

The First Legislative Council Election of the Hong Kong Special Administrative Region: Meaning and Impact

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This paper provides a systematic analysis of the meaning of the first Legislative Council election of the Hong Kong Special Administrative Region (HKSAR) and its impact on the future development of democracy in Hong Kong. It shows that the election put Hong Kong back onto the course of gradual democratization derailed by the Provisional Legislature. The unprecedentedly high turnout rate washed away the politically apathetic image of the Hong Kong people. The high percentage of popular votes received by the "democrats" also reflected the persistent public support for the democratic camp. With public support, the comeback of the democrats will surely ignite and aggravate both the contentions over the pace of democratization among the different political forces and the friction between the Legislative Council and the HKSAR Chief Executive. The short-lived "political harmony" brought about by the Provisional Legislature is thus forever gone. However, the democrats were only able to grab one-third of the seats in the Legislative Council, with the rest taken up by the pro-China and industrial-business forces. Hence, the Legislative Council will remain divided in its future operations with no single camp claiming dominance. This situation meets the objectives of the electoral system drawn up by Beijing and the HKSAR government and is conducive to alleviating the pressure on the executive-led HKSAR government.

Keywords: HKSAR; Legislative Council election; democratization; pro-China camp; democratic camp

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The first Legislative Council election of the Hong Kong Special Administrative Region (HKSAR) was brought to an end on May 24, 1998, with all sixty members appointed by election of some kind. The election is unique in several aspects: its sociopolitical setting, voter turnout, electoral arrangement, and outcome. It is the first Legislative Council election after Hong Kong's handover from Britain to China. Those elected would replace the members of the Provisional Legislature. The Provisional Legislature was a product of the political contention between the Chinese and British governments and it suffered from weak constitutional standing and lack of popular support. The turnout rate of the geographic constituency (direct) election was unprecedented in any previous similar election held in the territory. The electoral system adopted for this election was accused of being the most complicated in the world. The Democratic Alliance for the Betterment of Hong Kong (DAB), a local pro-China political party, came out of the election winning an unexpected number of seats and votes. All in all, the first Legislative Council election was a significant event that should have a far-reaching impact in shaping the political future of the HKSAR. The present paper attempts to provide a systematic analysis of the meaning of the election and its impact on the future development of democracy in Hong Kong.

The Sociopolitical Background of the Election

As stated above, the election was unique in that it was the first Legislative Council election after Hong Kong's reversion to China. Annex II of the Basic Law stipulates that the first Legislative Council "shall be formed in accordance with the Decision of the National People's Congress on the Method for the Formation of the First Government and the First Legislative Council of the Hong Kong Special Administrative Region."¹ The Decision states that

¹*The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China* (Hong Kong: One Country Two Systems Economic Research Institute, 1992), 59.

The first Legislative Council of the Hong Kong Special Administrative Region shall be composed of 60 members, with 20 members returned by geographical constituencies through direct election, 10 members returned by an Election Committee, and 30 members returned by functional constituencies. If the composition of the last Hong Kong Legislative Council before the establishment of the Hong Kong Special Administrative Region is in conformity with the relevant provisions of this Decision and the Basic Law of the Hong Kong Special Administrative Region, those of its members who uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and pledge allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, and who meet the requirements set forth in the Basic Law of the Region may, upon confirmation by the Preparatory Committee, become members of the first Legislative Council of the Region.²

From the above Decision, we can see that Beijing's original intention was to allow the last legislature under the colonial rule to directly transit to the first legislature of the HKSAR in accordance with relevant stipulations and through proper procedures. In other words, the last legislature under the British rule was intended to be a "through train," rather than to be replaced by means of a new election. The Chinese government (as well as the British government) hoped that the "through train" could serve as a guarantee for the stability of the political system in Hong Kong, thereby alleviating the Hong Kong people's political anxiety during the transition period. However, the precondition was the effective cooperation between the Chinese and British governments on the arrangement for the 1995 Legislative Council election.³ As it turned out later, the concept of the "through train" and its stipulations in the Basic Law were indeed the outcome of close-door negotiations between the two governments, which resulted in compromises and understandings between them over the political future of Hong Kong after 1997.⁴

However, in the wake of the Tiananmen Incident of June 1989, the disintegration of the Cold War world order, and the shift of political power in

²Ibid., 65-66.

³Siu-kai Lau, *From the "Through Train" to "Setting Up the New Stove": Sino-British Row over the Election of the Hong Kong Legislature* (Hong Kong: Hong Kong Institute of Asia-Pacific Studies, Chinese University of Hong Kong, 1998), 6.

⁴See the seven letters exchanged between the Chinese Foreign Ministry and the British Foreign Affairs Office. These letters are included in Yuan Chiushi, ed., *Xianggang guodu shiqi zhongyao wenjian huibian* (A collection of the important documents during the transitional period of Hong Kong) (Hong Kong: Sanlian Press 1997), 193-206.

the British government, Britain changed its policy toward China and Hong Kong. Consequently, the heavyweight Conservative Party leader Chris Patten was appointed the governor of Hong Kong to replace Sir David Wilson who was regarded as too compromising to Chinese interests.⁵ The fierce political battle between the Chinese and British governments in the running up to the handover thus began.⁶ Led by Patten, the colonial Hong Kong government aggressively pushed for democratic reform, unilaterally denouncing the understandings and agreements reached by the Chinese and British governments earlier. The reform mainly centered on the arrangement for the 1995 Legislative Council election, which included two major changes. The first change was the extension of the voter base in the nine newly added functional constituencies promised in the Basic Law to include the entire working population of Hong Kong, transforming the elite-oriented functional constituency election into de facto direct election. Under the new arrangement, all the working individuals, not merely the professionals and business leaders, were eligible to vote in the functional constituencies to which they belonged. The second change was that the Election Committee was formed by the entire directly elected District Board members. As defined by the Basic Law, the function of the Election Committee was to choose ten people among the candidates to sit in the legislature. By turning the election by the Election Committee into one of theoretically greater popular base, this change violated the earlier secret Sino-British agreement and the original design of the Basic Law, both of which intended the Election Committee to be elite-oriented.⁷ As observed by researchers later, the objective of Patten's reform was to build up the elected legislature as the

⁵Siu-kai Lau, "Decolonization à la Hong Kong: Britain's Search for Governability and Exit with Glory," *Journal of Commonwealth and Comparative Politics* 35, no. 2 (July 1997): 28-54.

