

Political regime and system of Hong Kong Special Administrative Region after ten years since the transition to PRC under review

Erik Lenhart

Resumé:

Článok analyzuje politický režim a politický systém Hongkongskeho špeciálneho administratívneho regiónu. Skúma dopady prvého desaťročia čínskej správy Hongkongu. Článok ďalej analyzuje posledné voľby predsedu regionálnej vlády (guvernéra) a príspevok Alana Leonga k demokratizácii Hongkongu. Nasledovne skúma ďalšie možnosti politického vývoja Hongkongu. Na záver otvára otázku, akým spôsobom bude prebiehať demokratizácia Hongkongu.

Abstract:

The article analyses the political regime and the political system of Hong Kong Special Administrative region and its position within People's Republic China. It reviews the outcomes of the first decade of Hong Kong under Chinese rule. It analyses the last election of the Chief Executive (Governor) and Alan Leong contribution to the Hong Kong democratization. It further examines also the options of future political development of Hong Kong. Finally the article opens question on possible process of democratization of Hong Kong.

Keywords: Basic Law, Chief Executive (Governor), Democracy, De-Democratization, One Country, Two Systems principle, Political Regime, Political System, Special Administrative Region, Westminster Colonial System

1. Introduction

In this article, I am going to investigate the issue of classification of Hong Kong political system and regime. That is rather challenging because Hong Kong Special Administrative Region (HKSAR) after transition became a part of People's Republic China (PRC). That answers the

question of its republican nature; however, the most interesting question is how a formal colony with democratic tendencies can be integrated into a reforming Communist regime. The German experience showed us how it worked the other way round.

Secondly, I want to investigate what position of HKSAR has within the PRC political regime. For this, I selected the position of Chief Executive as the key position for understanding how the system works *de jure* and *de facto*. I chose the case of Tung Chee Hwa resignation for that purpose.

Thirdly, in light of a recent development, I decided to examine the effect of candidacy of Alan Leong (the very first pro-democratic candidate who managed to obtain the minimal support of the Electoral College to enter the competition against incumbent governor Donald Tsang) on HKSAR political system development.

Finally, I am going to evaluate the development of Hong Kong undergone under the PRC rule after first decade of One China, Two Systems policy and I try to predict a possible political development of Hong Kong.

2. Hong Kong's political system a question of classification

It is difficult to classify the political system and political regime of the Hong Kong Special Administrative Region (HK SAR). Considering Dahl's criteria of liberal democracy, the political system is not fully democratic - at least not according to the common standards of liberal democracy.¹ HKSAR does not fully fit to the Zakaria's illiberal systems classifications either.

The best way to evaluate HK SAR is to commence with its constitutional incorporation into PRC. The article 34 of PRC's constitution enables to create Special Administrative Regions (SARs). The Communist China incorporated decolonized territories Hong Kong and Macao in that way, allowing them by a certain "modification" to continue under capitalism. The article 34 therefore declares Hong Kong as a part of China as a non-sovereign entity².

Another example of this is that the judiciary in SARs has only a vertical, not a horizontal jurisdiction. The HKSAR High Court cannot mediate between regional legislative and executive

¹ Říchova, B. (2002): *Přehled moderních politologických teorií*. Portál: Praha, pp 162 -163.

² According to the Basic Law Hong Kong may use name Hong Kong China in diplomatic conduct; this area however, is limited.

power. This, however, does not fully answer the question how to classify the political regime and system of HKSAR. If we examine the Basic Law of HKSAR, which could be considered as a regional constitution, and its application, it is possible to find some more clarity.

After Hong Kong has become a part of China, the Basic Law was enforced as the regional constitution³. Before ceding Hong Kong to PRC, its political system could be defined as a Westminster colonial system.

The Head of Executive was a Governor appointed by the Monarch on the advice of a Prime Minister. After transition, this has changed. As stated in the Basic Law, Electoral College (EC) elects the Chief of Regional Executive – Governor of the HKSAR⁴ appointed by the Central PRC Government. EC is composed of 800 members⁵. A distant observer could say that a similar EC elects the US President too. If we compare the electoral college of a Governor of HKSAR to a US President there is a major difference. The EC of HKSAR is a PRC engineered representation; therefore, the pro-Beijing group has the majority. If the incorporation of corporative electors could be considered as anachronic at best, then incorporation of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) is a most visible sign of engineering⁶. The CPPCC is composed predominantly of the Communist Party of China (CPC) members and other satellite or affiliate parties and of the affiliate organizations members. The major function of the CPPCC is to conduct political consultation and exercise “democratic” supervision⁷. It is therefore another instrument of control of the Central Authorities over HKSAR.

