

**This document is downloaded from CityU Institutional Repository,  
Run Run Shaw Library, City University of Hong Kong.**

Title	How did the Hong Kong Democratic Party and the Central Government in Beijing reach a compromise on the 2010 political reform package?
Author(s)	Lam, Chun To (林俊濤); Lo, Chun Yin (盧俊賢); Wan, Chi Sing (溫志昇); Wong, Man Kit (王文杰)
Citation	Lam, C. T., Lo, C. Y., Wan, C. S., & Wong, M. K. (2013). How did the Hong Kong Democratic Party and the Central Government in Beijing reach a compromise on the 2010 political reform package? (Outstanding Academic Papers by Students (OAPS)). Retrieved from
Issue Date	2013
URL	<a href="http://hdl.handle.net/2031/7163">http://hdl.handle.net/2031/7163</a>
Rights	This work is protected by copyright. Reproduction or distribution of the work in any format is prohibited without written permission of the copyright owner. Access is unrestricted.



香港城市大學  
City University  
of Hong Kong

**Department of Public Policy**  
**POL 3109 Approaches in Political Analysis**  
**Semester A, 2013-2014**

---

***Research Proposal***

*How did the Hong Kong Democratic Party and the Central Government in Beijing reach a compromise on the 2010 political reform package?*

---

**Student Name:**

Lam Chun To

Lo Chun Yin

Wan Chi Sing

Wong Man Kit

**Tutor:** Prof Linda Chelan Li

**Submission Date:** 14<sup>th</sup> December 2013

# Contents

Introduction.....	p. 2
<b>Part I: Research Background</b>	
Research Puzzle.....	p. 2
Conceptualization.....	p. 3
Literature Review.....	p. 5
Significance of the Research.....	p. 10
<b>Part II: Research Design</b>	
A) Application of Approach: Rational Choice.....	p. 10
B) Application of Approach: Institutionalism	
i) Creating an opportunity for negotiation: Rational Choice Institutionalism.....	p. 13
ii) Reaching compromise: Historical Institutionalism.....	p. 15
<b>Part III: Research Implementation.....</b>	<b>p.17</b>
<b>Bibliography.....</b>	<b>p. 19</b>

香港城市大學  
City University of Hong Kong  
OUTSTANDING ACADEMIC PAPERS BY STUDENTS (OAPS)

# Introduction

Democratization of Hong Kong has been a heated topic, both locally and internationally, largely because this global city is one prominent exception among the developed economies in the contemporary world – being economically prosperous but politically undemocratic – along with Singapore. For most Hongkongers, the post-handover notion of democracy comprises the direct election of the Chief Executive (CE) and the entire Legislative Council (LegCo) by universal suffrage.<sup>1</sup> Until 2007, ten years after the handover, the CE was still elected by an eight-hundred-member election committee, and in 2008, half of the LegCo members were still returned from functional constituencies.

However, the year 2010 was a remarkable turning point of the political progression in the Special Administrative Region. At the time when the public anticipated that the 2010 political reform package was going to be rejected as the 2005 one was, the Democratic Party of Hong Kong and the Central People's Government of the People's Republic of China arrived at a mutually-acceptable plan by negotiation and compromise. The reform proposal was eventually passed in the LegCo because eight DP members turned against their pro-democracy allies.

This research aims to investigate how the Democratic Party and the Central Government reached a compromise on the 2010 political reform package, which concerned the methods for electing the CE and for forming the LegCo in 2012. The research primarily focused on the Democratic Party, but not on the Central Government, for the ease of information collection. By studying this empirical political event, we would like to find out what the factors driving the two actors towards compromise and the reasons accounting for their cooperation were.

## Research Puzzle

After the 1989 Tiananmen Square Incident, the dialogue and cooperation between Beijing and the Democratic Party (DP) completely ceased. Mutual distrust and hostility developed between these two actors. The Central Government refused to give “Home Return Permit” to DP members. DP, together with other pro-democracy parties in the LegCo, rejected the 2005 political reform package

---

<sup>1</sup> Lo, Shiu-hing (2010) *Competing Chinese Political Visions: Hong Kong vs. Beijing on democracy*. Santa Barbara, Calif.: Praeger Security International, pp. 1.

proposed by the HKSAR Government, which was about the election methods for the CE in 2007 and for LegCo in 2008. When the gov't proposed a new (yet to a large extent unchanged) reform package in early 2010, most Hongkongers expected that the package would be rejected as the 2005 package was. But the two came to a consensus all of a sudden, despite their long tradition of opposition and distrust. Such result was inconceivable and deserved study. The history of the deterioration of relationship between the Central Government and the DP, being divided into three phases, shall be discussed in the part of literature review.

## Conceptualization

### Pro-democracy camp

The pro-democracy (or pan-democratic) camp is a term adopted by the media and academics in HK since 2004, referring to individuals, organizations and parties who share a number of aspirations – genuine universal suffrage, government accountability, human rights and freedom of speech, and rehabilitation of the June 4 incident. It is generally believed to comprise the Democratic Party, Civic Party, Hong Kong Confederation of Trade Unions, Neighbourhood and Workers Services Centre, the League of Social Democrats, Hong Kong Association for Democracy and People's Livelihood etc. Coordination exists among them in important events like elections, LegCo voting and demonstrations. Nevertheless, the pan-democrats do not have the same view and stance on every issue, nor are they formally organized.

