

Patriots-Only Legislative Poll Signals Change of 'One Country Two Systems' in Hong Kong

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1. News Highlights

In the absence of a pan-democratic camp, the pro-China establishment of course won the 2021 Hong Kong Legislative Council election. There are two very different reports and interpretations, each with its own bias, of this result that formed two completely different political theories signifying different anticipations for the future development of Hong Kong politics.

Following the implementation of the "Hong Kong National Security Law," critics argue that the Standing Committee of the Chinese National People's Congress (NPCSC) has "improved" the Hong Kong Legislative Council election system by not only reducing the number of directly

elected seats, but also establishing a new political vetting process for candidates, making it impossible for candidates with different political views or positions to run for office in Hong Kong. As a result, the one-person-one-vote "district-based direct election" reached a record low turnout of only 30%. The Legislative Council is now almost a place of only one voice reigns supreme; it's not only unable to represent the diverse interests of Hong Kong society, but has also become a rubber stamp for the executive branch. Freedom of speech and assembly in Hong Kong is deteriorating rapidly as non-governmental organizations, human rights organizations, industrial unions and even the media that do not support the government have been forced to disband or liquidate, leaving

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almost no room for their survival.¹

As the so-called defendant of the system, Beijing released a white paper entitled “The Development of Democracy in Hong Kong under One Country, Two Systems”² the day after the Legislative Council election, pointing out that before this election, Hong Kong’s “blind pursuit of Western-style democracy” had led to “divisive struggles, social disorder, economic imbalance, and governance failure”. Therefore, the change in the Legislative Council election is to reaffirm that the CCP has full authority over Hong Kong and that the “primary and subsidiary relationship” between China and Hong

Kong cannot be reversed.³ In addition, the white paper emphasized the principle of “patriots ruling Hong Kong” and that the ultimate goal of “dual universal suffrage” for the SAR Chief Executive and the Legislative Council has not wavered.⁴

If the original “one country, two systems” was a move towards Western-style democracy, is it now a move towards “Chinese-style democracy”? Is the Hong Kong Legislative Council really becoming a “mini-NPCSC” and completely deprived of its representative function? Or does Beijing have other intentions? The following is a comprehensive review of these issues.

1. The G7, the EU, and the Five Eyes Coalition, all of which have their own official positions, held similar views and criticized the results of the Hong Kong Legislative Council election. See also: <https://www.gov.uk/government/news/g7-foreign-ministers-issue-joint-statement-on-hong-kong-elections>; <https://www.gov.uk/government/news/foreign-secretary-issues-joint-statement-with-international-partners-on-hong-kong-elections-20-december-2021>; <https://www.consilium.europa.eu/en/press/press-releases/2020/07/01/declaration-of-the-high-representative-on-behalf-of-the-european-union-on-the-adoption-by-china-s-national-people-s-congress-of-a-national-security-legislation-on-hong-kong/>.
2. For the original *White Paper* released by the Information Office of the State Council of China, see *White Paper*, “The Development of Democracy in Hong Kong under ‘One Country, Two Systems’,” December 20, 2021, <http://www.scio.gov.cn/m/zfbps/32832/Document/1717821/1717821.htm>. Also for the full text in Chinese and English, see the website of *China Daily*, the official media.
3. As quoted by Note 2, the *White Paper* uses the phrase “The facts fully prove that the CCP and the Chinese Government are the designers, founders, maintainers and promoters of the democratic system of the Hong Kong SAR”, “The socialist system practiced by the central government and the capitalist system practiced by the Hong Kong SAR do not contradict each other, but the relationship between the primary and the subsidiary order should not be reversed”.
4. As quoted by Note 2, the *White Paper* spent great lengths reviewing how Beijing has promoted dual universal suffrage in a gradual and orderly manner over the past 24 years, detailing three attempts: amending the methods for selecting the Chief Executive and forming the Legislative Council in 2004, setting a timetable for universal suffrage in 2007, and proposing a roadmap for universal suffrage for the Chief Executive in 2014, only to be met with an umbrella revolution in 2014 that put the blame for all the delays in reform on the Hong Kong opposition.

2. Security Implications

Since the handover of Hong Kong, Beijing’s primary concern has probably been the legitimacy of its rule, while at the same time struggling against interfering demands for democratization from international and Hong Kong communities. In the face of the changes that have taken place since the “anti-China” social movement, China’s strategy of governing Hong Kong has clearly shifted from a strategy of “divide and rule” to the current “binding strategy” that epitomizes the total centralization of power.⁵

2-1. “Divide and rule” strategy no longer effective

Since its takeover of Hong Kong in 1997, Beijing has allowed different political factions and local elites representing different interests to enter the political system to internally “balance” each other, such as the pro-China

establishment camp and the grassroots pan-democratic camp. Through the proportional representation system for the Legislative Council elections, Beijing further divided the political parties over the past two decades to reduce the chances of the factions uniting and cooperating with each other to act against the central Beijing government. As a result, there are a dozen parties in a tiny city like Hong Kong as the business elites develop their own channels to deal with Beijing for their own influence.

