

# ***The Formation and Practical Dilemma of Hong Kong's Executive-Led System from the Perspective of British Colonial History and Policy***

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**Abstract:** Hong Kong, as a particular administrative region of China, practices a very different system from that of mainland China, in which Hong Kong practices an executive-led approach in the distribution of government power. The formation of this system has very much to do with the more than 150 years of British colonial rule and its policies in Hong Kong. The focus of this paper is how Britain, as the suzerain state, exerted its influence on the colony and eventually made Hong Kong an executive-led system. Also, this study examines the dilemma of the executive-led system in Hong Kong today and the reasons for the hole's formation. This paper finds that Hong Kong's Executive-led system is essentially an extension of the Governor's system. It is the result of the influence of various policies during the British colonial rule in Hong Kong.

**Keywords:** Hong Kong, Executive-led, Political System, Colonization

## **1. Introduction**

Since Hong Kong's handover to China in 1997, its local political system has been the focus of academic attention. Both the local chief executive and officials of the government of the People's Republic of China have stated that the system in the Hong Kong Special Administrative Region is not a separation of powers, but an Executive-led system, a political system in which the executive power is dominant. Several studies have been conducted to analyze this system, including why it was chosen and what it does and means. This article hopes to examine the reasons for the formation of the executive-led system in Hong Kong and why the system is now in trouble by reviewing the policies of the British Hong Kong era.

The primary method applied in this study is Document Analysis, which is a qualitative study that expresses its own views by collecting literature and interpreting it. The primary literature is drawn from previous studies and government documents. Several comparative studies are also applied to look at the characteristics and changes in the system. Ultimately, it is hoped that this retrospective research will lead to an understanding of the ins and outs of the Executive-led system in Hong Kong and that this will be used as a basis for efforts to reform the system in Hong Kong to better suit the local social context.

## 2. Literature Review

### 2.1. Purpose of British Colonization

According to Christopher Munn, the primary purpose of the British occupation in the early days of Hong Kong was to let Hong Kong develop into a commercial port of value to Britain and the British Empire, followed by other economic, military, cultural, and moral objectives[1]. The British had wanted to acquire a piece of land in China for commerce since 1792, and the purpose of the occupation was to establish a commercial port for British trade with China and the Far East and to bring the port under total and absolute British sovereignty, with institutions, laws, and policies established by the British[2]. Although a British colony, this trading post welcomed talent and capital from all over the world and thus had a cosmopolitan character. In addition to its trade and economic significance, Hong Kong was also of defensive and military importance. Equally importantly, Hong Kong was originally part of China, and the British wanted to demonstrate a different way of governing from the barbaric and backward Manchu government, one that emphasized enlightenment, the rule of law, and respect for the individual, so Hong Kong also had a mission to promote Western civilization and educate in China. The colonial government was therefore directly under the direction and control of the British government, to whom it was accountable, and was responsible for the interests of all residents of Hong Kong, not just the British so that in terms of political rights, only officials appointed from London were privileged. In contrast, local and foreign residents enjoyed equity [3].

Prior to the Second World War, Hong Kong just happened to be a British colony and had no special strategic or economic status, yet the British, who were the world leaders in civilization at the time, had a moral imperative to lead the world towards civilization, Hong Kong became a bridgehead for the spread of civilization to the Far East. And after the Second World War, Hong Kong's economic and strategic position became increasingly important, to the extent that it became a point of observation in determining British policy in the Far East, the most important British interest in the Far East [4]. These aims shaped British colonial policy in Hong Kong.

### 2.2. Contents of Executive-Led System

According to Cheng, The Executive-led system in Hong Kong represents that the executive power has supremacy[5]. Regarding status, the HKSAR's Chief Executive has executive power and is the head of government. The executive power has superiority in terms of checks and balances of power. In terms of checks and balances of power, executive power is superior to judicial and legislative power. In terms of judicial power, although the chief executive has limited judicial power, the chief executive can appoint and remove judges and pardon criminals. In terms of legislative power, the executive power has a favorable position over the legislative power, not only having the ability to pass and veto bills but also to initiate legislation and restrict the introduction of bills. On the other hand, the government, to help the chief executive make decisions, has established the executive council, which is used to coordinate the cooperation between the executive and the legislature and to advise the chief executive, which means that the chief executive has his own legislative body and can see the movement of the legislative council in advance.