### 2005 Political Reform Package

The HKSAR Government proposed “The Fifth Report of the Constitutional Development Task Force: The Methods for Selecting the Chief Executive in 2007 & for Forming the Legislative Council in 2008” in October 2005.<sup>2</sup> The pro-democrats believed that the proposal was too conservative, lacking timetable and roadmap for universal suffrage. The reform package eventually failed to get enough support in order to pass (34 votes in favour, 24 votes against, with 1 abstention, it was rejected as failed to obtain the support of two thirds of members).<sup>3</sup>

---

<sup>2</sup> Constitutional and Mainland Affairs Bureau (2005) *The Fifth Report of the Constitutional Development Task Force: Package of Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008*. [Online] Available: [http://www.cmab.gov.hk/cd/eng/report5/pdf/5th\\_Report\\_English.pdf](http://www.cmab.gov.hk/cd/eng/report5/pdf/5th_Report_English.pdf) [Accessed 22 November 2013]

<sup>3</sup> Lo, 2010, *op. cit.*, pp. 75.

2007 Chief Executive Election: According to The Fifth Report, the number of members of the Election Committee would be increased from 800 to 1,600; the increased members of the Election Committee included 400 elected members from 18 districts councils, 102 appointed DC members and 27 ex officio DC members. The threshold for nominating the candidates for the Chief Executive maintained at the total number of 1/8 of Election Committee, that is not less than 200 people.<sup>4</sup>

2008 Legislative Council Election: Legislative Council seats increased from 60 to 70, in which geographical constituencies and functional constituencies each increased five seats. Geographical constituency's elections would be increased from 30 seats to 35 seats; the representatives of District Councils sector in Functional constituencies would be increased from 1 seat to 6 seats, which continue to be elected among District Council members.<sup>5</sup>

### **2010 Political Reform Package**

The 2010 political reform package basically reused the former proposed reform package in 2005. To be specific, the key changes for the selection of CE were to increase the current election committees from 800 to 1,200, which was in fact moving backward compared with the increase to 1,600 in the 2005 package, and the election method would be by universal suffrage starting from 2017. The key change for the formulation of LegCo was to amend the election method of five new District Council sector seats among the functional constituencies, from being elected by all DC members to be elected only by elected DC members in the first place. But later, the government accepted the revised proposal suggested by the DP, in which the five new District Council sector seats were to be elected by popular vote.

### **Evolution of the Method for Selecting the Chief Executive**

Article 45 of the Basic Law provides that CE election method shall be in accordance with the principle of gradual and orderly progress. The first CE of Hong Kong was elected in 1996, by the Selection Committee consisting of 400 members equally split among four functional sectors: (1) industrial, commercial, and financial sectors; (2) the professions; (3) labour, social services, religious and other sectors; and (4) political sector. The second CE (Tung Chee Hwa, same as the first one) was elected by the Election Committee (EC), consisting of 800 members coming from the four sectors, in 2002. There had not been any progression regarding the CE elections until 2012. As a direct result of the passing of the 2010 political reform package, EC members increased from 800 to

---

<sup>4</sup> Constitutional and Mainland Affairs Bureau, 2005, *op. cit.*, pp. 26-33.

<sup>5</sup> *Ibid.*, pp. 34-42.

1200, 100 for each of the four sectors since 2012.

### **Evolution of the Method for Electing Legislative Council Members**

Article 68 of the Basic Law provides that the LegCo election method shall be in accordance with the principle of gradual and orderly progress. The first term of the LegCo (1998-2000) had 30 members returned by functional constituencies (FCs), 20 by geographical constituencies (GCs), and 10 by the Election Committee. The second term of the Council (2000-2004) was composed of 30 FC members, 24 GC members, and 6 members elected by the EC. Since the third term of the LegCo (2004-2008), there have been no seats returned by the EC. In the 2004 (3<sup>rd</sup> term) and 2008 (4<sup>th</sup> term) LegCo elections, 30 members were returned by FCs and the other 30 by GCs. As a result of the passage of the 2010 political reform package, the fifth term of LegCo (2012-2016) consists of 35 FC seats and 35 GC seats. Five of the newly created FC seats were returned by the District Council (Second), all formerly non FC registered voters were eligible to cast the vote. Thus, everyone had two votes, one for GCs and the other one for FCs.

## **Literature Review**

### ***Phase I: 1989 – 1996***

The June 4th Incident of 1989 was the turning point that marked the split between the Chinese Government and the democrats of Hong Kong. The Democratic Movement in 1989, organized by student leaders like Wu'ekaixi, Chai Ling and Wang Dan, strove for social equality, democratic development and corruption suppression in China. The protests were conducted in a peaceful way and the movement soon extended to around 400 cities within the nation. Yet, due to great social instability, the Chinese Communist Party decided to suppress the movement with force. On 4th of June, the troops started to fire at the protesters and the movement ended up with bloodshed.

During the movement, Szeto Wah, a founding member of the Democratic Party, established the Alliance in Support of Patriotic Democratic Movements of China (ASPDMC). This organisation played a significant role in the movement by sending monetary and material supports to students in Beijing. It also helped the student leaders flee the country after the military repression.<sup>6</sup> CCP's

---

<sup>6</sup> Ma, Ngok (2007) *Political Development in Hong Kong, State, Political Society, and Civil Society*, Hong Kong: Hong Kong University Press, Ch. 6, pp.135-158.

violent suppression of the student-led patriotic movement antagonized the democrats in Hong Kong. The pro-democracy icons such as Martin Lee Chu Ming and Szeto Wah resigned from the Basic Law Consultative Committee, which worked on drafting the Basic Law, immediately after the June 4th Incident. At the same time, the Chinese Government announced that they were dismissed from the Committee.<sup>7</sup> The ASPDMC began to hold events like Memorials for the Tiananmen Square protests of 1989 annually against the mainland authority, aiming at the rehabilitation of the 1989 pro-democracy movement and the end of one-party dictatorship. In sum, the relationship between the HK democrats and the Central Government was completely broken.

