chinese who lived overseas” and to “facilitate China’s reunification with Hong Kong, Macao, and eventually Taiwan.”³⁵ And so, in spite of the tense relationship the people of Hong Kong have long held with

³³ Ibid., 477.

³⁴ While very much real by the mid-20th century, the origin of this vast gulf in living standards between British Hong Kong and mainland China was not entirely accidental or a natural end result of capitalism’s purported superiority. Among the many objectives of the late colonial government was to cultivate “civic pride” amongst the Hong Kong people by way of a series of social reforms under the MacLehose governorship. By doing so, Britain could maximize its bargaining position with China during the eventual negotiations over Hong Kong’s future. See Michael Ng, *Political Censorship in British Hong Kong: Freedom of Expression and the Law (1842–1997)* (Cambridge University Press, 2022), 129-35.

³⁵ Dali L. Yang, *Beyond Beijing: Liberalization and the Regions in China* (Routledge, 1997), 123.

the PRC and “being separated by the ‘Bamboo Curtain,’” Hong Kong and Mainland China were perhaps each other’s biggest economic benefactors during the final pre-handover decades.³⁶ Even if Hong Kong was indeed “an emotional subject that often provokes an intensely nationalistic response,” it was also a valuable policy tool with immense economic value that only increased as the country’s “Dengist economic reforms [progressed].”³⁷ Indicative of this dualistic attitude was Mao Zedong’s decision to “defer the seizure of the colonial bastions of Hong Kong and Macao because of their economic value to China.”³⁸

This special economic relationship between Hong Kong and the PRC was facilitated tremendously by Deng Xiaoping’s pragmatic approach to revitalizing an impoverished and beleaguered China beginning in the late 1970s. Said approach followed a set of principles which together are known as “Deng Xiaoping Theory,” among them being the “four modernizations” areas: agriculture, industry, national defense, and science and technology. The concept of “four modernizations” is generally attributed to Zhou Enlai³⁹ but was ultimately realized by Deng, who made it clear early on upon assuming power that he intended for modernization to be among the defining achievements of his leadership over China. Speaking in front of the 2nd Session of the 5th National Committee of the Chinese People’s Political Consultative Conference on June 15, 1979, Deng remarked that “China has now entered a new historical period in which the central task is to achieve the four modernizations.”⁴⁰ Half a year later, during a speech at a January 1980 meeting of

³⁶ Carroll, *Hong Kong-China Nexus*, 39.

³⁷ S. Tsang, *Maximum Flexibility*, 413.

³⁸ *Ibid.*, 420. Quoted in Sergei Goncharov, John Lewis, and Xue Litai, *Uncertain Partners: Stalin, Mao, and the Korean War* (Stanford University Press, 1993), 40.

³⁹ Vogel, *Deng Xiaoping*, 94.

⁴⁰ Deng Xiaoping, “The United Front and the Tasks of the Chinese People’s Political Consultative Conference In the New Period,” June 15, 1979, in *Selected Works of Deng Xiaoping, 1975-1982*, 1st ed. (Foreign Languages Press, 1984), 192.

cadres convened by the CCP Central Committee, Deng identified three major tasks for China in the 1980s: oppose hegemonism, work for the return of Taiwan, and step up economic construction.⁴¹

Roughly around this same time, questions of what to do with Hong Kong began circulating amongst the CCP top brass.⁴² Furthermore, already in late 1978 (the dawn of the Deng era proper) was the PRC beginning to “build up a new bureaucratic infrastructure to deal with Hong Kong” since “Deng planned to make the most of Hong Kong for the modernization of the country.”⁴³ As Steve Tsang notes, “the PRC needed Hong Kong’s cooperation, facilities and assistance” in order to pursue the “four modernizations.”⁴⁴ As a result, when Deng began planning to reunify Hong Kong and Macau with the Mainland in the late 1970s “the emphasis initially was on improving relations between China and the business community in Hong Kong and Macao.”⁴⁵

For example, during a meeting with Hong Kong Governor Murray MacLehose (1971-82) in Beijing during the spring of 1979 (the first visit by any governor of Hong Kong to the PRC) to initially discuss land leases in Hong Kong but later also addressing the question of Hong Kong’s future sovereignty, Deng assured the towering Scotsman that “Hong Kong investors could ‘set their hearts at ease.’”⁴⁶ Wang Kuang, then-director of the Xinhua Hong Kong branch, suggested to MacLehose that “business collaboration between Hong Kong and China would improve prosperity

⁴¹ Deng Xiaoping, “The Present Situation and the Tasks Before Us,” January 16, 1980, in *Selected Works of Deng Xiaoping, 1975-1982*, 1st ed. (Foreign Languages Press, 1984), 224–5.

⁴² It is unclear exactly when and how the PRC decided to officially proceed with negotiations over the future of Hong Kong. Mao’s China adopted a policy of “patient pragmatism” in handling the future of Hong Kong, with Mao himself assigning to Deng the responsibility of handling Hong Kong’s return. See Vogel, *Deng Xiaoping*, 487–8. For journalist Kevin Rafferty, Deng had already made up his mind on the “question of Hong Kong” by the time he met with Murray MacLehose in the spring of 1979. See John M. Carroll, *A Concise History of Hong Kong* (Hong Kong University Press, 2007), 177. However, Steve Tsang believes that while the idea of using Hong Kong to benefit China’s nascent modernization efforts had already been on his mind for some time, Deng only realized that he could address this concurrently with resolving the sovereignty issue upon Governor MacLehose’s spring 1979 visit. See S. Tsang, *Appointment with China*, 90. At any rate, he had certainly made up his mind before meeting with Thatcher in September 1982 to kickstart formal handover negotiations. See Deng, *Our Basic Position*, 1.

⁴³ S. Tsang, *Appointment with China*, 91.

⁴⁴ S. Tsang, *Appointment with China*, 82.

⁴⁵ Vogel, *Deng Xiaoping*, 488.

⁴⁶ Carroll, *Hong Kong-China Nexus*, 50.

on both sides and render the problem of assurance less important.”⁴⁷ During a later meeting in April 1982 with former British PM Sir Edward Heath (a noted Sinophile), Deng assured his esteemed guest that “Hong Kong would remain a free port and a global financial center, . . . be ruled by Hong Kong people, including the British and others,” and “be led by the bourgeoisie.”⁴⁸ Deng also described Hong Kong’s future status as something along the lines of a “special administrative zone,” where “Britain ‘might suffer a loss of taxation revenue from Hong Kong’” but “trade and commerce would not suffer.”⁴⁹ Thus, the defining hallmark of the PRC’s plan for Hong Kong in the early Deng era was to foster a harmonious relationship with the colony’s business community, the poster children of capitalism in one of capitalism’s greatest adherents.⁵⁰

The Handover Negotiations

After three years of these preliminary discussions, formal negotiations over the future of Hong Kong began with Margaret Thatcher’s visit to Beijing in September 1982 to discuss both the Hong Kong question and Sino-British economic relations. Britain’s Iron Lady, arriving in the Chinese capital with a spring in her step as a result of her country’s victory in the Falklands just three months prior, was by all accounts impressed, if not slightly unnerved, by the diminutive but exceedingly self-assured Deng during their meeting on the 24th.⁵¹ Thatcher’s strategy for confronting Deng was to

⁴⁷ Yep, *Man in a Hurry*, 162.

⁴⁸ Vogel, *Deng Xiaoping*, 495.

⁴⁹ Mark, *Decolonisation in the Age of Globalisation*, 78.

⁵⁰ I make this remark about Hong Kong capitalism due to the premise of my analysis, which is that the PRC primarily perceived Hong Kong as a disciple of Western capitalism during and after the Deng era, therefore designing OCTS with that perception in mind. See Lau Siu-kai, “Pragmatic Calculations of National Interest: China’s Hong Kong Policy from 1949-1997,” in *Chinese Foreign Policy: Pragmatism and Strategic Behavior*, ed. Suisheng Zhao (Routledge, 2004), 101, 106. With that said, I am compelled to comment that by the late colonial period, Hong Kong was no longer a true *laissez-faire* capitalist heaven, and that its purported ideology of “positive non-interventionism” was hardly observed on a consistent basis. For more on the evolution of governance in colonial Hong Kong, see Anthony B. L. Cheung, “New Interventionism in the Making: Interpreting State Interventions in Hong Kong after the Change of Sovereignty,” *Journal of Contemporary China* 9, no. 24 (July 2000): 291–308, <https://doi.org/10.1080/713675938>. For examples of CCP officials self-admitting their one-dimensional view of Hong Kong’s success, see Carroll, *A Concise History*, 196; Michael Yahuda, *Hong Kong: China’s Challenge* (Routledge, 1996); S. Tsang, *Maximum Flexibility*, 417, 423-4.

⁵¹ Vogel, *Deng Xiaoping*, 495, 497.

stress the value of continuing British administration in Hong Kong so that economic confidence can be maintained,⁵² whereas Deng prepared an agenda comprising three major issues to address in respect to Hong Kong:

1. The matter of sovereignty;
2. The manner of Chinese administration in order to maintain prosperity; and
3. Cooperation between Britain and China to avoid “major disturbances” during the 15-year transition period.⁵³

Deng raised the matter of sovereignty in order for Thatcher and Britain to be on the same page as him and China—that Hong Kong will return to China in 1997 whether Britain likes it or not. As it turns out, this was not the first time the Chinese publicly expressed their unshakeable position on the matter of sovereignty. Eight months prior to Thatcher’s meeting with Deng, Humphrey Atkins, the British Lord Privy Seal (spokesperson for the British foreign office) met with PRC Premier Zhao Ziyang in Beijing, who apparently told Atkins that “‘China would safeguard her sovereignty’, and the prosperity of Hong Kong would be maintained.”⁵⁴ As such, once mutual understanding over the point of sovereignty was established, discussions over what China sought for Hong Kong’s future return could commence.



Figure 1. Deng Xiaoping (sitting front-left) meets with Margaret Thatcher (sitting front-right) in the Great Hall of the People in Beijing, September 1982.⁵⁵

⁵² Mark, *Decolonisation in the Age of Globalisation*, 94.

⁵³ Deng Xiaoping, “Our Basic Position on the Question of Hong Kong,” September 24, 1982, in *Deng Xiaoping on the Question of Hong Kong* (Foreign Languages Press, 1993), 1.

⁵⁴ Mark, *Decolonisation in the Age of Globalisation*, 77.

⁵⁵ Photograph courtesy of STR/AFP/Getty Images, September 1982. *CNN*, June 22, 2017, <https://edition.cnn.com/2017/06/18/asia/hong-kong-handover-china-uk-thatcher>.