As long as political parties are still working within the “one China” framework, Beijing will still delegate some authority and let the “two systems” operate on their own; only when political disputes are deadlocked will Beijing step in and become the final arbiter to decide who is right. Under the “balancing strategy,” Beijing is the ruler watching gladiators fighting in the area below to emphasize the absolute authority and legitimacy of the CCP regime.⁶

5. The author has published a similarly brief commentary in the Voice of America, see Huang Liling, “China’s National People’s Congress Passes High Vote to Transform Hong Kong’s Electoral System. Observer: Beijing ‘Brokers’ Rule,” *Voice of America*, March 11, 2021, <https://www.voacantonese.com/a/China-NPC-approves-nine-changes-to-Hong-Kong-electoral-system-20210311/5810489.html>.

6. For a more detailed description and discussion of the Hong Kong business community’s dealings with Beijing in the “Balancing Strategy”, see Brian CH Fong, “The Partnership Between Chinese Government and Hong Kong’s Capitalist Class: Implications for HKSAR Governance, 1997 – 2012,” *The China Quarterly*, Vol. 217 March 2014, pp.195-220.

In fact, after the 2014 Umbrella Movement, the pan-democratic camp’s demand for “genuine universal suffrage” by removing the nomination threshold for the Chief Executive had already made balancing the social elites through the “divide and rule” strategy difficult to manifest the legitimacy of Beijing’s rule over Hong Kong. The reason behind this is that since the CCP itself cannot be democratized, it cannot allow the election of Hong Kong’s Chief Executive and Legislative Council to go unrestricted, that is allow fair universal suffrage. The consequence of democratizing universal suffrage in Hong Kong is that the CCP could lose its legitimacy and authority to govern Hong Kong. Beijing, of course, understands that it is difficult for a government of centralized power to justify governing a fully democratized local government in Hong Kong.

2-2. The binding strategy through “patriots rule Hong Kong”

According to the “Decision of the National People’s Congress on Improving the Electoral System of the Hong Kong Special Administrative Region”⁷ adopted by the National People’s Congress and the amendments made by the Standing Committee of the Chinese People’s Congress to Appendix I and Appendix II of the Hong Kong Basic Law concerning the methods for electing the Chief Executive and the Legislative Council,⁸ there are three major changes to the elections of the Chief Executive and the Legislative Council in Hong Kong:

1. The Election Committee for the election and nomination of Hong Kong’s Chief Executive and Legislative Council members, originally numbering 1,200, is now expanded to 1,500 members by including 300 seats from the Hong

7. “Decision of the National People’s Congress on Improving the Electoral System of the Hong Kong SAR”, National People’s Congress of China, March 11, 2021, https://www.legco.gov.hk/yr20-21/chinese/hc/sub_com/hs102/papers/hs10220210326cb4-679-2-c.pdf.

8. Appendix I “Method for the Selection of the Chief Executive of the Hong Kong SAR” and Appendix II “Method for the Formation of the Legislative Council of the Hong Kong SAR and Its Voting Procedures” to the Newly Amended Hong Kong Basic Law, Standing Committee of the National People’s Congress of the People’s Republic of China, 30 March 2021, https://www.legco.gov.hk/yr20-21/chinese/hc/sub_com/hs102/papers/hs10220210331cb4-703-1-c.pdf.

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Kong National People’s Congress and the Standing Committee.

2. The original number of Legislative Council members was 70, with 35 seats for “functional constituency” and 35 seats for “regional direct elections”. The number of seats is now expanded to 90, with three types of seats: 40 seats for the “Election Committee”, 30 for the “functional constituency”, and 20 for the “district-based direct election”.
3. Establishment of the Candidate Qualifications Committee. Under the new election system, all candidates and finalists will be “patriots” who have been qualified and approved.

In other words, Beijing has the final call for the elections, and the elites with different political positions are completely excluded from the system. Whether they are elected by the small circle of “election committees” and “functional constituency” or by the one-person-one-vote “district-based direct election”, all of them are now “CCP’s own”.

