

The Evolution of the Electoral System and Party Politics in Hong Kong

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The Hong Kong electoral system changed from a "double-seat, double-vote" system in 1991, to a single-member plurality system in 1995, and a proportional representation system in 1998. The frequent change in the electoral system reflects the changing interests of the executive branch and/or the sovereign master to engineer a certain balance in the Legislative Council (Legco). The electoral systems were constantly reshaped by various political actors in Hong Kong to further their own political interests.

The change in the electoral system was accompanied by change in the party system in Hong Kong. The challenge of the democrats after the 1991 Legco elections accelerated the formation of other parties. The years 1993-95 saw the beginning of multiparty competition and cooperation in the legislature. By seizing about half of the seats in the 1995 elections, the democrats managed to propose alternative policies in the Legco and put pressure on the colonial government in the years 1995-97.

The change to a proportional representation system in 1998 brought fragmentation to the Hong Kong Special Administrative Region (HKSAR) legislature, with mutual vetoes becoming more frequent. This fragmentation disallowed the political parties to propose alternative policies in the

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legislature, and perpetuates the "executive-dominant" nature of the Hong Kong political system.

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The election of the first Legislative Council (Legco) of the Hong Kong Special Administrative Region (HKSAR) in May 1998 saw a third electoral system adopted in as many direct elections for the Hong Kong Legco. The formula for selecting one-third or less of the legislators of Hong Kong has changed from a "double-seat, double-vote" system in 1991, to a single-member plurality system in 1995, and finally to a proportional representation system in 1998. Each change in the electoral system brought about a new pattern of party competition in both the electoral and legislative arenas. This paper will review the changes of the electoral system in Hong Kong and their effects on the party competition pattern from 1991 to 1998.¹ It shows how various political actors in Hong Kong had bargained over the electoral rules since 1991. It will also show how party politics in Hong Kong was shaped by the rapidly changing electoral system.

The Electoral Systems and Party Politics

"[E]lectoral systems are chosen and changed, not for their abstract qualities, but for their anticipated effects on politics in the here and now."² As Sartori pointed out, the electoral system is one political institution that is most easily manipulated by the ruling elite.³ Political elite in contention

¹This paper will only deal with the effect of the change of the electoral system on the Legislative Council. While the electoral systems for the Municipal Councils and District Boards have undergone minor changes since 1982, their effects are not as significant and are not within the purview of this article.

²Martin Harrop and William Miller, *Elections and Voters: A Comparative Introduction* (London: Macmillan Press, 1987), 60.

³Giovanni Sartori, "Political Development and Political Engineering," in *Public Policy*, ed. John D. Montgomery and Albert O. Hirschman (Cambridge: Cambridge University Press, 1968), 261-98.

of power, inside and outside of government, will try to change electoral rules, bend the detailed application of rules (e.g., gerrymandering and changing thresholds and constituency sizes), or refuse to change the rules, in order to maximize their political advantage.⁴ The change of the electoral system is one that brings the greatest political effects. France had its single-member constituency system replaced by proportional representation three times since 1875, but in each of the three times the single-member constituency system was restored.⁵ While France took a century to undergo that many changes, Hong Kong experienced three elections under three different electoral formulas in a matter of less than seven years.

This puts the change of the Hong Kong system into perspective: change of the form of the electoral systems is always driven by political imperatives and has profound political consequences. The rapid and frequent change of the electoral system in Hong Kong reflects both the changing interests of the political elite and changing political situations. Since 1991, the electoral system for the limited directly-elected seats of the Hong Kong legislature has been the center of contention among local political groups, the executive branch of the Hong Kong government, and the British and Chinese governments. The change of the electoral system over time in fact reflected both the changing strategies of the Hong Kong government to balance the power of political groups in the legislature as well as the effect of the change of sovereignty.

The change of the electoral system subsequently brought about changes to party formation in Hong Kong. Conventional wisdom holds that plurality/first-past-the-post systems will bring about a two-party, more polarized system of party competition, while proportional representation will bring about a more pluralistic, multiparty system.⁶ As we shall see below, the party system in Hong Kong changed from a more pluralistic one in 1991 to a polarized system in 1995. The switch to a proportional repre-

⁴Harrop and Miller, *Elections and Voters*, 60-68.

⁵*Ibid.*, 61.

⁶See, for example, Maurice Duverger, *Political Parties* (New York: John Wiley, 1959), chap. 4; and Douglas Rae, *The Political Consequences of Electoral Laws* (New Haven, Conn.: Yale University Press, 1967), 47-50.

sentation system, coupled with changes in electoral rules, served to bring back a more fragmented party system to the Legco after the election in 1998. Judging from the first six months of operation of the first SAR legislature, we predict that the future Hong Kong Legco, under the influence of the proportional representation system, will be fragmented and become an arena of mutual vetoes between parties. The constraints of the Basic Law and the fragmentation will make the Legco unable to put pressure on the executive branch of the government, perpetuating the "executive-dominant" nature of the Hong Kong political system.

The Double-Seat System and the 1991 Election

In September 1991, Hong Kong had for the first time legislators elected by universal suffrage. Eighteen legislators, or 30 percent of the Legco members, were returned by direct election. A system that was rarely used elsewhere, the "double-seat, double-vote" system, was adopted. The territory was divided into nine constituencies, each of which was to return two legislators. Each voter could choose two candidates on the ballot, and the two candidates that received the most votes in the district would be elected into the Legislative Council.

What made the Hong Kong government adopt this special system? In 1987, the Hong Kong government had pledged to introduce ten directly-elected seats in 1991. By that time, the understanding was that these ten seats would be elected by the single-member plurality formula which had been used in local elections in Hong Kong since the early 1980s. After 1989, horrified by the brutality of the Tiananmen massacre, politicians in Hong Kong pushed for more rapid democratization. With the consent of the PRC government, the Hong Kong government increased the number of directly-elected seats in 1991 to eighteen.⁷ Instead of electing all eighteen

⁷The decision was made after a series of negotiations between the Chinese and British governments. Although the Executive and Legislative Council members of Hong Kong demanded 50 percent of the legislature be directly elected by 1997, the British settled for a formula of one-third directly elected in 1997. In return, the British obtained the green light for more directly-elected seats in 1991.

seats by the first-past-the-post system, the Hong Kong government opted for a "double-seat, double-vote" system.