As should be evident by now, the Sino-British negotiations and China's plan for Hong Kong—OCTS—must be understood under the context of Deng's reforms. If modernization and prosperity were the end goals for Deng's China, then prosperity in Hong Kong, which was already achieved (at least in relative terms) must be maintained. For Deng, maintaining Hong Kong's prosperity "depends fundamentally on applying policies suitable to Hong Kong," which "will continue under capitalism, and many systems currently in use that are suitable will be maintained."⁵⁶ To elaborate on this, Deng explains that such policies, old and new, must appease not only the people of Hong Kong but foreign investors and Britain as well.⁵⁷ By specifying foreign investors, Deng is making it quite clear on what he perceives to be Hong Kong's strengths, among them the ability to raise and divert capital for investment. Deng himself feared that British capital could leave Hong Kong with the outgoing colonial regime before the handover, but this fear, along with that of capital leaving after China's takeover, would be allayed "so long as [China's] policies are appropriate."⁵⁸ And in the 1980s, much of this capital was being diverted towards modernization projects on the Mainland; as Deng himself remarked, it would be the concern of many that "if prosperity is not maintained in Hong Kong, it might retard China's drive for modernization."⁵⁹

A certain Huang Riyao spells this out more clearly in a February 1990 *Xinhua* article celebrating the coming adoption of the BL, explaining that "the interior of China will rely increasingly on Hong Kong as a bridge to absorb funds and import advanced equipment and managerial methods and will sell its products on the international market through Hong Kong."⁶⁰ In other words, Hong Kong's role within the "big family" (大家) of China is to serve as an economic

⁵⁶ Deng, *Our Basic Position*, 3.

⁵⁷ *Ibid.*

⁵⁸ Deng Xiaoping, "Maintain Prosperity and Stability in Hong Kong," October 3, 1984, in *Deng Xiaoping on the Question of Hong Kong* (Foreign Languages Press, 1993), 20; Deng, *Our Basic Position*, 4.

⁵⁹ Deng, *Our Basic Position*, 3.

⁶⁰ Huang Riyao, "A Creative Masterpiece," *Xinhua*, February 22, 1990, in *China Documents Annual 1990: The Continuing Crisis*, ed. Peter R. Moody, Jr. (Academic International Press, 1994), 399.

tool for the development of the Mainland, who will in return shower Hong Kong with gifts that are the fruits of its financial labor.

Two years after his first meeting with Thatcher, Deng met with delegates from Hong Kong in June 1984 during the final stretch of the Sino-British negotiations. At this meeting, Deng articulated a simple definition of OCTS which nonetheless captures its essence: “the mainland with its one billion people will maintain the socialist system, while Hong Kong and Taiwan continue under the capitalist system.”⁶¹ And on the rationale for developing OCTS, Deng explains that “when we adopt the policy of ‘one country, two systems’ to resolve the Hong Kong question, we are not acting on impulse or playing tricks but are proceeding from reality and taking into full account the past and present circumstances of Hong Kong.”⁶²

He also recognizes how the PRC has overcome its traumatic past and “‘Left’ mistakes” to pursue a new future “proceeding from reality and seeking truth from facts,”⁶³ clearly a reference to the ongoing modernization reforms on the Mainland.⁶⁴ Further opining that the reforms serve as the context, not pretext, for the development of OCTS for Hong Kong and Taiwan, Deng is explicitly expressing that both—especially Hong Kong due to its question of sovereignty already being answered—shall serve as economic benefactors for the Mainland’s efforts to reform.⁶⁵ And not just any benefactors, but *rightist* benefactors. In an April 1987 speech delivered to members of the Basic Law Drafting Committee (BLDC), Deng reiterates that OCTS does not simply preserve Hong Kong’s capitalist system, but also the Mainland’s socialist system.⁶⁶ Those who shall govern HKSAR,

⁶¹ Deng, *One Country, Two Systems*, 7.

⁶² *Ibid.*, 9.

⁶³ See Deng Xiaoping, “Emancipate the Mind, Seek Truth From Facts and Unite As One In Looking to the Future,” December 13, 1978, in *Selected Works of Deng Xiaoping, 1975-1982*, 1st ed. (Foreign Languages Press, 1984).

⁶⁴ Deng, *One Country, Two Systems*, 7.

⁶⁵ *Ibid.*

⁶⁶ Deng Xiaoping, “Speech at a Meeting with the Members of the Committee for Drafting the Basic Law of the Hong Kong Special Administrative Region,” April 16, 1987, in *Deng Xiaoping on the Question of Hong Kong* (Foreign Languages Press, 1993), 53-4.

then, should represent a healthy balance of the political spectrum, but with “as few as possible” on the Left, as he also mentioned during the June 1984 meeting.⁶⁷ Exactly how Hong Kong’s new system would be spelled out in the SBJD and BL will now be explained.

The Joint Declaration and the Basic Law: Codifying “Prosperity and Stability”

The Sino-British Joint Declaration (SBJD), which decided Hong Kong’s sovereign fate, was signed in Beijing on December 19, 1984. With the SBJD, the question of Hong Kong was finally resolved: Hong Kong would become a Special Administrative Region of the People’s Republic of China on July 1, 1997, with the proviso that its Western-style sociopolitical structure would be formally spelled out and protected by the Basic Law (BL), the soon-to-be *de facto* constitution of HKSAR.⁶⁸ This provision is the last of 12 basic policies listed in the SBJD that the PRC holds for Hong Kong, which I have tried my best to paraphrase here:

1. Giving HKSAR special autonomy after 1997 is the result of the PRC’s twin objectives of “upholding national unity and territorial integrity and taking account of the history of Hong Kong and its realities;”
2. HKSAR falls under the direct authority of the PRC central government (devolved power);
3. There will be a great deal of institutional continuity between both sides of 1997, with HKSAR being able to exercise a great deal of “executive, legislative and judicial power, including that of final adjudication;”
4. Hong Kong people will rule HKSAR. The CE will be nominated by Beijing and later appointed in accordance with local election results, and the CE will nominate leading officials for appointment by Beijing. Civil servants employed before 1997 can keep their positions, while some foreign nationals can even serve in the HKSAR government.
5. Hong Kong’s “way of life” and socioeconomic system will remain untouched. HKSAR residents will enjoy an extensive array of rights and freedoms, several of which are not constitutionally-protected in the Mainland;
6. HKSAR will remain a free port and separate customs territory from the Mainland;

⁶⁷ Deng, *Maintain Prosperity and Stability*, 19.

⁶⁸ “Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong,” signed December 19, 1984, *Treaty Series: Treaties and International Agreements Registered or Filed and Recorded with the Secretariat of the United Nations* 1399, no. 23391 (1985): 62, <https://treaties.un.org/doc/Publication/UNTS/Volume%201399/v1399.pdf>.

7. HKSAR's financial infrastructure will remain intact in order to retain its status as an international financial centre. Its FOREX and securities markets, *inter alia*, will remain active. Capital shall freely flow in HKSAR and the Hong Kong dollar will remain in circulation.
8. HKSAR will be financially independent and the central government cannot levy taxes on it.
9. HKSAR can "establish mutually beneficial economic relations" with the UK and other states;
10. HKSAR can establish economic and cultural relations with foreign entities such as states and IGO's, but only under the name of "Hong Kong, China;"
11. The HKSAR Government shall be responsible for maintaining public order in HKSAR;
12. The above policies shall remain unchanged for 50 years⁶⁹ and become constitutionally-stipulated within a Basic Law by the PRC's National People's Congress.⁷⁰



Figure 2. The signing of the Sino-British Joint Declaration in the Great Hall of the People, December 19, 1984. The two signatories, Margaret Thatcher and PRC Premier Zhao Ziyang, sit on the left and right, respectively. Deng Xiaoping stands front-middle behind the two flags.⁷¹

Meeting with Thatcher again later that day, Deng promised that Britain and the rest of the world need not worry about Hong Kong. While capitalism and communism may appear as natural

⁶⁹ A lack of clarity has been established on what "remain unchanged for 50 years" really means. Some commentators, usually from the press and the laypeople, have assumed that 50 years is the strictly allotted amount of time for Hong Kong to enjoy its rights and way of life before the PRC will formally incorporate it into the Mainland's systems. Others, like myself, prefer to see an unwritten "at least 50 years" within the text. A direct translation of the Chinese version—「在五十年内不变」—suggests that the Basic Law's basic provisions cannot be changed *within* (内) 50 years after July 1, 1997. But most are simply unsure of what awaits the Basic Law in or after 2047, disregarding actual political developments within Hong Kong in the recent past. For a good primer on this, see Danny Gittings, "What Will Happen to Hong Kong after 2047?," *California Western International Law Journal* 42, no. 1 (2011).

⁷⁰ *Sino-British Joint Declaration*, 61-2.

⁷¹ Photograph courtesy of Xinhua, December 19, 1984. *South China Morning Post*, July 4, 2019, <https://www.scmp.com/news/hong-kong/politics/article/3017318/explainer-what-sino-british-joint-declaration-and-what-does>.

enemies, there remain ways for them to work together to find meaningful solutions, with Deng describing the international significance of the SBJD as a marriage between “Marxist dialectical materialism and historical materialism.”⁷² He later explains that such a marriage was arranged and held because “the only solution to the Hong Kong question that would be acceptable was the ‘one country, two systems’ arrangement, under which Hong Kong would be allowed to retain its capitalist system and . . . its status as a free port and a financial centre. There was no other alternative.”⁷³ Deng reveals that a Japanese friend once asked why he developed OCTS and wanted to keep Hong Kong’s capitalist system after 1997, to which Deng responded that OCTS “was based on China’s realities,” having set the “ambitious goal of quadrupling its GNP in two decades . . . and of reaching a level of comparative prosperity.”⁷⁴

Reading between the lines, one could be forgiven for suggesting that if asked whether he would rewrite history and wish for Hong Kong to never exist, and therefore for the “unequal treaties” and the “century of humiliation” to at best also never exist or at worst be delayed or truncated, Deng may very well take up the offer. But alas, Hong Kong was and still is a reality of history, and the differences it had with the Mainland must be reconciled with the urge to erase its non-socialist system and fully integrate it into the Mainland. Hence the oft-repeated phrase “proceeding from reality.” Therefore, why not just use Hong Kong for what it is good for? After all, if there is one thing Britain excels at, it is raising capital through trade. And money was what the PRC needed right at the same time the question of Hong Kong was raised and answered.