Legislative Council (LC) is another example of engineering. If we consider the current way of composing, half of it is elected directly by universal suffrage and the other half is elected by functional constituencies⁸.

³ For further reading about decolonization of Hong Kong and on drafting of the Basic Law: Lenhart, E. (2006): *Realizácia politickej stratégie Teng Siao-phinga: Jedna krajina dva systémy (Hongkong a Macao)*. In: Slovak Journal for Political Sciences, Vol. 2006, No.3, pp 6-9.

⁴The Eligibility for Candidature and voting system see Facts about the Election, on: <http://www.elections.gov.hk/-elections/ce_election/facts_e.htm> (10.12.2005).

⁵For full composition see Basic Law, on: http://www.info.gov.hk/basic_Law/fulltext/index.htm (10.12.2005)

⁶ For more information on the CPPCC see Chinese People's Political Consultative Conference, on: <<http://www.china.org.cn/english/archiveen/27750.htm>> (21.04.2007).

<<http://www.china.org.cn/english/chuangye/55437.htm>> 21.04.2007).

⁷ For more information on the CPPCC function see Chinese People's Political Consultative Conference, on: <<http://www.china.org.cn/english/chuangye/55437.htm>> (21.04.07).

⁸See: Electoral Affairs Commission, on: <<http://www.eac.gov.hk/en/about/chairman.htm>> (10.12.2005)

The answer to the question of classification of the current political regime in HKSAR could be as not fully evolved democracy or excluding democracy. There are non-democratically elected institutions as the House of Lords in the UK, or in Canada and we can find more examples. However, nowadays in liberal democratic systems the democratic elected bodies are dominant or they have significantly much more power than non-democratic bodies.

The HKSAR is a region, which enjoys a broad autonomy. It has its own currency and the right to issue passports and visas. Nevertheless, it is a unit, which is limited in terms of being as a subject of international law.⁹ Therefore, it is a part of the PRC political system. If we consider it as a single unit at a regional level, then analysis of its constitutional framework is following: the centre of the executive is a Governor. The analogy in nature of his powers with a US President is very similar; however, his nominations of members of his cabinet have to be approved by the central authorities. The main function of the Legislative Council is a common parliamentary work such as creating and amending legislation and controlling the Government. Parliament has the right of impeachment of the Chief Executive.

The working mechanism between the Governor and the regional legislative is similar to the mechanism between the president and the parliament in Lithuania¹⁰. If the governor refuses to sign a bill passed the second time by the Legislative Council or the Legislative Council (LC) refuses to pass a budget or any other important bill introduced by the Government, or if consensus still cannot be reached after consultations with LC, the governor may dissolve the LC. If new elected LC passes bill of the previous Council by 2/3 majority, which the Governor has dissolved, and the Governor refuses to sign the bill, the Governor is obliged to resign. If the new elected LC refuses to pass the budget refused by previous Council, the Governor has to resign as well.

3. Status of Hong Kong within political system of PRC

Hong Kong has a status of Special Administrative Region within PRC. This status was created gradually. First step was the Sino-British Joint Declaration signed in 1985. This declaration

⁹ Chapter VII : External Affairs articles 150 – 157, on: <http://www.info.gov.hk/basic_Law/fulltext/index.htm> (24.2.2006).

¹⁰ In Lithuania the president dissolves parliament if it refuses to pass motion of confidence twice. The new elected parliament can vote on a motion on early presidential election.

entails the transfer of sovereignty of Hong Kong, Kowloon, and New Territories to PRC in 1997. It incorporates basic political principles of transition and future development under “One Country, Two Systems” policy. “One Country, Two Systems” is a Deng Xiaoping policy, which enabled incorporation of Hong Kong and Macao into China. In that time, it was considered as a solution for Taiwanese integration into China as well¹¹. It is another demonstration of Deng’s pragmatism. The main idea is that the SARs are created, and the prior economic system – capitalism is allowed to continue for 50 years since ceding the formal colonies Hong Kong and Macau to PRC. It also enables the continuance of a prior judiciary system in SARs - in case of Hong Kong the Common Law. It also entails basic polices stipulates for Hong Kong.

