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The question of Hong Kong



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Introduction

Hong Kong is recognised as a major economic actor on the world scene. What is often overlooked is its peculiar status and complex ties with China.

The question of Hong Kong is tied to its historical heritage. Like Macao, the other SAR (Special Administrative Region) of China, Hong Kong used to be a foreign possession. From 1841 to 1997, the British ruled over the area, only interrupted by Japanese occupation during World War II. Like many ex-colonies, Hong Kong is nowadays free from the colonial powers rule. However, the case of Hong Kong is quite special, because the area was 'leased' to Britain for a set amount of years. After that, Hong Kong was reintegrated to China, but under a specific status, to preserve its uniqueness.

The question of Hong Kong is tied to the sovereignty of the area, and what power and pressure the Chinese Central Government can exert on the local government. The question of Hong Kong is also deeply linked to the right to vote. Presumably if anyone in Hong Kong can vote, they can thus change the fate of the Hong Kong area, and maybe challenge China's authority. It is important to compromise between China's Central Governments policies and the demands made during recent protests in Hong Kong.

Definition of Key Terms

SAR (Special Administrative Region)

The Hong Kong area and Macao, have been granted a distinctive administrative status which gives more power to local authorities and results in more autonomy from the Chinese Central Government in different areas. This special status granted by the Central Government was created by Chinese legislators to respond to the specificities of the two regions. Because of their past as colonies, the two regions had developed under different laws and economic systems. The SAR system allows the two areas to continue developing themselves in the context of Chinese rule. The Hong Kong SAR enjoys more autonomy, and the Central Government only takes care of defense and external affairs. The main differences between China and the Hong Kong SAR is the presence of a Chief Executive, the head of the Hong Kong government, a legislative assembly, the LegCo (Legislative Council), more freedoms and rights and the existence of a local law: the Basic Law. This law defines the role of the different authorities in Hong Kong, as well as the legal specificities of



the area.

"Hong Kong Map." *Worldatlas*. Worldatlas, n.d. Web.

"One country, two systems" policy



This policy reflects the situation of the SARs in China. The two SARs enjoy a certain degree of autonomy, under which they can preserve their capitalistic economy, whilst being part of China, a socialist economy. This system also allows the existence of different laws and regulations in Hong Kong.

General Overview

The question of Hong Kong stems from its past as a British colony, but also from the political situation and laws in the area after the Chinese took over.

Hong Kong, a British colony

From 1840-1842, the first Opium war or the Anglo-Chinese war opposed the UK and the Qing Dynasty. The British occupied the Hong Kong Island in 1841. After the conflict, with the Nanking treaty, a treaty considered to be unfair and to have been forced upon the Chinese, Hong Kong became a British territory, under British law, and a free port used for trade. More territories were added to the British possessions in 1898: the Kowloon peninsula, the New Territories and other islands. They were leased to the Crown for 99 years, from the first of July 1898. In the mean time, Hong Kong was slowly, but steadily becoming a more important trade hub in the region.

After the end of World War II and the Japanese occupation of Hong Kong, the English returned to and reinstituted a city government. At the same time, a lot of Chinese citizens fled to Hong Kong to escape political unrest and warfare between Nationalists and Communists.

The influx in migration partly helped the economic boom around 1950. The growing economy was accompanied by social unrest in the 1960s, because of poor labour conditions. Some riots were linked to members of the China's cultural revolution. The island area of Hong Kong became a member of the so-called Asian Tigers in 1970s, thanks to an economy centred on high tech sector, after having focussed on light industries like textile in the earlier decades of

the twentieth century. Hong Kong is now the ninth economy in the world regarding GDP per capita.

The last years of British rule

In 1982, talks concerning the future of Hong Kong started, as the 99 years deadline was in sight. The two countries finally signed the Joint Declaration in 1984, after numerous rounds of negotiations. The Joint declaration stated that Hong Kong would become Chinese region in 1997 and the government would remain partially democratic for 50 years, until 2047. The Basic Law, which defines the special status of Hong Kong, and the power intervention of the Chinese central government, was passed in 1990. The Basic Law limited the intervention of Beijing to defence and external affairs. The Chinese government appoints the head of the Hong Kong central government. The transition was not without any small incidents, for example the last governor, Chris Patten, tried to introduce measures that would broaden the voting base in 1992. This move caused uproar in China, which threatened to revoke trade contracts and reforms after the Hong Kong area is returned to China. A modified version of the voting reforms is passed in June of 1994, and the first elections of the LegCo (Legislative Council) are held the next year.