⁶On the factors of why Britain changed its policies toward China, see *ibid.*, 28-32.

⁷In a letter from the Chinese government to British Ambassador Alan Donald, dated February 6, 1990, it was clearly stated that arrangement for the Legislative Council election shall be made "in accordance with the components and proportions stipulated in the second article of Annex I of the Basic Law (draft)." And in a reply letter by Lord Herd, Minister of the Foreign and Commonwealth Affairs of Britain, to Qian Qichen, Minister of Foreign Affairs of China, it was affirmatively stated that Britain "agreed in principle" the setting up of the Election Committee proposed by the Chinese side. See Yuan, *Xianggang guodu shiqi zhongyao wenjian huibian*, 193-206.

keystone of the political system and the embodiment of political autonomy in Hong Kong after July 1997.⁸

The Chinese government reacted very strongly to Patten's political reform, accusing the British of "the three violations": violating the Sino-British Joint Declaration, the Basic Law, and the agreements and understandings between the two governments reached through close-door negotiations. According to the Chinese government, the British intention was to jeopardize the smooth return of Hong Kong to China by making the Chinese sovereignty over Hong Kong after 1997 devoid of any real power.⁹ After half a year of bitter row, the two governments calmed down and began a process of prolonged negotiations on the constitutional arrangements for Hong Kong's future. Yet huge differences and mutual distrust between the two sides remained and the talks ended in failure in December 1993. From then on, Patten unilaterally implemented his reform scheme for the 1995 Legislative Council election as planned, while the Chinese government decided to scrap the original "through train" proposal and to "set up the new stove." Beijing's move was basically two-pronged. On the one hand, it started to prepare for the setting up of the Provisional Legislature to fill up the "legislative vacuum" after the handover on July 1, 1997. On the other, it began to discuss and make arrangements in accordance with the provisions of the Basic Law for the election of the first legislature of the HKSAR.¹⁰

Confronted with the political struggle with the British government, Beijing believed it was necessary to set up the Provisional Legislature. However, the Provisional Legislature proved to be very costly for Beijing, the HKSAR government, and Hong Kong society. First, the Provisional

⁸Lau, *From the "Through Train" to "Setting Up the New Stove,"* 7; Suzanne Pepper, "Hong Kong in 1994: Democracy, Human Rights, and the Post-Colonial Political Order," *Asian Survey* 35, no. 1 (January 1995): 50.

⁹Siu-kai Lau, "The Path to Democratization in Hong Kong," *Guangjiao jing* (Wide Angle), no. 253 (December 1993): 70.

¹⁰On the bitter row between the Chinese and British governments over the post-1997 political arrangement for Hong Kong, see Lau, *From the "Through Train" to "Setting Up the New Stove."* The Chinese Foreign Ministry also published "The Truth of the Several Key Issues in the Sino-British Negotiations on the 1994/1995 Electoral Arrangement in Hong Kong" on February 28, 1994 to disclose the standing and views of the Chinese government regarding the entire course of the Sino-British political debate. This document is now included in Yuan, *Xianggang guodu shiqi zhongyao wenjian huibian*, 146-62.

Legislature, mainly composed of pro-China forces, was not directly elected,¹¹ and thus its replacement of the more democratically elected Legislative Council of the colonial time marked a setback to the democratization in Hong Kong.¹² Second, the Provisional Legislature was formed under the domination and supervision of the Chinese government, thus creating tension between Hong Kong society and the Chinese government. Third, for the international community, democratization is a very important indicator of the implementation of the "one country, two systems" principle in Hong Kong. The setting up of the Provisional Legislature increased international concern that Beijing might use the body to interfere in the rule of law in Hong Kong.¹³ Fourth, due to the Provisional Legislature's ambiguous constitutional status and lack of popular support, the laws it passed were often challenged by the Hong Kong public, therefore weakening the legitimacy of the newly established HKSAR government of which the Provisional Legislature was an important component.¹⁴ For many people, the Provisional Legislature was simply the Chief Executive's rubber stamp.

The Chinese and HKSAR governments were well aware of the problems brought about by the Provisional Legislature. Therefore they repeatedly promised that preparation for the election of the first HKSAR Legislative Council would begin soon after the handover. As far as the HKSAR government's swift accomplishment of the preparation for the election in less than a year after the handover is concerned, both the Chinese and HKSAR governments obviously wanted to put the burden of the Provisional Legislature behind and allow society to get on with its usual business. The con-

¹¹The Provisional Legislature was elected by a Selection Committee, which was composed of four hundred Hong Kong residents, most of whom were pro-Beijing in outlook.

¹²Once Beijing announced that a Provisional Legislature would be set up, the democrats in Hong Kong formed a "Coalition against the Provisional Legislature" and held a number of demonstrations. See Timothy Ka-ying Wong, *Guoduqi Xianggang minyi yu zhengzhi* (Public opinion and politics in the transitional period of Hong Kong) (Hong Kong: Greenfield Publishing House, 1997), 198.

¹³Countries like the United States and Australia had raised questions to the Chinese government on the necessity for the setting up of the Provisional Legislature.

¹⁴The telephone surveys conducted regularly by the Hong Kong Institute of Asia-Pacific Studies at the Chinese University of Hong Kong reveal that consistently more than 50 percent of those interviewed were dissatisfied with the performance of the Provisional Legislature.

troversies over the election arrangement aside, the election of the first HKSAR Legislative Council should be considered a success with regard to the four points mentioned above. The election marked a return to the course of gradual democratization in Hong Kong as defined by the Basic Law¹⁵ and alleviated the HKSAR government's frustration over the legitimacy problem brought about by the Provisional Legislature. It improved the image of the Chinese government among the Hong Kong public and was also conducive to increasing the confidence of the international community in the implementation of the "one country, two systems" policy in Hong Kong.¹⁶

The High Turnout Rate and Its Causes

The first striking feature of the first HKSAR Legislative Council election is the high voter turnout rate of 53.3 percent recorded in the part of direct election. The figure not only greatly exceeded the less-than-40 percent turnout of the previous three-tier (district, urban, and legislative) council elections, but also came close to matching those of the similar elections held in many Western democracies.¹⁷ This high turnout rate is a pleasant surprise because nobody was optimistic about the voter turnout before the election, given the previous experience of low turnout rates, the current economic downturn, and the complexity of the electoral arrangement.¹⁸ Whatever the causes, the high voter turnout has proved that the conventional belief that the people of Hong Kong are politically apathetic needs to

¹⁵The Basic Law stipulates that the directly elected seats in the Legislative Council of the HKSAR government shall be gradually increased from twenty seats in the first election to thirty seats in the third election over the ten years from 1997 to 2007. The Selection Committee for the Chief Executive shall increase from four hundred members in the first term to eight hundred in the second term.