Most of the “patriots” are puppets

with little autonomy and at best given some opportunity to exchange views and communicate with Beijing. As Beijing binds its own interests with Hong Kong’s “patriots”, they would demand the latter to thoroughly implement Beijing’s policies. Although those who are able to become candidates and elected are all “patriots” who serve the central Beijing government, they can be divided into three levels according to their functions:

1. Members (or underground members) of the ruling CCP.
2. “Agents” who have been given special tasks and functions.
3. “Brokers” or two-way collaborators.

They are responsible for governing, indoctrinating, or communicating with groups and communities in Hong Kong that have not yet fully subordinated to CCP rule or established a Chinese national identity.

However, there are still some “yielded” seats in the Legislative Council that Beijing uses to enlist the business community, local interest groups, and screened political dissidents in Hong Kong, giving them a chance to reflect

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their different perceptions and needs. For example, the “first past the post” system used in the “district-based direct elections” divides Hong Kong into ten constituency districts, each can have two elected seats. In Beijing’s design, such a system would facilitate “competition” between established and non-established forces, allowing the “political dissidents” to gain at least ten seats and act as a so-called “puppet opposition”, so they can work with certain “functional constituency” legislators as agents or brokers.

2-3. Beijing's “imaginary” Hong Kong Legislative Council

Xia Baolong, Vice Chairman of the Chinese People’s Political Consultative

Conference (CPPCC) and Director of the Hong Kong and Macao Affairs Office of the State Council, spoke about “patriots ruling Hong Kong” on a public occasion two weeks before the Legislative Council election. He defined the “patriots” as “those who are good at solving the conflicts and problems faced by Hong Kong’s development, doing practical work for the people, uniting the strengths of all sides, and performing their duties and responsibilities, can be the ones who govern Hong Kong”. The “patriots” are from all corners of the society and diverse, and they can belong to any position of the entire political spectrum as long as they identify with the leadership of China and the CCP.¹⁰ In other words, Xia expects that

9. In the two Legislative Council elections in 1991 and 1995 under the British Hong Kong colonial government, the majority voting system was adopted, which favored the large parties to win the most seats. These two elections, in which the democrats won by a large margin, caused great discontent among the Chinese government at the time, which believed that the British Hong Kong government was deliberately provocative. After the Chinese takeover in 1997, there were two types of seats in the Hong Kong Legislative Council: functional constituencies and geographical direct elections. The proportional representation system and the maximum remainder method were used to allocate seats in the direct elections, which of course favored the smaller parties and fulfilled the CCP’s intention to divide and rule. However, the 2021 Legislative Council election was divided into ten regional constituencies, with two seats elected in each, meaning that if some pan-democratic candidates can pass Beijing’s political vetting, they should be able to win ten seats in the Legislative Council based on the 40:60 vote share between the pre-establishment camp and the pan-democratic camp in the past.

10. The original text reads: “This diversity is reflected in the variety of identities, people from no matter what class, sector, occupation or ethnicity all have the opportunity to participate. This diversity is reflected in the plurality of values, people with no matter what ideology, political attitude, religious belief, interest all have the opportunity to participate.” For a verbatim transcript of the full speech, please see Baolong Xia, “Writing a New Chapter of Democracy in Hong Kong with Reference to History,” *Wen Wei Po*, December 6, 2021, <https://www.wenweipo.com/a/202112/06/AP61adc1aee4b07b4059d6999f.html>.

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the new legislators, or even the new Chief Executive to be inaugurated two months later, should not only have political loyalty, but also the drive and ability to solve the deep-rooted problems of Hong Kong society.

The problem is that Beijing’s unrealistic expectations became apparent immediately after this Legislative Council election. First, the pan-democrats in Hong Kong completely boycotted the election and did not go along with Beijing’s performance with yielding seats.¹¹ The “loyal opposition” non-establishment faction, which the CCP has reluctantly mobilized to stand for election, is a group of out-of-touch politicians who have been expelled by the pan-democratic party or have withdrawn of their own accord; and they have no popular base at all. In the end, the overall voter turnout was so low that it barely exceeded 30%. Secondly, most Hong Kong politicians have a “passive bureaucrat” mentality. In the

course of this election, they tried to boost the turnout rate by offering “free buses on the polling day” and “delaying the closing time” of 11 polling stations; on the other hand, they threatened anyone who “calls for and incites people not to vote or to vote blank” and sent armed police officers to guard the polling stations on the polling day, claiming that there might be a “lone wolf” terrorist attack.¹² Thirdly, the pro-establishment camp did not want to increase the turnout at all because their past election strategy was to protect their own turf. Other candidates with close ties to various interest groups, of course, are also strongly committed to their own district. It was impossible for them to actively encourage and raise the turnout, otherwise they would surely self-destruct by giving up their seats to the non-establishment camp.

