

Chapter 6

Making the Principle of “One Country, Two Systems” Work: Some Speculations

I have pointed out that the first step to implement the principle of “one country, two systems” is to understand that the principle means more than “two separate economic systems.” Hong Kong’s economic vitality depends on the well-functioning of its political, legal and cultural systems. In other words, the notion of “two systems” means two separate political systems, two separate economic systems, two separate legal systems and two separate cultural systems.

To conserve Hong Kong’s distinctive systems under the Chinese sovereignty, the Joint Declaration and the Basic Law pledge that no socialist policies or systems will be carried out in the Hong Kong Special Administrative Region (HKSAR) for at least fifty years. China’s basic policies regarding the HKSAR can be summed up in a sentence: “Hong Kong people ruling Hong Kong with a high degree of autonomy in every aspect of governance other than foreign affairs and defence which are the responsibilities of the Central People’s Government.”

On paper, the Basic Law guarantees that Hong Kong will enjoy a high degree of autonomy. Unlike other Chinese autonomous regions, Hong Kong enjoys “executive, legislative and independent judicial power, including that of final adjudication” (Article 2). Moreover, only a few specific national laws are applied in the HKSAR. Thus, as argued in Chapter 2, the idea of governmental autonomy is a useful yardstick against which one can evaluate whether the principle of “one country, two systems” has been respected. It is not difficult to identify benchmarks for the successful application of the principle. However, how should the principle be implemented is another question.

This study argues that an open and responsible system of government not only will empower the people of Hong Kong to rule themselves with a high degree of autonomy, but also create the favourable conditions for the realization of the principle. Simply put, the actualization of the principle and the construction of an open and responsible governmental system are closely related and mutually dependent on one another. Without the principle of “one country, two

systems,” it is impossible for a capitalistic society like Hong Kong to coexist peacefully with its new sovereign state, the mighty communist China. Similarly, without the facilitation of an open and responsible governmental system, it is less likely that the principle can last long.

To create a favourable context for the implementation and preservation of the principle, this study proposed that Hong Kong should: (1) Elect its Chief Executive by universal suffrage as soon as possible. A directly elected Chief Executive can claim that he or she truly represents the HKSAR. Also, as people can vote the Chief Executive out of office, he or she will be more accountable to the public. Lastly, he or she will gain the people’s mandate and the legitimacy to govern. (2) Create a system of ministerial responsibility. Under such a system, the Chief Executive will have a greater latitude to handpick his or her own governing team. Besides, this system will facilitate and sustain a unified government. It will also resolve problems like the non-accountability and irresponsiveness of the civil service. (3) Enact a freedom of information law. This law will protect the public’s right of access to government information. It will also create an open atmosphere in which the government will find it more difficult to cover up its wrongdoings. And (4) strengthen the operation of the Legislative Council (LegCo). First, the government needs to understand that the notion of “executive-led” government does not mean that it has a complete control of the governing process. Moreover, Article 74 of the Basic Law should be amended to restore legislators’ full capacity to initiate “private members’ bills.” Also, the pre-handover simple majority vote count system for private members’ bills or motions should be reestablished. Finally, the committee and staff support systems of the LegCo should be reformed. These changes are not aimed at creating a legislative-led government, but to help the legislature to discharge its duties properly. A summary of these proposals and actions needed to be taken to implement them is presented in Table 6.1.

The Implementation of the Principle of “One Country, Two Systems

I now address the question, has the principle been executed successfully so far? Although at this writing the principle has been implemented for about two years, its progress toward a democratic and prosperous HKSAR is far from satisfactory. Initially, Hong Kong and its citizens were upbeat about a smooth transition and a continuing growth in its economy. Gloomy