The Second step was drafting the Basic Law by a mixed commission and its promulgation in 1990 by the NPC. The Basic Law explains how the “One Country, Two Systems” should work in practice. According to the Basic Law under article 158, the power of final interpretation of the Basic Law lies on Standing Committee of the National People's Congress (NPCSC). Therefore, if there is any constitutional dispute over the Basic Law, the NPCSC, as the highest arbiter, reaches the final decision. There is no possibility to appeal to any other Authority, after the NPCSC passes its decision.

A good example is the year 2005 when Tung Chee Hwa resigned due to illness from the post of a Governor. After election, Donald Tsang took the office. The dispute was whether Tsang should begin a new term or if he should finish the term of his predecessor. The NPCSC decided that Tsang should finish his predecessor term even though the Hong Kong pro-democratic members of the Legislative Council protested that this interpretation is unconstitutional.

Another example was the motion to elect governor in year 2007 and Legislative Council in year 2008 by a universal suffrage. Even though the main goal according to the Basic Law, article 45 is universal suffrage of governor, the NPCSC decided not in favor of this motion. Article 45 does not entail any timeframe nor does it explain in any other details how Governor should be elected by a universal suffrage, which gives NPCSC a large room to maneuver.

Even though the HKSAR enjoys a wide autonomy, it is bound not only by a direct constitutional mechanism. The HKSAR Governor is a mean of unofficial, however direct control for the Central Authorities. The Hong Kong Governor is accountable to the central authorities, which is an uneasy position. Therefore he has to face NPCSC at one side and Hong Kong pro-

11 PRC later abandoned this strategy for Taiwan, because it was highly unpopular in Taiwan.

democratic camp at another. This gives him only a little space to maneuver. We can recall at least two examples: In September 2002, the Tung government tried to implement article 23 of the Basic Law, which includes prevention of acts of treason, succession etc. Its implementation should have entailed giving the police the authority, such as not requiring a search warrant to search a home of a "suspected terrorist". This proposed legislature triggered the way to public protests. It was estimated that probably 500 000 protestors demanded Tung's resignation. The crisis culminated in 2003. Tung is a good example what may happen if the Governor "goes out of balance". His resignation "due to health problems" was his "political execution" after losing confidence of Central Authorities. Even if he denies that the president Hu Jintao criticized him for bad governance during his visit in Macau in 2004, the reason for his resignation is more than obvious¹². To be a Hong Kong Chief of Executive means serving two masters, as Donald Tsang confirmed in interview for CNN to Anjali Rao question: "Are you serving two masters?" Donald Tsang: "Of course we are."¹³

Another example is the attempt to reform of the electoral system in Hong Kong in 2005, which has failed. The pro-democratic Legislative Council members rejected the compromise proposal of the Governor Donald Tsang. Tsang expressed his disappointment and said there will not to be any political reforms until the election of governor in 2007 and of the LC in 2008.¹⁴ The pro-democratic camp organized demonstrations; however, there were no major protests such as in 2003. In my opinion, it is improbable that the NPCSC would allow any changes in the current electoral system, even if some modifications occur, they would probably only be minor ones.

For the NPCSC the SARs' position is final in terms of being integral part of China. The NPCSC is only reluctant to make any political changes, which may produce instability. According to NPCSC, the Anti-secession Law¹⁵ from 2005 is directed only to Taiwan. It has nothing to do with Hong Kong or Macau. Also from this statement, it is more than clear that for the Central Authorities the status of HKSAR is a closed issue.

¹² He resigned on March 10, 2005 to become following day vice-chairman of the Chinese People's Political Consultative Conference.

¹³ Rao, A., Donald Tsang Talk Asia Interview, on: <<http://www.cnn.com/2007/WORLD/asiapcf/03/10/talkasia-tsang.script/index.html>> (17.6.2007).

¹⁴ Hogg. Ch., HK leader bids for public support, on: <<http://news.bbc.co.uk/1/hi/world/asia-pacific/4485634.stm>> (10.12.2005). HK legislators vote down reforms, on: <<http://news.bbc.co.uk/1/hi/world/asia-pacific/4547580.stm>> (10.12.2005). HK reform package defeated, on: <<http://edition.cnn.com/2005/WORLD/asiapcf/12/21/hong.kong.ap/index.html>> (10.12.2005).