¹⁶Bureau of East Asian and Pacific Affairs, U.S. Department of State, *United States Hong Kong Policy Act Report*, April 2, 1998.

¹⁷For example, the turnout rates of the 1991 legislative election of Switzerland and the 1992 presidential election of the United States were 46 percent and 51.5 percent, respectively. See Lawrence LeDuc, Richard G. Niemi, and Pippa Norris, eds., *Comparing Democracies* (Thousand Oaks, Calif.: Sage Publications, 1996), 19.

¹⁸Local estimates of the turnout rate were between 30 percent and 40 percent. See *Ming Pao*, April 2, 1998, D2.

Table 1
Registered Voters and Voter Turnouts of the Three-Tiered Council Elections, 1982-98

Year	Election	Estimated Eligible Voters	Registered Voters	Registration Rate (%)	Actual Registered Voters Who Could Vote*	Voter Turnout	Voter Turnout Rate (%)
1982	DB	2,780,000	899,559	32.4	880,551	342,764	38.9
1983	UC	2,090,000	708,119	33.9	568,537	127,206	22.4
1985	DB	2,900,000	1,421,461	49.1	1,271,392	476,558	37.5
1986	UC/RUC	3,000,000	1,441,540	48.1	1,345,219	362,107	26.9
1988	DB	3,400,000	1,610,998	47.3	1,401,690	424,201	30.3
1989	UC/RUC	3,600,000	1,604,048	44.6	1,211,109	213,200	17.6
1991	DB	3,696,000	1,840,413	50.0	1,305,714	423,923	32.5
1991	UC/RUC	3,696,000	1,855,443	50.2	1,704,323	393,764	23.1
1991	LC	3,696,000	1,916,925	51.9	1,916,925	750,467	39.1
1994	DB	3,963,000	2,450,372	61.8	2,093,603	693,223	33.1
1995	UC/RUC	3,963,800	2,450,372	61.8	2,177,783	561,778	25.8
1995	LC	3,956,640	2,572,124	65.0	2,572,124	920,567	35.8
1998	LC	4,000,000	2,795,371	69.9	2,795,371	1,489,705	53.3

Notes:

**"Actual registered voters who could vote" are the total registered voters subtracted by the registered voters of those constituencies where the candidates were proclaimed elected before the election due to the absence of competing candidates.

DB = District Board; UC = Urban Council; RUC = Regional Urban Council; LC = Legislative Council.

Sources: Kin-sheun Louie and Kwok-cheung Shum, *Electoral Facts in Hong Kong: 1995* (Hong Kong: Hong Kong Institute of Asia-Pacific Studies, Chinese University of Hong Kong, 1996), 267; idem, *Electoral Facts in Hong Kong: 1982-1994* (Hong Kong: Hong Kong Institute of Asia-Pacific Studies, Chinese University of Hong Kong, 1995), 101; *Ming Pao*, May 25, 1998, A2.

be seriously revised, if not totally abandoned.¹⁹ But, of course, the complacency over the turnout rate for this election is made only in comparison to the low turnout rates in the past (see table 1). In terms of absolute percentage, the 53.3 percent turnout rate is only a mediocre achievement. If we take into consideration the fact that the registered voters of this election took up only 70 percent of all eligible voters in the community, the figure

¹⁹Siu-kai Lau, "Democratization, Political Leaders, and Political Disengagement," in *Indicators of Social Development: Hong Kong 1995*, ed. Siu-kai Lau et al. (Hong Kong: Hong Kong Institute of Asia Pacific Studies, Chinese University of Hong Kong, 1997), 129-33.

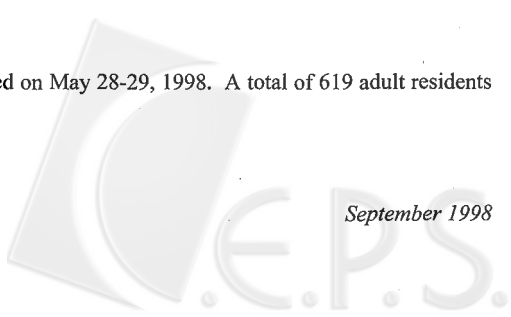
is even less attractive. In other words, there is still much room for improvement in future elections. From a developmental point of view, however, the election with one and half million people taking part should be an encouraging starting point for the people of Hong Kong.

A telephone survey was conducted by the Hong Kong Institute of Asia-Pacific Studies at the Chinese University of Hong Kong immediately after the election was held, in which the respondents were asked openly to find out why they came out to vote in the election.²⁰ The findings show that the main reasons included: to fulfill civic obligation (41.2 percent), to support their favorite candidates (16.7 percent), to support a faster pace of democratization (5.6 percent), to express their discontent with the HKSAR government (5.3 percent), to express their discontent with the economic downturn (5.3 percent), and to support the HKSAR government (3.2 percent). The above findings are quite similar to those of another telephone poll conducted concurrently by the Social Sciences Research Center at the Hong Kong University. In the study, the interviewees were asked to scale the answers given to them. The survey finds the following order of importance: to fulfill civic obligation, to demonstrate that Hong Kong deserves more democracy and freedom, to support "one country, two systems," to fight for a better economy, to participate in the first election of the HKSAR, to express discontent with the performance of the Provisional Legislature, to express discontent with the performance of the HKSAR government, and others.²¹

A close examination of the results of the two surveys cited above shows that the growth in civic awareness played the most important role in the dramatic rise in the voter turnout for this election. Both surveys find that the most important reason for the voters to participate in the voting was due to a sense of responsibility, indicating that the civic awareness of the local residents is becoming more positive and constructive after the hand-over. Before the handover, there was a general lack of confidence in the

²⁰The telephone survey was conducted on May 28-29, 1998. A total of 619 adult residents were successfully interviewed.