Table 6.1: Proposals for Making “One Country, Two Systems” Work

<i>The Proposal</i>	<i>Actions Needed to be Taken</i>
Electing the Chief Executive by universal suffrage.	Amend Annex I of the Basic Law no later than year 2007 to change the method for the selection of the Chief Executive from a 800-member Election Committee to a one-man-one-vote direct election method.
Creating a system of ministerial responsibility.	No amendment to the Basic Law is needed. However, the Legislative Council needs to pass legislation to create the new posts of permanent secretary (to be staffed by career civil servants).
Enacting a Freedom of Information Act.	Again, no amendment to the Basic Law is needed. The government needs to draft and introduce the law in the Legislative Council. It also needs to establish a system of freedom of information after the enactment of the Freedom of Information Act.
<p>Strengthening the operation of the Legislative Council:</p> <p>(1) Adopting a new understanding of the idea of “executive-led” government.</p> <p>(2) Removing restrictions placed on the legislators’ power to initiate private members’ bills and restoring the pre-handover simple majority voting procedures.</p> <p>(3) Reforming the Legislative Council’s committee and staff support systems.</p>	<p>(1) Intensive public discussion of this subject should begin as soon as possible. Academician s can take the lead in starting the discussion.</p> <p>(2) Amend Article 74 and Annex II (i.e., the voting procedures of the Legislative Council) of the Basic Law.</p> <p>(3) No amendment to the Basic Law is needed. It is up to the Legislative Council to decide what kind of committee system it should adopt. However, as increasing the level of staff support to the Legislative Council involves extra public expenditure, it must be initiated by the executive branch which is responsible for putting together Hong Kong’s annual budget. In other words, the consent of the executive branch is needed in reforming the Legislative Council’s staff support system.</p>

predictions such as the faltering of economic growth and an exodus of skilled professionals after China resumed its sovereignty over Hong Kong did not materialized. On the contrary, Hong Kong's stock market continued to be forge ahead and the unemployment rate fell. The public's confidence in the HKSAR's future seemed to have risen. A *South China Morning Posts* (a popular local English newspaper) post-handover confidence survey found that "the index for economic confidence has gone up five points to 98 since the last survey in April [1997]--its highest since shortly before the 1989 pro-democracy crackdown. [Also], the political confidence index was unaffected by the handover and remains on 95 points, the level it has held throughout 1997."¹

However, this optimistic mood did not last long. A government survey conducted in November 1997 revealed that the per cent of the population satisfied with the overall performance of the government had dropped below a majority. The satisfaction rating was 53 per cent in September 1997 and 45 per cent by November. The level of public dissatisfaction--at 29 per cent--was the highest in 1997. The survey also found that the public was pessimistic about the economy and the HKSAR as a whole. One-quarter of the respondents said they expected the situation to get worse in the next 12 months.² Likewise, a recent survey conducted by the Hong Kong Centre for Studies on Relations Across the Taiwan Straits found that more than 30 per cent of the 932 respondents interviewed between 13 and 15 October 1998 were dissatisfied with the government's performance, a seven per cent rise from April 1998. Regarding the future of Hong Kong's economy, 45.1 per cent said they were pessimistic.³ In short, ever since the first sign of public dissatisfaction appeared, the government's approval rating was falling most of the time.

Senior government officials blamed the low approval rating on the economic downturn caused by the Asian financial crisis. They maintained that once the economy regained its vitality,

¹. The survey was conducted from July 7 to 11, 1997 on more than 1,000 people, aged 15 to 64 by the Survey Research Hong Kong on behalf of the newspaper (Alex Lo, "First SAR survey finds public in confident mood," *South China Morning Post*, 28 July 1997. Internet edition).

². Reported in Chris Yeung, "Government satisfaction rating dips eight per cent," *South China Morning Post*, 2 December 1997. Internet edition. The survey was conducted by the Home Affairs Bureau. A total of 1,526 people were interviewed by telephone between November 10 and 14.

³. "HK 'more satisfied' with mainland," *The Hong Kong Standard*, 22 October 1998. Internet edition.

the government's approval rating and the public's confidence in the future of Hong Kong would rise again. It is true that the recent economic downturn has made the government look incompetent and become less popular. However, the problem is more serious than fluctuations in Hong Kong's economy.