Meanwhile, the June 4th Incident facilitated unity among the democrats and the formation of the Democratic Party. Before the incident, pro-democracy groups including the Meeting Point, the Hong Kong Affairs Society, and the Association for Democracy the People's Livelihood discussed to form a single and united pro-democracy party.<sup>8</sup> However, the difference in ideologies made the merging abortive. The June 4th Incident drove the democrats together, provided an opportunity for party merging. The United Democrats of Hong Kong was formed in 1990. In the 1991 LegCo Election, in which direct election was first adopted in geographical constituencies, the United Democrats and other pro-democracy parties won 14 seats out of a total of 18.<sup>9</sup> In 1994, Martin Lee merged the United Democrats and the Meeting Point into a single party – the Democratic Party, which became the largest political party in Hong Kong. It won a landslide victory in the 1995 LegCo election, securing 12 seats out of the 20 popularly-elected GC seats and became the largest political party in the LegCo.<sup>10</sup> Because of the atmosphere of 1989 Tiananmen Square Incident and the fear of the Central Government, the pro-democracy camp reached its peak in the first half of the 1990s.

### ***Phase II: 1997 – 2005***

After the handover in 1997, all legislators were not allowed to take the "direct train." The Central Government accused Patten's political reform package of violating the Sino-British Joint Declaration. The Provisional LegCo of Hong Kong (without the participation of DP) became the official legislature after the handover of sovereignty, until June 30, 1998.<sup>11</sup> And the Democratic

---

<sup>7</sup> Bruce Kam-kwan Kwong (2009) *Patron-client politics and elections in Hong Kong*. London; New York: Routledge, Ch. 3, pp.34-50.

<sup>8</sup> Ma Ngok, 2007, *op. cit.*, pp.135-158.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> Legislative Council Commission (2012) *History of the Legislature*. [Online] Available: [http://www.legco.gov.hk/general/english/intro/hist\\_lc.htm](http://www.legco.gov.hk/general/english/intro/hist_lc.htm) [Accessed 3 November 2013]

Party had not been successful in securing as many seats in geographical constituencies as before. This was mainly due to the proportional representation system, which the DP regarded as a weapon used by the Central Government to curb the pro-democracy parties. In 1995, the DP got 42% votes and obtained 12 directly elected seats out of 20, which means 60% seats.<sup>12</sup> In 1998, the first HKSAR LegCo Election, the party got 43% of the votes, but secured only 13 directly elected seats which accounted for only 22% of the total seats.<sup>13</sup> In 2000 the second LegCo election, the DP only occupied 12 seats out of 60 total seats.<sup>14</sup> In the 2004 LegCo Election, the DP lost 3 more seats comparing to the last LegCo election.<sup>15</sup> This electoral arrangement was fairly effective in suppressing the pro-democracy camp. Yet the gap between Beijing and the DP went wider.

The year 2003 saw the worst relationship between two actors in history. In this year, the Hong Kong government attempted to legislate the Article 23 of the Basic Law for the acts of secession and subversion against the country which met fierce opposition – more than 500,000 people went on parade on July 1. The Democrats organised a rally outside the LegCo on July 9, and ultimately forced Tung Chee-hwa (resigned later in 2005) announced the withdrawal of the bill.<sup>16</sup> After the large-scale protests, the Central Government changed its original assessment and attitudes towards the situation of Hong Kong and became more skeptical about the democrats, including the DP, because they incited Hongkongers to act against Beijing. It set up “the Central Coordination Group for Hong Kong and Macao”, led by the then Vice President Zeng Qinghong to control affairs related to the two SARs.<sup>17</sup> By enhancing the affairs of Hong Kong to the level of Politburo Standing Committee, the Central Government adopted a much more interventionist approach to managing Hong Kong. Mutual trust between it and the DP was almost bankrupt.

During the first political reform in 2004, the interpretation of basic law by the NPCSC rejected universal suffrage to be implemented in 2007 and 2008.<sup>18</sup> In 2005, the HKSAR Government submitted a reform proposal to the LegCo for approval. The pro-democracy

---

<sup>12</sup> 蔡子強:港式比例代表制如何締造四分五裂政局 2013/08/23 Mingpao

<sup>13</sup> Legislative Council Secretariat (2008) *Results of Legislative Council elections*. [Online] Available: <http://www.legco.gov.hk/yr10-11/english/sec/library/1011fs22-e.pdf> [Accessed 10 December 2013]

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> Lo, 2010, *op.cit.*, pp. 44-60.

<sup>17</sup> BBC 中文網(2007) 分析:曾慶紅退下對港澳事務的影響。網址:

[http://news.bbc.co.uk/chinese/trad/hi/newsid\\_7050000/newsid\\_7055000/7055048.stm](http://news.bbc.co.uk/chinese/trad/hi/newsid_7050000/newsid_7055000/7055048.stm) [2013年11月3日]

<sup>18</sup> 乔晓阳一行就全国人大常委会关于香港特区 2007 年行政长官和 2008 年立法会产生办法有关问题的决定与香港各界会面 《人民日报》 [2004 年 04 月 27 日] 中国人大网

camp strongly criticized that the program did not clarify “the timetable and roadmap of dual universal suffrage”, and thus launched the “December 2005 protest for democracy in Hong Kong” (which the Civil Human Rights Front estimated that 250,000 people participated).<sup>19</sup> The proposal was finally vetoed by 24 pan-democratic legislators.<sup>20</sup> The relationship between the Central Government and the Democratic Party kept deteriorating.