The Hong Kong government chose this system largely because they were afraid that, if they adopted the single-member system, the pro-democracy groups would sweep the directly-elected seats and become a formidable opposition in the partly-elected legislature. The leaders of the pro-democracy groups had been at the forefront of Hong Kong's social movement since the 1970s and had gained much electoral experience from the District Board and Municipal Council elections since 1982. The democrats were good at engineering grass-roots support and were always critical of the social policies of the Hong Kong government. The government thought that the single-member system would benefit these populist grass-roots leaders, which might pose a strong opposition in the legislature. The Hong Kong government thus went for the "double-seat, double-vote" system which had been partly used in the District Board elections since 1982.⁸ The experience with that system in local elections was that voters invariably split their vote between a pro-democracy candidate and a more conservative candidate, resulting in a split of the seats between candidates from the two camps. The double-seat system, the government thought, would return some conservative politicians into the Legco to counterbalance the democrats.⁹

Political parties were still at an infant stage in Hong Kong by 1991. While most candidates had the backing of social or political organizations, none of these organizations labeled themselves as "parties."¹⁰ Pro-

⁸Since their inception in 1982, the District Boards had no more than two-thirds of their seats elected by a mixture of "double-seat, single-seat" constituencies, all by the plurality formula. The rest were appointed by the government. The district magnitude depended on the size of local communities. In 1994, as part of the political reform proposed by Governor Chris Patten, all District Board members were elected on a single-member basis.

⁹Based on the personal conversation of one of the authors with some of the pro-democracy leaders, who said that government officials told them explicitly this was the calculation behind the double-seat system.

¹⁰Lam and Lee considered forty-one of the fifty-four candidates in 1991 to have political affiliations. However, they treated trade unions, local groupings of residential associations, and other minor groups as political groups. See Jermain Lam and Jane Lee, *The Dynamic Political Actors in Hong Kong's Transition* (Hong Kong: Writers' and Publishers' Cooperative, 1993), 74-76. This study counts only those candidates who ran as representatives of

Table 1
Number of Candidates from Different Camps in the 1991 Legislative Council Election

Constituency	Number of Pro-Democracy Group Members ^a	Number of Pro-PRC/Conservative Group Members ^b	Independents ^c
Island East	3	1	2
Island West	2	3	1
Kowloon East	4	1	2
Kowloon Central	2	3	2
Kowloon West	3	1	2
New Territories East	2	0	5
New Territories West	2	2	1
New Territories South	3	0	1
New Territories North	3	2	1
Total	24	13	17

Notes:

^aThese included the United Democrats of Hong Kong (fourteen candidates), the Meeting Point (three), the Association for Democracy and People's Livelihood (three), the Democratic Foundation (one), the October Review (one), the Neighborhood and Workers' Service (one), and the Hong Kong Federation of Trade Unions (one).

^bThe Liberal Democratic Foundation was the biggest group of this camp, fielding five candidates. Other groups included the New Hong Kong Alliance (two candidates) and the Hong Kong Federation of Trade Unions (one).

^cSome candidates had support from pro-PRC and conservative forces but still claimed themselves as "independents." They are treated as independents here.

democracy groups were the best-organized participants, fielding a total of twenty-four candidates out of a total of fifty-four candidates. Quite a few conservatives and pro-PRC candidates ran as independents, without forming party-like campaign machinery. On the whole, fifty-four candidates contested for eighteen seats, an average of three contestants per seat. Table 1 shows the distribution of candidates between the different groupings. The competition pattern was relatively pluralistic, although the major cleavage was between the democrats on one side and the conservatives and pro-PRC candidates on the other.

political groups, which gives us only thirty-two candidates running as group candidates. The rest claimed themselves as "independents."

With the memories of the million-people demonstrations in spring 1989 fresh in their minds, most voters cast their votes in favor of the democrats. The United Democrats of Hong Kong (UDHK), led by Martin Lee, fielded fourteen candidates in the direct election and won twelve seats. Other pro-democracy groups and independents took another five seats. Some claimed that the landslide victory of the democrats in the direct election was a result of the electoral system. In most of the constituencies, the democrats ran on joint tickets, with megastars like Martin Lee and Szeto Wah pairing up with less well-known candidates like Man Sai-cheong and Fred Li. Analyses of the vote distribution in 1991 revealed that instead of splitting their votes between pro-democracy and conservative candidates, many voters voted for the joint ticket of the democrats. For some of the less well-known democratic candidates like Man Sai-cheong and Huang Chenya, the joint-ticket votes with their stronger partners made up as much as 95 percent and 88 percent of their total votes respectively.¹¹

Changes in the 1991-95 Legislature: Party Politics in the Making

Although the populist democrats won most of the seats in the direct elections in 1991, the Legco in 1991-95 was still dominated by business leaders and appointed members. The sixty members that made up Legco between 1991 and 1995 included eighteen appointed members (including the chairman), three ex-officio government officials, eighteen directly-elected members, and twenty-one members elected from functional constituencies. The functional constituency members were elected with very limited franchises. Except for some constituencies for professionals like doctors, lawyers, and teachers, which allowed voting on an individual basis, most of the functional constituencies represented only government-

¹¹See Louie King-shuen and Fung Wing-kam, "The 'Joint-Ticket Effect' of the Double-Seat System," in *Xianggang zhengzhi yu xuanju* (Politics and elections of Hong Kong), ed. Joseph Cheng and Louie King-shuen (Hong Kong: Oxford University Press, 1995), 287-94.

selected business groups and social organizations. The largest pro-democracy party, the UDHK, had fourteen members in 1991. Together with other pro-democracy independents, the pro-democracy camp made up about one-third of the Legco from 1991 to 1995.

Serving as the opposition in the legislature from 1991 to 1995, the democrats brought a sea change to the functioning of the Legco. By a combination of amendment to government bills, motion debates, and interpellation sessions, the democrats put a great deal of pressure on government officials.¹² Their challenge in the Legco and the imperative of competition in future direct elections led to a proliferation of political parties in the period 1991-95. In response to the challenge of the democrats, pro-business and conservative members in the Legco formed the Cooperative Resource Center (CRC) in 1991, which was reorganized as the Liberal Party in early 1994. In 1992, pro-PRC groups joined to form the Democratic Alliance for the Betterment of Hong Kong (DAB). A group of conservative, pro-PRC business leaders formed the Hong Kong Progressive Alliance (HKPA) in 1994. As for the democrats, the two major pro-democracy groups, the UDHK and the Meeting Point, merged to form the Democratic Party (DP) in 1994. Political parties in Hong Kong began to gravitate toward two poles: a pro-democracy pole and a pro-PRC pole. Table 2 shows the distribution of seats among different parties in the Legco in 1991-95.