The thrust of the issue lies in the governing style of the HKSAR government. As discussed earlier, political events happened during Hong Kong's 13-year transitional period have fundamentally changed the nature of the Hong Kong society. The people of Hong Kong are becoming more aware of their rights and duties as active citizens of the new HKSAR. Their aspiration to a more democratic system of government and their intolerance of poor government performance and political and social injustices have been drastically increased. The new administration of the HKSAR apparently did not understand this fundamental change. It still displays the colonial governance philosophy and style. As Lau Siu-kai has pointed out, the major reason behind the government's unpopularity is its failure to comprehend the significant changes that have occurred in Hong Kong's political culture since the early 1980s. Lau observes that: "It is primarily the way the SAR Government handles its relations with the people that irks. The economic crisis has not produced a sense of solidarity between the Government and the people. Instead, it has widened the communication gap between them."⁴

A case in point is the government's decision to replace the low perimeter fence at the HKSAR's Central Government Office (CGO) compound with high iron railings shortly after the handover. This was done under the name of tightening up the security of the CGO after the Chief Executive, Mr. Tung Chee-hwa, unlike the former colonial Governors, decided to move his office into the government headquarters.⁵ Government officials of course insisted that those new iron grilles were simply meant to strengthen the CGO's security. Since the fence would not be closed unless there were very serious security problems, the public's access to the CGO compound is

⁴. Lau Siu-kai, "Government must keep up with the people," *South China Morning Post*, 4 November 1998. Internet edition.

⁵. The Government House is equivalent to that of the American White House. It was both the residence and the office of the past colonial governors. Though there was no official explanation as why Tung decided not to move into the Government House, it was reported that Tung believed the geomantic propitiousness (*fung shui*) of the Government House was bad and thus would bring bad luck to its occupants.

not impeded, it is claimed. Therefore, the public should not see the iron fence as a sign that the government was becoming less open and accountable. Ironically, at the same time, as Fanny Wong reports, just across the Hong Kong border in Guangzhou (a reform-oriented mainland Chinese city), the city government had knocked down the perimeter wall of its office compound and substituted it with iron railings. Reportedly, the move was meant to give Guangzhou residents the impression that government officials were more accessible and the administration was more transparent than before. Wong correctly points out that the Guangzhou government's effort to improve its image should give Hong Kong officials some food for thought.⁶

What are the implications of this new iron fence for the new governing philosophy of the HKSAR government? Charles T. Goodsell's conception of "civic space" provides a useful analytical framework for us to examine this case.⁷ Civic space, as Goodsell points out, refers to places owned by the state or controlled by official agents of the state, such as governmental bureaucrats. Hong Kong's CGO, thus, "can be thought of as a kind of stage, with scenery and props designed and selected to convey a certain impression."⁸ The new physical layout of the CGO at best conveys the government's intention to remind the people its superior authority and status, and at worst, its perception of a distanced state-citizen relations.⁹

History does not seem to require the heightened security. Among the hundreds of demonstrations that have previously taken place at the CGO, no violence incidents were ever reported. Indeed, for over 150 years Hong Kong has had only a few instances of large scale

⁶. Fanny Wong, "Fences to be mended rather than built," *South China Morning Post*, 3 December 1997. Internet edition.

⁷. Charles T. Goodsell. *The Social Meaning of Civic Space: Studying Political Authority through Architecture*. Lawrence, KS: University Press of Kansas, 1988. In fact, the implication of this case escaped my attention until I read Goodsell's book. Through a systematic comparison of 75 city-council chambers located throughout the United States and Ontario, Canada, Goodsell examines how the idea of political authority of a place is reflected in the design of government buildings. For a summary treatment on this subject, see Goodsell's "Bureaucracy's House in the Polis: Seeking an Appropriate Presence," *Journal of Public Administration Research and Theory* 7(3) (July 1997):393-418.

⁸. *Ibid.*, p. 11.

⁹. For a comparison to the unbarricaded nature of the United States state capitols, see Charles T. Goodsell. *The American Statehouse: Political Analysis of A Building Type*. (Unpublished manuscript, 1998), pp. 35-36.

public riots. That the Hong Kong people will never put the CGO under siege should be a fact beyond dispute. Yet, the government still perceives the possibility of public violence and feels the necessity to have its headquarters be protected by a tall iron fence. It is to be expected that the public would receive the impression that the government wishes to communicate hostile and coercive messages. The iron fence, in Harold D. Lasswell's words, manifests a "narrow power sharing" mentality of the HKSAR leaders.¹⁰ By building the iron fence, they have inevitably distanced themselves from the public. Conversely, if they believed in the notion of "inclusive power sharing," they would reject the idea of putting up an iron fence in front of the CGO compound and try to make it more accessible to the public. In sum, as Lasswell has observed, "[a]ccessibility facilitates communication between the officials and people. It indicates that the leaders have self-confidence: they do not fear public contact because they believe that the system enjoys wide public support."¹¹