Yet, what Hong Kong was *not* at that time was a bastion of Western liberal democracy in spite of its Western-imposed colonial political structure. And even if it was a democracy, what good would that be for China? Xu Jiatur, a vice chairman of the BLDC and director of the Hong Kong

⁷² Deng, *China Will Always Keep Its Promise*, 41.

⁷³ *Ibid.*, 42.

⁷⁴ *Ibid.*, 30.

branch of Xinhua from 1983 to 1990, explained in a speech delivered to the NPCSC in February 1989 that Hong Kong had never been a democracy and therefore should not hastily implement democratic principles in such short notice. Instead, what the BL allowed for was a gradual journey towards democracy.⁷⁵ Ji Pengfei, Chairman of the BLDC and Xu's superior, repeats this sentiment in a June 1989 speech transcribed and published in the overseas edition of People's Daily, arguing that "under the colonial rule of Britain, Hong Kong had no democracy at all in the past 100 years and more. After 1997, . . . democracy should be developed gradually."⁷⁶ Ji reaffirms this point during his explanations of the BL in front of the NPC on March 28, 1990, acknowledging that while existing elements of Hong Kong's political structure that have "proven to be effective" will remain intact under the PRC, "a democratic system that suits Hong Kong's reality should gradually be introduced."⁷⁷

Xu elaborates on this stipulation in his February 1989 speech that all changes and policies that arise out of this journey to democracy "must follow the principle of being favorable to Hong Kong's stability and prosperity" and that "these principles must be embodied in the provisions of the Basic Law."⁷⁸ In other words, while OCTS would allow for the preservation of whatever political qualities, old and new, were deemed suitable for Hong Kong, the primacy of preserving Hong Kong's economic value could not be challenged. In the same speech, Xu, in an awkward attempt to possibly appease Hong Kong's pro-democracy forces, puts forward a teleological narrative of democracy organically and inevitably emerging out of Hong Kong's capitalist system but ultimately existing to support capitalism, insisting that in Hong Kong, "political democracy and social

⁷⁵ Xu Jiatur, "Xu Jiatur on Drafting of Basic Law. Full Text of Speech to NPC Standing Committee Meeting," *Wen Wei Po*, February 21, 1989, in *China Documents Annual 1989: The Crisis of Reform*, ed. Peter R. Moody, Jr. (Academic International Press, 1992), 385.

⁷⁶ Ji Pengfei, "One Country, Two Systems' Must not be Undermined," *Renmin Ribao*, July 21, 1989, in *China Documents Annual 1989: The Crisis of Reform*, ed. Peter R. Moody, Jr. (Academic International Press, 1992), 394.

⁷⁷ Ji Pengfei, "Explanations on 'The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Draft)' and Its Related Documents," (speech, Beijing, March 28, 1990), in *Basic Law*, instr. 6, 139.

⁷⁸ Xu, *Drafting of Basic Law*, 394.

prosperity must complement each other.”⁷⁹ For the CCP, the system of LegCo seats returned by functional constituencies is thus perhaps a near-perfect crystallization of this concept of “democracy for prosperity.”

So, if Hong Kong’s democracy should serve to maintain stability in order for the economy to prosper, there was certainly a line to be drawn for the Hong Kong people to exercise their unique political rights, that is, when prosperity and stability come under threat during moments of political “disturbance.” Returning to Deng’s April 1987 speech to the BLDC, he warns that even if Hong Kongers will be allowed to criticize the PRC and CCP after 1997, the Mainland will feel compelled to intervene in situations where the Hong Kong people begin to abuse their rights in order to “convert Hong Kong into a base of opposition to the mainland under the pretext of ‘democracy.’”⁸⁰ Deng is clearly drawing a line for Hong Kongers to utilize their political rights, yet seldom articulates limits on Hong Kong’s economic autonomy save for insisting that the Mainland will remain socialist. An anonymous commentator in the overseas edition of *People’s Daily* from April 1991 subtly supports this by claiming that the Basic Law, promulgated exactly 1 year prior, “has already played, and will continue to play, a good role. . . in stabilizing the people’s minds.”⁸¹

Deng also provides an insightful point on comparing Western democracies and Hong Kong’s future democracy. Despite being a British colony, Deng observes that Hong Kong’s political system was not like that of Britain or the United States. And he was not wrong. But from this, Deng arrives to the conclusion that it would be impractical for Hong Kong to copy the political systems of the West, and that it lacking certain key features of Western democracies should not be construed as it being undemocratic.⁸² He even opines that general elections may not be a good thing for Hong

⁷⁹ *Ibid.*, 385.

⁸⁰ Deng, *Speech at a Meeting with the Basic Law Drafting Committee*, 58.

⁸¹ Commentator, “Guarantee to Hong Kong’s Long-Term Stability and Prosperity,” *Renmin Ribao*, April 4, 1991, in *China Documents Annual 1991: From Crisis to Inertia*, ed. Peter R. Moody, Jr. (Academic International Press, 1995), 360-361.

⁸² Deng, *Speech at a Meeting with the Basic Law Drafting Committee*, 55.

Kong since officials elected by the general populace may not “love the motherland and Hong Kong.”⁸³ In sum, if Hong Kong’s political structure was already not considered very democratic in a “Western” sense, there was no need to preserve a Western-style democracy that does not even exist. Consequently, HKSAR’s democratization shall proceed in consideration of Hong Kong’s realities and strengths.

Heterodoxy Within the Party?

To conclude this first phase of the analysis, it should be mentioned that not all with influence in 1980s-90s Zhongnanhai were in complete agreement with Deng and others on this matter. For example, Xu Jiatun himself lamented in 1988 that many of his comrades held a very narrow understanding of Hong Kong, which he otherwise avoided due to having actually worked in Hong Kong for several years up to that point as director of the local Xinhua branch. A similar sentiment was later expressed by Li Ruihan, a member of the Politburo Standing Committee, in March 1995.⁸⁴ And later that year, Larry Yung, the son of PRC vice president Rong Yiren, warned Mainland officials from interfering too much in Hong Kong after 1997 lest everything good about the soon-to-be SAR be destroyed.⁸⁵

But perhaps the most striking example of heterodoxy on the Hong Kong question was that of Zhao Ziyang, the liberal-minded Premier of China, one of Deng’s most trusted comrades, and signatory of the Joint Declaration. In May 1984, Zhao wrote a private letter responding to university students from Hong Kong who were concerned about the direction the ongoing Sino-British negotiations were heading. In it, Zhao reassured the students that their home would eventually have

⁸³ Ibid., 56.

⁸⁴ Carroll, *Concise History*, 196.

⁸⁵ Ibid., 214.

democracy and universal suffrage.⁸⁶ But as powerful as Zhao was, Deng still had the final say.⁸⁷ It is perhaps fitting, then, that both Zhao and the type of democracy that the Hong Kong people envisioned are now things of the past, one largely erased from the PRC's memory⁸⁸ and the other's memory never even having a chance to develop. As we now turn our attention to the early SAR period, it is evident that the fates of Zhao and Hong Kong democracy are testament to just how powerful the ideology and organizational power of a Marxist-Leninist party such as the CCP can be in determining the fates of millions of people for generations to come.

⁸⁶ Juliana Liu, "Long-Lost Zhao Ziyang Letter Inspires Activists," *BBC News*, January 16, 2014, sec. China blog, <https://www.bbc.com/news/blogs-china-blog-25714522>.

⁸⁷ S. Tsang, *Appointment with China*, 139.

⁸⁸ Julian Gewirtz, "China's Road Not Taken," *Foreign Affairs*, September 29, 2022, <https://www.foreignaffairs.com/china/chinas-road-not-taken>.

Part II: OCTS in the SAR's First Decade, 1997-2007

Turning the Screw of 1997: The Provisional SAR Government

A celebratory countdown of 1000 days took place prior to the handover date of July 1, 1997, during which Ding Guangen, the director of the PRC's Central Propaganda Department, called for the impending handover celebrations to “[arouse] the spirit of nationalism” since the handover of Hong Kong has contributed to removing the stain of the “century of humiliation.”⁸⁹ From a more legalistic perspective, Wu Jianfan, a “research fellow of the Law Institute under the Chinese Academy of Social Sciences,” sharply emphasized at a speech delivered at a “one country, two systems” law forum held on May 24, 1997, by the CCP Central Committee that “the fundamental aim of the conception [of OCTS] is to resume the Chinese sovereignty over Hong Kong and Macao, and to bring true a peaceful reunification of the motherland.”⁹⁰

Preceding this monumental date, however, was a critical disjuncture between the British and Chinese ideas of preparing Hong Kong for said date. Governor Chris Patten (1992-97), the last to serve in his office, was the recipient of scathing criticism from the PRC when he attempted to expedite progress towards the electoral system prescribed by the BL without consulting the Chinese. Xiao Weiyun, a former member of the BLDC, thoroughly denounced the Briton and defended the use of functional constituencies in an article published in *People's Daily* on October 20, 1992, in which he effectively argued that the LegCo elections in 1985 and 1988, the second and third such ever in Hong Kong, “enabled professionals from various fields, and representatives from functional constituencies, to join Legco, which conformed to Hong Kong's actual reality and was thus retained

⁸⁹ Suisheng Zhao, *A Nation-State by Construction: Dynamics of Modern Chinese Nationalism* (Stanford University Press, 2004), 221.

⁹⁰ Wu Jianfan, “‘One Country, Two Systems’ and Hong Kong's Basic Law: Speech Delivered at ‘One Country, Two Systems’ Law Forum Held by the CPC Central Committee,” *Renmin Ribao*, May 24, 1997, in *China Documents Annual 1997: Changes*, ed. Peter R. Moody, Jr. (Academic International Press, 2001), 318.

in the Basic Law.”⁹¹ As the CCP largely understands Hong Kong for its business capabilities, it is no wonder that they wanted their biggest allies in Hong Kong to have a secure voice in legislative matters.⁹²

But strangely enough, the partially elected LegCo of 1995 was disbanded upon the change of sovereignty. In its place was a government not elected by the Hong Kong people. Rather, it was formed by a 400 member-strong Selection Committee, which itself was overseen and elected by a Preparatory Committee established by the National People’s Congress in January 1996. While the Preparatory Committee comprised of a mix of Hong Kongers and Mainlanders, all 400 members of the Selection Committee were permanent residents of Hong Kong.⁹³

In Steve Tsang’s view, the reason for an entirely appointed government leading Hong Kong upon the change in sovereignty was due to what he describes as the PRC’s urge to “build a new kitchen” in Hong Kong in the aftermath of their spat with Patten. The two nations had already experienced minor fallout from misunderstandings over the policy of “convergence,” but with Patten, a career politician standing apart from his diplomat-Sinologist predecessors, tensions rose to heights not seen before. Patten’s reforms were the last straw for the Chinese, who henceforth decided to take preparations for the handover into their own hands only.⁹⁴

⁹¹ Xiao Weiyun, “A Make-Believe Constitutional Proposal,” *Renmin Ribao*, October 20, 1992, in *China Documents Annual 1992: Revival of Reform*, ed. Peter R. Moody, Jr. (Academic International Press, 1996), 342.