Before 1993, the Hong Kong government was largely able to count on the support from both the appointed members and the CRC to help government bills cruise through the Legco. The situation changed after the arrival of Chris Patten as governor in 1992. The Patten reform package and the subsequent Sino-British dispute alienated some of the pro-PRC and conservative legislators. Moreover, since Patten ruled that legislators could not serve on the Executive Council (Exco) and the Legco simultane-

¹²Choy Chi-keung, Lau Sai-leung, and Chow Pak-kwan, *Xuanju yu yihui zhengzhi: Zhengdang jueqi hou de Xianggang zhanxin zhengzhi mianmao* (Election and parliamentary politics: The new political face of Hong Kong after the rise of political parties) (Hong Kong: Hong Kong Humanities Press, 1995). Motion debates in the Hong Kong Legislative Council had no binding force on the colonial government. As in Britain, interpellation sessions mostly served to embarrass or put pressure on government officials, rather than forcing policy changes.

Table 2

Distribution of Seats in the Legislative Council among Parties, 1991-95

Party/Group	Number of Legco Members			
	1991-92	1992-93	1993-94	1994-95
United Democrats of Hong Kong	14	13	13	15 ^a
Meeting Point	3	4	4	—
Cooperative Resource Center/Liberal Party	16	15	15	15
Appointed and ex-officio members	4	4	4	4
Other pro-democracy groups ^b	3	2	2	3
Democratic Alliance for the Betterment of Hong Kong	0	1	1	1
Other pro-PRC groups ^c	3	3	3	3
Independents	17	18	18	19
Total	60	60	60	60

Notes:

^aThe United Democrats of Hong Kong and the Meeting Point merged to form the Democratic Party in 1994.

^bThese include the Association for Democracy and People's Livelihood, the Hong Kong Democratic Foundation, and the Hong Kong Federation of Trade Unions.

^cThese include the New Hong Kong Alliance, the Association for Stabilizing Hong Kong, and the Liberal Democratic Foundation.

Source: K.K. Leung, "Fractionalization of the 'Party' System in the Hong Kong Transition," in *Political Order and Power Transition in Hong Kong*, ed. Li Pang Kwong (Hong Kong: Chinese University Press, 1998), 109-25.

ously, some appointed members resigned from the Exco to keep their seats in the Legco. These members, some of them belonging to the CRC, thus no longer had the obligation to support government policies in the Legco. Some of these members were also preparing to run in future elections and would not blindly follow the government position in debates or motions.

Losing a guaranteed majority support, the Hong Kong government was forced to bargain with various political parties over different policy issues in the years 1993-95. To secure majority support, the government entered into "ad hoc issue alliances" with various parties/groupings in the Legco.¹³ Mostly playing the role of the opposition, the democrats would

¹³See Choy Chi-keung and Lau Sai-leung, "The Executive-Legislative Relations in Hong Kong on the Eve of the 1997 Handover," *Hong Kong Journal of Social Sciences*, no. 8 (Autumn 1996): 237-66.

occasionally support the government should electoral interests dictate so.¹⁴ Some kind of multiparty competition and cooperation began to emerge in the Legco. Constitutional constraints rendered the Legco unable to elect the chief executive and the secretaries, but the Legco from 1992 to 1995 did enjoy some kind of veto power over government policy proposals.¹⁵ This veto power led to a more strained executive-legislative relationship. The system remained executive-led, but the Legco had changed from a "minimal legislature" to a "marginal legislature."¹⁶

The Patten Reform and the Single-Member System

The Legco Debate on the Electoral System

The triumph of the democrats in the 1991 Legco elections led to vehement criticism against the electoral system. Pro-PRC groups and the members of the Cooperative Resource Center criticized the system as unfair, claiming that weak democratic candidates had won on "coat-tail effects" by joining tickets with political heavyweights. The CRC advocated the single non-transferable vote (SNTV) system similar to that adopted in Taiwan. The CRC claimed that this system would give the independents and small parties a better chance of representation, thus bringing a more "balanced" legislature.¹⁷

The Legislative Council set up a Select Committee on Elections in early 1992 to review the electoral arrangements for the 1991 election. The public hearings conducted by the Select Committee were attended by vari-

¹⁴For example, on the issue of freezing of government fee-hikes in 1995. See *ibid.*, 250-51.

¹⁵Lau Sai-leung, "Still Executive-Led: Evolution of the Parliamentary System in Hong Kong after 1991," in Choy, Lau, and Chow, *Xuanju yu yihui zhengzhi*, 193-201. See also Norman Miners, "The Transformation of the Hong Kong Legislative Council 1970-1994: From Consensus to Confrontation," *Asian Journal of Public Administration* 16, no. 2 (December 1994): 224-48.

¹⁶Kathleen Cheek-Milby, *A Legislature Comes of Age* (Hong Kong: Oxford University Press, 1995), chap. 6.

¹⁷*Ming Pao Daily News* (Hong Kong), July 13, 1992, 52. The suggested SNTV system has the territory divided into constituencies that elect four to five members each, but each voter is only allowed to choose one candidate on the ballot.

ous political parties. The pro-democracy groups, including the United Democrats of Hong Kong and Meeting Point, the big winners of the 1991 elections, saw no fault with the double-seat system and asserted that there was no need for change. The United Democrats claimed that the party system of Hong Kong was still not mature enough for a proportional representation system, while the SNTV would "deprive" the choice of voters since they could not select all their representative candidates.¹⁸ The Cooperative Resource Center and the Liberal Democratic Foundation countered that the SNTV system retained the feature of choosing candidates instead of parties and could let independents and smaller parties get representation, avoiding "monopoly by one major party."

The Select Committee, which had conservatives in the majority, endorsed the SNTV as the system to be adopted in the 1995 elections.¹⁹ The democrats criticized the proposal as an attempt to curtail the influence of democrats by manipulating the electoral formula. In the subsequent Legco debate on the report of the Select Committee on July 15, 1992, the democrats pulled off a symbolic victory. The UDHK switched to support a single-member plurality formula, a system which helped them to earn support from moderate groups such as the Liberal Democratic Foundation and some appointed members. The Legco passed a motion stating that the single-member constituency system should be adopted in the 1995 elections, although the resolution was not binding on the government. Weeks after the passage of the resolution, Christopher Patten arrived as the last governor of Hong Kong. The political reforms suggested by Patten put the electoral system on the negotiation table between Britain and the PRC. The PRC government entered the stage as a major player in the struggle over the electoral system in Hong Kong.