### *Phase III: 2006 – 2010*

After the rejection of Tsang’s reform plan in 2005, the relationships between the government and democrats, including DP turned sour instantly by the facts that the democrats were regarded as “opposition faction” according to the chief secretary Rafael Hui<sup>21</sup> and Tsang even publicly illustrated his policy of “distinguishing the relatives from those who are not” via making visits to the headquarters of Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) and attending the party’s Central Standing Committee meeting.<sup>22</sup> Nonetheless, during the period 2006-2010, two major events remarked the significant change in DP’s attitude towards the government regarding the political reform. The first one was DP’s refusal to participate in the de facto referendum and the second one was the controversial secret negotiations between representatives of the Central Government and the Democratic Party.

In November 2009, the HKSAR government released a consultative paper on political reform regarding the 2012 elections.<sup>23</sup> The document aimed to address public concerns about the arrangement for the 2012 elections and shrinking the list of possible amendments to propose to LegCo after the completion of public consultation in February 2010.<sup>24</sup> But the League of Social Democrats (LSD) had regarded such reform proposal as “retrogressive”. Its members embarked on the resignation of one democrat from each of the five GCs in order to force a LegCo by-election as a de facto referendum on universal suffrage. The Civic Party was supportive of the plan from the beginning till the end by sending their representatives, including Alan Leong and Tanya Chan, to run

---

<sup>19</sup> BBC News (2005) *Thousands march for HK democracy*. [Online] Available: <http://news.bbc.co.uk/2/hi/asia-pacific/4496556.stm> [Accessed 3 November 2013]

<sup>20</sup> Lo, 2010, *op.cit.*, pp. 75.

<sup>21</sup> Ng Hong-man, “The Opposition Faction Vetoes and Changes Its Course,” MP, April 21, 2006, pp. A18

<sup>22</sup> Lo, 2010, *op.cit.*, pp. 79.

<sup>23</sup> HKSAR Government (2009) *Consultative Document on the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012*. [Online] Available: [http://www.cmab-cd2012.gov.hk/doc/consultation\\_document\\_en.pdf](http://www.cmab-cd2012.gov.hk/doc/consultation_document_en.pdf) [Accessed 2 November 2013]

<sup>24</sup> Martin, M. F. (2011) *Prospects for Democracy in Hong Kong: The 2012 Election Reforms*. *Congressional Research Service*. [Online] Available: <http://www.fas.org/sgp/crs/row/R40992.pdf> [Accessed 2 November 2013]

the campaign.

The tricky point was that Szeto Wah, who played a decisive role within DP, had initially supported the LSD's proposal but finally reversed his position on the ground that he realized the resignation plan would endanger the veto power of the democrats in the legislature. Another DP senior member Martin Lee, who were supportive of the radical plan at first, shared similar view with Szeto Wah and changed his position in the end claiming that the veto power of all the democrats in the LegCo would be critical to Hong Kong's democratization. In December 2009, 81% of the DP members voted against the resignation proposal in the party meeting. Without the participation of the DP members, the turnout rate of the by-election was only about 17%, which was below the expectation of LSD and Civic Party. Obviously, the DP diverged from other pro-democracy parties over the resignation proposal.

Another breakthrough was the secret negotiations between representatives of the Chinese government and the Democratic Party began in February 2010 but became controversial after the May by-elections. On June 7, 2010, two motions regarding the amendments on the selection of CE and the formation of LegCo were submitted to the LegCo by the Secretary for Constitutional and Mainland Affairs.<sup>25</sup> On the same day, NPCSC Deputy Secretary Qiao Xiaoyang delivered a speech partially conferring the Democratic Party's proposals, as well as showing the Central government's commitment to universal suffrage in Hong Kong.

Back to 2008, DP chairman Albert Ho had once warned the Government that only if the reform proposal mentioned "an ultimate universal model" would the party vote for it in the LegCo.<sup>26</sup> But two weeks before the LegCo was supposed to take up the motions, he gave up his strong position and stated that the party's LegCo members might vote for the motions if the five additional FC seats were to be elected by the citizens. Finally, core members of DP and the Chinese officials reached the consensus over the reform package, in which there would be no change for the nomination threshold while the five additional FC seats would be elected by a popular vote instead of by all the district council members. On June 21, 2010, DP held a meeting in which over 80% of its members voted for the revised proposal of the reform package. As a result, the revised proposal was passed in the Legislative Council in the support of the government, pro-Beijing camp and the DP by obtaining more than two-thirds vote of the 60 LegCo members.

---

<sup>25</sup> For details, refer to the 2010 Political Reform Package in the part of Conceptualization.

<sup>26</sup> Lo, 2010, *op. cit.*, pp. 89.

## Significance of the Research

In these one or two years, the Government will start a consultation and put forward a reform package concerning the methods for selecting the CE in 2017 and for forming the LegCo in 2020. Since universal suffrage is expected to be practiced and functional constituencies in LegCo removed, the forthcoming reform package will embrace the most important step of the democratization process of the city. This time, again, the DP will have the decisive impact on whether the package is passed or rejected: the pro-Establishment camp will need 4 more votes in order to form a two-third majority in the LegCo, while DP has 6 votes currently. Given that DP is a more moderate political party within the pro-Democracy camp and that it has cooperated once with the Central Government recently – in 2010 – this party is more likely to change its stance than other pro-democracy parties. Hence, it is worth investigating under what conditions the Central Government and the DP will negotiate, make concessions and come to a compromise, which are going to have significant implications on the democratic development in Hong Kong.