¹⁵ Full text of the Anti-secession law of the People's Republic of China, on: <http://english.people.com.cn/200503/14/eng20050314_176746.html> (4.11.0206).

Hence, PRC is a unitary state; the position of Hong Kong fully depends on Central Authorities. Therefore, the Center may change the status of an autonomous unit according to its single decision. It is not bound by any other Authority, which could step into the process. Second, since the NPCSC is under article 158 of the Basic Law the sole interpreter of the Basic Law¹⁶. Therefore, only NPCSC as the final instance decides if there would be any changes adopted. Up to this date, the HKSAR government has asked the NPCSC to interpret the Basic Law twice:

1. 1999: The Right of Abode issue
2. 2005: The term of the new Chief Executive after the original Chief Executive resigned.

In a one other occasion, the NPCSC interpreted the Basic Law on its own initiative:

2004: Universal Suffrage in 2007 and 2008

4. Hong Kong after first decade of One China, Two Systems policy

On Sunday, 1 July, Hong Kong celebrated the tenth anniversary of the British handover to China. What has changed in this first decade? What are the perceptions of Hong Kong politicians and the people of the first decade under One Country, Two Systems?

The first change I would call a de-democratization. Under the British rule Hong Kong has experienced full direct election of the Legislative Council (LC) in 1995. The last British Governor Chris Patten (1992-1997) introduced pro-democratic reforms. He extended the definition of functional constituencies in which he enabled broader voter participation. These changes were not in favor of Hong Kong's pro-Beijing politicians. They suffered under these electoral changes, which broad anger from Beijing toward to Patten.

PRC set up a Provisional Legislative Council (PLC) in 1996 as a countermeasure to Patten's directly elected LC. After the handover in early 1997, Tung Chee Hwa won a landslide victory over four other candidates in the election for the post of Hong Kong's first Chief Executive under the PRC rule. The election was conducted indirectly by an electoral college of 400 voters. The PLC served as an interim Legislative Council (LC) (1997 - 1998) until a new LC

¹⁶ National People's Congress power is derived from the constitution of the PRC.

in 1998 under PRC's Basic Law formula was elected¹⁷. The current method of election of the LC is following: first half 30 members are elected directly by geographic constituencies the other half is elected by the functional constituencies. This composition could be seen as a semi-democratic hybrid and it is a step back from Patten's design.

The process of selection/election of the Chief of executive was before and it is after transition an indirect one. For the citizens it is a little difference, whether the Governor exercise their office on behalf of the British Monarch or of the Beijing Central Government nomination. The current Beijing engineered procedure of the Chief Executive election is almost an equally undemocratic as the British way. Therefore, the only significant change was the de-democratization process of Legislative Council in 1998. There was a slightly shift increase of the directly elected members in 2000 and a later disappointment as the NPCSC ruled out the full direct election in 2004.

"For the most part, Beijing has honored its promise to let Hong Kong enjoy a wide-degree of autonomy. But critics say the media commonly practice self censorship, and Chinese officials indulge in behind-the-scenes meddling."¹⁸ Albert Ho (chairman of Hong Kong's Democratic Party) commented last decade in following: "Since the 1997 handover, Hong Kong has on the surface remained a free society and people have continued to enjoy their same way of life. However, if you scratch the surface you see that China's surveillance of Hong Kong has affected its politics, culture and society, ... Beijing does not believe in democracy and it utilizes 'one country, two systems' as a tool to subjugate Hong Kong."¹⁹ This accusation could be observed in 2003 with attempt to implement article 23 of the Basic Law as mentioned above, which was the trigger for mass demonstrations after accumulated failures of Tung's government. There is also evidence of self-censure in Hong Kong's media.²⁰ The Beijing also tried pile pressure on regional judges. "Beijing's "muzzling" of Hong Kong media includes redirecting their scrutiny from the Chinese government to that of Hong Kong, political commentator Paul Lin said." "The media there can pan Hong Kong authorities, but not China; they can slam corruption, but not the party," Lin

¹⁷ For the PRC's Hong Kong Legislative Council composition formula see on: <http://www.info.gov.hk/basic_law/-fulltext/> (4.11.2006).

For method for the formation of the Legislative Council in 1998 and in the subsequent terms see: Lenhart: *Realizácia politickej stratégie*, pp 11-12.