In fact, what Alexis de Tocqueville observed more than a century ago is still very true today. He said that: "Among the laws that rule human societies there is one which seems to be more precise and clear than all others. If men are to remain civilized or to become so, the art of associating together must grow and improve in the same ratio in which the equality of conditions is increased."¹² In the Hong Kong context, the "art of associating together," as noted earlier, has long been distorted in which the political stage was dominated by a few conservative political and economic elites. However, political, social and economic changes in the past two decades have immensely improved the education level and economic well being of the Hong Kong people. The rise in the people's social and political awareness in turn increased their demand for chances of more meaningful political participation. Also, Hong Kong's mass media and telecommunication technology have all been developed rapidly. By all standards, Hong Kong's socio-economic success has enhanced its people's "equality of conditions."

¹⁰. Harold D. Lasswell. *The Signature of Power: Buildings, Communication, and Policy*. New Brunswick, NJ: Transaction Books, 1979, p. 100.

¹¹. Ibid..

¹². Alexis de Tocqueville. *Democracy in America*. Vol.2. New York, NY: Vintage Books, 1990, p. 110.

Unfortunately, this improvement is not matched with some corresponding developments in the manner that the Hong Kong people are being represented in the political system. Such a mismatch will definitely cause serious damage to the application of the principle of “one country, two systems.” Changes suggested in this study, it is believed, can serve as remedies to this mismatch. However, some might wonder even if these changes are implemented, without a supportive political culture, they cannot be sustained.

Is Hong Kong Culturally Ready for an Open and Responsible Governmental System?

In essence, drastic political changes in the past decades have transformed most of the Hong Kong people from passive citizens to active participants in public affairs. This study contends that as a result Hong Kong is culturally ready for an open and responsible government. Of course critics of Hong Kong’s cultural readiness for a quicker pace of political development will readily dismiss my judgment as “personal” and “subjective.” Although the task of reading a place’s political culture is by definition subjective, I believe by examining studies on Hong Kong’s political culture, on the one hand, and analyzing evidence gathered from the recent Legislative Council (LegCo) election, on the other, I can elevate my judgment from subjective evaluation to justifiable inference.

Political Participation, Political Apathy , and Hong Kong’s Political Culture

The people of Hong Kong have been typically depicted as politically apathetic and economically materialistic. They only care about making money and enjoying their life, according to one view. This may have been largely true before the 1980s. Today, the Hong Kong citizens are still more concerned about improving their economic well being than anything else, but they can no longer be labeled as passive, submissive, or uninterested in public affairs.

In fact, the concept of political participation has been narrowly (and thus inaccurately) associated with people’s participation in voting. Such a narrow understanding of political participation impedes our understanding of Hong Kong’s political culture. Political participation,

as Joan M. Nelson points out, is “far too diverse a concept to permit easy generalizations.”¹³ Instead, Nelson suggests that the concept should be understood as “action by private citizens seeking to influence governmental decisions.”¹⁴ Political participation can take the form of individual, small group, or mass action. It may be solely concerned with one’s self-interest or with a more noble goal such as making the government more accountable to the public. Thus, joining the Tainanmen Square democratic movement is a form of political participation, and so is arguing with a tax appraiser over one’s property assessment.

If one examines the political culture of Hong Kong with a narrow conception of political participation, then, when the voting rate falls or is unsatisfactory, one may define Hong Kong’s political culture as “apathetic.” Subsequently, one is inclined to believe that the people of Hong Kong are still not ready for a faster pace of political development. However, if we look at this issue with the definition suggested by Nelson, a different conclusion emerges. Indeed, the Hong Kong people have always been vocal in complaining about the injustices with which they have been saddled. They do not hesitate to air their grievances to the unofficial members of the Executive and Legislative Councils, or complain to the Ombudsman about instances of public maladministration. For example, in 1996, the number of enquiries handled by the Ombudsman’s office increased eight times when compared to the average of the first five years of its operation, and the number of complaints fifteen times.¹⁵

Furthermore, two other researchers, Rowena Kwok and Elaine Chan, from the data they collected in a Hong Kong-wide survey,¹⁶ argued that Hong Kong was culturally ready for an open

¹³. Joan M. Nelson, “Political Participation,” in *The Oxford Companion to Politics of the World*, eds., Joel Krieger, et al., (New York, NY: Oxford University Press, 1993), pp. 720-722, p. 722.