¹⁸United Democrats of Hong Kong, "The Proposal of the Constitutional Development Group of UDHK on the Review of the 1991 Election."

¹⁹Lo Shiu-hing and Yu Wing-yat, "The Electoral System of Hong Kong's Legislative Council: Results under Different Proportional Representation Formulae," in *The 1995 Legislative Council Elections in Hong Kong*, ed. Hsin-chi Kuan et al. (Hong Kong: Hong Kong Institute of Asia-Pacific Studies, Chinese University of Hong Kong, 1996), 97-134.

The Patten Reform Package and the Single-Member System

The electoral system quickly became a hot issue in town after Patten proposed his controversial political reform package in October 1992. Patten proposed to abolish all appointed seats in the Municipal Councils and District Boards, lower the voting age from twenty-one to eighteen, and extend the narrow franchise of functional constituency elections to the 2.7 million working population of Hong Kong. One-sixth of the Legco members would be elected by an Election Committee made up of District Board members, all of which would be directly elected by 1994. Patten also proposed to use the single-member constituency method as the electoral formula for the twenty directly-elected seats in the 1995 Legco elections.

The single-member system soon became an apple of discord between the British and PRC governments. Since the Patten proposals were seen by PRC officials as violating the Joint Declaration, the Basic Law, and previous bilateral agreements, the single-member system never had the blessing of the PRC government and the pro-PRC parties. The rising influence of the democrats after 1991 also alarmed the PRC government, who wanted to see the adoption of an electoral system that could limit the future influence of the democrats. The pro-PRC Democratic Alliance for the Betterment of Hong Kong first proposed in 1993 to use proportional representation with a d'Hondt formula²⁰ to replace the single-member system. The DAB claimed that the proportional representation system would be able to reflect the voices of small parties and less beneficial to the large parties.²¹ On the other hand, pro-democracy groups such as the United Democrats and Meeting Point mostly supported the Patten proposal and the single-member system. This temporary alliance of the colonial government and the democrats in support of the single-member system lasted until the change of sovereignty.

²⁰The d'Hondt formula will calculate the "averages" of the votes obtained by each candidate, and the N candidates that has the highest vote averages in an N-seat constituency will be elected. For example, if a party list receives K votes, the first, second, and third candidates on that party list will have vote averages of $K/1$, $K/2$, and $K/3$ respectively.

²¹Gary Cheng Kai-nam, "On Proportional Representation," *Hong Kong Economic Times*, April 23, 1993.

The seventeen rounds of talks between the PRC and Britain from February to December of 1993 produced no meaningful consensus on the 1995 electoral arrangements. While both sides managed to agree on some minor issues, the single-member system was one of the issues of disagreement that broke off the talks.²² It seems that the PRC government saw the electoral system as vital to controlling the power balance in the legislature, and Beijing considered a more "proportional" formula would give pro-PRC forces better chances of representation. The Patten proposal was then submitted to the Hong Kong Legislative Council, without the PRC's approval, and was passed in February 1994.

The 1995 Election

The 1995 Legco election, as prescribed by the Patten proposal, adopted the single-member system. Hong Kong was divided into twenty geographical constituencies, with the candidate receiving the most votes in the constituency elected. The election marked a face-off between democrats and pro-PRC candidates. Twelve of the twenty districts had only two candidates and eleven of these twelve districts were contested between pro-democracy and pro-PRC candidates. The Democratic Party, as the flagship of pro-democracy parties, fielded fifteen candidates, eight of them in one-on-one contests with pro-PRC candidates. The pro-PRC camp was also largely successful in coordinating their candidates. In sixteen of the twenty districts, there was only one candidate from the pro-PRC camp. On the whole, fifty candidates competed for twenty seats, an average of 2.5 contestants per seat, a ratio lower than that of 1991. The two major parties, the Democratic Party and the Democratic Alliance for the Betterment of Hong Kong, combined to field twenty-two candidates, 44 percent of the total. Only fourteen candidates, or 28 percent of field, ran as independents. The

²²See Ma Ngok, "The Sino-British Dispute over Hong Kong: A Game Theory Interpretation," *Asian Survey* 37, no. 8 (August 1997): 738-51. See also British Foreign Office, "White Paper on Representative Government" (February 24, 1994), paragraphs 32-44, and New China News Agency, "The Truth About Some Major Questions" (February 28, 1994), paragraph 2. The two documents were published by the British and Chinese governments respectively shortly after the talks formally broke off in February 1994. See also Jonathan Dimbleby, *The Last Governor* (London: Warner, 1997), 244-52.

1995 election was as close to a two-party competition as has ever existed in Hong Kong.

The major campaign issue of the 1995 election was candidate orientation toward the PRC. Although social policies, in particular the issue of importation of labor from the mainland, were high on the platforms of most candidates, the attitude toward China remained the dividing line between candidates from the two camps. The DP candidates were always accused of being on bad terms and of having no dialogue with the PRC government, while pro-PRC candidates kept reminding voters the importance of electing candidates who had good relations with China. Unlike in 1991, when being "pro-PRC" was largely a negative label,²³ in the 1995 election having affiliations with China could have positive effects for candidates. Apart from superior funding, material, and manpower support from pro-PRC businessmen and organizations, "pro-China" became a symbol of having good relations with the future sovereign. Being "patriotic," whatever that might mean in the minds of voters, could also command some ideological support and was no longer a purely negative stigma.²⁴ Many pro-PRC candidates boasted their connections with mainland officials and their positions in PRC-appointed advisory bodies.

Despite the changing tide of public opinion and the disadvantage in resources, the Democratic Party won a handsome victory in the 1995 contest. Twelve of the fifteen DP candidates were elected. Other pro-democracy parties like the Association for Democracy and People's Livelihood (ADPL) as well as pro-democracy independents like Emily Lau grabbed four other seats. The biggest pro-PRC party, the DAB, fielded seven candidates and won only two. The election was seen as a defeat for the pro-PRC camp and brought unprecedented political influence to the democrats in the subsequent Legco.

²³See Leung Sai-wing, "The 'China Factor' in the 1991 Legislative Council Election: The June 4th Incident and the Anti-Communist China Syndrome," in *Hong Kong Tried Democracy: The 1991 Elections in Hong Kong*, ed. Lau Siu-kai and Louie King-shuen (Hong Kong: Hong Kong Institute of Asia-Pacific Studies, Chinese University of Hong Kong, 1993), 187-235.