¹⁸ Hong Kong marks handover anniversary, on: <<http://www.cnn.com/2007/WORLD/asiapcf/06/30/hk.handover.ap/-index.html>> (30.6.2007).

¹⁹ Huang, J. (2007) Taipei Times, *Hong Kong is less free, activists say*, pp 4, See also on: <<http://www.taipetimes.com/News/taiwan/archives/2007/06/29/2003367306>> (29.06.2007).

²⁰ Ching, F. (1997): *Misreading Hong Kong*; Foreign Affairs, May/June 1997, pp.63-64.

said."²¹

In many ways, Hong Kong has grown closer to the mainland, which has been vital in helping the city recover from the Asian financial crisis that erupted one day after the 1997 hand-over. Hong Kong has become tightly linked to the mainland's rising economy and has positioned itself as a key entry point to the Chinese market. Hong Kong companies are heavily investing in southern China's booming Pearl River Delta region. They are employing over 10 million factory workers. Indeed, in the last ten years China has developed at astonishing speed. As Hong Kong was shaken during the recession of 2003, China facilitated it in giving the Hong Kong goods free access to China's markets.

PRC has also given Hong Kong's economy a big boost by allowing more mainlanders to visit the city. Hong Kong's hotels, shopping centers and restaurants have become addicted to the big-spending tourists. In May 2007, approximately 1.2 million mainlanders visited Hong Kong, which is a 16 percent increase from the same period last year, the Tourism Board said. Growth in tourism from the mainland has been exponential. The cross-border traffic has made Lo Wu, Hong Kong's main border control point with China, the busiest in the world. The tourists helped pull the economy out of recession caused by the 2003 outbreak of SARS. The disease killed 299 people here and damaged the tourism industry. Even though the mainland makes a great partner in many ways, however, it is also a shrewd competitor.

On 30 June 1997 the most of the Hong Kongers were unsure of the coming changes. As 87-year old Mr. Tang from his small village in Hong Kong's New Territories, close to the border with China recalls: "I was unsure, not scared, unsure."²² No wonder when a socialist state attempts to take over the one of the most successful capitalist economies in the region. After the first decade the most Hong Kong people think that they live have changed a little. There is a difference, which is becoming more and more visible: Hong Kong's inhabitants feel marginalized in China. The fast growing cities like Shanghai, Shenzhen are fierce competitors. According to Tuan Chyau, an economist at the Chinese University of Hong Kong, it was inevitable as the Mainland's and Hong Kong's economies started to integrate. In his opinion the ranking of Hong Kong among other cities is not important, but a stable economic growth.

²¹ Forum examines HK media freedom, on: <<http://www.taipeitimes.com/News/taiwan/archives/2007/06/24/-2003366617>> (24.06.2007).

²²Hong Kong's decade under China's flag, on: <<http://news.bbc.co.uk/1/hi/world/asia-pacific/6767861.stm>> (21.6.2007).

5. Development and perspective

Due to Basic Laws, there shall be no political changes until 2008 in Hong Kong. There is only a little room to maneuver for both Regional and Central Authorities. They are both aware of it; they rather focus on economic development and securing the regional development. These plans are quite adaptable. However, the issue of "One China" policy is undisputable and essential for Beijing. Therefore, the Central Authorities are unwilling to do any changes, which may possibly interfere with PRC integrity or "One China" policy.

The PRC Authorities have learned from the disassemblment of the USSR and Yugoslavia. They are vigilant about what they may consider as the signs of the secession attempts. They are giving only a certain extent of autonomy, which may not interfere with a unitary nature of the state, nor may challenge the Central Authorities. By doing this, they are trying to prevent any possibility of causing instability of any parts of China. They are carefully balancing the Basic Law implementation to prevent riots such as from 2003 in Hong Kong.

The democratic camp following the Articles 45 and 68 hoped for possibility of universal suffrage in 2007 and 2008. The discussion between democrats and so-called pro-Beijing conservatives, who prefer "Principle of gradual and orderly progress", was resolved through interpretation of the Basic Law by the NPCSC. It declined the possibility of the universal suffrage in 2007 and 2008 on April 26, 2004 as mentioned above.