¹⁴. Ibid., p. 720.

¹⁵. *The Eighth Annual Report of the Commissioner for Administrative Complaints*. Hong Kong: The Government Printer, June 1996, p.1.

¹⁶. Their sample consisted of 4642 registered voters from all of Hong Kong’s 19 geographical constituencies. Door-to-door interviews were conducted one week before the 17 September 1995 LegCo election. There were altogether 1903 completed interviews, amounting to a successful rate of 41 per cent (Rowena Kwok and Elaine Chan, “Political Culture and the Prospects of Democratization,” in *Institutional Change and the Political Transition in Hong Kong*, ed. Ian Scott (Houndmills, UK: Macmillan Press Ltd., 1998), pp. 64-84, p. 82, note 6).

and accountable governmental system as early as 1995. They concluded that “if Hong Kong politics is allowed to take its natural course, given the widespread electoral support for various democratic institutions and liberal values, it already possesses a supportive cultural habitat for democratization although, at present, these aspirations seem to be more in line with an instrumental rather than a participative view of democracy.”¹⁷ Kwok and Chan warned that if the Hong Kong people’s democratic aspirations were suppressed, two possible scenarios might result. One could be an increasingly disgruntled, agitated population which might resort to violent means to redress its grievances. Another scenario could be the further withdrawal of the Hong Kong people from the political arena. Subsequently, as Kwok and Chan argue, “[p]olitical apathy and cynicism may become the order of the day and Hong Kong may gradually lose its energy and dynamism as a community.”¹⁸

As I mentioned in the last chapter, either scenario is not what the principle of “one country, two systems” has envisioned for the HKSAR and its citizens. In any case, most of the Hong Kong people are definitely not politically apathetic as the conventional belief had postulated. Of course it is always difficult to generalize about the predominant political orientation of a society. Nonetheless, a good indicator of the general public’s political orientation is how people vote in elections. Thus, this study will use the 1998 Legislative Council election to illustrate the change in Hong Kong’s predominant political culture.¹⁹

¹⁷. Ibid., p. 80. The Hong Kong people are not unique to possess an instrumental view of democracy. As the authors pointed out, in countries with long histories of democratic government like the Netherlands, people similarly associated democracy more with freedom of expression or being free than with the sovereignty of the people (p.79).

¹⁸. Ibid., p. 81.

¹⁹. In fact, the clear inference from the results of the 1991 and 1995 Legislative Council elections was that Hong Kong’s general public was receptive to pro-democracy candidates. In 1991, the pro-democracy political groups won 15 of the 18 directly elected seats of the Legislative Council. And in 1995, the flagship party of the liberals, the Democratic Party, won 19 seats in the 60-seat Legislative Council.

The 1998 Legislative Council Election--A New Chapter in Hong Kong's Political Culture

Considering the voters' cool attitude towards election forums and a forecast that the weather would be rough on the election day (24 May 1998), government officials and political commentators all forewarned that the turnout rate for the LegCo election would be low. A high-ranking official jokingly said "if it is 25 per cent, we may thank God. If it turns out to be lower than 25 per cent, we will have to say it was the rainstorm, that is, blame it on the weather."²⁰ Surprisingly, the turnout rate was a record-high 53.29 per cent, with more than 1.48 million voters casting their votes.²¹ This turnout rate came as a shock to many conservative politicians, but was heartening news to the democratic activists. They finally had empirical proof of the Hong Kong public's enthusiastic support for a more democratic political system. The liberals have every reason to be proud of their fellow Hong Kong citizens. The weather on that day was terrible, with rain falling heavily from the early morning and all through the day. Floods were reported in some New Territories areas. One polling station was forced to close for some hours until the water retreated. Nevertheless, even torrential rain did not deter voters from casting their votes.

The next morning's newspapers editorials were marked with an upbeat tone. For example, *Ming Pao Daily News* commented that "the Hong Kong people have made it clear with deeds that they crave and uphold democracy, and they are so politically mature that they can certainly run Hong Kong by themselves."²² Likewise, *South China Morning Post* asserted that "people in Hong Kong value their right to express their opinion and to choose--limited though that choice

²⁰. Quoted in "Editorial--Hong Kong people made history," *Ming Pao Daily News* 26 May 1998, page C4.