²¹*Ta Kung Pao*, June 19, 1998, A1.



idea of "one country, two systems."²² At the same time, the fierce political struggle between the Chinese and British governments also gave rise to a sense of aversion to politics among the Hong Kong public.²³ Under the influences of these two factors, public interest for political participation might be greatly suppressed. In contrast, after the handover the "one country, two systems" principle was being steadily implemented,²⁴ and as the Chinese government formally resumed sovereignty over Hong Kong on July 1, 1997 the Sino-British political struggle was also left behind in history.²⁵ Such changing political conditions might have removed the political apathy or passivism of many local residents, making them eagerly look forward to the true implementation of "one country, two systems" in Hong Kong. To participate in the first Legislative Council election of the HKSAR, which also held a unique place in the HKSAR history, was therefore a logical move.

The second important factor behind the rise in voter turnout might be related to the economic downturn after the handover. Many people wanted to use their vote to express dissatisfaction with the rapidly deteriorating economic situation and the inability of the government to improve the economy. In the colonial past, the legitimacy of the Hong Kong government always came from its success in achieving fast economic growth. Continued economic success in turn lessened the desire of the residents to both push for greater scope of democratization and influence the government's policies by voting. This was testified by the absence of a strong local demand for democratization and by the low turnout rates in the 1991 and 1995 Legislative Council elections.²⁶ During the two elections, Hong

²²Timothy Ka-ying Wong, "Civic Awareness and National Identity in Hong Kong: A Survey of Popular Opinion," *Journal of East Asian Affairs* 12, no. 2 (Summer/Fall 1988): 452-87.

²³Lau, "Democratization, Political Leaders, and Political Disengagement," 129.

²⁴See note 16 above; Robin Cook, *Six-Monthly Report on Hong Kong, July-December 1997* (London: The Stationery Office, 1998).

²⁵Siu-kai Lau, "The Eclipse of Politics in the Hong Kong Special Administrative Region," *Asian Affairs* 25, no. 1 (Spring 1998): 40-41.

²⁶The turnout rates for the 1991 and 1995 Legislative Council elections were 39 percent and 35 percent, respectively. Direct elections were first introduced in the Legislative Council in 1991.

Kong's economy was developing steadily. After the handover, Hong Kong was hit by the Asian financial crisis and correspondingly the much-inflated economy went into a slump with a rapidly rising unemployment rate.²⁷ Hence, many voters wanted to take the election to vent their discontent with the present economic gloom and with the performance of the government by selecting their own representatives, who they believed could represent and fight for their interests in the legislature.²⁸ That the five labor union leaders running in the geographic constituency election were all elected should more or less prove this point.²⁹

The third important factor might have something to do with the changes made to the electoral system for the direct election in the first Legislative Council election of the HKSAR. The new system adopted the list system of proportional representation, which was radically different from the "single seat, single vote" system adopted in the 1995 election. Prior to the election, many local political analysts believed that the new system was so complicated that it might reduce voters' intent to come out to vote.³⁰ The unexpectedly high turnout rate has, of course, shown that the judgment was made too hastily, if not totally falsely. At present the proportional representation system is being practiced in slightly different forms in more than twenty countries around the world and it has never been argued that the system is constraining voter turnout.

²⁷The unemployment rate for the first quarter of 1998 was 3.9 percent, a increase of 1.7 percent in six months compared to the 2.2 percent of the third quarter of 1997.

²⁸In the same telephone survey mentioned in note 20 above, only 14.7 percent of those interviewed expressed satisfaction with government performance, while 46.4 percent were dissatisfied, 31.6 percent were neither satisfied nor dissatisfied, and 7.3 percent answered "no opinions." For further analysis of the public attitude toward the SAR government, see Wong, *Guoduqi Xianggang minyi yu zhengzhi*, 4-8.

²⁹The five labor union leaders are the Federation of Trade Unions' Yuen-han Chan and Yiu-chung Tam, the Confederation of Trade Unions' Chin-shek Lau and Cheuk-yan Lee, and the Neighborhood and Workers' Service Center's Yiu-chung Leung.

³⁰Only a few local residents understood how the proportional representation system operated. According to an opinion poll conducted by the Hong Kong Institute of Asia-Pacific Studies of the Chinese University of Hong Kong from March 23-27, 1998, only 10.8 percent of the interviewees said they understood how the system operated, whereas 69.1 percent said they did not understand. The preliminary report of the survey is available at the Documentation Unit of the Institute.

It must be pointed out, however, that the impact of the proportional representation system may be manifested indirectly in other aspects. For instance, the Chinese University's survey finds that nearly 17 percent of the interviewees voted in the election in support of particular candidates. Their participation in the election may partially be attributed to the proportional representation system, which allows the voters to have more candidates to choose from. At any rate, the present argument that the system of proportional representation encourages voter turnout is basically hypothetical and future research is required for clarification and confirmation.

In addition to the three causes behind increasing voter participation suggested above, other contingent or interrelated factors might also be at work. First, during the entire day of election the media covering the election repeatedly announced that the high voter turnout was unprecedented, and this might have motivated potential voters who had been too indifferent about the election to come out and vote. Second, the HKSAR government offered souvenirs to voters who cast their ballot, which also might have an effect of attracting some voters. Nonetheless, these factors should be seen as suggestions for research and their real impact on the voter turnout of the election can only be determined by research.

The Arrangements and Results of the Election

As pointed out above, the first HKSAR Legislative Council election was prompted by the Chinese government's accusation that the 1995 election committed "the three violations." Thus it is quite natural that the 1998 election differed from the previous one in important ways. The 1995 Legislative Council election master-minded by Governor Chris Patten was aimed at broadening the democratic base of the Legislative Council so that the elected body could have greater political autonomy. On the contrary, the 1998 election backed by the Chinese government was to restrict such autonomy by narrowing down the democratic base so that the future Legislative Council would be more pliable to the Chinese and HKSAR governments.

In simple terms, the 1998 Legislative Council election had three main

features that were distinct from the 1995 election.³¹ First, the election of the nine additional functional constituencies of the 1995 election was reformulated with the number of voters for the new functional constituencies drastically reduced from more than a million of all kinds of employees to only tens of thousands of elite.³² Second, rather than being made up by the entire membership of the directly elected district boards, the Election Committee was comprised of eight hundred members elected by some one hundred thirty voters from four sectors identical with those of the Selection Committee for selecting the first HKSAR Chief Executive.³³ Third, the "single seat, single vote" method for the direct election of the twenty geographic constituencies was replaced by the list system of proportional representation. In the new system, the territory was divided into five geographic constituencies of multiple seats and the nomination of candidates was to be by way of a list. A voter was entitled to cast a single vote for a list and not for an individual candidate, with the electoral results decided by the method of largest remainder of votes cast.³⁴

The new electoral system was criticized for its complexity.³⁵ The "democrats" felt that the system reflected the intention of the Chinese and HKSAR governments to curb their predicted success in the election and to

³¹The framework for the election of the first Legislative Council of the HKSAR was drafted by the Preparatory Committee, while the detailed arrangements for implementation were worked out by the HKSAR government. The scheme was then ratified by the Provisional Legislature.