This issue reappeared before the election of the HKSAR Governor on 25. March 2007, again. Pro-democracy candidate Alan Leong who ran against Donald Tsang for office of the HKSAR Governor was pushing for direct elections of Chief of Executive in Hong Kong by 2012. The former Chief Executive Tung Chee Hwa won unchallenged in 2002. Tsang, who stepped in after the unpopular Tung, who resigned in 2005 citing health problems won unchallenged as well. The first election won by Tung in late 1996 was the only election, which involved several competitors. However, none of these competitors was pro-democratic²³.

As the analysts expected Tsang won by a landslide in a secret ballot on March 25. 2007. They also said Leong's candidacy would commence debate on democratic reform and pave the way for future contests. I am afraid that such a positive development is rather exaggerated. Even

²³ The other two candidates were a pro-Beijing entrepreneur Peter Woo and a pro-Beijing judge Sir Ti Liang Yang. See: Elections in Hong Kong, on: <<http://www.answers.com/topic/elections-in-hong-kong>> (20.4.2007).

though Donald Tsang made a pledge, which he repeated on 1 July 2007 on democratic reform, it is still up to Beijing authority to decide if they want to commence the very first experiment on Hong Kong democracy or not.

Nevertheless, the very first candidate from Hong Kong's pan-democratic camp²⁴, who has managed to get on the ballot sheet to secure 111²⁵ nominations from the Election Committee, whose members are largely sympathetic to Beijing, could be considered as a success. "We started off thinking that we could not possibly get the entry ticket, now we got already 111 nominations," Leong said²⁶. The popular incumbent governor Tsang was more than sure of winning the re-election. He has accumulated a vast amount of nominations from the 800 member Electoral College (EC), comprised mainly of Beijing loyalists; EC selected him as the winner on 25. March 2007.

Despite Donald Tsang was reelected, gaining support of 111 votes, for Leong it could be interpreted as an important sign. The system of the composition of the EC has prevented the pro-democratic candidate to win; however, he used a chance to raise the issue of implementation of articles 45 and 68. In both articles, the ultimate goal is universal suffrage of the office of the Chief Executive and of the whole Legislative Council. In both cases, Beijing has an insurance clause in the articles, "that the method for forming the Legislative Council and method of selection of Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress."²⁷ During his visit in Hong Kong president Hu Jintao, by the occasion of anniversary, repeated the statement of gradual and orderly progress of the democratization.

These clauses give the NPCSC enough room to decide what to do. Its policy can still be "ad calendas grecas". However, if the pressure continues to grow, there might be slightest chance for at least some gradual changes. As a Professor Tkacik said, "Even if the watch-dog doesn't bite, it barks. And even if it doesn't bark, still it is." That means if pro-democrats such as Alan Leong still find way to have a voice to pronounce their opinion, there is a chance that the issue of

²⁴ It is composed by the Democratic Party and other pro-democratic oriented parties: Association for Democracy and People's Livelihood (ADPL), Civic Party (CP), Hong Kong Confederation of Trade Unions (HKCTU), League of Social Democrats, Neighbourhood and Workers Service Centre (NWSC) and The Frontier. Alan Leong was nominated by the Civic Party with support of Democratic Party.

²⁵ There are at least 100 nominations of the Electoral Committee required to enter the competition.

²⁶ Questions surround Hong Kong 'debate', on: <<http://edition.cnn.com/2007/WORLD/asiapcf/02/27/hongkong.elections.reut/index.html>> (27.2.2007).

²⁷ See Basic Law on: <http://www.info.gov.hk/basic_law/fulltext/> (4.11.2006).

universal suffrage will not be pushed behind. The problem is that the NPCSC does not want any changes at all, as it shown in 2004 and the pro-democratic camp wants all at once. In light of recent events of the enacting of the "long-awaited "Green Paper" on constitutional development, which gave a lengthy list of options for public consultation on how and when Hong Kong might realize direct elections"²⁸. The Central Authority will examine these proposals in a three months period.

The most prudent outcome would probably be the full universal suffrage of Legislative Council. As Martin Lee (chairman of Democratic Party) a direct elected member of Legislative Council said: "Freedoms are as good in Hong Kong at the moment as before, but how long can we preserve these freedoms without democracy?"²⁹ However, there are possibilities how to give Hong Kong democracy and to ensure the Beijing control. There are several ways how the Central Authorities can do that. They can introduce binominal voting as in Chile³⁰. This will be ensuring that the pro-Beijing parties can unite and defeat the pro-democratic parties. Even if the pro-democratic parties will unite, in this scenario it would be difficult for them to achieve a majority in the Legislative council. Another option is to introduce party block vote and use of Gerrymandering to ensure a majority, which would be a less elegant solution. If there would be a direct election of the Hong Kong Chief Executive, the Beijing Authorities may introduce similar candidate requirements as by presidential election in Singapore³¹. They can set eligibility fitting their own customs, so that the act of the direct election would be again meaningless.