²¹. The most optimistic pre-election poll (conducted by the Social Research Centre of the University of Hong Kong) only predicted that the voting rate could reach 40 per cent. The prediction of another survey by the Research and Survey Program of Lingnan College, was a typical one, it predicted that the voting rate would be 31.7 per cent (Chloe Lai, "Late surge to the ballot box," *The Hong Kong Standard*, 23 May 1998. Internet edition). However, no one could ever dream of a turnout rate as high as 53.29 per cent.

²². "Editorial--Hong Kong people made history," *Ming Pao Daily News*, 26 May 1998, page C4 (The Chinese version of this editorial was published a day earlier on 25 May 1998).

and the power of those they elected yesterday will be. By doing so, they have made it less easy to argue, as the Chief Executive has done, that SAR citizens may not be ready for full democracy in the promised 10 years.²³ Also, political commentators generally agreed that although the record-breaking turnout rate was open to interpretation,²⁴ one thing was certain: after the election, no one could say the Hong Kong people were politically apathetic.²⁵

In summary, considering that people braved the rainstorms to cast their ballots to choose a few legislators (one-third of the LegCo's seats) who do not have the power to govern; the landslide victory of the liberal camps, particularly the Democratic Party; the huge loss of the conservatives who stood for direct election;²⁶ and that the process of the election was orderly, peaceful, open and corruption-free, the 1998 LegCo election definitely added force to the claim that a majority of the Hong Kong people are ready for a more open and democratic political system. Although systematic studies of the election have yet to come, the theory of "political apathy" no doubt melted down in this election. That Hong Kong is culturally ready for the proposals suggested in this study is not the personal judgment of this author, but a clear likelihood.

All in all, because of this new political culture, we have no reason to deny a faster pace of political development. Rejecting a more democratic system of government on the ground that

²³. "Editorial--Vote for democracy," *South China Morning Post*, 25 May 1998, p. 18.

²⁴. As the Democratic Party won 9 of the 20 direct election seats and got 42.6 per cent of the ballots casted on the election day, it interpreted the high turnout rate as the voters' approval for what it stands for: a faster pace of democratization. On the other hand, the Chief Executive at first said the voting rate was an expression of the people's satisfaction with the government. He later admitted that public discontent over the economic downturn might be one of the factors behind the record turnout. As for winners of the 10 Election Committee seats, returned by 790 votes, they simply fended off claims that they were elected by a small circle poll. As Rita Fan, the current LegCo President, herself a winner of an Election Committee seat, argued "We have been elected by voters who are very representative of their respective fields" (*South China Morning Post*, 26 May 1998, p. 4). They therefore saw no need to push for early imposition of direct elections.

²⁵. For examples, see Chris Yeung, "The pressure is on"; C. K. Lau, "Confounding the pollsters"; and Andy Ho, "Actions that spoke louder than official words," all three appeared on *South China Morning Post*, 26 May 1998, p. 19.

²⁶. For example, all Liberal Party candidates who stood for direct election lost poorly. The exception is conservative candidates from the Democratic Alliance for the Betterment of Hong Kong. However, the party was well-financed and had strong local support. Yet, it could only win 5 seats (1 from each geographical constituency) and get 25 per cent of the total vote casted on the election day.

the Hong Kong people are not politically mature enough to practice it will undoubtedly result in a vicious circle. Put differently, suppressing people's democratic aspiration will eventually make the prophecy of public apathy about politics self-fulfilling. The sooner the Hong Kong people have the chance to practice an open and responsible governmental system, the better the chance for Hong Kong to consolidate and sustain its new political culture. Overall, as Gary B. Madison succinctly puts it, goodwill for the maintenance of a democratic culture "will likely be forthcoming when people are made to realize, through the actual practice of democracy, that what is in their own best interest is not this or that particular end-result, at any given moment, but the existence of an on-going process which guarantees to them the right freely to work towards that which they desire."²⁷

Looking Ahead to the Future

I have argued to this point that the principle of "one country, two systems" depends on an open and responsible governmental system. What this study has not explored in greater detail is the role of Hong Kong's third governmental branch--the judiciary--in the facilitation of the implementation of the principle, and impacts of China's political developments on the HKSAR.

