

Panel on Constitutional Affairs

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**Comments on the Research Report
“The Relationship between the Government and the Opposition or Minority
Parties”**

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The purpose of this paper is two-fold: (1) To explain why political opposition is important to good governance and (2) To examine the implications of the recognition and institutionalisation of Government–Opposition relations in the Legislative Council.

I. Why Opposition?

- 1.1. As nature of things, there is a multitude of interests and opinions in society. No single political force could claim a monopoly over their representation.
- 1.2. Political opposition acts as safety valve in the political process, providing those who disagree the Government-of-the-day with meaningful channels for political participation.
- 1.3. To the extent opposition is widely accepted, the chances for a politics of toleration and compromise are greatly improved. As long as the members respect one another’s views, and can articulate clearly their own views without rancour or hostility, citizens have an opportunity to learn a respect for the lawful ways by which to resolve conflicts over public policy and future law.
- 1.4. Non-democratic regimes invariably tried but failed to suppress diversity. But the legalisation/re-legalisation of opposition parties and groupings

demonstrates the onset of democratic transition and a return to political normalcy.

- 1.5. Democracy requires free, open, honest and fair political contestation. The clarity of the government—opposition distinction will develop along with the party system.
- 1.6. Good governance thrives on a strong opposition. Conversely, weak opposition portends a pompous government.

II. Government and Opposition in the HKSAR

- 2.1. Hong Kong has never had the experience of peaceful transfer of power between rivalling political camps through elections; it only knows how an exclusive power centre and its allies had dominated political life through the manipulation of rules and procedures.
- 2.2. One of the most vexatious problems facing Hong Kong today stems from a non-partisan government whose leaders remain lukewarm towards their counterparts in the Legislative Council (Legco).
- 2.3. Notwithstanding a conservative tendency in the Legco, the government has yet to consolidate its legislative support which is neither consistent nor disciplined. True, leaders of the Liberal Party, the Democratic Alliance for the Betterment of Hong Kong and the Federation of Trade Unions are now members of the Executive Council. Paradoxically, what their Legco colleagues should do and how they should interact with the government have not been defined clearly. All this has rendered the usual distinction between a governing coalition and opposition blurred if not irrelevant.

III. Clarifying Government—Opposition relations in the Legislative Council

- 3.1. The Legco is not only the lynch pin of the political system, but also a central site for the development of democracy in Hong Kong.
- 3.2. Public opinion would be favourable towards the idea of an active legislature when the government appears to be sluggish. It is therefore imperative for the Legco to organise itself for effective action, and to win support from the population at large.

- 3.3. Presumably the Legco is the competent body to write its own rules. By clarifying Government—Opposition relations in the legislative process, Legco itself could help the public understand the sometimes arcane behaviours within the legislature.

(a) Recognition of legislative factions:

A collective body can be formed between pro-government parties and independent/non-partisan members so as to provide the government with a source of stable support in the Legco and to provide a source of leadership in the workings of the Legco.

By the same token, the opposition parties and groupings may establish an alternative body to coordinate their policy agendas, activities and schedules.

Other Legco members may also form their own factions.

With reference to Article 73 (9) of the Basic Law, such factions should be formed by no less than one-fourth of Legco members.

(b) Institutionalisation:

Whether or not the formation of the different factions would have any impact on the workings of the Legco depends ultimately on the institutionalisation of their inter-relationships. As the Legco exercises wide-ranging powers and functions, it should take measures to ensure the development of legislative rules and conventions that are considered fair and equitable by all sides. In other words, all sides should be provided with adequate time and resources in proportion to their share of seats in the legislature.

- 3.4. Whether the outcome resembles a “US” pattern or a “European” pattern depends on the balance of power between the three groups that is expected to shift from time to time. Having said that, to the extent that the Legco takes the initiative to clarify and institutionalise a Government—Opposition division in the legislature, there will be strong incentives for members to become not only more proactive vis-à-vis the government, but also more accountable towards the citizenry at large.