Secondly, democratic institutions are no guarantee to preserve liberty and freedoms. The democracy fell many times in many countries. There is only one way how to preserve them: "He only earns his Freedom and Existence, who's forced to win them freshly every day." Goethe, *Faust*, 11575. The freedom is a prize for a day to day vigilance and endeavor.

²⁸Hong Kong unveils universal suffrage proposals, on: <<http://www.cnn.com/2007/WORLD/asiapcf/07/11/hong-kong.democracy.reut/index.html>> (13.07.2007).

²⁹ Bristow , M., China's delicate balance with HK, on: <<http://news.bbc.co.uk/1/hi/world/asia-pacific/6240718.stm>> (01.07.2007).

³⁰ Huneeus, C., Chile: A System Frozen by Elite Interests, on: <<http://www.idea.int/elections/upload/Chile%20case%20study.pdf>> (15.07.2007).

³¹See the constitution of Republic Singapore, Part V - 19 Qualifications and disabilities of President, on: <http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?&actno=Reved-CONST&date=latest&method=part> (15.07.2007).

6. Conclusion

The Hong Kong Special Administrative Region (HKSAR) is an integral unit of the People's Republic China (PRC). HKSAR has a guaranteed large autonomy as stated in the Basic Law; it is an autonomous region not a federal unit, because PRC is a unitary state. The Basic Law is a subject of sole interpretation of NPCSC. The Basic Law is a HKSAR regional constitution, which fully bounds it to the Central Authorities, which have the final word in any aspect. The HKSAR Governor is accountable to the Central Authorities. Legislative Council (LC) cannot pass any law, which could violate the Basic Law nor amendment without the NPCSC approval.

“The way of life” of Hong Kong as the Central Authorities say was preserved. The political regime however, could be described as an exclusive or not a fully democratic at best. The political system could be described as a combination of the Westminster colonial and the American presidential systems in its working mechanism by describing the executive. The election of a Governor and of the half of LC is rather PRC specific. It is a partially corporative system. The closest example of similar corporative system but not fully would be the Portugal one during Salazar regime.

The second problem, which was the subject of my investigation, is the position of HKSAR within the PRC political regime. It has shown full dependency on Central Authorities. In my opinion, the Central Authorities are trying prevent anything what they would consider as attempts of secession on one hand and preventing riots or civic unrest on the other hand. They try to protect its “golden goose” and they are happy when it is laying eggs, meaning when the economy is doing well. The interpretation of the NPCSC in 2004 has shown unwillingness to do any political changes and it is a question when the “gradual and orderly progress” reaches the stage of ultimate goal of universal suffrage of the Chief Executive and full universal suffrage of the Legislative Council.

Thirdly, the candidacy of Alan Leong, in my opinion, is very important. His ability to enter competition against incumbent governor Donald Tsang is a step forward. It has shown that, even that the Electoral College is composed of pro-Beijing loyalists, Alan Leong (a democrat) obtained 111 nominations. Even thou he lost the vote of EC on March 25. His candidacy reopened the question of universal suffrage of Chief Executive and Legislative Council in 2012 again.

Finally, Honk Kong has undergone political and economical changes in first decade under PRC rule. There was a de-democratization of the Legislative Council election. There were economic ups and downs. The pledge of Donald Tsang of democratization and the "Green Paper" on constitutional development is another step toward the democratization. It will be a compromise by the Central Authorities and Hong Kong pro-democratic camp as Donald Tsang indicated in interview for CNN in July. It is probable that during the late autumn we can await the Central Authorities response to the "Green Paper".

