

*Political Development in Hong Kong
since the 1980s*

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POLITICAL DEVELOPMENT IN HONG KONG SINCE THE 1980s

1. The Sino-British Joint Declaration

1.1 The New Territories (NT) - covering 92 per cent of the whole of Hong Kong - were leased to Britain for 99 years from 1898 while Hong Kong Island and the South Kowloon Peninsula were ceded to Britain in the 1840s. There was uncertainty towards the future of Hong Kong as 1997, the year in which the NT lease expires, drew near. Negotiations on the future of Hong Kong between the Chinese and British governments formally began after the British Prime Minister Margaret Thatcher visited the Chinese leader Deng Xiaoping in Beijing in September 1982¹.

1.2 The negotiations were finally concluded in September 1984 when the Joint Declaration on the Question of Hong Kong was initialled by the heads of the two delegations. The Joint Declaration was signed in December 1984 and ratified in May 1985 by the two countries.

1.3 Under the Joint Declaration, it was agreed that Hong Kong would revert to Chinese rule and become a Special Administrative Region (SAR) of China on 1 July 1997. The Chinese government guaranteed the preservation of Hong Kong's current economic, social, legal, administrative and judicial systems for a period of 50 years beyond 1997.

2. Democratisation in Hong Kong

2.1 Democratisation in Hong Kong moved one step forward in 1982 when elections to the 18 District Boards were held for the first time. One-third of the membership of the District Boards, that is, 132 members were returned through elections.

2.2 At the central level, members of the Legislative Council were still fully appointed in the early 1980s². Changes were introduced after the Government issued a Green Paper³ on the development of representative government in 1984. The resulting White Paper⁴ announced the introduction of indirect election into the Legislative Council - 12 seats by an Electoral College⁵ and 12 seats by functional constituencies - in 1985.

¹ A chronology of major political events is given in Appendix 1.

² Composition of the Legislative Council from 1984 to 1995 is given in Appendix 2.

³ A consultative document published by the Hong Kong government to seek the views of the local population on certain important issues.

⁴ A policy document published by the Hong Kong government on certain important issues as a result of the preceding Green Paper.

⁵ Electoral College is composed of all members of the two Municipal Councils (the Urban Council and the Regional Council) and the District Boards.

2.3 At the same time, drafting of the Basic Law, the future mini-constitution for the Hong Kong SAR, began in July 1985 when the Chinese government appointed the 59-member Basic Law Drafting Committee (BLDC). The BLDC comprised 36 mainland members and 23 Hong Kong members. The Basic Law Consultative Committee (BLCC) with 180 members was then set up to canvass the views of Hong Kong people. Two public consultations were held on the draft Basic Law, one in April 1988 and the other in February 1989.

2.4 The government conducted a review on the development in representative government in 1987. The resulting 1988 White Paper concluded that although there was support in the community for the principle of some directly elected members in the Legislative Council, divergent views were expressed as to the timing of the introduction of direct election. The government decided to introduce 10 directly elected seats into the Legislative Council in 1991.

2.5 In May 1989, the unofficial members of the Executive and Legislative Councils reached a consensus on the pace of democratic reform, calling for one-third (20 seats) of the Legislative Council to be directly elected in 1991, half of it in 1995 and the whole of it in 2003. This model became known as the OMELCO⁶ consensus. The events of Tiananmen Square in June 1989 stimulated public desire for a faster pace of democracy.

2.6 The British and Chinese governments held negotiations⁷ on the political development in Hong Kong during the first two months of 1990. As a result of the negotiations, the British government agreed to restrict the number of directly elected seats for the Legislative Council in 1991 to 18. The Chinese government agreed to increase to 20⁸ the number of directly elected seats for the first legislature of the Hong Kong SAR in 1997. The decision of the Chinese side was reflected in the final draft of the Basic Law. In light of the agreement on the pace of political development, the Hong Kong government decided to re-constitute the Legislative Council in 1991 to increase the number of directly elected seats to 18 instead of 10 as stipulated in the 1988 White Paper.