²⁴Leung Sai-wing, "The 'China Factor' and Voters' Choice in the 1995 Legislative Council Election," in Kuan, *The 1995 Legislative Council Elections in Hong Kong*, 201-44.

Table 3
Distribution of Seats in the Legislative Council among Parties, 1995-97

Party/Group	Number of Legco Members
Democratic Party	19
Liberal Party	10
Democratic Alliance for the Betterment of Hong Kong	6
Association for Democracy and People's Livelihood	4
The Frontier	5
Hong Kong Progressive Alliance	2

The Party System, 1995-97

The years 1995-97 saw unprecedented political influence of the pro-democracy parties in the Hong Kong political arena and increased influence of the Legco as well. With five members elected from the functional constituencies and two from the Election Committee, the Democratic Party had nineteen members elected in the 1995 election and emerged as the largest party in the sixty-member Legco.²⁵ Combined with other pro-democracy groups and independents, the pro-democracy camp controlled almost half of the seats in the 1995-97 Legco. Table 3 shows the distribution of seats among different parties in the Legco from 1995 to 1997.

If we classify parties by political position, the democrats outnumbered the pro-PRC camp which included the Liberal Party (ten members), the DAB (six members), and some members elected from functional constituencies. Some moderate groups (e.g., the ADPL with four members) and some independents played the role of the critical minority. In some cases, the democrats managed to pass motions that were embarrassing to the PRC government, including a motion demanding the PRC release dissident Wang Dan in November 1996. The democrats were also adept in raising bills to put individual member social policy proposals on the legislative

²⁵Under the Patten reform package, the nine "new" functional constituencies had their franchise extended to include all the working population, making them de facto direct elections, giving the democrats an upper hand. The Democratic Party won two seats in the new functional constituencies, while another three went to pro-democracy independents or union leaders. The Democratic Party also won three seats in the old functional constituencies.

agenda. From 1995 to 1997, forty-one bills introduced by individual members were raised. Sixteen of these bills were passed by the Legco, forcing changes in government policy. A majority of these bills were raised by the democrats who made such proposals as improving labor rights or social welfare. Some of the more prominent cases included bills on equal opportunity, air quality inside tunnels, and collective bargaining rights.

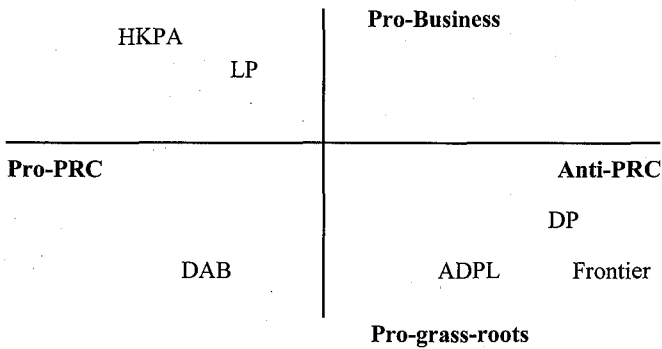
Regarding social policy issues, the major cleavage was between grass-roots and business interests. The democrats, being mostly elected through universal suffrage, were generally more sympathetic to grass-roots interests and demanded more redistributive social policies. The Liberal Party and the Hong Kong Progressive Alliance, as well as some independents elected from functional constituencies, were more inclined toward business interests and were suspicious of rapid expansion of social welfare. The DAB, the flagship of the pro-PRC parties, was more ambivalent to class and welfare issues. As the major competitor of the Democratic Party in direct elections, the DAB had an imperative to respond to grass-roots interests. Thus the DAB shared similar positions with the DP on such issues as medical charges, retirement pensions, and public housing rents.²⁶ The DAB did not want to support the democrats, however, for fear of allowing the democrats to claim credit for changing government policy.

Figure 1 is a schematic representation of the relative positions of the various parties on the two major cleavage axes in the Legco in 1995-97. We believe this formulation manages to capture most of the policy positions of the major parties in this period, although unshown are strategic moves in particular instances. Also noteworthy is that about one quarter (thirteen)²⁷ of the Legco members did not join these six major parties. The presence of functional constituency members tended to weaken the effect of the electoral system on party formation. Elected from narrow franchises, twelve of the thirty functionally-elected members did not join any parties. Part of the reason was that the members of some of the functional groups

²⁶For a more comprehensive account, see Choy Chi-keung and Tsoi Yiu-cheung, *Xianggang lifaju zhongyao toupiao jilu huibian 1995-1997* (Selected vote counts of the Hong Kong Legislative Council 1995-1997) (Hong Kong: Hong Kong Humanities Press, 1997).

²⁷This does not include Legco Chairman Andrew Wong, who is an independent.

Figure 1
The Relative Positions of Different Parties in the Legco, 1995-97



were still skeptical of political parties. More importantly, support from political parties was less important for campaigning in these constituencies that usually had less than several thousand voters. The fact that the functional constituency members continue to make up half of the Hong Kong legislature continues to hinder party development in Hong Kong after 1997.

The Single-Member System Falling from Grace

The result of the 1995 election was not what the PRC government had wanted to see. After the elections, the pro-PRC camp swiftly concluded that the victory by the democrats was "manufactured" by the electoral system. The day after the election, the editorial of the PRC-funded *Wen Wei Po* criticized: "The electoral arrangement of this election is utterly unfair. It was covertly created by Patten with ulterior motives. By changing the double-seat, double-vote system in 1991, the system was tailor-made for the Democratic Party, allowing them to monopolize all the seats."²⁸

Table 4 shows the comparison between the vote and seat shares of dif-

²⁸*Wen Wei Po*, September 18, 1995.