### 2.3. Executive-Led System in Western Countries

Arend Lijphart's theory views executive-led and executive-legislative balance as two models for coordinating executive-legislative relations in democratic states[6]. The concept of executive-led is that the executive can dominate the legislative process instead of the legislature, implying that the executive can control the legislative agenda and have the ability to legislate. Generally speaking, the

parliamentary system of the Westminster system is executive-led because the majority electoral system and the de facto two-party system usually result in a government in which the ruling party holds the executive and legislative power, enabling the prime minister to dominate decision-making. The parliamentary system of the continental European system, on the other hand, favors legislative-executive balance because proportional representation electoral systems and multi-party systems often leave parliaments without absolute majorities and require the formation of coalition governments so that power can be shared. On the other hand, presidential systems depend on whether the parliamentary majority party and the president belong to the same political party. Overall, the ability of the executive branch to control the majority party in parliament is the most critical factor in determining the relative power of the executive and the legislature; the more robust the control, the stronger the executive power compared to the legislative power. Britain and its colonies mostly used the Westminster system, and so did British Hong Kong, so the British Hong Kong government was prone to the Executive-led system.

### **3. British Colonial Rule and the Shaping of Hong Kong's Executive-Led System**

#### **3.1. The Colonial History of Hong Kong**

The Treaty of Nanking in 1842 saw Hong Kong ceded to the British and officially became a British colony in 1843. From 1843 to 1997, Hong Kong was under the rule of the British Hong Kong government [7]. British Hong Kong was a British royal colony, and its government system was similar to the Westminster system. The Governor was appointed by the monarch, the head of government, and the representative of the royal family, with absolute executive power and control of legislative power, can organize and control the Executive Council. Judicially, British Hong Kong uses English law, and Chinese law only serves as an unwritten reference when dealing with disputes between residents of Chinese descent [8]. Such a system of absolute administrative power led by the Governor will play an essential role in forming an Executive-led system in Hong Kong in the future.

#### **3.2. British Colonial Policy and the Special Characteristics of Hong Kong**

Hong Kong was unique among the many British colonies in that, as a historically remote part of China, Hong Kong proper was sparsely populated at first but highly susceptible to the profound influence of Chinese culture. Thus, despite the lack of native inhabitants, the British government did not bring in a large number of European residents as it did in Canada, Australia, or South Africa but absorbed a wide range of characters from the Chinese upper classes and laborers in general, in keeping with the British propaganda that Hong Kong was a friendly and complimentary port. Thus, Hong Kong is a region where the colony comes first and the colonized people come second[9]. At the same time, the colony's people came primarily from neighboring China, not the suzerain state of Britain. This meant that if Britain wanted to attract more people to Hong Kong, it had to make the Chinese in mainland China see Hong Kong as an excellent place to live, so Britain implemented the rare colonial policy of benign in Hong Kong rather than repressive as in other colonies. This not only made the local population more accepting of the colonial government and more supportive of the British Hong Kong government's institutions and policies but also caused more and more people to immigrate to Hong Kong, and these colonial people were deeply influenced by British culture. Under the influence of culture, the Hong Kong people, who originally lived under the governorship and were not the people of Hong Kong, who were not dissatisfied with the government, were naturally in favor of a political system dominated by the executive power.

Another effect of having a colony first and then a colonial people is that Chinese immigrants who came to Hong Kong often entered Hong Kong voluntarily because they were dissatisfied with

the current government on the mainland or to escape the war. For them, Hong Kong and the British Hong Kong government were havens, so they had no reason to overthrow the Hong Kong government. This led to a stable society in Hong Kong, with very little opposition to the government. As a result, Hong Kong was politically stable. He had strong policy inertia, so Hong Kong people were not interested in changing the system, and the Executive-led system was naturally easier to retain.