³²The Preparatory Committee suggested a list of fifteen functional constituencies from which the HKSAR government selected nine.

³³The four sectors include (1) industrial, commercial, and financial sectors; (2) the professions; (3) labor, grass-roots, religious, and other sectors; and (4) former political figures, Hong Kong deputies to the National People's Congress, and Hong Kong members of the Chinese People's Political Consultative Conference.

³⁴The Preparatory Committee proposed two alternatives for the HKSAR government: the proportional representation system and the "multiple seat, single vote" system. The HKSAR government chose the former. For the details of the list system of proportional representation, see Electoral Affairs Commission, *Guidelines on Election-Related Activities in Respect of the 1998 Legislative Council Election* (Hong Kong: HKSAR Printing Department, 1998), 26-27.

³⁵It was reported that the Electoral Affairs Commission Chairman Kwok-hing Wu, faced with criticism on the matter, kept making explanations and clarifications, and he even appealed to the media not to scare the voters away by exaggerating the confusion. See *Ming Pao*, April 19, 1998, A2; *Wen Wei Po*, April 24, 1998, A10.

favor the pro-China and industrial-business camps.³⁶

The accusation of the democrats is not totally ungrounded. Under the system adopted in the 1995 election, the democratic camp wielded some 70 percent of the total popular votes cast and 50 percent of the total seats. Under the new system in the 1998 election, however, the democratic camp managed to maintain almost the same percentage of the popular votes cast but only won about one-third of the total seats.³⁷

Nonetheless, it needs to be pointed out that the new electoral system has two important yet interrelated implications. First, the drastic reduction of the voter base for the Election Committee and the nine new functional constituencies plus the introduction of the list system of proportional representation would significantly limit both the chance of democrats to win and the political autonomy of the Legislative Council. They thus served to defeat the purpose of Patten's political reform. Second, by limiting the popular base of the legislature, the arrangements of the new electoral system also was intended to prevent the formation of a majority party of popular support (no matter what political camp such party belongs to) in the Legislative Council. As a result, the original design of the HKSAR government as an executive-led government could be preserved. Indeed, both the Chinese and HKSAR governments were concerned that a majority party in the Legislative Council could pose a real threat to the HKSAR government, which was not directly elected and lacked popular support. The situation would be particularly worse if such a majority party was made up by the democrats, since given the confrontational attitudes of the democrats toward the Chinese government in the past, contentions between the Chief Executive and the democrats-led Legislative Council seemed almost inevitable.

The result of the election shows that Beijing and the HKSAR government have achieved their main objectives. In terms of the distribution

³⁶Democratic Party Chairman Martin Lee openly put forward this criticism. See *Ming Pao*, September 16, 1997, A10.

³⁷One local researcher pointed out that the proportional representation system using the method of largest remainder of votes cast might put the big parties in disadvantage. See Chi-keung Choi, "Is the New Legislative Council Election a Punishment for the Big Parties?" *Ming Pao*, July 14, 1997, E11.

Table 2
Distribution of Political Forces in the First HKSAR Legislative Council

Parties	Elected Members
DP (13)	Lee Chu-ming, Yeung Sum, Lau Chin-shek, To Kun-sun, Szeto Wah, Li Wah-ming, Lee Wing-tat, Ho Chun-yan, Cheng Kar-foo, Cheung Man-kyong, Ho Mun-ka, Sin Chung-kai, Law Chi-kyong
DAB (9)	Tsang Yok-sing, Cheng Kai-nam, Chan Yuen-han,** Tam Yiu-chung,** Lau Kong-wah, Wong Yung-kan, Chan Wing-chan,** Yeung Yiu-chung, Chan Kam-lam
LP (10)	Lau Kin-ye, Ronald Arculli, Chow Liang Shuk-ye, Ho Sai-chu, Howard Young, Tien Pei-chun, Ting Woo-shou, Leung Lau Yau-fun, Lau Wong-fat, Ho Sing-tin
HKPA (5)	Lau Hon-chuen, Chu Yu-lin, Choy So-yuk, Hui Cheung-ching, Tang Siu-tong
Frontier (5)	Lau Wai-hing, Ho Sau-lan, Lee Cheuk-yan, Leung Yiu-chung, Lau Chin-shek*
FTU (4)	Chan Kwok-keung, Chan Wing-chan, Chan Yuen-han, Tam Yiu-chung
Citizens Party (1)	Christine Loh
Independents (17)	Wong Wang-fat, Cheung Wing-sum, Bernard Chan, Margaret Ng, Li Ka-cheung, Leong Che-hung, Ho Chung-tai, Lee Kai-ming, Lui Ming-wah, Chim Pui-chung, Fok Tsun-ting, Ng Leung-sing, Ma Fung-kyok, Rita Fan, Ng Ching-fai, Li Kwok-po, Wong Yu-hong

Notes:

*With DP membership; **with FTU membership.

DP = Democratic Party; DAB = Democratic Alliance for the Betterment of Hong Kong; LP = Liberal Party; HKPA = Hong Kong Progressive Alliance; FTU = Federation of Trade Unions.

Source: *Hong Kong Economic Journal*, May 26, 1998, 2.

of seats, the democratic, pro-China, and industrial-business camps won more or less the same number of seats in the Legislative Council, each with eighteen to twenty-two seats (see table 2).³⁸ This means that the new Legislative Council is very much divided and there exists no single dominating

³⁸The seats for the democrats are easy to count. They together hold twenty seats, including thirteen by the Democratic Party, four by the Frontier, one by the Citizens Party, and two by independents. It is, however, difficult to count separately the seats of the industrial-business and pro-China camps. The two camps hold a similar stance toward the Chinese government but they may differ in their policies on livelihood issues. The pro-China camp, for instance, consists of members from the grass-roots and industrial-business classes.

force. The composition is quite different from that of the Legislative Council elected in 1995, in which the democrats, gaining some thirty seats, were powerful enough to influence the government and its policies. Compared with the situation of the Provisional Legislature in which the democrats were almost totally absent, the HKSAR government will have to make greater efforts to push their proposals through in the new Legislative Council.