Hong Kong, a Chinese SAR

The 1st of July 1997, the Hong Kong area was returned to China, and Tung Chee-hwa was nominated by the Central Government as interim head of the Hong Kong SAR until the elections were held in May 1998.

Controversies after the transition

In the years following the handover of the territory to the Chinese government, the deputy chief executive Anson Chan, known for his work with Chris Patten and for opposing too much intervention by the Chinese government resigned, allegedly under pressure of Beijing. The years after the handover were seen as a test of the Chinese willingness to observe all the promises made with the Joint Declaration.

Article 23



In September 2002, the HK government issued a proposal for the controversial article 23 of the Basic Law, known as the anti-subversion law. This bill penalised any attempt to undermine the power of the Chinese Central Government and also restricted the possibility of local political organisations to establish ties with foreign political associations. This draft sparked a wave of protests, culminating in July 2003, when a protest the day after the visit of the then Chinese Premier reunited approximately 500,000 people. Furthermore, two Hong Kong government officials resigned, before the bill was retired.

The battle for democracy

In April 2004, the Chinese government announced that its approval would be needed in order to change laws regarding elections in the SAR. This decision caused demonstrations in Hong Kong in the following months. The UK accused the Chinese government of trying to intervene in Hong Kong politics in a way that is contrary to the autonomy conferred by its special status.

In March 2005, Donald Tsang succeeded to Tung Chee-hwa, who resigned amid controversy. Later that year, an attempt to introduce a constitutional reform by the government was blocked by pro-democracy representatives, because they were not considered enough. The reform aimed at modifying the electoral process, without introducing universal suffrage. According to Tsang, such reforms were not going to be accepted by Beijing. This remark highlights a common problem with many reforms wanted by the people of Hong Kong.

After Donald Tsang was re-elected, and new plans for democracy were unveiled, the Central Government announced it would allow Hong Kongers to elect, by direct suffrage, their head of government in 2017 and their legislators in 2020. Some saw this move as a hope of future universal suffrage; however, pro-democracy groups contested the agenda for not being in a near future. Another attempt by local authorities to strengthen Hong Kong democracy in December 2009, with measures such as the enlargement of the LegCo, was again criticized for being too limited. An unofficial referendum held in June 2014, in which 800,000 people took part, 90% of the voters expressed their wish to have a say in the list of candidates for the chief executive elections, issued by China. This unofficial vote was condemned by the Central Government.



Recent events

In August 2014, the Chinese Central Government ruled that the promised choice of candidates for the chief executive elections in 2017 would not be enforced. This decision means that the Chinese government will select the candidates, like they have done for the past decades. This move caused uproar in Hong Kong, particularly amongst the younger generations. Students protested outside Government offices on the 26th of September, after a week of boycotting classes. The two main groups of protesters were Scholarism, whose now famous leader is Joshua Wong, and the Hong Kong Federation of Students. In the wake of the student protests, various movements emerged, like Occupy Central.

The Occupy Central group planned to occupy a location in the financial district of Hong Kong on the 1st of October. Local authorities were quick to declare the protests unlawful on the 28th; however, it didn't limit nor diminish the intensity of the demonstrations. Now famous images showed the measures taken by authorities and law enforcement: the forces used tear gas on the protesters and evacuated camps by force. The use of tear gas only encouraged more people to take the streets in protest and blocking squares and traffic. Some students, like Joshua Wong even organized a protest during the celebration of China's National Day (October 1st). On the other hand, not all residents agree with the protesters, with some locals attempting to dismantle camps, leading to some cases violence and arrests, and others showing support to the law enforcement forces. Images of policeman beating protesters refusing to leave caused an outcry. An interview by the Chief Executive also sparked criticism after he declared that holding direct elections would "risk giving poorer residents a dominant voice in politics" (New York Times).

Talks began on the 21st of October, between the local government and student leaders, but they remained without effect. Later in the year, police began clearing the camps in Hong Kong, however they encountered resistance from the protesters who tried to block some of the government's buildings. Although the camps have been cleared and most protests stopped, the groups declared they would not give up the fight for more democracy.



"Hong Kong Protests - BBC News." *BBC News*. N.p., n.d. Web. June 2016.