⁶ OMELCO stands for Office of the Members of the Executive and Legislative Councils. It provides support for non-official members of the two councils.

⁷ Details of the negotiations are found in diplomatic exchanges on constitutional development between the British and Chinese sides in January and February 1990. These exchanges were published in October 1992.

⁸ The second draft of the Basic Law released for consultation in February 1989 recommended that there should be 15 directly elected seats for the first legislature of the Hong Kong SAR in July 1997.

2.7 The Basic Law was promulgated by the National People's Congress of China on 4 April 1990. The composition of the first three terms of the Hong Kong SAR legislature laid down in the Basic Law is as follows:

	1997	1999	2003
Direct election	20 seats	24 seats	30 seats
Functional constituencies	30 seats	30 seats	30 seats
Election Committee ⁹	10 seats	6 seats	Nil

2.8 The first direct election to the Legislative Council was held in September 1991 during which 18 members were elected in geographical constituencies and 21 members were indirectly elected from functional constituencies. The remaining 21 members comprised three ex-officio members and 18 appointed members.

3. The 1992 Constitutional Package

3.1 Shortly after Chris Patten took up appointment as Governor of Hong Kong in July 1992, he revealed the plan for 1994-95 electoral arrangements during his first policy address in October 1992.

3.2 The major proposed reforms of the political system were as follows:

- adoption of the “single seat, single vote” method for all three tiers of geographical constituency elections
- lowering of the minimum voting age from 21 to 18;
- abolition of all appointed seats in the Municipal Councils and the District Boards
- removal of the restrictions on local delegates to China's National People's Congress to stand for elections
- broadening the franchise of certain existing functional constituencies by replacing corporate voting with individual voting
- introduction of nine new functional constituency seats
- introduction of an election committee comprising District Board members to return 10 members to the Legislative Council

⁹ Members of the election committee will consist of a cross section of representatives from four groups - business, professionals, general public and former political figures.

3.3 The Chinese government objected to the proposed electoral arrangements, claiming that they were in breach of the Basic Law. The Chinese government decided to set up a working body (“the second stove”) to institute Hong Kong’s post-1997 political structure. Such a working body, the 57-member Preliminary Working Committee for the Hong Kong SAR Preparatory Committee was subsequently set up in July 1993.

3.4 Between April and December 1993, the British and Chinese governments held 17 rounds of talks on the arrangements for 1994 and 1995 elections but were not able to reach any agreement.

3.5 To prepare for the elections to the three-tier political system in 1994 and 1995, the Hong Kong government introduced the reform proposals contained in the Electoral Provisions (Miscellaneous Amendments) (No. 2) Bill 1993 (giving effect to the first four proposed reforms) and the Legislative Council (Electoral Provisions) (Amendment) Bill 1994 (giving effect to the last three proposed reforms) into the Legislative Council. The two bills were passed on 24 February 1994 and 30 June 1994 respectively.

3.6 Elections to the Legislative Council according to the new arrangements were held in September 1995. The first fully elected Legislative Council comprises 60 members, of whom 20 are elected from geographical constituencies, 30 from functional constituencies and 10 by an Election Committee.

Preparatory Committee

3.7 China names the 150 members of the Hong Kong SAR Preparatory Committee in December 1995. According to the Basic Law, the Preparatory Committee shall be responsible for:

- preparing the establishment of the Hong Kong SAR;
- prescribing the specific method for forming the first Government and the first Legislative Council; and
- preparing the establishment of the Selection Committee for the first government of the Hong Kong SAR. The Selection Committee shall recommend the candidate for the first Chief Executive through local consultations or through nomination and election after consultations, and report the recommended candidate to the Central People’s Government of China for appointment.