### A) Application of Approach: Rational Choice Theory

The fundamental assumption of rational choice theory is that individuals are self-interested, who only take their own desires, beliefs and goals into account regardless of others' interests.<sup>27</sup> Also, individuals are assumed to have the complete rational capacity to identify the best option and make decision even if it is complex, disregarding the time and emotions. Under these assumptions, it postulates that any rational individual will maximize his/her expected utility and minimize cost. In addition, individuals will engage in political action as a result of cost-benefit analysis. In this research, the change in attitude and behavior of the DP members can be interpreted by employing the rational choice theory, in which the DP members are said to make decision out of the collective interest within the party.

In 2004, when the government introduced the first political reform, the pro-democracy camp acted together against the reform package. Although the pro-democracy camp, with sufficient seats in the LegCo, had successfully vetoed the first reform package, the cost of this action was the stagnancy of

---

<sup>27</sup> Ward, H. (2002), "Rational Choice", in Marsh and Stoker (eds.), *Theory and Methods in Political Science*, 2<sup>nd</sup> edition, Hampshire: Palgrave Macmillan, Ch.3, pp.68

democratization in Hong Kong. In addition, the DP only got nine and eight seats in the LegCo in 2004 and 2008 respectively. Therefore, it had been more willing to take risk in hopes of getting more seats in the LegCo by proposing the revised reform package to the Central Government in 2010, in which the five additional FC seats would be elected by a popular vote in the 2012 LegCo election. DP members believed that their proposal helped Hong Kong's democratization move forward so more eligible voters would vote for them, thus, they could get more seats in future elections. In DP's calculation, the expected utility of getting more seats in the LegCo obviously outweighed the cost of splitting with other pro-democracy parties when they decided to support the reform package.

Owing to the DP's calculation, the members mainly laid stress on the part regarding the formation of LegCo in the reform package while concerning less for the part regarding the selection of CE. Firstly, it is important to note that the DP in fact had enough power to determine whether the 2010 political reform package could be passed or not. In 2010, the pro-establishment camp got 37 seats out of 60 in the LegCo, which firmly supported the government proposal, whereas the pro-democracy camp got 23 seats and 9 of which were occupied by the DP members. The Government needed four additional votes from the democrats in order to get a two-third majority support for its proposal. In other words, the LegCo was the only place where the democrats had the ability to veto the political reform package, just like the rejected 2005 one. Then, what exactly were the considerations of collective interests for the Democratic Party to support the reform package?

Firstly, consideration of collective interest was the ability to nominate candidates for the super district council election. DP was the only party within the pro-democracy camp that had enough seats to nominate the candidate to take part in the "District Council (second)" election, which are also known as the super district council election. According to the revised reform package proposed by the DP, the new 5 function constituency seats of District Council (second) must obtain the nomination of at least fifteen district councilors in order to become the candidate. Since the candidates of the super district council election in 2012 had to be nominated by the district councilors who were elected in 2011, the DP, which got 59 seats in 2010, and the HKADPL, which got 16 seats in 2010, were the two parties in the pro-democracy camp that had enough district councilors to nominate the candidate and had enough history and power to ensure that they could maintain similar advantages in the next district election in 2011. The DP indeed had enough district councilors to nominate at least three candidates for super district council election. In other words, the pro-democratic parties which would like to participate in this election in fact had to fight for the support of the DP. Besides, since this election adopted single constituency system which means that

the whole Hong Kong as a big constituency, the candidates have to get votes from different districts so their election campaign had to be carried out within the entire Hong Kong. Thus it required a huge and strong election machine in the sense that regional network support, such as evenly distributed district councilors and legislative councilors in different districts, played a critical role. The DP was the only pro-democratic party that owned this tremendous election machine. In terms of the nomination of the candidates and regional network support, the DP in fact has been benefited a lot from this revised political reform package.

Secondly, the considerations of collective interests were the maintenance of the “6/4 golden ratio” and the calculation of seats. There has long been a phenomenon that the pro-democracy camp was able to get around 60% of the total votes in LegCo election while the pro-establishment camp could only get around 40%. Under this long-term phenomenon, the pro-democracy camp, by making a conservative estimate, might possibly be able to obtain at least six seats out of the distribution of ten new seats where 5 seats from District Council (second) and 5 seats from traditional geographical constituency. According to the speech of the DP’s leader Cheung Man-kwong during the political reform debate in LegCo, the party believed that the revised political reform package could increase the proportion of pro-democracy camp members within the LegCo as well as the democratic elements of functional constituencies under the new framework proposed by the NPC in the sense that it could expand the directly elected seats or disguised directly elected seats in the LegCo. Hence, it would be the first time that the number of direct elected seats exceeded functional constituencies, in which the directly elected would surround and isolate the functional constituencies so a two-thirds vote of the 70 LegCo members could possibly be obtained thus to abolish the functional constituencies. In long term, this revised package was able to achieve "quantitative change to qualitative change." With the rational calculation of 10 new seats, the DP believed that this revised package could enlarge the power of the entire pro-democracy camp and increase the democratic elements of the functional constituency within the LegCo.

In short, the DP supported the revised political reform package only for the reason that it could attain higher expected utilities out of the collective interests in terms of the ability to nominate candidates super district council election, the maintenance of “6/4 golden ratio” and the calculation of seats. By supporting the reform package, the DP expected to get more seats in the LegCo so that it can gain more influence in the LegCo.