⁹² Sonny Lo sees this process as an example of what Philip Selznick calls “formal cooptation” to describe why and how the PRC won over the Hong Kong bourgeoisie during the drafting of the BL. Lo claims that since China needed to gain legitimacy in Hong Kong by absorbing “new elements” (the business community) into the political structure, the Basic Law Drafting Committee (BLDC) was effectively “an instrument by which China absorbed the pro-Beijing industrial bourgeoisie (including big businessmen, entrepreneurs and bankers) as well as a minority of liberal-minded intellectual bourgeoisie.” See Sonny Shiu-Hing Lo, “The Politics of Cooptation in Hong Kong: A Study of the Basic Law Drafting Process,” *Asian Journal of Public Administration* 14, no. 1 (1992): 3–24, <https://doi.org/10.1080/02598272.1992.10800260>.

⁹³ [Decision of the National People’s Congress on the Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region] (adopted by the Nat’l People’s Cong., April 4, 1990), in *Basic Law*, instr. 10, 155-6.

⁹⁴ For further reading, see S. Tsang, *Appointment with China*, 201-8.

As a result, a Provisional Legislative Council elected by the Selection Committee oversaw the handover period until May 1998, when the first LegCo proper of HKSAR was formed using the electoral methods then prescribed by the Basic Law. This first LegCo consisted of 60 members, half of whom were returned by functional constituencies (special interest groups representing various socioeconomic sectors of Hong Kong), 10 by an Election Committee, and 20 by geographical constituencies (voting districts) via popular direct elections.⁹⁵ Having started with an appointed government and later moving on to a 33%-elected LegCo in 1998, bricks were expected to be laid down for a gradual democratization of the HKSAR government. See

Table 1 for a rundown of LegCo's composition evolution from 1997 to 2008.

The Selection Committee also nominated the first Chief Executive (CE) of HKSAR, Tung Chee-hwa, who was later appointed by the central government in December 1996. Tung, "a local shipping magnate whose company was financially beholden to the PRC," was the man assigned by Beijing to lead Hong Kong into this new era, among his many duties being to fulfill the promise of universal suffrage.⁹⁶ Tung's cabinet, the Executive Council (ExCo), was also comprised of appointees selected by Tung and approved by the PRC.⁹⁷ Whether HKSAR would be seen as a successful political experiment or not was almost entirely down to Tung's administration. An examination of how Tung understands OCTS in his policy addresses reveals that he hardly deviates from the text of the BL, indeed a PRC-produced document.

⁹⁵ *Basic Law*, instr. 10, 156.

⁹⁶ S. Tsang, *Appointment with China*, 206.

⁹⁷ *Ibid.*, 206-7.

Table 1. Evolution of HKSAR LegCo's composition (1998-2008)⁹⁸

Selection Method	Provisional LegCo (1997-98)	1st LegCo (1998-2000)	2nd LegCo (2000-04)	3rd LegCo (2004-08)
Functional constituencies	<i>n/a</i>	30 (50%)	30 (50%)	30 (50%)
Geographical constituencies	<i>n/a</i>	20 (33%)	24 (40%)	30 (50%)
Election Committee	<i>n/a</i>	10 (17%)	6 (10%)	<i>n/a</i>
Selection Committee	60 (100%)	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>

Tung's View of OCTS: His or China's?

On the day of the handover, Tung Chee-hwa delivered his inaugural speech as HKSAR's first Chief Executive. While the usual celebratory remarks and poignant homages made to the Hong Kong people and Chinese nation dominate, this short passage essentially affirms what the handover is really meant to achieve:

Through a solemn act of law, the Central People's Government has granted Hong Kong a high degree of autonomy, unparalleled anywhere in the world. We value this empowerment, and we will exercise our powers prudently and responsibly. We are embarking on a new era. With the respect and trust from the entire nation, we will be that much more equipped to sail forward with confidence and with conviction. We will play a part in facilitating the reunification of the entire nation, and bringing a better life to all in the nation.⁹⁹

The key takeaways here are that even if Hong Kong's autonomy remains among the highest, if not the highest, in the world, the fact that it is a privilege granted by Beijing cannot be forgotten. The reason why Beijing has allowed for Hong Kong to exercise a high degree of autonomy is so that Hong Kong can harness its economic strengths to help drive the Chinese nation as a whole towards a better future.

⁹⁸ Data partially pulled from <https://www.legco.gov.hk/en/education/understand/timeline.html>.

⁹⁹ Tung Chee-hwa, "Inaugural Speech by the Honourable Tung Chee Hwa" (speech, Hong Kong, July 1, 1997), HKSAR Government Press Releases, <https://www.info.gov.hk/isd/speech/0701cein.htm>.

Moving on to his policy addresses, Tung more openly puts forward his basic vision of OCTS in the first ever Chief Executive's policy address delivered three months after the handover:

Hong Kong's reunification with China under the "One Country, Two Systems" concept requires us to appreciate and accept one practical and profound truth: Hong Kong's prosperity and stability are closely linked with those of the Mainland. Also, Hong Kong and China share the same fundamental interests.¹⁰⁰

From this, it appears that for Tung, OCTS was more than just a system allowing for the Hong Kong people to continue to live their lives just as they were prior to the handover, and that Hong Kong's return to China was not carried out as a mere formality that simply had to be done. Rather, Tung saw so much more in the handover: it signaled an exciting new time for both Hong Kong and Mainland China, who were now on the same team under one flag. And so, to make the most out of this symbiotic relationship, OCTS was also designed to maximize Hong Kong's particular strengths.



Figure 3. Tung Chee-hwa (standing left) and PRC Premier Li Peng (standing right) during the former's swearing-in ceremony as HKSAR's first Chief Executive at the Hong Kong Convention and Exhibition Centre, July 1, 1997.¹⁰¹

What have the central authorities in Beijing said on this matter? What is their basic vision of OCTS?

Ji Pengfei's explanation of the Basic Law may provide some clues. For Ji, OCTS and its resultant

¹⁰⁰ Tung Chee-hwa, "The 1997 Policy Address," (speech, Hong Kong, October 8, 1997), para. 7.

¹⁰¹ Photograph courtesy of Yoshikasu Tsuno/AFP, July 1, 1997. *Hong Kong Free Press*, July 2, 2022, <https://hongkongfp.com/2022/07/02/pictures-1997-handover-hong-kong-britain-china/>.

policies were developed, among other reasons, in order to “conform to the basic interests of the Chinese people, particularly those of the Hong Kong compatriots.”¹⁰² Just as Tung would seven years later, Ji enmeshes Hong Kong’s interests with those of the Mainland: while Hong Kong’s interests are still its own, they ultimately serve the basic interests of China. And so, a special system was developed to help Hong Kong pursue its own particular interests for the betterment of the nation as a whole.

This then calls to question the particular nature of Hong Kong’s “system” vis-à-vis China, which Tung makes a few remarks on in his inaugural address:

“Two Systems” enshrines Hong Kong’s practical and long term interests. Naturally we will do everything to preserve that. At the same time, we have to realise that “Two Systems” has been made possible by the deliberate choice of the Central Government, arising from its consideration of the fundamental interests of the whole country, including those of Hong Kong. Simply put, emphasising the “One Country” concept and implementing “Two Systems” protects the interests of China and Hong Kong.¹⁰³

Here, Tung stresses that “Two Systems” is a privilege bestowed by China onto Hong Kong for the latter’s long-term good, which in turn will benefit the long-term good of the nation as a whole. This view is expressed in accordance with Article 12 of the Basic Law (BL12), which states that while enjoying an immense degree of autonomy, Hong Kong remains directly under the administration of the central government in Beijing.¹⁰⁴ In other words, the boundaries of “Two Systems” are determined by China, not Hong Kong. Hong Kong is the prime beneficiary of “Two Systems,” but it cannot decide how it looks and works.

This idea of OCTS being a generous yet indisputably devolved administrative privilege for Hong Kong will be reiterated time and time again in later published documents. For example, the constitutional status of Hong Kong is explicitly confirmed in the 2007 Green Paper as existing

¹⁰² *Basic Law*, instr. 6, 132.

¹⁰³ Tung, *1997 Policy Address*, para. 8.

¹⁰⁴ *Basic Law*, c. 2, art. 12.

within a unitary state. Although it possesses autonomy resembling that of a sovereign state, “unlike sovereign states, the HKSAR cannot decide [its] political structure on its own.”¹⁰⁵

Using the given evidence presented thus far, I can now recall Steve Tsang’s concept of “maximum flexibility within a rigid framework,” which was conceptualized during the twilight days of the pre-handover period. I have provided an updated version using the evidence at hand presented by the SAR period, when OCTS was finally being put into action—see Table 2 below.

Table 2. Expansion of Steve Tsang’s concept of “maximum flexibility within a rigid framework”

OCTS Equivalent	Original Concept by Steve Tsang (1996)	Expanded Concept	Objective of Concept
Two systems	Maximum flexibility.for Hong Kong to harness its economic strengths	To help bring prosperity for all in the Chinese nation
One country	. . .within a rigid framework	. . .consisting of a strictly devolved autonomy and stable political structure	To secure and maintain sovereignty over a newly regained territory

Another notable aspect of HKSAR is its executive-led political structure. Whereas the early SAR LegCo was at least partially elected by the people of Hong Kong, the CE was without question a political appointment made by the central government. How does Tung view his own position within this power dynamic? How does he justify his rise to power as not being in conflict with OCTS? In his 1999 address, whilst emphasizing the need for an executive-led structure without elaborating on the particular reasons why, Tung strikes a tone of apprehension and slight condescension towards the LegCo. In saying that he and his administration “will make still greater efforts to maintain communication with the Legislative Council and secure its greater support,” Tung gives the impression that he regards the LegCo as something that must learn to cooperate with the dominant executive branch in order for HKSAR to function optimally.¹⁰⁶

¹⁰⁵ HKSAR Constitutional and Mainland Affairs Bureau, *Green Paper on Constitutional Development*, (July 11, 2007), 8.

¹⁰⁶ Tung Chee-hwa, “The 1999 Policy Address,” (speech, Hong Kong, October 6, 1999), para. 147.