Apart from the above effects, the 1998 election also has several other consequences, some quite positive and others less so for Beijing and the HKSAR government. First, the democratic camp won on average over 65 percent of the popular votes in each of the five geographic constituencies (see table 3). Such a high percentage of votes reflects to a certain extent both the public's continuing support for the democrats and, by implication, its strong aspiration for democratization. This support thus adds new momentum to speed up the process of democratization. Hence, the agenda for a gradualist democratization defined by the Basic Law may be challenged by the democrats in the future. Furthermore, it must be noted that the Basic Law only promises to review the development of democracy in Hong Kong by the year 2007, and makes no specific provisions in that regard.³⁹ Such ambiguity will become points of contention in the internal political power play of Hong Kong as well as between the Chinese government and Hong Kong society. Whether a dynamic compromise among all the different players can be reached and sustained will have far-reaching consequences for the political stability and democratization in Hong Kong.

Second, the pro-China DAB received a significant increase of popular votes from 15 percent in the 1995 election to 25 percent in this most recent voting (see table 4), and their number of seats in the Legislative Council also increased from two to five in the geographic constituency election. This should be reassuring to the DAB and Beijing in further increasing the number of seats for direct election in the future. In the 1991 Legislative Council election, the pro-China camp did not get a single seat in the geographic constituency election.

³⁹*The Basic Law of the Hong Kong Special Administrative Region*, 40-43.

Table 3
Support of Various Political Parties in the Five Geographic Constituencies

Constituency	Parties	No. of Votes Received	Percentage of Votes Received
Hong Kong Island (307,611)	Democratic Camp (DP/Citizens Party/ Chong Chan-yau)	143,843 + 39,251 + 12,377 = 195,471	63.54
	DAB	90,182	29.32
	LP	7,485	2.40
Kowloon West (205,401)	Democratic Camp (DP/ADPL)	113,079 + 39,534 = 152,613	74.30
	DAB	44,632	21.73
	LP	5,854	2.85
Kowloon East (261,621)	DP	145,986	55.80
	DAB	109,296	41.78
New Territories West (375,173)	Democratic Camp (DP/NWSC/Frontier/ ADPL/123 Democratic Alliance)	147,098 + 38,627 + 46,696 + 19,500 + 3,050 = 254,971	67.96
	Pro-China Camp (DAB/Union of Rural Forces)	72,587 + 25,905 = 98,492	26.25
	LP	3,138	0.84
New Territories East (330,434)	Democratic Camp (DP/Frontier/Citizens Party/ Wong Wang-fat)	84,629 + 101,811 + 2,382 + 44,386 = 233,208	70.58
	DAB	56,731	17.17
	LP	33,858	10.25

Notes: ADPL = Association for Democracy and People's Livelihood; NWSC = Neighborhood and Workers' Service Center.

Source: *Hong Kong Economic Journal*, May 26, 1998, 2.

The third consequence has to do with Allen Lee, chairman of the Liberal Party, and Frederick Fung, head of the Hong Kong Association for Democracy and People's Livelihood (ADPL), both of whom lost in the direct election. Their losses in the election dealt a heavy blow to their personal political careers and to the future of the two parties. First, the ADPL, known for its conciliatory position in its dealing with the intense struggle between the pro-China and democratic camps, managed to win four seats in the 1995 Legislative Council election under Fung's leadership. When

Table 4
Popular Votes Received by Parties/Candidates*

Parties/ Candidates	Total	Percentage of Popular Votes Received
DP	634,635	42.9
DAB	373,428	25.2
Frontier	148,507	10.0
ADPL	59,034	4.0
LP	50,335	3.4
Citizens Party	41,633	2.8
NWSC	38,627	2.6
Union of Rural Forces	25,905	1.8
Democratic and Economic Patriotic Alliance	2,302	0.2
123 Democratic Alliance	3,050	0.2
Pioneer	968	0.1
Independents	101,816	6.9
Total	1,480,240	100.1

*Total number of votes cast: 1,489,705; total valid votes: 1,480,240.

Source: *Hong Kong Economic Journal*, May 26, 1998, 2.

Beijing decided to set up the Provisional Legislature, the ADPL again successfully secured four seats in the Provisional Legislature with the support of some moderate pro-China forces. In the highly competitive 1998 election, however, the ADPL's chance of winning was severely affected by the combined effect of its limited party resources and the new electoral arrangement of substantially expanded geographic constituencies. The ADPL was well aware of its limitations, and before the election Fung was the only hope for the party to win a seat in the first Legislative Council of the HKSAR. His eventual loss signals not only a complete decline of the ADPL's influence in the new legislature but also the worsening of the predicament of the moderate forces in Hong Kong. It seems that being conciliatory in the struggle between the pro-China and democratic camps still does not have a market among the Hong Kong electorate even after 1997.

Compared with Fung, however, the impact of loss of Allen Lee's seat is much greater so far as Hong Kong's democratization is concerned. Representing the industrial-business interests, the Liberal Party won ten seats in the functional constituencies and in the Election Committee, despite



chairman Allen Lee's defeat in the direct election. To interpret properly, Lee's defeat did not really affect the power position of the Liberal Party in the new legislature. What the defeat has brought about is the setback to the current party line of direct elections that Lee has been pushing for since the founding of the party. This setback will almost certainly predate a new round of struggle in the party over its strategic position on the issue of future democratic reforms in Hong Kong. If the outcome of the struggle eventually marks the party's opting out from direct election, the Liberal Party may oppose a full-fledged direct election of the Legislative Council in the near future, thus becoming a major obstacle to Hong Kong's democratic development.

Fourth, most of the "democrats" coming back to the Legislative Council represent the grass-roots classes, as do the pro-China DAB and Federation of Trade Unions. With the gradual expansion of direct election in the future, the pro-China candidates will have to devote all their efforts to competing with the democrats for the support of the grass-roots voters. As the new Legislative Council members will only serve for two years, the different parties and incumbents will particularly be going all out to court the grass-roots vote in the elections in the year 2000.⁴⁰ On the other hand, the economic downturn brought about by the Asian financial crisis that has affected the lives of every corner of society, has added fuel to the competition for supporters. Driven by these factors, the Legislative Council will likely become more polarized between the interests of the industrial-business groups and the interests of the working classes. It is worth pointing out that the HKSAR government is in the center of the economic storm and it can easily become the scapegoat in the Legislative Council, testing the strength of the HKSAR government to rule.