Voting in Hong Kong

Besides denouncing “the lack of social mobility and affordable housing in the city”, recent protests have yet again highlighted the complex electoral system in Hong Kong. Any measures taken regarding that issue have to be sponsored by the Chinese Central Government, which does not leave much room for democratic reforms that are needed to attain the type of direct suffrage demanded by some protesters. As previously mentioned, the Chinese government produces a list of candidates for the Chief Executive elections in Hong Kong. This allows China to retain an indirect control of the local politics, although it is stated in the Basic Law that the Central Government only assumes the responsibility of defence and external affairs. Also, half of the 1,200 seats available at the LegCo are reserved to representatives chosen by a committee of local professionals and corporate groups traditionally attached to Beijing. There are also pro-democracy (ADPL, Civic Party, Democratic Party, Labor Party, LSD, PP, Professional Commons) and pro-Beijing groups (DAB, FTU, Liberal Party, NPP, BPA).

Major Parties Involved and Their Views



UK (United Kingdom of Britain and Northern Ireland)

Because of its past as the ruling power over the Hong Kong area, the UK still has strong economic, educational ties with the region. The Parliament also hears a report on the implementation of the Joint Declaration every six months, since 1997. Those reports highlight how the Joint Declaration is implemented, but also the violations of the Joint Declaration. Those violations, according to the latest reports available (June-December 2015), concern freedom of press and of education. Hong Kong also remains an economic interest for the UK, with Hong Kong representing 35% of the British investments in Hong Kong.

China (People's Republic of China)

Hong Kong is a SAR of China, like Macao. The Central Government has the right to veto any electoral measures considered in discordance with its policies. In 2047, the 50 years deadline set by the Joint Declaration will have expired, and China will have full sovereignty of Hong Kong, and the Central Government will decide to implement the policies of its choice. China is the administrative power of both SARs, and they can oppose any reform in these regions. The central government is also supported by local officials and businesses, which are sometimes opposed to change in electoral legislation.

Timeline of Events

Date	Description of event
1840-1842	First Opium war between the UK and Qing dynasty China
29th of August 1842	Treaty of Nanking between the UK and China, after the UK's victory (ratified in 1843)
1982-1984	Talks between the two governments regarding the future of Hong Kong
19th of December 1984	Sino-British Joint Declaration (ratified in 1985)
1st of July 1997	Hong Kong is given back to China according to the terms of the Joint Declaration



2002-2003	Article 23 controversy: a test of the limits of Hong Kong's autonomy
December 2007	China declares that the 2017 and 2020 elections would be through direct and universal suffrage
August 2014	The decision to allow a free choice of the candidates at the elections is revoked by the Central Government causing protests demanding more democracy
26 th of September 2014	First student protest outside of State offices
October 2014	Talks between the Student protesters and the local authorities
December 2014	The camps are cleared by police forces

UN involvement, Relevant Resolutions, Treaties and Events

The UN does recognize the Sino-British Joint declaration as a Treaty. However, because Hong Kong is a SAR, it is represented in the UN by China, which limits the feedback from local authorities and groups. Furthermore, the intervention of any UN member regarding the question of Hong Kong can be rejected by China, and measures decided in committee might not be applied by China. Therefore, there are no current UN resolutions on the topic.

In 2013, a Hong Kong official reported to the press that a UN Humans Rights Committee had expressed concerns over the voting rights in Hong Kong, and the absence of universal suffrage. The inquiries made by the committee were part of the International Covenant on civil and Political Rights signed by the British colonial institutions in 1976, which declares that it is the UN member's duty to "ensure the equal right of men and women to the enjoyment of all civil and political rights". UN concern over voting rights was again reported in October 2014, as the Human Rights Committee urged for reforms on universal voting rights. The main issue is that the process for nominating candidates for the Chief Executive "is not representative of the Hong Kong population", according to Yuval Shany, a member of the Committee.



Possible Solutions

The question of Hong Kong is a difficult topic to discuss on; all measures must be in accordance with the Chinese Central Government policies. The delegates could maybe think of different ways to strengthen the ties between the SAR and the Mainland. In addition to this, the delegates could also attempt to find a compromise regarding possible electoral measures in Hong Kong and the creation of more safeguards for the democracy. The delegates will need to create compromises with China, and also discuss the degree of sovereignty of China on the SARs. They could also try to integrate representatives of the Hong Kong government in the talks.

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