Does Beijing share this same apprehension towards the LegCo? Nowhere near as explicitly as Tung, as it does not directly deal with the LegCo on a daily basis, but the NPCSC's interpretations and decisions on universal suffrage subtly hint at this underlying desire to keep the LegCo in line with the basic vision of OCTS and the BL. On April 26, 2004, the NPCSC adopted a decision on the selection methods for the CE in 2007 and the LegCo in 2008. Despite acknowledging the BL's stipulation of universal suffrage being the ultimate goal in Hong Kong as well as the Hong Kong people's vocal desire for it, the NPCSC, in explaining their decision, also highlighted the stipulation that universal suffrage must also be adopted "in the light of the actual situation" in Hong Kong and with "gradual and orderly progress."¹⁰⁷ Though the NPCSC decision itself—that the elections in question (CE 2007, LegCo 2008) would not be conducted under universal suffrage—is of great interest, the reasoning for it sheds light on what the central government truly looks for when gauging the "actual situation" in Hong Kong.

To understand this, some social context should be provided. This decision from Beijing came off the back of what was certainly the most tumultuous year in HKSAR up to that point in time. Two developments dominated the year 2003 in Hong Kong: the political crisis ensuing from the Hong Kong people's hostility to government-proposed BL23 legislation (the July 1 marches), and the SARS epidemic, which by January 2004 had "infected more than 1,700 people and claimed 299 lives" in Hong Kong.¹⁰⁸ Tung's popularity as CE had in fact reached its lowest point in April 2003 due to his administration's handling of the SARS epidemic in Hong Kong, with HKSAR and the OCTS experiment being seemingly pushed to their limits only six years on from the handover.¹⁰⁹

¹⁰⁷ [Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region in the Year 2007 and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2008] (adopted by the Standing Comm. Nat'l People's Cong., April 26, 2004), in *Basic Law*, instr. 17, 178.

¹⁰⁸ Tung, *2004 Policy Address*, 1.

¹⁰⁹ Michael Ng, "Tung main victim of SARS outbreak.," *The Standard*, April 16, 2003.

And with the public and pro-democracy camp (which included academics such as Joseph Cheng of City University of Hong Kong and Chan Kin-man of the Chinese University of Hong Kong)¹¹⁰ already angered at the BL23 bill introduced in February, tensions boiled over on the 2003 rendition of the annual July 1 marches, when over half a million Hong Kongers “staged the largest public demonstration in the young HKSAR’s history” up to that point.¹¹¹

Naturally, the central government was not happy with how things were panning out in Hong Kong. Tung, perhaps unwisely, revealed in his 2004 address that he had travelled to Beijing to meet President Hu Jintao in December 2003, and while there learned that the central government was beginning to feel concerned about the trajectory of Hong Kong’s constitutional development, though he does not clarify in what exact sense.¹¹² As it turns out, Tung did not need to clarify this, as the central government itself would do so in its April 26, 2004, decision on universal suffrage. And so, the reason why universal suffrage would not yet arrive in Hong Kong ten years after the handover was, as the central government argued in its decision, because “different sectors of the Hong Kong society still have considerable differences” in their views on selecting the CE and LegCo after 2007, and thus have not reached a “broad consensus.”¹¹³

The Constitutional Development Task Force: Serving the People or Beijing?

With 2007 now only three years away by this point, Tung begins expressing greater urgency in formulating post-2007 election methods, as can be seen elsewhere in his 2004 policy address. However, by concurrently utilizing the term “relevant arrangements” to refer to Hong Kong’s future electoral frameworks, establishing a group dedicated to reviewing concerns expressed from the Mainland, and calling for the Hong Kong public to voice their thoughts, Tung seems to have shifted

¹¹⁰ Staff reporter, “Academics call for universal suffrage,” *The Standard*, June 27, 2003.

¹¹¹ Carroll, *Concise History*, 226.

¹¹² Tung, *2004 Policy Address*, 9.

¹¹³ *Basic Law*, instr. 17, 179.

his focus away from developing the “ideal” system of universal suffrage and instead towards the most realistic and suitable framework which could appease both the Hong Kong public and the central authorities in Beijing. The pressure was clearly mounting for Tung, and he needed to do something to demonstrate to those who gave him their blessing as CE that he was going to figure things out. After all, while OCTS most clearly impacted the lives of Hong Kongers, it very much remained a concept designed by and bestowed upon Hong Kong by Beijing.

To his credit, Tung did eventually do something to demonstrate his merit. The most tangible outcome of his meeting with President Hu in December 2003 was the establishment of the three-member Constitutional Development Task Force (CDTF). In the span of nine months, the CDTF would proceed to produce four reports, with a fifth following 10 months later in October 2005. Each of these reports dealt with a particular aspect of constitutional development in Hong Kong, with the first of these, published in March 2004, reviewing issues concerning the legislative process to be used when the time comes for amending the selection processes for the CE and LegCo.

One of the first things stated in this document provides further testament to the sheer amount of pressure Tung was facing from the central government. As it turns out, Tung was not the only authority to speak out on January 7, 2004, the day he delivered his policy address.

On [that] same day, the Hong Kong and Macao Affairs Office (HKMAO) of the State Council issued a statement on the Chief Executive’s Policy Address, reiterating the serious concerns of the CPG, and expressing the wish that the HKSAR Government would thoroughly discuss the issues with the relevant departments of the Central Authorities before determining the relevant working arrangements.¹¹⁴

Shortly afterwards, as the CDTF itself recounts, the HKMAO helped arrange a visit to Beijing from February 8-10 for the CDTF to meet with the HKMAO and the Legislative Affairs Commission of the NPCSC to “discuss issues relating to constitutional development.”¹¹⁵ Aside from these

¹¹⁴ CDTF, *First Report*, 1.

¹¹⁵ *Ibid.*, 2.

government offices, the CDTF also met with legal experts from the PRC. During said meetings, task force leader Donald Tsang recounts that he was reminded of the following:

1. The Central Authorities created Hong Kong's political structure in the form of the Basic Law as stipulated by the PRC Constitution.
2. Any constitutional development within Hong Kong naturally involves the relationship between Hong Kong and the Central Authorities, and thus concerns the very systems used to implement OCTS and the BL.
3. As a result, the Central Authorities have the right to be involved in Hong Kong's constitutional development.¹¹⁶

With this context now made known, the CDTF proceeds to identify five issues of legislative processes for constitutional development. These had been laid out earlier in a paper submitted on January 14 to the LegCo Panel on Constitutional Affairs:

1. The legislative process to be used for amending the selection methods for the CE and LegCo.
2. Whether there is a need to invoke BL159 (which stipulates that the power to amend the BL is vested in the NPC) when amending the aforementioned selection methods.
3. How to initiate such amendments.
4. If the method which shall form the third LegCo in October 2004 can also be used to form the fourth and subsequent LegCos.
5. How to interpret the phrase "subsequent to the year 2007."¹¹⁷

Forming the rest of the 1st Report is the CDTF's own views on each of these five issues. First, regarding the legislative process to be used for reform:

We consider that amendments should be made at two levels. First, the "methods" should be amended in accordance with the provisions as set out in the relevant Annexes to the Basic Law. Thereafter, the local electoral laws should be amended to prescribe the detailed arrangements. This is consistent with the current practice whereby the "methods" are stipulated in Annex I and Annex II, and the detailed electoral arrangements are prescribed by local legislation.¹¹⁸

¹¹⁶ Ibid.

¹¹⁷ Ibid., 6.

¹¹⁸ Ibid., 7.

Essentially, the CDTF, which as a reminder comprises of three of the most significant political elites within HKSAR aside from the CE himself, strongly adhere to a “top-down” view of constitutional reform in Hong Kong. Changes must come first in strict accordance with the BL Annexes. Only then can local legislation be amended to reflect these changes.

Their view on the second issue is slightly more straightforward. The CDTF essentially argues that as long as the amendments do not conflict with the BL’s main provisions (notably those within BL45 and 68), there will be no need for BL159 to be called into action.¹¹⁹ However, further clarification to the first and second issues would arrive from the capital with the NPCSC’s April 6, 2004 interpretation of BL Annexes I and II. In their interpretation, it is argued that if the selection methods for the CE and LegCo are amended, the legislative process to be used for doing so must also be amended.¹²⁰ In other words, the amendments for selection methods will only be effective if they go through this amended legislative process.

The answer to the third issue is also quite simple, at least for the CDTF. Referring to BL74, which stipulates that only “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,”¹²¹ the CDTF makes it clear that electoral method amendments must be introduced by the HKSAR Government to the LegCo, as befits an executive-led political system.

For the fourth issue, the CDTF cites the common law concept of the “doctrine of necessity” to essentially argue that to avoid a “legal vacuum” in the event that the methods for forming LegCos

¹¹⁹ *Ibid.*, 8.

¹²⁰ [The Interpretation by the Standing Committee of the National People’s Congress Regarding Annex I (7) and Annex II (III) to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China] (adopted by the Standing Comm. Nat’l People’s Cong., April 6, 2004), in *Basic Law*, instr. 16, 175.

¹²¹ *Basic Law*, c. 4, sec. 3, art. 74.

after 2007 cannot be agreed upon in time, the method for forming the third LegCo shall be kept.¹²²

This view is affirmed by the NPCSC in their aforementioned April 2004 interpretation.¹²³

Finally, both the CDTF and NPCSC (again, in their interpretation) see 2007 as being included when understanding the phrase “subsequent to the year 2007.” For their reasoning, the CDTF consulted Ji Pengfei’s 1990 explanations, which the CDTF understands as essentially saying that rather than referring to a strict date, the phrase in question simply refers to all CE terms coming at least 10 years after the handover, which of course includes the third term CE which will commence in 2007, along with the fourth and later terms of the LegCo.¹²⁴

Next, a look at the 2nd Report (titled “Issues of Principle in the Basic Law Relating to Constitutional Development”) published on April 15, 2004, reveals that the members of the CDTF essentially adhere to the same fundamental points already put forward by the PRC in the pre-handover period. First, they lay out three basic ideas that form the rationale behind why HKSAR was even formed in the first place, with the alternative having been immediate integration into the PRC proper without consideration for its separate way of doing things. These ideas originally appeared (on written paper) in the SBJD, as was highlighted earlier.

1. Upholding national unity and territorial integrity;
2. Preserving the prosperity and stability of Hong Kong; and
3. Taking into account its history and realities.¹²⁵

In taking into account Hong Kong’s history and realities, the PRC realized that it needed to reconcile its immense desire for national unity and territorial integrity with the preservation of Hong Kong’s prosperity and stability. OCTS and its working version in real-life, HKSAR, are thus products of compromise on the part of the PRC. OCTS was not designed as a mere formality due to

¹²² CDTF, *First Report*, 11.