Table 4
Vote and Seat Shares of Different Parties in the 1995 Legislative Council Election

Party	DP	DAB	ADPL	HKPA	LP
Total votes	385,428	141,801	87,072	25,964	15,126
Overall vote share	41.9%	15.4%	9.5%	2.8%	1.6%
Seats in direct election and share of total	12/20 (60.0%)	2/20 (10.0%)	2/20 (10.0%)	0/20 (0.0%)	1/20 (5.0%)

Keys: DP—Democratic Party; DAB—Democratic Alliance for the Betterment of Hong Kong; ADPL—Association for Democracy and People's Livelihood; HKPA—Hong Kong Progressive Alliance; LP—Liberal Party.

ferent political parties. The Democratic Party, which obtained more than 40 percent of the total votes by running in only three-fourths of constituencies, was the big winner in the plurality system. So was the Association for Democracy and People's Livelihood, a moderate pro-democracy group. The pro-PRC parties, being less popular, were relatively underrepresented under the plurality system if we compare their seat share with their vote share. This underrepresentation drove them to seek the electoral system change to a more proportional one that would enable them to obtain a larger share of the seats in future elections. Shortly after the election, an internal report of the New China News Agency, the de facto embassy of the PRC in Hong Kong, suggested that the single-member system be abolished after 1997. The report preferred the SNTV system that had been proposed by the Preliminary Working Committee of the HKSAR Preparatory Committee.²⁹

The PRC in Control: SNTV the Rising Star

Before the election was held, the PRC government had declared that it was not going to recognize the elections held under the Patten formula and would scrap the three tiers of elected councils after 1997. Earlier, in December 1993, Beijing had set up a Preliminary Working Committee

²⁹ *Ming Pao Daily News*, September 29, 1995; and *The Apple Daily* (Hong Kong), October 5, 1995.

(PWC) of the HKSAR Preparatory Committee,³⁰ mostly made up of pro-PRC politicians and social leaders. Through the PWC, the PRC government tried to announce its own blueprints for Hong Kong after 1997. The PWC was inclined to abolish the single-member system, preferring either the SNTV or proportional representation system.³¹ After the 1995 election, the PRC proceeded to redefine the rules of the game to make sure that the HKSAR government would remain "executive-dominant" and that the democrats could not have too much influence in the SAR legislature.

In late 1996, the PRC government appointed the Preparatory Committee of the HKSAR. This Committee was responsible for selecting the Election Committee that selected the SAR Chief Executive and members of the Provisional Legislature, and was charged with deciding on matters related to the establishment of the SAR.³² The Preparatory Committee was empowered to redefine some major rules of the game, including legislation on civil rights and the electoral system.

In February 1997, the Working Group on the Establishment of the First HKSAR Legislature of the Preparatory Committee unanimously agreed to abolish the single-member system and adopt an SNTV system. The major disagreement among the members at that time was about the number of constituencies, with some suggesting as few as two and some suggesting as many as nine. The group's resolution listed proportional representation and the SNTV as two possible options, but stated clearly that the single-member system would be abolished. The Working Group then conducted one month of public consultations in Hong Kong, asking for comments to their proposal.³³

In the one-month consultation period, local political parties and groups lobbied hard for their favorite systems. The Democratic Party and

³⁰According to the Basic Law, the PRC National People's Congress should set up a Preparatory Committee for the HKSAR in 1996 in order to prepare the establishment of the SAR and prescribe the method for setting up the first government and the first legislature of the SAR. The Basic Law did not include anything about the existence of a Preliminary Working Committee for the Preparatory Committee.

³¹*South China Morning Post*, May 4, 1994.

³²The Preparatory Committee was largely made up of leaders of pro-PRC political and community groups, businessmen, and social leaders.

³³See *Hong Kong Economic Journal*, February 24, 1997.

the Association for Democracy and People's Livelihood, beneficiaries of the single-member system in 1995, insisted that the system should be kept. The pro-PRC Hong Kong Progressive Alliance and Federation of Trade Unions supported an SNTV system of nine to ten constituencies. The Liberal Party supported a proportional representation system based on five geographical constituencies. The DAB sat on the fence: they supported both proportional representation and SNTV.³⁴ During the consultation period, the New China News Agency mobilized pro-PRC local groups to submit petitions to the Preparatory Committee in order to support an SNTV system based on nine to ten geographical constituencies.³⁵ As a result, most of the more than one thousand responses to the Preparatory Committee during the consultation period supported the SNTV system.

After public consultations, the Preparatory Committee Working Group easily chose SNTV as the proposed system for the first HKSAR Legco election to be held in 1998. Hong Kong would be divided into seven to ten districts, each electing two to three members. The proportional representation formula received relatively little support in the group.

Some analyses have shown that an SNTV with a small district magnitude may be the best system for the pro-PRC camp. Even if the Democratic Party can sustain its popularity after 1997, it would be difficult for them to win both seats in a two-seat constituency under the SNTV system. A dual victory would normally require the DP candidates to receive two-thirds of the votes, with their share of the votes split more or less evenly. Judging from the 1995 election, the pro-China camp could receive on average 30 percent of the votes in each district, which will be good enough to secure one out of two seats under the SNTV system. The best scenario for the pro-PRC camp would be evenly splitting the twenty seats with the democrats, even though the latter could have a much higher overall vote share.³⁶

³⁴Choy Chi-keung, *Xianggang xuanju zhidu toushi* (The Hong Kong electoral system) (Hong Kong: Ming Pao Publishers, 1998), 23.

³⁵*Hong Kong Economic Journal*, March 25, 1997.

³⁶Choy Chi-keung, "The DAB Benefits Most from the Double-Seat, One-Vote System," *Ming Pao Daily News*, May 20, 1997.

The Rise of the Proportional Representation Formula

Based on two resolutions of the PRC National People's Congress in 1990 and 1994, the Preparatory Committee had all along considered the choice of the electoral system for the first HKSAR Legislative Council to be within their jurisdiction.³⁷ As it turned out, the SAR government, and the Chief Executive Tung Chee-hwa in particular, had much influence on the electoral system.

The choice of the SNTV system came under much criticism both locally and internationally. Democrats in Hong Kong criticized the decision as a strategy to curtail their influence. The SNTV system was also criticized as obsolete being discarded elsewhere. Moreover, the SNTV system would create undesirable consequences such as distortion of voter preferences, electoral corruption, and strategic voting.³⁸ The international media also saw the choice of SNTV as an attempt to reduce the influence of the democrats. The pressure forced the Hong Kong government and Chief Executive-elect Tung Chee-hwa to consider other electoral formulas. On May 7, 1997, Tung flew to Beijing to meet PRC Vice-Premier Qian Qichen, after which he said that he hoped the Preparatory Committee could "leave more room" for the SAR government and the Provisional Legislature to decide on the electoral system. Tung may have persuaded Qian not to insist on the SNTV system, since he thought the adoption of the system would tarnish the image of the SAR government among both the Hong Kong public and the international community.³⁹

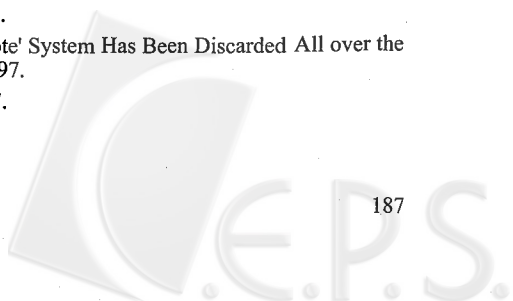
After Tung's visit to Beijing, the Secretariat of the Preparatory Committee put forward a paper to the Working Group, suggesting proportional representation and the SNTV system as possible electoral formulas for the first SAR legislature. On May 15, Working Group convener Lau Siu-kai changed his position to say that the group would like to leave the ultimate decision to the plenary meeting of the Preparatory Committee.⁴⁰ In the

³⁷ See Choy, *Xianggang xuanju zhidu toushi*, 25.