Fifth, the industrial-business camp represents the conservatives, has adopted a pro-China stance, and is reluctant to push for democratization. Although the democrats have returned to the legislature, the political resemblance of the industrial-business and pro-China camps means that the

⁴⁰Siu-kai Lau, "Political 'Calm' Set to Be Short-Lived," *South China Morning Post*, May 29, 1998, 19.

Table 5
Elected HKSAR Legislative Councilors from the Provisional Legislature

Rita Fan*	Ng Ching-fai*	Wong Yu-hong*
Yeung Yiu-chung*	Tsang Yok-sing**	Lau Hon-chuen**
Tien Pei-chun**	Lau Wong-fat**	Fok Fung-kwok
Ho Sai-chu**	Cheng Kai-nam	Ma Fung-kwok
Chan Yuen-han	Tam Yiu-chung	Chu Yu-lin
Wong Wang-fat	Chan Kam-lam	Tang Siu-tong
Choy So-yuk	Lau Kin-yeek	Li Ka-cheung
Leung Lau Yau-fun	Leong Che-hung	Li Kwok-po
Ho Chung-tai	Chan Wing-chan	Lee Kai-ming
Howard Young	Ronald Arculli	Ho Sing-tin
Chim Pui-chung	Lau Kong-wah	Chow Liang Shuk-yeek
Ng Leung-sing		

Notes: *With membership in the National People's Congress; **with membership in the Chinese People's Political Consultative Conference.

Source: *Hong Kong Economic Journal*, May 26, 1998, 2.

challenge to Beijing posed by the democrats is rather limited. That a total of thirty-four members of the Provisional Legislature have successfully returned to the first Legislative Council is a case in point (see table 5). Most of these people are considered to be reliable (or at least acceptable) by Beijing and ten of them are even concurrently members of either the National People's Congress or the Chinese People's Political Consultative Conference.

Sixth, although the list system of proportional representation was intended to protect the minority, the democrats and the pro-China candidates actually received the most protection from it. As Allen Lee and Frederick Fung's losses in the election indicate, other moderate political forces seem to have little chance of survival in direct elections at the central level. This situation more or less reflects the fact that how a party defines its position in the polarized politics of Hong Kong is still the most critical factor for its success. Those parties or independent candidates whose political stance is not clearly defined will therefore find it hard to please the voters. This, in turn, has led to the failure of the proportional representation system as a system designed to protect the voices of minorities. On the other hand, since both the democrats and the pro-China candidates have benefitted from the

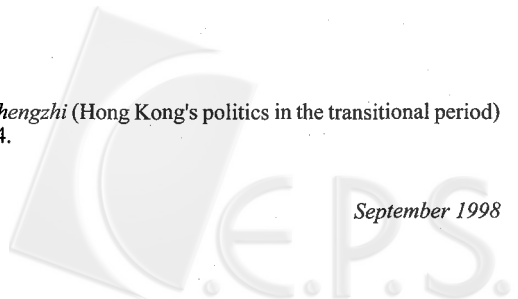
present electoral arrangement for direct election, they are expected to support the system rather than raise objections to it. Such a tendency should be conducive to the sustaining of the system, which has been continuously changing since direct elections were introduced in the Legislative Council in 1991.

The Appeal by Democrats to Speed Up Democratization

Spurred by the comeback of the "democrats" in the newly elected Legislative Council, the Democratic Party declared on the day the result of the election was announced that they would make efforts to speed up the pace of democratization in Hong Kong. The Democratic Party particularly emphasized it would seek to have direct elections for the entire Legislative Council and the Chief Executive starting next term. Party Chairman Martin Lee said that he would tender a motion to discuss the issue when the Legislative Council started its work in July. In terms of various socioeconomic indicators, the Hong Kong public is no doubt ready for full democratization. However, the development of democracy in Hong Kong is not based on public opinion alone; it is also influenced by the intention of the Chinese central government and the internal sociopolitical situation in Hong Kong. Therefore the appeal by the democrats to speed up the pace of democratization, apart from attracting public attention and support, is unlikely to win a consensus or the support from Beijing and other local political parties; it may even backfire.

First, Beijing has always been wary of the development of democracy in Hong Kong, fearing that it may make its sovereignty over Hong Kong devoid of real power and turn the territory into a base for anti-Chinese forces.⁴¹ The gradual, step-by-step development of democracy to occur over the decade after the handover as stipulated in the Basic Law is believed to be the maximal concession that Beijing is currently ready to make

⁴¹ Siu-kai Lau, *Guoduqi Xianggang zhengzhi* (Hong Kong's politics in the transitional period) (Hong Kong: Wide Angle, 1993), 4.



to the democratic demands of Hong Kong society. Therefore, it seems that there will be little chance for the Chinese central government to retreat further upon demands by the democrats. A period of ten years is perhaps what Beijing thinks is the minimal time necessary for it to comfortably observe and evaluate Hong Kong's "experiment" with democracy. Putting on pressure for a faster pace of democratization, the democrats may aggravate the fear of Beijing and make it adopt a more conservative stance in regard to the development of democracy in Hong Kong.

Second, the Basic Law serves as a mini-constitution for Hong Kong. It may be the case that the pace of democratization stipulated in the Basic Law is somewhat conservative, but many people in Hong Kong may be more concerned about the stability of the Basic Law as a newly implemented constitution. The mobilization to amend the Basic Law to speed up the pace of democratization only one year after the handover will surely have a negative impact on its stability; the people of Hong Kong may take the move as a provocative act and thus oppose any such rapid moves toward democratization.

Third, as stated above, the power of the Legislative Council is more or less equally divided among the democratic, pro-China, and industrial-business camps; the democrats do not form a dominating force in the Council. According to the stipulations of the Basic Law, to speed up the pace of democratization in Hong Kong, amendments to the Basic Law must be endorsed by a majority of two-thirds of the Legislative Council.⁴² As most of the Legislative Council members from the industrial-business and pro-China camps benefitted from the present system of constitutional-political arrangement, they are unlikely to support the demands of the democrats for

⁴²It is stipulated in Annex I of the Basic Law that "If there is a need to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval." Annex II states: "With regard to the method for forming the Legislative Council of the Hong Kong Special Administrative Region and its procedures for voting on bills and motions after 2007, if there is a need to amend the provisions of this Annex, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for the record."

faster democratization. Any such support will put them in direct conflict with Beijing and take away the nondemocratic channels through which they conveniently enter the Legislative Council. The members of the industrial-business camp, in particular, are afraid of losing not only their political power, but also their influence in the Council. Under such a scenario, the social and economic policies of the HKSAR government will bear all the pressure from the Council members representing the grass-roots voters, which is undoubtedly detrimental to the interests of the industrial-business classes. The directly elected pro-China members may not personally wish to reject a faster pace of democratization, but they are not likely to go against Beijing's will to support the Democratic Party's initiative.