7. Bibliography

- Ash, R. (2003) *Hong Kong in Transition: One Country, Two System*, Routledge (UK).
- Butenhoff, L. (1999): *Social Movements and Political Reform in Hong Kong*, Westport, Praeger/Greenwood.
- Ching, F. (1997): *Misreading Hong Kong*; Foreign Affairs, May/June 1997, pp.63-64.
- Horlemann, R. (2002): *Hong Kong's Transition to Chinese Rule*. Routledge (UK).
- Lenhart, E. (2006): *Realizácia politickej stratégie Teng Siao-phinga: Jedna krajina dva systémy (Hongkong a Macao)*, Slovak Journal for Political Sciences, Vol. 2006, No.3.
- Ming, S. (2004): *Hong Kong's Tortuous Democratization: A Comparative Analysis*, Routledge (UK).
- Rafferty, K. (1989):, *City on the rocks: Hong Kong's uncertain future*. Penguin: London.
- Říchova, B. (2002): *Přehled moderních politologických teorií*, Praha: Portál.
- Tak-Wing Ngo (1999): *Hong Kong's History*, Routledge (UK).
- Zakaria, F. (2004): *Budúcnosť slobody*. Český Tešín: Nakladatel'stvo vied ČR.

Additional internet resources

- Questions surround Hong Kong 'debate' on: <<http://edition.cnn.com/2007/WORLD/asiapcf/02/27/hongkong.elections.reut/index.html>> (27.2.2007).
- Hogg. Ch., HK leader bids for public support, on: <<http://news.bbc.co.uk/1/hi/world/asia-pacific/4485634.stm>> (10.12.2005)
- HK legislators vote down reforms, on: <<http://news.bbc.co.uk/1/hi/world/asia-pacific/4547580.stm>> (10.12.2005).
- HK reform package defeated, on: <<http://edition.cnn.com/2005/WORLD/asiapcf/12/21/-hong.kong.ap/index.html>> (10.12.2005).

- See: Elections in Hong Kong, on: <<http://www.answers.com/topic/elections-in-hong-kong>> (20.4.2007).
- Chinese People's Political Consultative Conference, on: <<http://www.china.org.cn/english/archiveen/27750.htm>> (21.04.2007), <<http://www.china.org.cn/english/chuangye/55437.htm>> (21.04.2007).
- Hong Kong marks handover anniversary, on: <<http://www.cnn.com/2007/WORLD/asiapcf/06/30/hk.handover.ap/index.html>> (30.6.2007).
- Hong Kong unveils universal suffrage proposals, on: <<http://www.cnn.com/2007/WORLD/asiapcf/07/11/hongkong.democracy.reut/index.html>> (13.07. 2007).
- Full text of the Anti-secession law of the People's Republic of China, on: <http://english.people.com.cn/200503/14/eng20050314_176746.html> (4.11.2006).
- The Basic Law full text on: <http://www.info.gov.hk/basic_law/fulltext/> (4.11.2006).
- Hong Kong's decade under China's flag, on: <<http://news.bbc.co.uk/1/hi/world/asiapacific/6767861.stm>> (21.6.2007).
- Bristow , M., China's delicate balance with HK, on: <<http://news.bbc.co.uk/1/hi/world/asiapacific/6240718.stm>> (01.07.2007).
- Rao, A., Donald Tsang Talk Asia Interview, on: <<http://www.cnn.com/2007/WORLD/asiapcf/03/10/talkasia.tsang.script/index.html>>(17.6.2007).
- Hong Kong unveils universal suffrage proposals, on: <<http://www.cnn.com/2007/WORLD/asiapcf/07/11/hongkong.democracy.reut/index.html>>(13.07.2007).
- See: Electoral Affairs Commission, on: <<http://www.eac.gov.hk/en/about/chairman.htm>> (10.12.2005).
- Facts about the Election, on: <http://www.elections.gov.hk/elections/ce_election/facts_e.htm> (10.12.2005).
- Huneus, C., Chile: A System Frozen by Elite Interests, on: <<http://www.idea.int/elections/upload/Chile%20case%20study.pdf>> (15.07.2007)
- Republic Singapore, Part V - 19 Qualifications and disabilities of President, on: <http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?&actno=Reved-CONST&date=latest&method=part> (15.07.2007)
- Huang,J., Taipei Times, *Hong Kong is less free, activists say*, 2007 pp4, See also on: <<http://www.taipeitimes.com/News/taiwan/archives/2007/06/29/2003367306>>(29.06.2007)
- Forum examines HK media freedom on: <<http://www.taipeitimes.com/News/taiwan/archives/2007/06/24/2003366617>> (24.06.2007).