³⁸ Choy Chi-keung, "The 'Multi-Seat, Single-Vote' System Has Been Discarded All over the World," *Ming Pao Daily News*, March 17, 1997.

³⁹ *Hong Kong Economic Journal*, May 10, 1997.

⁴⁰ *Ibid.*, May 16, 1997.



opening speech to the plenary meeting of the Preparatory Committee on May 22, Qian Qichen set the tone. He pointed out that the international community was very concerned with the way in which the first SAR legislature would be elected, so the rules should be democratic, fair, and open, allowing "many sides to participate." Qian asked the Preparatory Committee to leave room for the SAR government to decide.⁴¹ Following this advice, the Preparatory Committee "decided" that both proportional representation and the SNTV system could be used in the first SAR legislative election in 1998, and the choice of system would be up to the SAR government to decide.

Yet it was obvious that Tung had made his choice. One week after the handover, the Executive Council of the HKSAR adopted the proportional representation system, using the Largest Remainder formula, as the system for the 1998 election. Hong Kong was to be divided into five districts, each electing three to five members into the first SAR legislature. The SAR government also decided to do away with Patten's practice of electing nine functional constituencies on a one-person-one-vote basis. The government redefined the voters of these functional constituencies to groups or companies only, which drastically reduced the number of possible voters for the nine functional constituencies from 2.7 million to 180,000. The SAR government also changed the composition of the Election Committee: instead of being made up of elected District Board members, the Election Committee was to be constituted by eight hundred people weighted heavily in favor of business and professional groups. With the Provisional Legislature largely made up of pro-PRC politicians, the proposed electoral formula for direct election went unamended through the Provisional Legislature.

The 1998 Election and Its Aftermath

The First SAR Election under Proportional Representation

The election of the first HKSAR Legislative Council in May 1998

⁴¹Ibid., May 23, 1997.

was conducted under the proportional representation system using the Largest Remainder formula. Twenty seats were allocated for direct election in five constituencies, each electing three to five seats.

Compared to previous elections, the 1998 election showed the divisive effect of the proportional representation system on the party system in Hong Kong. In the 1998 election, there were thirty-four party lists competing in the five districts, an average of 6.8 party lists per district, with a minimum of three in Kowloon East and a maximum of eleven in New Territories West. "Friendly" parties in the same ideological camp invariably competed with each other.

The pro-democracy camp no longer could coordinate their candidates and the parties competed against one another quite frequently. In view of the imminent change of the electoral system, some prominent pro-democracy leaders, including Emily Lau and Lau Chin-shek, had formed the "Frontier" as a loose political organization in 1996. The Frontier competed with the Democratic Party in two of the districts, while the Association for Democracy and People's Livelihood competed with the Democratic Party in another two. With the exception of Kowloon East, all districts saw more than one pro-democracy list competing. The most divisive case was in New Territories West, where seven lists from the pro-democracy camp competed against one another.

The divisive effect was less pronounced in the pro-PRC camp. The pro-PRC camp was made up of three major forces: the Democratic Alliance for the Betterment of Hong Kong, the Hong Kong Progressive Alliance, and the Heung Yee Kuk representing the rural conservatives. At the beginning, all three forces planned to field candidates in various districts.⁴² The Hong Kong Progressive Alliance at last struck a deal with the Democratic Alliance for the Betterment of Hong Kong and withdrew from the direct election battlefield, focusing their efforts on functional constituency and Election Committee elections.⁴³ The Heung Yee Kuk did compete with the

⁴²The Heung Yee Kuk had planned to field candidates in both of the New Territories constituencies. The Hong Kong Progressive Alliance had planned to field candidates in the Island, New Territories West, and the Kowloon West districts.

⁴³From our interview with Gary Cheng Kai-nam, DAB vice-chairman. He admitted that the

Table 5
Vote and Seat Shares of Different Parties in the 1998 Legislative Council Election

Party	DP	DAB	ADPL	Frontier	LP
Total votes	624,634	373,450	59,034	148,507	50,335
Overall vote share	42.2%	25.2%	4.0%	10.0%	3.4%
Seats in direct election and share of total	9/20 (45.0%)	5/20 (25.0%)	0/20 (0.0%)	3/20 (15.0%)	0/20 (0.0%)

Democratic Alliance for the Betterment of Hong Kong in New Territories West, but compared to the democrats, the degree of fragmentation of the pro-PRC camp was much lower. For the pro-democracy camp, intra-camp competition was also intense, particularly between the Democratic Party and the Association for Democracy and People's Livelihood and between the Democratic Party and the Frontier.⁴⁴ Generally speaking, the overall party competition pattern was no longer as polarized as in 1995.

Table 5 shows the results of the 1998 election. The figures show that the seats were allocated more or less proportionally. The Democratic Party lost three seats compared to their 1995 showing, despite obtaining a slightly higher vote share. The DAB got a jump in the overall vote share because they ran a full list of candidates this time, and their seat share matched their vote share. Ironically, two smaller parties, the ADPL and the Liberal Party, became the losers of the proportional representation system due to the small district magnitude.⁴⁵

DAB persuaded a couple of HKPA candidates to withdraw, in exchange for DAB's support for HKPA candidates in the Election Committee.

⁴⁴For a more detailed discussion of the party competition pattern in the 1998 election, see Ma Ngok and Choy Chi-keung, "Party Competition Pattern under the New Electoral System" (Paper presented at the Conference on the 1998 Legislative Council Elections, Chinese University of Hong Kong, September 24, 1998).

⁴⁵The party chairmen of both the Association for Democracy and People's Livelihood and the Liberal Party, respectively Frederick Fung and Allen Lee, lost by relatively narrow margins and with high vote shares. Frederick Fung, contesting in the three-seat district of Kowloon West, received 19.2 percent of the votes but still lost by a margin of 2.5 percent. Allen Lee contested in the five-seat district of New Territories East and lost by 0.7 percent of the vote when he obtained 10.32 percent of the total votes.