## **B) Application of Approach: Institutionalism**

In this part, we attempt to use institutionalism to explain why there was an opportunity of talk and negotiation between the Central Government and the Democratic Party and why the latter finally decided to support the 2010 political reform package.

### ***i. Creating an opportunity for negotiation: Rational Choice Institutionalism***

From the rational choice institutional perspective, we elaborate why the opportunity of talk appeared. With reference to rational choice institutionalism, members of political parties and the parties would have their preferences and try to maximise their utilities within the political context. It also helps to explain how the individuals and institutions interact to create preferences.<sup>28</sup>

In this case, the Five Constituencies Referendum of 2010 was the social movement that drove Beijing and the Democratic Party together. It was a political movement first proposed by the League of Social Democrats as a de facto referendum, aiming at universal suffrage in CE and LegCo elections and at the abolition of FC seats. Since the frame of this political movement was enhancing the democratic movement of Hong Kong, it is supposed that the pro-democracy political parties would give full support to it. However, the result was that only the LSD and the Civil Party joined the campaign; other pro-democracy parties, like the DP, were far from supportive. The rationales could be that there were different considerations and interests within the pro-democracy camp. The parties calculated the costs and benefits in joining the movement. And they chose the option that maximised the interest of the party as well as the democratic development in Hong Kong.

Theoretically, the Democratic Party would support the Referendum due to its democratic nature which matched the party's mission and vision. However, the Party had to consider her party interest and position in the movement. Firstly, in this movement, the initiator was the LSD so that the DP lost her leading position. The DP was traditionally the leader in local democratic movement. However, the rise of the radical LSD dramatically affected the composition of the pro-democracy camp and challenged DP's leadership. The rapid development of the LSD was a threat to the unity of the democrats, not only because it adopted radical and violent tactics to strive for democracy that would

---

<sup>28</sup> Lowndes, Vivien (2002) "Institutionalism", in Marsh and Stoker (eds.) *Theory and Methods in Political Science*, 2<sup>nd</sup> edition, Hampshire: Palgrave Macmillan. Ch. 4, pp. 96.

not be used by other democrats, but also because it attacked their democratic allies. Secondly, the DP doubted LSD's motivation: distrust between the two parties already developed in the 2008 LegCo Election. The ex-chairman of the LSD, Wong Yuk Man attacked the pan-democratic candidate, Mo Man Ching in the election which made Mo fail to secure a seat in the Council.<sup>29</sup>

Thirdly, the Referendum was both costly and risky to the DP. It was costly because the Party would have to input many human and financial resources into the campaign. It was risky because the vacuum in the LegCo that might be captured the pro-establishment parties. Fourthly, Szeto Wah had opposed the Referendum in the radio programme, *The Tipping Point*. As he was one of the symbols of the DP, his words would influence other members greatly. Some core members of the DP started to oppose the Referendum publicly and finally, most members voted against it in the general assembly. The DP declared that it would not join the Referendum, but allowed the members to join it by personal title. This decision made by the DP created a good impression for the Central and Hong Kong governments that paved the way for the coming cooperation.

On the other hand, the HKSAR Government needed to seek legislators' support. According to Annex I and II of the Basic Law, any amendments to the method for selecting the CE and for forming the LegCo subsequent to the year 2007 must be endorsed by a two-thirds majority of all LegCo members. Thus, the passage of the 2010 reform package required at least 2/3 supporting votes of the Legislative Council. However, in the LegCo, the pro-establishment camp, which was supportive of government's proposal, only got 37 votes, whereas the pro-democracy camp had 23 votes (of which 8 votes belonged to the DP).<sup>30</sup> If the government could not persuade the democrats to vote for the package, it would be rejected as the 2005 one was. At the same time, some pro-democracy parties started the Five Constituencies Referendum that meant persuading them would be highly difficult. Surprisingly, the DP did not join the Referendum, demonstrating that there were internal disagreements and struggle about the direction of democratic movement within the democratic camp. It would be an opportunity to talk with the DP. Under these circumstances, Beijing and Hong Kong Government tried to talk and negotiate with the DP about the 2010 political reform.

---

<sup>29</sup> Li Hak Yin and Wang, Zhengxu (2009) *The New Landscape of Hong Kong politics: 2008 Legislative Council Elections and the Implications*. [Online] Available: <http://www.nottingham.ac.uk/cpi/documents/discussion-papers/discussion-paper-46-new-landscape-hk-politics.pdf> [Accessed 10 December 2013]

<sup>30</sup> Legislative Council Secretariat (2008) *Results of Legislative Council elections*. [Online] Available: <http://www.legco.gov.hk/yr10-11/english/sec/library/1011fs22-e.pdf> [Accessed 10 December 2013]

## *ii. Reaching compromise: Historical Institutionalism*

As a sub-field of new institutionalism, historical institutionalism looks into the questions what the institutions are, what impacts of the institutions are, and how the institutions change over time. Most importantly, it seeks to explain how institutional framework established at an earlier point of time and/or past decisions shape an actor's decisions and behaviour.<sup>31</sup> In this research, historical institutionalism may help to explain how the decision of the DP in 2010 was affected by past decisions made by the National People's Congress of China three years earlier, by the five-step mechanism created in 2004, and by the Hong Kong Basic Law.