¹²³ *Basic Law*, instr. 16, 176.

¹²⁴ CDTF, *First Report*, 12.

¹²⁵ HKSAR Constitutional Development Task Force, *The Second Report of the Constitutional Development Task Force: Issues of Principle in the Basic Law Relating to Constitutional Development*, (April 15, 2004), 7.

Hong Kong's return; instead, OCTS was designed precisely *because* China wanted Hong Kong to return to the motherland. OCTS's nature and design simply cannot be detached from the original context it emerged from. As such, the top-down, devolved essence of HKSAR's autonomy is once again reaffirmed:

The establishment of the HKSAR and its systems have been determined by the Central Authorities in accordance with the Constitution and through the Basic Law. The HKSAR cannot unilaterally change the systems prescribed by the Central Authorities.¹²⁶

This is highly consistent with BL12 as well as Tung's points on "Two Systems" found in his 1997 policy address. Hong Kong's autonomy may very well be the most expansive of any first-level administrative division in the world, but the fact of the matter remains that it is entirely a privilege bestowed by the PRC. Beijing has the final say on matters pertaining to Hong Kong, including its constitutional development; as the CDTF asserts in a later section devoted to its own views on , "in examining the direction and pace of its constitutional development, the HKSAR must pay heed to the views of the Central Authorities."¹²⁷ Furthermore, they mention that "constitutional development must be consistent with the interests of the State, including national unity and territorial integrity, and must facilitate the exercise of sovereignty by the State."¹²⁸

Another interesting point that is given is that the CDTF sees HKSAR's executive-led political structure as among those "previous political [structures] which [have] proven to be effective," connecting back to Deng's comment in 1982 about preserving the suitable elements of the colonial regime.¹²⁹ More interestingly, the reasoning behind keeping an executive-led structure is so that the CE can fulfill his duties of implementing the BL and "developing and implementing the systems and policies of the HKSAR."¹³⁰

¹²⁶ Ibid., 8.

¹²⁷ Ibid., 31.

¹²⁸ Ibid., 32.

¹²⁹ Ibid.

¹³⁰ Ibid.

Additionally, the report cites the principle of “balanced participation,” which in essence simply means that whatever electoral framework Hong Kong eventually adopts, it must be formed in consideration of the variegated concerns held by the different elements of Hong Kong society.¹³¹

The rationale for this derives from the PRC’s assessment of Hong Kong’s economic history:

As seen from the history of Hong Kong’s economic development, its economic prosperity is largely attributable to the joint efforts of the trade and industrial sectors, the middle class, professionals, the working class and other sectors of society. Therefore, this principle deals with a proper appropriation of political power among all sectors, with the aim of preserving prosperity and stability.¹³²

All of this reads as justification for the functional constituencies. This next passage follows-up with an outline of what preserving Hong Kong’s prosperity and stability really means:

To preserve the prosperity and stability of Hong Kong, the previous capitalist system and way of life should remain unchanged. Constitutional development should not proceed in a direction which leads to the emergence of populism or a welfare state, thus affecting the operation of the capitalist system. Therefore, any proposed amendments must not bring about adverse effect on the systems of the economy, monetary affairs, public finance and others as prescribed in the Basic Law.¹³³

Perhaps what is most interesting about the 2nd CDTF report is the provision of detailed clarification on an aspect of OCTS kept sorely vague up to this point: what they look out for when evaluating the “present situation” in Hong Kong. Four observations are provided about Hong Kong in 2004, all of which are meant to be indictments on the territory’s unpreparedness for serious constitutional reform.

First, the CDTF finds that there remains a dearth of local political talent in Hong Kong, a legacy of the colonial era when leaders were appointed and practiced a paternalistic form of government. Similar to this is the claim that most of the local people remain too apathetic. And even

¹³¹ Ibid., 9-10.

¹³² Ibid., 36.

¹³³ Ibid., 37.

for those locals who are experienced in public administration, they tend to focus more on small day-to-day issues and lack comprehensive manifestos and technical understanding of a variety of policy areas.¹³⁴

Moving away from issues within the people, the CDTF then targets the HKSAR government, noting that not enough public policy research is being undertaken in Tamar.¹³⁵ And finally, even though HKSAR is indeed an executive-led system, a harmonious working relationship between the executive and LegCo must exist for HKSAR to function smoothly and maintain its prosperity and stability. This is simply not the case at the moment, with the executive and LegCo enjoying a rather fraught relationship for the time being.¹³⁶ This passage found later in the report encapsulates what the authorities look for to assess the “actual situation”:

The “actual situation” of the HKSAR referred to in the Basic Law includes not only public opinions, but also factors such as the legal status of the HKSAR, the present stage of constitutional development, economic development, social conditions, the understanding on the part of the public of “One Country, Two Systems” and the Basic Law, public awareness on political participation, the maturity of political talent and political groups, as well as the relationship between the executive authorities and the legislature.¹³⁷

But what needs to change? How can the local people be more involved and become better public officials? What kind of public policy research does the HKSAR Government intend to conduct, and for what ends? And of most interest concerning the future of OCTS, where can one lay the blame for Hong Kong’s executive-legislative tensions? Given the evidence presented thus far, all fingers point to the LegCo being seen in the PRC’s eyes as the bigger, if not only, troublemaker of the two. But imminent political developments within Hong Kong may suggest otherwise. . .

¹³⁴ Ibid., 18-9.

¹³⁵ Tamar, located in Admiralty, is where the Central Government Complex of HKSAR is located. It is often used as a metonym for the HKSAR Government, like how Zhongnanhai is used to refer to the PRC central government or Downing Street is for the British Prime Minister and their cabinet.

¹³⁶ CDTF, *Second Report*, 19-20.

¹³⁷ Ibid., 34.

The End of Tung: Withdrawing with Honour?

On the back of these CDTF reports, Tung states in his January 2005 policy address that Hong Kong remains strong despite having had to endure several hardships over the years. For Tung, one reason behind Hong Kong's endurance is the strong level of support his administration has received from Beijing, noting that the central authorities have "responded positively to the many suggestions put forward" by his government.¹³⁸ While this may very well have been true, his lack of mentioning of President Hu in the entirety of his final address may well be due to some scathing comments made by the paramount leader during celebrations of the 5th anniversary of Macau's handover in December 2004. However, it appears that Tung did not become flustered as many would have expected; how Tung really responded to Hu's comments is something best left to conjecture.¹³⁹

Nevertheless, Tung's position was no longer tenable by 2005, resigning in March on the basis of health reasons, though some have speculated that it was really Beijing who was behind this decision. Public perceptions of Tung in the immediate aftermath of his resignation is encapsulated by a taxi driver's remark (indeed, an authoritative source of political commentary in all corners of the world) that Tung is a mere puppet of Beijing and that "his administration is rubbish."¹⁴⁰ Chief Secretary Donald Tsang served out the remaining two years of Tung's term and would later be re-elected in the 2007 CE election. An examination of Tsang's interpretation of OCTS and the culmination of this ten-year waiting period for major constitutional reform in HKSAR shall now follow.

¹³⁸ Tung Chee-hwa, "The 2005 Policy Address," (speech, Hong Kong, January 12, 2005), para. 12.

¹³⁹ Cannix Yau, "Hu reprimands Tung," *The Standard*, December 21, 2004.

¹⁴⁰ James Sturcke, "Tung Stands down as Hong Kong Leader," *The Guardian*, March 10, 2005, <https://www.theguardian.com/world/2005/mar/10/china.jamessturcke>.

“Strong Governance”: OCTS under Donald Tsang

Compared to the more diplomatic and mild-mannered Tung, Donald Tsang strikes an image of a strong-willed pragmatist who rules with an iron fist. His addresses are more detailed, his objectives bolder and more consistent. As spelled out in his first policy address delivered on October 12, 2005:

My vision is to succeed in implementing “One Country, Two Systems”, to achieve new results that make us proud, and to contribute our utmost to the modernisation of our country.¹⁴¹

Note that he says “country” rather than a more localized term such as “home” or “territory,” suggesting that he views his duty as ultimately serving the Mainland, not Hong Kong (it is absolutely out of the realm of possibilities that Tsang was referring to Hong Kong as his “country”). With this in mind, a successful implementation of OCTS must therefore be built upon “a good relationship between the Central Authorities and the SAR.”¹⁴²



Figure 4. Donald Tsang delivering his first Chief Executive’s Policy Address on October 12, 2005.¹⁴³

“Strong governance” is the concept upon which Tsang bases his approach as CE, defining it simply as “a government that operates in strict accordance with the law.”¹⁴⁴ He argues that “pursuing

¹⁴¹ Donald Tsang, “The 2005-06 Policy Address” (speech, Hong Kong, October 12, 2005), para. 3.

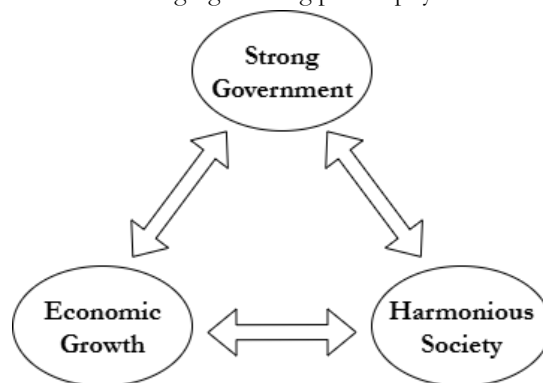
¹⁴² *Ibid.*, para. 11.

¹⁴³ Photograph courtesy of Martin Chan, October 12, 2005. *South China Morning Post*, February 16, 2017, <https://www.scmp.com/news/hong-kong/law-crime/article/2071055/misconduct-trial-wraps-what-next-former-hong-kong-leader>.

¹⁴⁴ D. Tsang, *2005-06 Policy Address*, para. 5.

excellence in governance is the most pressing public demand on the SAR Government today. We¹⁴⁵ need a strong government to implement ‘One Country, Two Systems,’ promote social harmony, and enhance economic growth.” As Tsang summarizes for us, strong government, social harmony, and economic growth are “interwoven, and of equal importance.”¹⁴⁶ The relationship between these three elements is such that 1) a strong government leads to 2) economic growth, which together help produce 3) a harmonious society, which then in turn forms a conducive environment for the first two elements to emerge.