The propaganda of the CCP keeps imagining the Legislative Council election in which “virtuous loyalists”

11. *The People’s Daily*, in anticipation of the defeat in the election, has already started to directly accuse the Hong Kong Democratic Party of not actively running in the election in its editorial, see “Allowing the ones like Lo Kin Hei to act irresponsibly, the Hong Kong Democratic Party will be very dangerous,” *Beijing Sina.com*, December 16, 2021 <https://iview.sina.com.tw/post/27526006>.

12. Chien-yu Shih, “Hong Kong Legislative Council election: The Hong Kong government contradictory actions causing record low Legislative Council election turnout is not a surprise,” *Liberty Times*, December 21, 2021, <https://news.ltn.com.tw/news/world/breakingnews/3775118>.

can stand out, however this totally contradicts modern liberal democracy, party politics and the principle of bottom-up representation. The elected members must first declare their “allegiance” to the CCP, but in reality, they are likely to work for their own benefit or in the interest of small groups rather than the interests of the public at all. How can we call them “virtuous”?

3. Trend Observation

Beijing’s wishful thinking of regaining the legitimacy of governance over Hong Kong in the short term by changing the electoral system should be completely destroyed after the current Legislative Council election. But as the CCP wants to establish submission and allegiance of Hong Kong’s elites to the Party, there are two possible developments:

3-1. “Loosening” and “tightening” of “binding strategy”

Beijing has the extravagant hope of creating a legislature that is obedient, but also capable of making positive proposals. If it works well, it will promote “dual universal suffrage” for the Chief Executive and the Legislative Council to rewrite Hong Kong society’s understanding and definition of democracy, and to promote the “Chinese-style democracy”. As Anthony Cheung said, after the 2014 Umbrella Movement and the 2019 Anti-Extradition Law Amendment Bill Movement, the tacit agreement between Beijing and the former pan-democratic camp has completely broken down, and no more room will be given to independent or radical democrats to express their views.¹³ Despite the low voter turnout for the “directly elected” district seats in the Legislative Council, Beijing will continue to promote the political participation of the “puppet or loyalist democrats” in

13. Anthony Cheung is a former Secretary for Transport and Housing of the Hong Kong SAR Government and President of the Hong Kong Institute of Education. Currently a Research Chair Professor at the Hong Kong University of Education, Cheung, a typical scholar-technocrat, is familiar with the logic of political operation in China and Hong Kong. Anthony Cheung, “‘Post-2020 Hong Kong Series’ Opposition Politics Can’t Go Back: Leave or Transform on the Downfall?” *Ming Pao*, November 9, 2021, <https://reurl.cc/AKqyxY>.

Hong Kong and reshape a new “non-establishment” force.

Anyone who holds a democratic political position is left with only two choices: first, they can choose to be a “political puppet” (but in the current Legislative Council election, such a path has failed since such candidates have all been defeated), and second, they can choose to play the “agent” or “broker” role to help the CCP communicate with the Hong Kong community and reflect livelihood issues, so that a certain degree of public opinions can be effectively conveyed. In such a situation, Beijing can somewhat relax the room for these political elites to function.

But such thinking and design are in fact self-contradictory. For example, how can “functional constituency” members representing specific business interests “remind” the CCP to keep paying attention to the poverty problem in Hong Kong society, to fully suppress the housing market inflation, or to promote social justice and fairness? Whether it is the pro-establishment camp or the future

democrats in disguise, they will only speculate and act according to the needs of the CCP and cannot consistently speak for the general public. In other words, if someone dares to provoke the authority of the CCP regime with public opinion, this political freedom will be tightened at any time.

3-2. Swinging between “Chief Executive system” and “party committee system”

After two years of social movements, the current Hong Kong Chief Executive, Carrie Lam, has failed to live up to the expectations of the public, and her administrative ability is hardly recognized. If she was re-elected in 2022, it would be expected that the Hong Kong government could become the “South Shenzhen City”,¹⁴ a kind of “party committee system” under the direct governance of the CCP, or under the total control of the Director of the Liaison Office of the Central People’s Government in the Hong Kong SAR.

In fact, important positions in Hong

14. The term “South Shenzhen City” is used by veteran investment banker Alex Xiao, see Lin Yuan, “Bank Investors: ‘being Pointed at by Guns’ Hong Kong’s Four Major Landowners Dare not Surrender?,” *The Epoch Times*, October 20, 2021, <https://hk.epochtimes.com/news/2021-10-20/34015626>.