Finally, as a minority, the dominant British needed to win over the locals and crush the opposition, so the British Hong Kong government used a hard and soft policy. On the one hand benign procedure weakened the dissatisfaction of the local Chinese, eased regional conflicts, and created a conservative political atmosphere. On the other hand, coercion tactics are also being used, hitting and intimidating local leftists, democrats, and nationalists, most notably the Hong Kong 1967 leftist riots, whose hard-line approach by the British Hong Kong government ultimately led to the defeat of the leftists and their demise in Hong Kong. The British Hong Kong government's hard-line approach to the incident ultimately led to the left's loss and Hong Kong's collapse. Using a carrot-and-stick policy, the British brought in the local right and attacked the left, creating a conservative social and political environment in Hong Kong. Since traditional societies tend not to support change and want to maintain a stable executive government, the Executive-led system was used after the handover to fit the local social environment.

### 3.3. Cooperation with Chinese Elites

The British rulers were a minority in Hong Kong, and for the stability of their rule, the British Hong Kong government achieved its goals by enlisting the Chinese elite. The government not only gave the Chinese elite different rights from the ordinary people but also gave them political power and social influence. It also promoted Western-style culture and education to achieve cultural identity. At the same time, when choosing agents, the British tended to Support the Chinese who were not valued and make them leaders because they were easily controlled. In general, the British Hong Kong government supported the local Chinese elite to help them rule the local society, but it did not give them the political, financial, and military power of local leaders as other colonies did, and did not rule according to local traditions and laws, ultimately through administrative absorption of politics so that these Chinese elites could only be absorbed into the In the end, through administrative absorption of politics, these Chinese elites could only be absorbed into the governance structure of the British Hong Kong government, acting as political intermediaries, but not be political leaders who could lead a party and thus maintain the stability of their own rule [10]. In this situation, a minority of Chinese elites have become vested interests, controlling all aspects of society but unable to lead the government. So they want to keep the political system unchanged to safeguard their interests, even after Hong Kong's handover to China, to protect their own interests, so they do not want to change the political system on a large scale.

### 3.4. Path Dependence

Path dependence is a very common phenomenon in political development, because political development does not start from a blank sheet of paper, but must be built on pre-existing conditions and factors so that the phenomena and institutions that occurred in the past will govern future social and political development. By the same token, Hong Kong's unique colonial background of governance had a great impact on the path of political development that Hong Kong would follow. First, the golden age of Hong Kong's development was the period of the Governor's dictatorship, so many people did not consider democracy important or conducive to development. Secondly, most people became vested in the colonial period and therefore had a strong resistance to changing the

status quo. Thirdly, satisfaction with the colonial government and the repression of the colonial government kept Hong Kong free of opposition for a long time and lacked opposition power. Finally, the large number of Chinese elites was the basis of their rule, and democratic reform would harm their interests, so they had reservations about democracy. For these reasons, the executive-led system, which favored authoritarianism, was preserved through path dependence.

### **3.5. Social Needs after the Handover**

After the handover of Hong Kong's sovereignty, the Chinese government, for practical reasons, intended to maintain the Executive-led system used during the colonial period because it was necessary to adopt a progressive approach suitable for Hong Kong in order not to cause drastic social changes, and thus adopted an Executive-led system similar to the Governorship of Hong Kong. On the other hand, the 1985 reform allowed Hong Kong citizens, who had long been inexperienced in democracy, to gain democratic rights. Change on this scale is challenging to accomplish overnight. For the sake of government centrality and social stability, the Executive-led system was a good choice. Finally, due to the long-term cultural influence changing the identity of Hong Kong people, only 11% call themselves Chinese [11]. To maintain the idea of patriots ruling Hong Kong, the government needs a system that allows the minority to rule the majority. Ultimately, the Executive-led system was retained as one of the guiding principles of the Hong Kong Basic Law even though the Chinese government introduced an elected legislature [12].