Figure 5. Donald Tsang’s governing philosophy as Chief Executive



To his credit, Tsang does touch on how he intends for his administration to contribute to constitutional development in Hong Kong. He notes that the CDTF, which he himself led as Chief Secretary, will soon publish its Fifth Report, within which will contain a proposal package on amending the CE election in 2007 and LegCo election in 2008. This package is guided by three principles:

1. Comply with the Basic Law and the Interpretation and Decision made by the Standing Committee of the National People’s Congress in April 2004;
2. Give the public more say and more channels to participate in the Chief Executive and Legislative Council elections, in order to achieve enhanced representativeness of the two elections; and

¹⁴⁵ I chose not to rephrase this first-person pronoun in brackets as the use of “we” is by itself open to interpretation. Is Tsang referring to the SAR Government, which he leads and just mentioned in the previous sentence? Is he including the people as well? Or, is he including everyone involved, such as the central government?

¹⁴⁶ D. Tsang, *2005-06 Policy Address*, para. 4.

3. Abide by the principle of gradual and orderly progress towards the ultimate goal of universal suffrage.¹⁴⁷

Here, Tsang is presenting a somewhat confused amalgamation of appeals to legalistic government (which falls in line with “strong governance”), democratic aspirations, and pragmatic and patient reform. If anything, Tsang is more legalistic than his predecessor, having been a veteran servant of the Hong Kong civil service whereas Tung came from a business background, perhaps explaining why the latter tended to stress the significance of regional economic integration and enhancing prosperity.

Serving the people was also imperative for Tsang, however. Elaborating on “strong governance” in the following 2006 policy address, Tsang explains that “the purpose of strong governance is to serve the people. Strong governance means building up a culture of decisiveness as well as effective policy execution in responding to the demands of the people.”¹⁴⁸ Figuring out how to reconcile his desire to serve the people whilst simultaneously adhering to a strict observance of the Basic Law which may paradoxically conflict with the people’s wishes was without doubt a tricky balancing act for Tsang, just as serving the people whilst pleasing his superiors in Beijing was for Tung. In the same address, Tsang notes that proposals he put forward for the election of the Chief Executive in 2007 and the formation of the Legislative Council in 2008 were backed by public opinion (though he does not elaborate on what he means by “public opinion”) but were not as warmly received in the LegCo, having “failed to secure the necessary support of a two-thirds majority” there.¹⁴⁹

As a result, tensions surrounding the form of universal suffrage would not go anywhere in 2007. Arriving onto the scene of July that year was the Green Paper on Constitutional Development.

¹⁴⁷ Ibid., para. 23.

¹⁴⁸ Donald Tsang, “The 2006-07 Policy Address,” (speech, Hong Kong, October 11, 2006), 2.

¹⁴⁹ Ibid., 4.

Reflecting on the Green Paper three months after its publication in his 2007-08 address, Tsang acknowledges the Hong Kong people's strong desire for democracy and universal suffrage but remains steadfast in his view that universal suffrage must be implemented under the foremost consideration of Hong Kong's "long-term stability and prosperity," putting his own minor spin to a principle which appears in the Basic Law and has time and time again been reiterated by the authorities. Thus, due to having to take into account both the SAR's well-being and the people's desires, Tsang describes the implementation process as "a complicated social exercise."¹⁵⁰ Put otherwise, in connecting his principle of "strong governance" to the journey towards universal suffrage, Tsang reasons that since the "efficiency and effectiveness" of governance directly impacts the people's lives, it must not in any way "be compromised by constitutional development."¹⁵¹ Reading against the grain, one may presume that Tsang, having dealt with the 2003 July 1 marches as Chief Secretary, will not tolerate any more "disturbances" arising from the people (and pro-democracy politicians) that come out of the desire for constitutional development. Strong government indeed.

"Hong Kong-Style" Democracy: The 2007 Green Paper

The Green Paper explains Tsang's sentiment more clearly. The document is organized into two parts, the first discussing the concepts underlying universal suffrage in Hong Kong and the second discussing the actual details of the electoral systems to be considered for implementing universal suffrage. In the section explaining the design philosophy of HKSAR's political structure, the argument is put forward that attaining universal suffrage in Hong Kong must not come at the cost of fulfilling four principles which Ji Pengfei had mentioned back in 1990 in his explanation of the Basic Law:

¹⁵⁰ Donald Tsang, "The 2007-08 Policy Address," (speech, Hong Kong, October 10, 2007), 43.

¹⁵¹ *Ibid.*, 44.

1. Meeting the interests of different sectors of society;
2. Facilitating the development of the capitalist economy;
3. Gradual and orderly progress; and
4. Appropriate to the actual situation in the HKSAR.¹⁵²

Though it is further argued that preserving the previous capitalist system and way of life “is an important principle underlying the concept of ‘One Country, Two Systems’,” with quite some detail on the first two of these principles being provided, the other two principles are hardly elaborated on, all the more frustrating considering that they are already quite vaguely phrased.¹⁵³

But just as the 2nd CDTF report provided some remarkable insight into the elites’ mindset concerning an under-elaborated aspect of OCTS (what the ideal “present situation” should be for constitutional reform towards universal suffrage to occur), the Green Paper adds crucial clarification to two other aspects of OCTS left under-defined by the elites up to this point.

The first is what the elites really mean by universal suffrage and democracy: how are they defined, how shall they look, and what purpose do they serve in Hong Kong? In short, the Green Paper reveals that the elites do not find universal suffrage and full democracy to be coterminous, at least for Hong Kong. The context they provide in this document is that the legal source of universal suffrage in Hong Kong comes from the Basic Law, not the International Covenant on Civil and Political Rights (ICCPR), which Hong Kong is party to but which Mainland China is not. Thus, by referring back to the four principles for universal suffrage in Hong Kong to follow (see above), it is clear that the elites understand OCTS in their own particular way (only more reason to study elite interpretations and not rely solely on formalistic analyses of OCTS). They back this attitude up by citing a 1994 UN OHCHR publication titled *Human Rights and Elections: A Handbook on the Legal, Technical and Human Rights Aspects of Elections*, within which it is essentially stated that there is no

¹⁵² CMAB, *Green Paper*, 9.

¹⁵³ *Ibid.*, 11.

universally ideal electoral system and that the particular setup of a given jurisdiction's democratic institutions should best conform to said jurisdiction's particular qualities and needs.¹⁵⁴ This more or less dovetails with Deng's view on this matter presented in his 1987 speech to the BLDC that Hong Kong's democracy need not be judged according to "Western" democratic traditions. As is asserted in the Green Paper:

There is no single electoral system that suits all places, and that one should not seek to impose any particular political model or electoral system on any place. As far as an individual jurisdiction is concerned, while conforming to the general international understanding of universal suffrage, it can also develop its electoral system having regard to the particular needs and aspirations of its people, the uniqueness of its socio-economic situation, and its historical realities.¹⁵⁵

The mentioning of "historical realities" as a factor for democratic development establishes a clear continuity beginning with Deng-era policymaking, which originally formulated OCTS partially out of respect for "historical realities," in this case Hong Kong simply being different from Mainland China, and the first 10 years of the SAR, when the now-ruling elites needed to explain the design philosophy of OCTS and HKSAR as something based on compromise. For instance, while colonial Hong Kong was indeed different from China, it was also quite different from Western democracies such as its colonial sovereign Britain. This difference would spell significant implications for how Hong Kong's political framework would look in the future.

Namely, while the dictionary definition of universal suffrage as referring to "one-person-one-vote" is acknowledged, this mainstream perception—to have as many citizens be involved in public affairs in some capacity—is qualified to a significant degree. Essentially, as the elites understand it, just because there can be universal suffrage in Hong Kong does not mean that the people must have complete control over their affairs. As is stated in the Green Paper,

¹⁵⁴ Ibid., 12-3.

¹⁵⁵ Ibid., 14.

The general principle of equality of voting power does not necessarily require precise arithmetic equality in the power of each vote.¹⁵⁶

Although this point about “arithmetic equality” is used to elaborate on the differences in ratio between population size and the number of LegCo seats being returned by geographical constituencies, the logic presented here undoubtedly also applies to the elites’ general idea of voting power in Hong Kong overall. It appears, then, that already by 2007 had the SAR government publicly expressed that the Hong Kong people’s vision of universal suffrage would never see the light of day, and that universal suffrage in Hong Kong shall be shaped with the concerns of the SAR and PRC economies first, then those of the people second.

The second idea elaborated on concerns the power dynamic between the central and SAR governments, i.e., the extent of autonomy for HKSAR. Connecting to Tung’s remarks on the “Two Systems” aspect of OCTS in his inaugural address, the Green Paper further emphasizes the unitary structure of the PRC and the devolved nature of Hong Kong’s autonomy, as are stated in BL2 and BL12.¹⁵⁷ And since the Chief Executive must be approved by and is accountable to the central government, it is implied (with a faint hint of condescension) that even with full democracy and universal suffrage, the Hong Kong people will probably never get the kind of Chief Executive they would want, and due to the SAR’s executive-led political structure, also the kind of Hong Kong they desire. This passage articulates the SAR government’s own words concerning this matter:

. . . irrespective as to how the CE is selected, including by means of universal suffrage ultimately, there can be no deviation from the constitutional requirement that a candidate winning an election must be appointed, in a substantive manner, by the CPG before assuming office.¹⁵⁸

¹⁵⁶ *Ibid.*, 13.

¹⁵⁷ *Basic Law*, c. 1, art. 2; c. 2, art. 12.

¹⁵⁸ CMAB, *Green Paper*, 8.

To compound matters further, even if one ignores whether or not universal suffrage in Hong Kong will be tailored to the people's liking, there is a whole host of challenges any universal suffrage proposal package must face in order to see the light of day and be implemented. First, they must comply with three things:

1. The basic policies of the State regarding Hong Kong.
2. The four principles on constitutional development:
 - a. Meeting the interests of different sectors of society;
 - b. Facilitating the development of the capitalist economy;
 - c. Gradual and orderly progress; and
 - d. Being appropriate to the actual situation in Hong Kong.
3. The principles of "universal" and "equal" suffrage.¹⁵⁹

Continuity and consistency with the central authorities is once again laid bare, and in a published government document no less. With the importance of the central government's policies and the development of Hong Kong's capitalist economy being put on full display here, one wonders why "universal" and "equal" suffrage are even mentioned. Nearly everything the PRC and in extension a PRC-supported HKSAR government does or says has some sort of utility behind it. Is mentioning universal suffrage aimed towards placating the people? Well, the Green Paper mentions two further conditions which a successful universal suffrage reform package must meet:

1. Be consistent with the principles of design of the political structure of the SAR of the Basic Law and the relevant provisions and not require any amendments to the main provisions of the Basic Law; and
2. Secure the support of:
 - a. A majority of the Hong Kong people;
 - b. At least two-thirds of the LegCo; and
 - c. The central government.¹⁶⁰

How a majority of the Hong Kong people and the central government in Beijing could ever agree on an issue as significant as universal suffrage in Hong Kong may never be known; the same goes

¹⁵⁹ Ibid., 14-5.