From the very beginning, the democratic development has already been curbed by the Hong Kong Basic Law, the mini-constitution for the Special Administrative Region. Article 45 and 68 of it provide that the methods for selecting the Chief Executive and for forming the Legislative Council shall be in accordance with the principle of gradual and orderly progress. The ultimate aims are to select the CE by universal suffrage upon nomination by a broadly representative nominating committee and to elect all the members of the LegCo by universal suffrage. There is a clear aim but no explicit roadmap or timetable. The ambiguity here leaves room for the Standing Committee of the National People's Congress (NPCSC) to interpret the articles in the coming years. Moreover, according to Annex I and II, any amendment to the method for selecting the CE and for forming the LegCo for the terms subsequent to the year 2007 must be reported to the NPCSC for approval.

In response to some controversies emerged in society concerning the constitutional development of Hong Kong, the NPCSC interpreted the Basic Law (for the second time) in April 2004. This interpretation, together with the Basic Law, has formulated a five-step mechanism for amending the CE and LegCo electoral methods:<sup>32</sup> Firstly, the CE shall make a report to the NPCSC as to see whether there is a need to amend the two electoral methods; Secondly, a determination shall be made by the NPCSC that the electoral methods may be amended; Thirdly, the motions on the amendments to the electoral methods shall be introduced by the HK Government to the LegCo, and be endorsed by a two-thirds majority of all the members of the LegCo; Fourthly, consent shall be given by the CE to the endorsed motions; Fifthly, the relevant bill shall be reported by the CE to the NPCSC for approval. This was the second framework that constrained the DP's decision in 2010. And it conferred a clear message that Beijing was the crucial actor with whom the DP had to negotiate.

---

<sup>31</sup> Lowndes, 2002, *op. cit.*, pp. 96.

<sup>32</sup> HKSAR Government, 2009, *op. cit.*, pp. 1.

Since July 2007, the Hong Kong Government conducted a consultation about the roadmaps and timetables for universal suffrage for electing the CE and forming the LegCo. The consultation result was that more than half of the public opinion would like to have universal suffrage for the elections as early as 2012. Based on this, Donald Tsang, the CE at that time, deemed that electoral methods in 2012 had to be amended and therefore submitted a report to the NPCSC, asking for an approval for the possible amendment.<sup>33</sup> On 29 December, the NPCSC made the decision that:<sup>34</sup>

(1) ...The election of the fourth CE of the HKSAR in the year 2012 shall not be implemented by the method of universal suffrage. The election of the fifth term LegCo of the HKSAR in the year 2012 shall not be implemented by the method of electing all the members by universal suffrage...

(2) ...The election of the fifth CE of the HKSAR in the year 2017 may be implemented by the method of universal suffrage; that after the CE is selected by universal suffrage, the election of the LegCo of the HKSAR may be implemented by the method of electing all the members by universal suffrage...

In other words, the 2007 NPCSC resolution ruled out the possibility of practicing universal suffrage for electing the CE and all LegCo members in 2012. This decision set out the rules of the game – the earliest possible application of universal suffrage would be the CE election in 2017 and the LegCo election in 2020. Accordingly, the Hong Kong Government, the Democratic Party, other pro-democracy parties, pro-establishment parties, pressure groups, and other actors involved in future political reforms have to comply with the provisions of this particular decision.

The Democratic Party, though insisting its demand for universal suffrage in 2012 CE and LegCo elections, was fully aware of and acknowledged this political reality.<sup>35</sup> As the party's mission was to make the democratic dream shared by all Hong Kong people come true as early as possible, it strove to avoid making the 2010 electoral reform package abortive and the political development mark time. The result would contradict public interest. Therefore, the DP would like to compromise with the Central Government and reach a commonly-agreed reform package which would not only maximize the democratic elements in the 2012 elections, but also path the way for the implementation of universal suffrage in 2017 and 2020. In fact, one can also observe some rational choice elements in the case. If collective interests are defined not as the party's interests, but as the

---

<sup>33</sup> *Ibid.*, pp.4.

<sup>34</sup> *Ibid.*, pp. 4.

<sup>35</sup> 民主黨 (2010) 政改六人工作小組報告。[線上] 網址：[http://www.dphk.org/wp-content/uploads/2010/07/fullreport\\_6ppl2.pdf](http://www.dphk.org/wp-content/uploads/2010/07/fullreport_6ppl2.pdf) [2013年11月9日]，頁4和頁6。

city's interests – achievement of double universal suffrage, then it can be said that DP's decision in 2010 was rational as it maximized the collective interests of Hong Kong by allowing the political system to move forward. If the Party voted against the package, there would not be universal suffrage even in 2017 and 2020.

In short, the Basic Law, the five-step mechanism and the 2007 NPCSC resolution were probably the institutional factors which influenced the decision making of the Democratic Party regarding the 2010 government's proposal. The research is going to see if this was the case and if there were other institutional factors influence DP's decision.

## Research Implementation

### Method of Data Collection:

In order to understand the rationale behind the change of stance of the Hong Kong Democratic Party, a face-to-face in-depth interview will be conducted. The interviewees will be the core members of the Democratic Party, especially the three – Albert Ho Chun-yan, Emily Lau Wai-hing, and Cheung Man-kwon – who had a “secret” meeting with the officials of the Liaison Office of the CPG in the HKSAR in 2010. Martin Lee Chun-ming, founding chairman of the Democratic Party and the person who is believed to have exerted influence on the Party's final decision in 2010, will also be interviewed.

### Questions:

#### Rational Choice Theory

1. What are the possible benefits that the pro-democracy camp (or the Democratic Party) can obtain through the passage of the political reform package in 2010? To what extent, do you think the veto of the package would delay the democratic process?
2. Do you still believe in the “6/4 golden ratio” between the pro-democracy camp and the pro-establishment camp? If yes, how confident were you to maintain this golden ratio in 2012 LegCo election during the voting of political reform package in 2010 and based on what reasons?