## **4. Executive-Led System in Hong Kong SAR after 1997**

### **4.1. Local Government's Attitude towards Executive-Led System**

After the transfer of sovereignty over Hong Kong, the mainland Chinese government thought that Executive-led was very suitable for its policy towards Hong Kong at that time. Since the Sino-British Joint Declaration made the need for an elected legislature and universal suffrage for the Chief Executive after the reunification of Hong Kong, it was not feasible to use the colonial Executive-led system entirely. Eventually, by designing the provisions of the Basic Law, Such a system not only maintains the stability and development of Hong Kong but also ensures that the power of the Hong Kong government remains in the hands of the Chief Executive appointed by the mainland Chinese government, maintaining the PRC government's supervision and control over the Hong Kong government [13]. And officials in both Mainland China and Hong Kong have previously acknowledged that Hong Kong belongs to the Executive-led system rather than the separation of powers[14, 15].

### **4.2. Current Status and Dilemma of Executive-Led System**

Although Hong Kong joined an elected legislature while maintaining an Executive-led after the handover, instead of the expected complementary structure of the executive and the legislature, there was a disconnect between the legislature and the executive, leaving the government in a political quagmire. In fact, the legislative passage rate of the HKSAR government from 1998-2012 was only 56.05%, in contrast to the generally parliamentary system, which has a legislative passage rate of 80.99%, and in the presidential system, a legislative passage rate of 61.63% [16, 17]. The HKSAR government is an executive-led system, so the low rate of legislative passage of the HKSAR government as an executive-led system can be seen as the executive-led system tending to be dysfunctional. The main reason for such a problem is that the Chief Executive of Hong Kong must serve non-partisan, while the Legislative Council is elected and formed on a partisan basis. Under the British Hong Kong government, the Governor was appointed by the British and had sole



power control, and the Executive-led system could function well. However, the situation has changed after the inclusion of an elected Legislative Council. In the Westminster parliamentary system, executive power can dominate because the head of government is the leader of the majority party in parliament, which means that the policies and bills of the government's prime minister can go almost unimpeded in parliament. After all, the executive and legislative power are concentrated in the hands of the ruling party, creating a de facto Elective dictatorship. However, in the Hong Kong system, the head of the SAR, as non-partisan, cannot find his own allies in the Legislative Council, which means that the Legislative Council can hardly be a help but rather a hindrance to the Chief Executive because the parties will give priority to the interests of their own constituencies rather than acting in the interests of Hong Kong as a whole, so even pro-government parties will hold opposing views with the Chief Executive when they encounter policies that are contrary to the interests of their own constituencies. At the same time, the Chief Executive is elected by the Election Committee and appointed by the PRC government, not by universal suffrage, and therefore lacks a local public opinion base, which makes it even more difficult for the Chief Executive to implement his policies. In general, it is difficult to recommend an executive-led system in a democratic system without the support of a stable majority in the Legislative Council. However, the PRC government wants Hong Kong to maintain a balance among various parties, curb party politics, and not have a significant local party that caters to public opinion more than obeying the PRC government, so it insists on a non-partisan system for the Chief Executive, which makes Hong Kong's system is self-contradictory, and the government faces an increasing dilemma.

## 5. Conclusion

In conclusion, Hong Kong's Executive-led system is essentially an extension of the Governor's system. It is the result of the influence of various policies during the British colonial rule in Hong Kong. However, due to the democratization process of modern Hong Kong, the existing Executive-led system has become unsuitable for Hong Kong society because it has shown inefficiencies. As a system that seems to be suitable for Hong Kong's political operation, the Executive-led system needs a series of reforms in order to continue its effectiveness. At the same time, this study also has some limitations. For example, administrative efficiency is only measured by the passing rate of legislation, which is not comprehensive enough and ignores the efficacy of other aspects of administration. The research method focuses on literature analysis, lacks first-hand data and analysis, and is easily influenced by others. Regarding the follow-up research in this direction, it is necessary to make extensive reference to various political systems around the world and find a reform method suitable for Hong Kong, so as to revitalize the executive-led system.

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