¹⁶⁰ Ibid., 15.

for whether Beijing ever seriously believed that it could agree on universal suffrage with a majority of the Hong Kong people, having already witnessed hundreds of thousands take to the streets in 1989 and 2003 *ad hoc* in defiance of Beijing and not much fewer do so on a regular basis to commemorate the Tiananmen Square massacre and demonstrate indignation towards the authorities on the handover date of July 1, a public holiday dubbed HKSAR Establishment Day.

Hong Kong Since 2007

For those readers who pay attention to Hong Kong politics and history, I need not mention the dramatic series of events occurring in Hong Kong during the 18 years since 2007. But for those who do not, I would like to show that the story of Hong Kong's political development hardly ended in 2007.

The rest of Donald Tsang's tenure as CE would proceed to encounter its own bumps just as Tung's did. His introduction of a Political Appointments System (which added an additional layer of political appointees within the top levels of the HKSAR Government) in 2008 would be riven with controversy. This was followed by the proposal (not Tsang's alone, in fairness) and construction of an Express Rail Link project connecting Hong Kong with neighboring Shenzhen and Guangzhou, which prompted a series of demonstrations and civil disobedience from 2009 to 2010. The project would eventually be completed in spite of the intense social backlash it received.

Next, the wildly unpopular "831" Decision on universal suffrage in 2014 would prompt the months-long Umbrella Movement, which arguably saw the maturation of Hong Kong's pro-democracy movement as one also inextricably caught up in localist sentiments (the idea that Hong Kong is fundamentally different from the Mainland and that it deserves to be left alone as much as

possible).¹⁶¹ The 2016 LegCo election campaign gave rise to the “patriots only” controversy which disqualified several pro-democracy candidates from running for office.¹⁶² And of course, the massive anti-ELAB protests of 2019-20 remain fresh in the memory. Beijing’s response came in the form of a National Security Law quickly passed in the summer of 2020, an overhaul of HKSAR’s electoral system the following spring, and the introduction of domestic national security legislation in the spring of 2024, this time unimpeded by massive crowds on the streets as was the case for the earlier effort 20 years prior.

Should the events of 2020 and after revise how we understand OCTS? In my view, they do not. One of the fundamental features of OCTS is that whenever cracks begin to appear in the system, “One Country” should always prevail over “Two Systems.” With this consideration in mind, the PRC has only reverted to a last resort mechanism that was coded into OCTS as early as the days of Deng, who discussed this very subject with the BLDC in 1987 as noted earlier. The Hong Kong people have compelling reason to feel betrayed, but from the PRC perspective no such betrayal ever transpired. As Steve Tsang observed and predicted back in 1996, while the PRC would be devoted to maintaining a delicate balance between the interests of Hong Kong and those of its own, “whenever a balance cannot be achieved, the scale must be tipped in favour of China’s interests.”¹⁶³

¹⁶¹ For more on the marriage between pro-democratic sentiments and localism in Hong Kong during the early 2010s, see Sebastian Veg, “The Rise of ‘Localism’ and Civic Identity in Post-Handover Hong Kong: Questioning the Chinese Nation-State,” *The China Quarterly* 230 (June 2017): 323–47, <https://doi.org/10.1017/s0305741017000571>.

¹⁶² HKSAR Government, “Government Statement on Oath-Taking by Members-Elect of Legislative Council,” press release, October 11, 2016, <https://www.info.gov.hk/gia/general/201610/11/P2016101100639.htm?fontSize=1>. Also see Tai Wei Lim, “The Future of Hong Kong Governance: The Pro-Independence Legislators’ Election Fallout and Beijing’s Political Voice in Hong Kong,” *Asia & the Pacific Policy Studies* 4, no. 2 (2017): 343–53, <https://doi.org/10.1002/app5.175>.

¹⁶³ S. Tsang, *Maximum Flexibility*, 71.

Conclusion

What My Analysis Lacks

First, it goes without saying that the framework I am working with focuses narrowly on PRC-HK relations, with Britain being brought into the fold only on occasion. In spite of my convictions made earlier about how dominant the PRC was in shaping Hong Kong's future after 1997, the extant literature has made it abundantly clear that Britain was hardly ineffectual in preparing its last major colony for custody exchange. With that being the case, I believe that incorporating more British sources would seriously reinforce the historical elements of my analysis.

Taiwan was also mentioned on several occasions while I was discussing the early origins of OCTS, but I ended up leaving Taiwan out of the picture for the rest of the analysis. This is important to mention because as some scholars have observed, Taiwan never left the minds of the PRC when the latter was wrapped up in handling the Hong Kong question.¹⁶⁴ After all, Taiwan was the original intended recipient of OCTS until geopolitics and law made Hong Kong and Macau more suitable candidates for the time being. OCTS remains tentatively within the PRC's deck of cards used for enticing Taiwan back to the Mainland, its presence having been more prominent when outside observers had not fully lost hope on OCTS based on its performance in Hong Kong.

In sum, I have largely ignored the international aspect of designing OCTS in Hong Kong. As Ray Yep reveals, "the demonstration effect for enticing Taiwan back to the motherland" is only one of several aspects of the international dimension behind OCTS.¹⁶⁵ Another is China's fear of Hong Kong being used as a base for subversion, a fear that pre-dates the handover. Though certainly not

¹⁶⁴ See Ray Yep, "Understanding the Autonomy of Hong Kong from Historical and Comparative Perspectives," *China Information* 24, no. 3 (November 2010): 235–47, <https://doi.org/10.1177/0920203X10380305>; Ho-fung Hung and Huiying Kuo, "'One Country, Two Systems' and Its Antagonists in Tibet and Taiwan," *China Information* 24, no. 3 (November 2010): 317–37, <https://doi.org/10.1177/0920203X10382710>; and Sonny Shiu-Hing Lo, *The Dynamics of Beijing-Hong Kong Relations: A Model for Taiwan?* (Hong Kong University Press, 2008).

¹⁶⁵ Yep, *Understanding the Autonomy of Hong Kong*, 240, 242.

the sole progenitor of these fears, the decisive moment arguably rests in June 4th, 1989. Percy Cradock recounted in his memoir that he “detected a strong disposition, possibly already a decision, on the Chinese side to add a prohibition against subversion to the Basic Law” during a December 1989 trip to Beijing to catch up on the Basic Law’s drafting progress.¹⁶⁶ And Steve Tsang takes the view that Western governing features such as the rule of law, judicial independence, human rights, and democracy were treated with contempt by the PRC not only because of their largely Western origin but also for their perception as tools with which the West tries to subvert the Chinese party-state in a conspiracy dubbed ‘peaceful transformation.’¹⁶⁷

There is also an entire body of legal scholarship on HKSAR’s constitutional framework and PRC law which I have largely ignored. Despite my repeated assertion of the importance of interpretative readings of Hong Kong’s constitutional documents, I cannot deny that there is much value to be gained from gauging how legal scholars understand the finer details of said documents as well as the inner workings of HKSAR’s constitutional and judicial structure, the PRC/CCP’s approach to law-making and enforcement, and the dynamic relationship between the contrasting judicial systems of the PRC and HKSAR.

Finally, I have essentially relied on published digital sources for my primary analysis. While this approach can certainly reap its own unique benefits (e.g., examining the government’s views on OCTS as PR exercises), a whole body of sources, many of which remain unpublished, that recount the hidden trials and tribulations undertaken in negotiating the SBJD, drafting the BL, preparing for the handover, and governing post-handover Hong Kong would most certainly bolster my analysis. In its present form, my analysis basically only examines the inputs (external agendas of the involved parties and other constraining factors) and outputs (legal documents, public discourse) of creating

¹⁶⁶ Percy Cradock, *Experiences of China* (John Murray (Publishers) Ltd., 1994), 230.

¹⁶⁷ S. Tsang, *An Appointment with China*, 211.

OCTS, but by incorporating private sources I will be able to illustrate the internal calculations (negotiations, drafting) that connect the inputs and outputs.

Connecting Transitional Hong Kong to the Past, Present, and Future

The fundamental value of studying what I call “transitional Hong Kong”—1970s to 1990s or 2000s—is that this is the period when Hong Kong’s autonomy as we know it today was largely formulated, thus shedding additional context on the events after 2007. The Hong Kong of this time was the one which Deng and his colleagues were confronted with while trying to find the answer to the question of Hong Kong’s future. This was the Hong Kong that the British colonial regime created to prepare for Chinese sovereignty. This was the Hong Kong that the majority of its people today came of age under and reminisce with rose-tinted lenses.¹⁶⁸ This was when the linkages between the institutions of the British colonial government and those of the Chinese SAR government were established. But perhaps most importantly, this was when modern Hong Kong’s political story really came to the forefront, one that for Ray Yep is “ultimately about how local administration managed the sovereign.”¹⁶⁹

So, has HKSAR successfully managed the interests of Beijing? Or from the opposing angle, has Beijing succeeded in maintaining Hong Kong’s “prosperity and stability” while simultaneously cementing its sovereignty? Or has the usefulness of Hong Kong’s “prosperity and stability” already run its course? That is a question perhaps better left for a political economist or policy insider to answer. Nevertheless, the upshot of this historical analysis of OCTS, a political concept, is that individual cases of center-periphery relations can be picked apart with microscopically specific levels of nuance and detail. General trends certainly do exist across multiple stories of center-periphery

¹⁶⁸ For more on this, see Florence Mok, *Covert Colonialism: Governance, Surveillance and Political Culture in British Hong Kong, c. 1966-97* (Manchester University Press, 2023).

¹⁶⁹ Yep, *Man in a Hurry*, 186.

relations (and countless other political phenomena), but just as important to know and understand are the particular details of each story. In other words, while we can certainly predict the general ways of *how* each story will be told, we must also keep close in mind *what* each story tells us. For the present case at hand, the story of Hong Kong tells us that a central sovereign's memories of the past and ambitions for the future can fundamentally shape the fate of a peripheral autonomous territory. Only with this kind of knowledge can all of those who care be able to confidently complete, predict, or evaluate the rest of an ongoing story, as there remain numerous gaps to be filled in the parts of the story that have already been told.

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