Appendix 1

Chronology of Major Political Events in Hong Kong, 1982 - 1995

4 March 1982	Elections to the District Boards in the New Territories are held. A total of 56 unofficial members are elected.
23 September 1982	Elections to the urban District Boards are held. A total of 76 members are elected.
24 September 1982	British Prime Minister Margaret Thatcher meets Chairman Deng Xiaoping to discuss the future of Hong Kong.
18 July 1984	A Green Paper entitled “The Further Development of Representative Government in Hong Kong” is published.
26 September 1984	Leaders of Chinese and British negotiation teams Zhou Nan and Richard Evans initial the Joint Declaration in Beijing.
21 November 1984	The Government publishes a White Paper entitled “The Future Development of Representative Government in Hong Kong”.
19 December 1984	British Prime Minister Margaret Thatcher and Chinese Prime Minister Zhao Ziyang sign the Joint Declaration in Beijing.
28 May 1985	Britain and China exchange instruments of ratification and the Joint Declaration comes into force.
1 July 1985	China establishes the Basic Law Drafting Committee (BLDC). The BLDC is a working group under the Chinese National People’s Congress responsible for writing a mini-constitution for the Hong Kong SAR.
26 September 1985	The government conducts the first-ever indirect elections to the Legislative Council.

- 18 December 1985 The Basic Law Consultative Committee (BLCC) is established with 180 members to reflect the views of Hong Kong people to the BLDC.
- 27 May 1987 A Green Paper entitled “The 1987 Review of Developments in Representative Government” is published.
- 10 February 1988 A White Paper entitled “The Development of Representative Government: The Way Forward” is published.
- 28 April 1988 The first draft of the Basic Law is released for a public consultation period lasting through the end of September 1988.
- 22 September 1988 Indirect elections are held for 26 seats in the Legislative Council.
- 22 February 1989 The second draft of the Basic Law is released for a public consultation period lasting through the end of July 1989. The consultation period is later extended to the end of October.
- 24 May 1989 The unofficial members of the Legislative and Executive Councils unanimously agreed to support the OMELCO model on the pace of democratic reform.
- 21 March 1990 The Government announces the new composition for the 1991 legislature.
- 4 April 1990 The National People’s Congress of China promulgates the Basic Law.
- 12 September 1991 Elections are held for 21 functional constituency seats of the Legislative Council.
- 15 September 1991 Hong Kong’s first direct elections for 18 seats of the Legislative Council is held.
- 9 July 1992 Chris Patten arrives in Hong Kong as Governor.

- 7 October 1992 The Governor announces plans for the 1994-95 electoral arrangements in his inaugural policy address to the Legislative Council.
- 22 April 1993 Sino-British talks begin in Beijing on the arrangements for the 1994-95 elections in Hong Kong. The talks last for 17 rounds until December 1993.
- 16 July 1993 China sets up a 57-member Preliminary Working Committee for the Hong Kong SAR Preparatory Committee.
- 24 February 1994 The Electoral Provisions (Miscellaneous Amendments) (No.2) Bill 1993 is passed in the Legislative Council.
- 30 June 1994 The Legislative Council (Electoral Provisions) (Amendment) Bill 1994 is passed in the Legislative Council.
- 17 September 1995 Elections for Hong Kong's first fully elected Legislative Council are held.
- 28 December 1995 China names the 150 members of the Special Administrative Region Preparatory Committee.

Appendix 2**Composition of the Legislative Council from 1984 to 1995**

	1984	1985	1988	1991	1995
Officials	16	10	10	3	Nil
Appointed members	30	22	20	18	Nil
Elected by functional constituencies	Nil	12	14	21	30
Elected by direct elections	Nil	Nil	Nil	18	20
Elected by electoral college	Nil	12	12	Nil	Nil
Elected by election committee	Nil	Nil	Nil	Nil	10
Total*	46	56	56	60	60

* The Governor was the President of the Legislative Council until February 1993 when he was replaced by an elected President. The total number of seats in the above table does not include the Governor.

Source: Legislative Council Annual Reports and OMELCO Annual Reports