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Kong’s informal governing system have been taken over directly by CCP cadres, and the original underground “local communists” have been removed or demoted. For example, in January 2021, Mao Chaofeng, the former vice governor of Hainan Province, was appointed to manage the Bauhinia Cultural Group, a so-called “cultural enterprise controlled by CCP central”¹⁵ set up by the propaganda system of the CCP in Hong Kong; and Wen Hongwu, formerly of the Liaison Office of the Central People’s Government in Hong Kong, was appointed as its general manager.¹⁶ The Bauhinia Cultural Group has also reorganized the Hong Kong United Publishing Group,¹⁷ Bauhinia Magazine, Yindu Organization, China Culture City, Hong Kong United Arts Organization Limited, and Phoenix Satellite Television,¹⁸ which have total

assets of over HK\$100 billion. The CCP’s full presence in Hong Kong from the Chinese mainland will give Beijing full control over the key positions in Hong Kong in various fields and control the overall situation.

If the CCP still wants to retain the Chief Executive as a white glove to buffer and indirectly govern under the “one country, two systems” doctrine in Hong Kong, it is likely that Carrie Lam cannot be re-elected and must be replaced by someone else, but there should still be some competition in the election to increase the sense of community participation. If Beijing still wants to test the Hong Kong government’s social satisfaction over the past few years, the best “competitive combination” would be a candidate from the top civil service and another reputable person from the

15. Bauhinia Culture Group, China Tourism Group, China Merchants Group and China Resources Group are now known as the four major central enterprises in Hong Kong.

16. “Exclusive: Mao Chaofeng, Former Vice Governor of Hainan Province, Takes Charge of Hong Kong’s ‘Cultural Central Enterprise’,” *Sing Tao Daily*, February 21, 2021, <https://reurl.cc/GoV60G>.

17. United Publishing Group is currently the largest publishing enterprise in Hong Kong, including a number of well-known publishers such as the Joint Publishing Group, the Chinese Bookstore and the Commercial Press, the Miles Organization, and the New Era Culture, accounting for about one-fifth of the annual Chinese book publishing volume in Hong Kong, as well as holding the exclusive right to print HKSAR passports and owning high real estate assets. Please refer to the official website of United Publishing Group at <http://www.sup.com.hk> for more information.

18. “Bauhinia to Take Ownership of Phoenix Satellite Television, the ‘Cultural Central Enterprise’ to Find Land in Hong Kong for Its New Headquarters,” *Toutiao Times*, April 19, 2021, <https://reurl.cc/8WGaM7>.

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community,¹⁹ with the former defending the government and the latter challenging it.

The senior civil servants who are now likely to run in the election include the current Hong Kong Government Financial Secretary Paul Chan, Chief Secretary for Administration Lee Ka-chiu, Secretary for Security Tang Ping-keung, and Executive Council Convenor Bernard Chan. Among the community leaders are the former Chief Executive of the Hong Kong Exchanges and Clearing Limited (HKEx), Li Xiaojia, the former Director of Health of the Hong Kong Government and former Director-General of the World Health Organization (WHO), Margaret Chan, the former Chief Executive of the Hong Kong Monetary Authority (HKMA), Norman Chan, and even the ones with government experience like former Secretary for Education and Manpower of the Hong Kong Government and former Vice-Chancellor of the Chinese University of Hong Kong, Arthur Li. Such a pretentious competition for the new Chief Executive may still give Hong Kong society some hope and indirectly

increase the legitimacy of the CCP’s rule over Hong Kong.

But whether Hong Kong’s political system shifts to a “party committee system” or retains the current “Chief Executive system,” Beijing has already fully bound itself to Hong Kong politics. However, the structural logic of the “patriot” Hong Kong Legislative Council is self-contradictory: Beijing wants a legislature that is loyal to the CCP, but the Council is also expected to look after people rather than just playing the decorative “rubber stamp” role like the Chinese National People’s Congress. So there is no way to expect these legislators to tie their own hands for providing solutions to the deep-rooted problems of Hong Kong’s social development, such as employment, income, housing, and welfare problems caused by the wide wealth gap. This Legislative Council election in Hong Kong is just the beginning of Beijing’s effort to turn Hong Kong’s original Western-style politics into the “one country, two systems” framework, and to bind the interests of Hong Kong’s elite with the CCP regime

19. Sha Banshan, “The CE Election Has Changed from the ‘Macau Model’ to the Election Committee Members ‘Have to Choose’?,” *Hong Kong 01*, January 3, 2022 <https://reurl.cc/GorENp>.



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through the remnants of democracy. The incompatible, contradictory political structure has led to a chaotic, unstable situation. The only sure thing is that if there is no concrete performance of governance, all future political responsibilities will be destined to be borne by the CCP.

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