Throughout this study, we assumed the role of Hong Kong's judiciary as a constant variable. Considering that it has been, and still is, independent from the executive and legislative branches; and that there is no evidence to suggest its independence is being intentionally and/or seriously undermined by either the HKSAR government or the Chinese government, such an assumption is justifiable. Having said that, I do not deny that it will be beneficial to include this factor in future studies of how the principle of "one country, two systems" should be implemented.

In addition, we also hold the China factor as a constant variable. As noted earlier, China has no reason to willingly breach the principle of "one country, two systems." So far, no fact suggests otherwise. Nonetheless, as the future of Hong Kong is solely depending on the goodwill of China to respect the principle and the Basic Law, we certainly must pay greater attention to China's political development.

²⁷. G. B. Madison. *The Political Economy of Civil Society and Human Rights*. London, UK: Routledge, 1998, p. 115.

Some scholars of Chinese political and legal reforms point out that chances for these reforms to advance a step further are not as remote as one has commonly perceived. For example, David S. G. Goodman observes that economic reforms since 1978 have increased the readiness of the Chinese Communist Party to “trade shares in power for economic growth.” He also notices that in the process of economic reforms, “politics has become increasingly secularized, and there is now a recognizably democratic discourse in China.”²⁸

Likewise, in reviewing Administration Litigation Law (ALL) cases, Pei Minxin asserts that “China’s legal reforms, though far from establishing the rule of law in the short term, have made measurable progress in promoting legal norms and awareness of such norms at the grassroots level.”²⁹ Pei concludes his review with a rather optimistic prediction. According to Pei, if the trend of legal reform continues, a virtuous cycle may emerge: “rising public awareness of legal norms and resources leading to increasing assertiveness by citizens and more frequent use of laws like the ALL, which creates more a credible threat to arbitrary government agents and places greater pressure on them to be accountable for their exercise of power.”³⁰

Overall, the more we understand the political, economic, and legal developments in China, the more capable we are in anticipating to what degree Hong Kong will be allowed to construct an open and responsible system of government.

Conclusion

In the present-day HKSAR, the relationships among governmental branches and the mode of interactions between the government and the citizens are still in a state of transition. Hong Kong and its people are transiting from a colony polity that has been lasted for over 150 years

²⁸. David S. G. Goodman, “Can China Change?” in *Consolidating the Third Wave Democracies*, eds. Larry Daimond, Marc F. Plattner, Yun-han Chu, and Hung-mao Tien (Baltimore, MD: The Johns Hopkins University Press, 1997), Part II (Regional Challenges), pp. 250-256, pp. 250-251.

²⁹. Minxin Pei, “Citizens v. Mandarins: Administrative Litigation in China,” *The China Quarterly* No. 152 (December 1997): 832-862, 862. Similarly, Ronald C. Keith’s study on the status of China’s rule of law suggests that with the growing interaction of Chinese and Western legal ideas, and the furtherance of China’s economic reform, the prospect of rule of law in China is not as pessimistic as we have commonly thought (Ronald C. Keith. *China’s Struggle for the Rule of Law*. New York, NY: St. Martin’s Press, Inc., 1994).

³⁰. Pei, *op.cit.*, p. 862.

to a Chinese special administrative region which depicts a very promising future for the Hong Kong people. Historical examples showed that countries at their founding stage have all been encountered with numerous governance problems and disagreements over what needed to be done to resolve those problems. Hong Kong is the new addition to the long list of those examples.

Hong Kong is now at the dawn of establishing a democratic and open Chinese special administrative region. Political disputes and governance problems are bound to happen. Therefore, the people of Hong Kong need not be frightened by problems that have surfaced in the last year. Moreover, they should realize that the governance problems of Hong Kong do not end with its colonial history. The more the people of Hong Kong discuss about these problems, the greater the chances that they would be resolved properly and promptly.

This study is an effort to suggest ideas to the on-going debate over how the troubles that Hong Kong confronts today should be addressed. Throughout this study, issues that are crucial for the realization of the principle of “one country, two systems” are identified and analyzed. A package of proposals to deal with these issues is presented for consideration. If this study can increase the Hong Kong people’s appreciation of the complexity of matters being discussed in the on-going dialogue on Hong Kong’s governing arrangements, and thus make them the better informed participants in the dialogue, it will have served its purpose.