The Fragmentation of the SAR Legislature

If we see the new electoral system as a political instrument, what kind of political system will the new electoral rules help to frame in Hong Kong after 1997? How would the change to a proportional representation system affect the power and function of the SAR legislature in the future? How would the change affect party formation and political development in Hong Kong?

In the first place, the power of the SAR legislature has been severely restricted by the Basic Law. The Basic Law stipulates that members of the SAR legislature could introduce bills only with the written consent of the Chief Executive, unless these bills "do not relate to public expenditure or political structure or the operation of the government."⁴⁶ Another restriction is that while government bills need only a simple majority to pass in the SAR legislature, bills, amendments, and motions introduced by individual members require a simple majority vote of each of the two groups: members returned by functional constituencies and those returned by geographical constituencies through direct elections and by the Election Committee.⁴⁷ These stipulations severely limit the ability of individual members and political parties to raise motions or bills that are against government policy, taking away the most important weapons of individual members and political parties in the Legco. The design of voting-by-group means that in case the directly-elected members raise aggressive political or social demands, the SAR government only has to lobby half of the functional group members to veto these demands.

The fragmentation of the SAR legislature, partly a result of the proportional representation system, also rendered the Legco unable to form alternative policies. Table 6 shows the distribution of seats in the Legco after the 1998 election. We can see that no parties obtained more than one quarter of the seats in the Legco, and the five major parties had only forty-two

⁴⁶"The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China" (April 1990), Article 74. We can expect that very few bills that will be discussed in a legislature do not fall into these three categories.

⁴⁷*Ibid.*, Annex II.

Table 6
Distribution of Legco Seats among Different Parties in Different Groupings, 1998-Present

Party/Group	Number of Members from			
	Direct Election	Election Committee	Functional Constituencies	Total
Democratic Party	9	0	4	13
Democratic Alliance for the Betterment of Hong Kong	5	2	3	10
Liberal Party	0	1	9	10
The Frontier	4	0	0	4
Hong Kong Progressive Alliance	0	3	3	6
Other Democrats	1	0	2	3
Other Conservatives	0	3	4	7
Independents	1	1	5	7
Total	20	10	30	60

members.⁴⁸ More importantly, the pro-business lobby, the democrats, and the pro-PRC camp all become sizable minorities that enjoy a veto power. The pro-business lobby, led by the Liberal Party and the Hong Kong Progressive Alliance, held half of the seats from the functional constituencies. Similarly, the pro-PRC faction could veto all proposals by dint of their majority in the functional group. On the other hand, the democrats led by the Democratic Party and the Frontier held about half of the seats in the group elected by direct elections and the Election Committee.

The first six months of operation of the first HKSAR Legislative Council saw numerous mutual vetoes. There were quite a number of cases where a bill amendment or a motion received the support from a majority of the members, but was vetoed by either the functional group or the direct election/Election Committee group. For example, on November 11, 1998, the directly-elected members voted overwhelmingly to suggest that the government demand the public utilities to lower their rates, but this bill was

⁴⁸The Association for Democracy and People's Livelihood, one of the significant minority parties with four members in 1995-97, lost all their seats in the 1998 election and thus was not represented.

vetoed by the functional group members. While the functional members were mostly supportive of a vote of thanks to the Chief Executive's 1998 Policy Address, the vote of thanks was turned down because of the opposition of most of the directly-elected members on November 4.⁴⁹

Records show that from July to November 1998, nine motion debates or bill amendments had majority support in the Legco, but were nonetheless vetoed under the voting-by-group mechanism. This showed that regardless of party ideology, no camp or faction in the HKSAR Legco can now maneuver an overwhelming majority to pass a bill amendment, a motion debate, or an individual member bill. In contrast, the job is easier for the SAR government who needs only a simple majority to pass government bills. The first few months of operation also showed that government-requested appropriations managed to pass through the Finance Committee of the SAR Legco most of the time.

Conclusion

The above review of the evolution of the Hong Kong electoral system showed that the electoral system was all along a bone of contention among various political actors in Hong Kong, each fighting for a system that they considered beneficial to themselves. As a rule, the more popular pro-democracy groups were in favor of plurality formulas, while the less popular pro-PRC groups were in favor of more proportional systems. The ultimate decision always rested in the hands of the executive branch and/or the sovereign master. The change of rules from 1991 to 1998 in fact reflected both the changing interests of the executive branch and the effects of the change of sovereignty.

⁴⁹The motion on public utilities received twenty-two votes in favor, one against, and five abstentions in the direct election/Election Committee group, but received eleven votes in favor and eleven against in the functional group and was vetoed. Overall it was thirty-three votes in favor and twelve against. The motion on vote of thanks received twenty-three votes in support and five votes against in the functional group, but fifteen in favor, fourteen against, and one abstention in the direct election/Election Committee group, and was vetoed. Overall the motion had thirty-eight votes in favor and nineteen against.

With the change of sovereignty in 1997, the interests of the executive branch changed. The SAR government, clearly in favor of a weakened legislature, adopted a more proportional system under which no party or camp would be strong enough to challenge the executive branch. The use of the plurality formula before 1995 had gradually consolidated the Hong Kong party system to two major camps and allowed the elected representatives to propose alternative policies in the Legco. However, the change to a proportional representation system reversed this trend, bringing about a more fragmented Legco in 1998. The nature of the functional seats, which will continue to make up half of the Legco until at least 2007, protects narrow interests and does not encourage compromises. Past experience shows that most of the functional members were politically conservative, good at fighting for interests of their own sectors, but have relatively poor party discipline. The veto power granted to the functional members by the voting-by-group system creates disincentives for them to join into larger coalitions. The protection offered to functional group members also slowed down party development, as most of the functional group members did not need party machines for campaigning. Some of the more powerful sectors (e.g., the banking sector) did not even need a party to lobby for their interests.

We can expect, for some years to come, the HKSAR legislature will be made up of four or five major parties and a good number of independents. The SAR government may need to expend extra effort to engineer a majority for government bills. However, political parties will find it even more difficult to raise alternative policy proposals and obtain the support of a vast majority of the members in the legislature. This inability to generate alternative policies may play into the hands of the SAR government officials, who have long hailed the "executive-dominant" characteristic as the most valuable legacy of the colonial political system. Even though the number of directly-elected seats will increase gradually over time, with a weakened legislature it will be difficult for popular demands to be effectively translated into government policies in the future HKSAR.