Fourth, the high turnout rate of the election can be partially attributed to the aspirations of the local residents for greater democracy, but it is difficult to tell exactly how strong their feeling is toward faster democratization. From the Hong Kong Institute of Asia-Pacific Studies opinion poll cited earlier, it is clear that the most immediate concerns of the public relate to livelihood issues rather than democratization. The survey finds that when asked which of the five issues—including stimulating economic growth, alleviating unemployment, improving housing, promoting education, and speeding up democratic development—should be on the top of the agenda for the newly elected Legislative Council, 49 percent of the respondents answered "stimulating the economy," 38.2 percent answered "alleviating unemployment," 4.7 percent answered "improving housing," 1.6 percent answered "promoting education," 2.4 percent answered "speeding up democratic development," and 4.1 percent answered "don't know." In addition, the survey also finds that 12.7 percent of the respondents expressed dissatisfaction with the representativeness of the new legislature, while 26.7 percent were neither satisfied nor dissatisfied and 43.3 percent were satisfied. These two sets of findings indicate that the people of Hong Kong are much more concerned about economic and livelihood issues than with democratization, and do not show strong dissatisfaction with the present electoral system on which the new legislature is produced. In other words, the public and the democrats differ in their urge to speed up the process of democratization. As the economic downturn continues, the hardship the people face will surely increase. If at this particular point in time the democrats over-

look the people's immediate economic and livelihood concerns and push too much for faster democratization, they will politically dislocate themselves and may risk losing the popular support they already enjoy.

Finally, the previous studies also found that the political culture and structure of Hong Kong society carries some unique characteristics that tend to inhibit democratization. These characteristics include the partial vision of democracy of the people,⁴³ the poverty of political leaders,⁴⁴ the widening gap between the political elites and the general masses,⁴⁵ the public placement of social stability over individual freedom,⁴⁶ and the persistent public support for multiple channels of political recruitment.⁴⁷ Some of these characteristics may have undergone some degree of change after the handover, as indicated by the observed growth of civic awareness in the foregone election. But the other characteristics still show no sign of significant change and therefore will continue to impede the development of democracy in Hong Kong.

Conclusion

The first HKSAR Legislative Council election after the handover put Hong Kong back onto the course of gradual democratization. The unprecedentedly high turnout rate washed away the politically apathetic image of the Hong Kong people and demonstrated their willingness to participate politically when they perceive that the existing conditions are relatively free of distortion or manipulation. The high percentage of popular votes received by the democrats also reflected the persistent public support for

⁴³Hsin-chi Kuan and Siu-kai Lau, "The Partial Vision of Democracy in Hong Kong: A Survey of Public Opinion," *The China Journal*, no. 34 (July 1995): 239-64.

⁴⁴Siu-kai Lau, "Institutions without Leaders: The Hong Kong Chinese View of Political Leadership," *Pacific Affairs* 63, no. 2 (Summer 1990): 191-209.

⁴⁵Lau, "The Eclipse of Politics in the Hong Kong Special Administrative Region," 43.

⁴⁶Siu-kai Lau, "Political Culture: Traditional or Western," in *Indicators of Social Development: Hong Kong 1997*, ed. Siu-kai Lau et al. (Hong Kong: Hong Kong Institute of Asia-Pacific Studies, Chinese University of Hong Kong, 1998) (forthcoming).

⁴⁷Siu-kai Lau, "Public Attitudes toward Political Leadership in Hong Kong: The Formation of Political Leaders," *Asian Survey* 34, no. 3 (March 1994): 248-53.

the democratic camp. With public support, the comeback of the democrats will surely ignite and aggravate both the contentions over the pace of democratization among the different political forces and the friction between the Legislative Council and the HKSAR Chief Executive. The short-lived political harmony brought about by the Provisional Legislature is thus forever gone. However, the democrats were only able to grab one-third of the seats in the Legislative Council, with the rest taken up by the pro-China and industrial-business representatives. In other words, the Legislative Council will remain divided in its future operations with no single camp claiming dominance. This situation meets the objectives of the electoral system drawn up by Beijing and the HKSAR government and is conducive to alleviating the pressure on the executive-led HKSAR government.

Although a divided Legislative Council poses less threat to the HKSAR administration, the latter must take on the responsibility for the economic recovery in the face of the growing economic downturn complicated by the persistent Asian financial crisis and the burst of Hong Kong's bubble economy. As the economic recovery depends on a whole array of factors uncontrollable by the administration, the task is by no means easy. Furthermore, owing to the unique character of the HKSAR political system in which the legislative and executive branches are totally separate, the members of the Legislative Council, divorced from administrative responsibilities and free from the risk of policy failure, may join together in challenging the administration. As a result, the executive-led HKSAR government will still face serious challenges ahead.

One more point of importance is that the cry of the returned democrats for a faster pace of democratization will lead different political forces (including the HKSAR government and the Chinese central government) to redefine their stand on the issue. Whether they can prove themselves capable of working with each other is crucial in shaping the development of democracy in the territory. As we know, the development of democracy has always been the outcome of compromise between different political forces. In this connection, the gradual pace of democratization as defined by the Basic Law can be regarded as a compromise among China, Britain, and Hong Kong before the handover. Beijing and the local pro-China and industrial-business forces are still adjusting themselves to this compro-

mise. The high-profile appeal by the democrats to accelerate the pace of democratization is a challenge to this fledgling compromise and will surely be met with opposition. In other words, a political struggle involving the Chinese government, the HKSAR government, and the different local political forces is looming large. As one of the major players in the struggle, the people of Hong Kong will also certainly play a crucial role. Their attitude toward and the degree of support they give to the democratization in Hong Kong will significantly shape the eventual outcome of the struggle. In any case, given the people's demonstrated preoccupation with economic and livelihood issues, the conservative attitude of the Chinese and HKSAR governments toward democracy, the complexity of the local political system, and the largely unchanged characteristics of local political culture, the prospects for a faster pace of democratization in the near future in Hong Kong as demanded by the democrats are by no means bright.