3. What are the democratic elements that can be reflected by the newly increased 10 seats? In what ways would the newly increased 10 seats facilitate the democratic process in Hong Kong?
4. How do you respond to the criticisms from the general public and other pro-democracy parties regarding the change of stance of the Democratic Party, which was said to undermine the unity of the pro-democracy camp and violate the commitment of 2012 dual universal suffrage?

#### Rational Choice Institutionalism

1. Did you support the Democratic Party joining the Five Constituencies Referendum of 2010? Why or Why not? (For who answer “No”, move to question two)
2. Did you think the rising of the radical pro-democratic party was a threat to the unity of the democratic camp?
3. Supposed the radical pro-democracy parties withdrew from the Referendum, would you join it?
4. Did the declaration of Szeto Wah not to join the Referendum affect your decision? If yes, how did it affect you?

#### Historical Intuitionism

5. Did the Basic Law have any influence over your change of stance on the 2010 political reform package? If yes, how did it affect your consideration and final decision in 2010?
6. Did the “Five-step Mechanism” regarding constitutional development laid down by the 2004 NPCSC resolution have any influence over your change of stance on the 2010 political reform package? If yes, how did it affect your consideration and final decision in 2010?
7. Did the 2007 NPCSC resolution have any influence over your change of stance on the 2010 political reform package? If yes, how did it affect your consideration and final decision in 2010?
8. Were there any other constitutional or legal frameworks set up in the past which you had to take into consideration in 2010? If yes, in what ways did it/them affect your final decision?

## Bibliography

Constitutional and Mainland Affairs Bureau (2005) *The Fifth Report of the Constitutional Development Task Force: Package of Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008*. [Online]

Available: [http://www.cmab.gov.hk/cd/eng/report5/pdf/5th\\_Report\\_English.pdf](http://www.cmab.gov.hk/cd/eng/report5/pdf/5th_Report_English.pdf) [Accessed 22 November 2013]

Globalvoicesonline (2010) Hong Kong: 5 District Referendum Movement, Retrieved at <http://globalvoicesonline.org/2010/05/03/hong-kong-5-district-referendum-movement/>

Kwong, Bruce Kam-kwan (2009) *Patron-client politics and elections in Hong Kong*. London; New York: Routledge, Ch. 3, pp. 34-50.

Lam, Jermain T. M. (2009) *Politics and Government: an introduction*. Hong Kong: Writer's & Publishers' Cooperative.

Legislative Council Commission (2012) *History of the Legislature*. [Online]

Available: [http://www.legco.gov.hk/general/english/intro/hist\\_lc.htm](http://www.legco.gov.hk/general/english/intro/hist_lc.htm) [Accessed 3 November 2013]

Legislative Council Secretariat (2008) *Results of Legislative Council elections*. [Online]

Available: <http://www.legco.gov.hk/yr10-11/english/sec/library/1011fs22-e.pdf> [Accessed 10 December 2013]

Li, Hak Yin and Wang, Zhengxu (2009) *The New Landscape of Hong Kong politics: 2008 Legislative Council Elections and the Implications*. [Online]

Available: <http://www.nottingham.ac.uk/cpi/documents/discussion-papers/discussion-paper-46-new-landscape-hk-politics.pdf> [Accessed 10 December 2013]

Lo, Shiu-hing (2010) *Competing Chinese Political Visions: Hong Kong vs. Beijing on democracy*. Santa Barbara, Calif.: Praeger Security International.

Lowndes, Vivien (2002) “Institutionalism”, in Marsh and Stoker (eds.) *Theory and Methods in Political Science*, 2<sup>nd</sup> edition, Hampshire: Palgrave Macmillan. Ch. 4.

Ma, Ngok (2007) *Political Development in Hong Kong, State, Political Society, and Civil Society*, Hong Kong: Hong Kong University Press, Ch. 6, pp.135-158.

Martin, M. F. (2011) Prospects for Democracy in Hong Kong: The 2012 Election Reforms. Congressional Research Service. [Online] Available: <http://www.fas.org/sgp/crs/row/R40992.pdf> [Accessed 2 November 2013]

Ng Hong-man, “The Opposition Faction Vetoes and Changes Its Course,” MP, April 21, 2006, p. A18

The Hong Kong Basic Law.

Ward, Hugh (2002), “Rational Choice”, in Marsh and Stoker (eds.) *Theory and Methods in Political Science*, 2<sup>nd</sup> edition, Hampshire: Palgrave Macmillan, Ch. 3.

BBC 中文網(2007) 分析: 曾慶紅退下對港澳事務的影響。網址: [http://news.bbc.co.uk/chinese/trad/hi/newsid\\_7050000/newsid\\_7055000/7055048.stm](http://news.bbc.co.uk/chinese/trad/hi/newsid_7050000/newsid_7055000/7055048.stm) [2013年11月3日]

民主黨 (2010) 政改六人工作小組報告。[線上] 網址: [http://www.dphk.org/wp-content/uploads/2010/07/fullreport\\_6ppl2.pdf](http://www.dphk.org/wp-content/uploads/2010/07/fullreport_6ppl2.pdf) [2013年11月9日]

蔡子強: 港式比例代表制如何締造四分五裂政局 2013/08/23 Mingpao

乔晓阳一行就全国人大常委会关于香港特区 2007 年行政长官和 2008 年立法会产生办法有关问题的决定与香港各界会面 《人民日报》 [2004 年 04 月 27 日] 中国人大网