

SOME THOUGHTS ON CONSTITUTIONAL REFORM IN HONG KONG

On 1 July 2003, about 500,000 people in Hong Kong took part in a demonstration protesting against the proposed Article 23 legislation and expressing their general dissatisfaction with the Hong Kong Special Administrative Region (HKSAR) Government. One of the key messages in the rally was that there is a strong demand for direct election of the Chief Executive in 2007 and an increased pace of democratization of the Legislative Council in 2008.¹ On 23 November 2003, about 1,060,000 voters, which was a record high turnout rate, voted in the District Council election. In response, the HKSAR Government promised to review the political system in 2007 and 2008 and to publish a consultation paper in early 2004. On 5 December 2003, the New China News Agency published a rather high profile interview with four influential Mainland scholars on their views on political reform in Hong Kong, warning that political reform in Hong Kong was not a matter entirely for Hong Kong and that the Central Government had a crucial role to play.² Shortly thereafter, both the United Kingdom and the United States urged for the introduction of full democracy in Hong Kong.³ Not surprisingly, this attracted the usual rebuke from the People's Republic of China (PRC) Ministry of Foreign Affairs that political reform in Hong Kong was an internal matter and that foreign governments had no right to interfere with the internal affairs of the PRC.⁴ On 1 January 2004, 100,000 people took part in a demonstration reinforcing the demand for an increased pace of democratization.

On 7 January 2004, the Chief Executive, in his Policy Address, stated that the Government would actively promote constitutional development in Hong Kong on the basis of maintaining "One Country, Two Systems" and adhering

¹ In 2004, the Legislative Council will comprise 30 seats of directly elected members by adult universal franchise, and 30 seats returned by functional constituencies election. There are a wide variety of election methods among different functional constituencies. Article 68 of the Basic Law provides that the ultimate aim is the election of all the members of the Legislative Council by universal suffrage.

² See *Ming Pao*, 5 Dec 2003, p A19. For a response, see A. Chen, "Political Reform brings out the grey area in the mechanism for triggering political reform: the Mainland Scholars clarified the right of participation of the Central Government", *Ming Pao*, 6 Dec 2003, p A4; J. Chan, "Direct Election of Chief Executive will not alter Central Local Relationship", *Ming Pao*, 10 Dec 2003, p A32; J Chan, "The Current Political System was inconsistent with the interest of Hong Kong", *Ming Pao*, 11 Dec 2003, p A32.

³ See "American Consulate: HKSAR Government should listen more to the people", *Hong Kong Daily News*, 12 Dec 2003, p A04; "American Consulate: Universal suffrage fits the situation in Hong Kong", *Hong Kong Economic Times*, 12 Dec 2003, p A24.

⁴ See *Ming Pao*, 14 Dec 2003, p A8.

to the Basic Law.⁵ He also announced the establishment of the Constitutional Development Task Force to examine in depth the principles and legislative process in the Basic Law relating to constitutional development, to consult the relevant departments of the Central Authorities, and to listen to the views of the public on the issues. The Task Force is headed by the Chief Secretary for Administration, with the Secretary for Justice and the Secretary for Constitutional Affairs as members.⁶ At the same time, the Central Government of the PRC reminded the people of Hong Kong that any constitutional review must be done within the context of “one country, two systems”, that “One Country” was the prerequisite for “Two Systems”, that the Central Government had serious concern over Hong Kong’s future constitutional development as it would affect the implementation of “One Country, Two Systems”, the relationship between the HKSAR and the Central People’s Government, the interests of different sectors of the community, and the long term prosperity and stability of Hong Kong. It emphasized that it had a responsibility to ensure that any political reform should be consistent with the Basic Law, and in particular, that Hong Kong is an inalienable part and a local administrative region of China.⁷

It is obvious that the political agenda for the year of 2004 would be dominated by constitutional reform. As Professor Michael Davies rightly remarked, the coming debate on the constitutional reform in Hong Kong in 2007 and 2008 involves not only democratization of the Hong Kong political system but also extends to wider issues on Hong Kong’s constitutional development.⁸ In the absence of a democratic government but when human rights, free press and constitutional judicial review are guaranteed, the outcome would be government by expediency and crisis and public response by shaming and confrontation, which is what has happened in Hong Kong in the last few years. The current approach of the government to focus on maintaining the powers and privileges of a few, such as preserving the functional constituencies system or the appointment system in the District election, and to marginalize the opposition by refusing even to enter into a dialogue and to

⁵ Available at <http://www.info.gov.hk/cab/cab-review/eng/background/pdf/policy.pdf>.

⁶ For a summary of the work of the task force, see Constitutional Affairs Bureau, “Legislative Council Papers: Legislative Council Constitutional Affairs Panel, Constitutional Development Task Force: Progress of Work”, 10 Mar 2004, available at <http://www.info.gov.hk/cab/cab-review/eng/legco/p031504.htm>.

⁷ The concerns of the Central People’s Government were relayed to the Task Force on Constitutional Development when the Task Force visited Beijing: see Chief Secretary’s Speech at LegCo on Constitutional Development Task Force’s Visit to Beijing, 11 Feb 2004: available at <http://www.info.gov.hk/cab/cab-review/eng/media/s021104.htm>.

⁸ See M. Davies, “Constitutionalism and the Democratic Deficit in Hong Kong”, a paper presented at the Conference on Democracy and Human Rights in the Greater China, Hong Kong, City University of Hong Kong, 13 Dec 2003.

publicly denounce opposition leaders, would only further demean the system of governance.⁹ Hence, ironically, when the current system is intended to preserve stability, it in fact generates exclusion, discontent and instability. In contrast, a liberal constitutional system emphasizing participation and legitimacy will in fact empower the governance and minimize confrontation and disorder.

The Current Political Environment

The 1 July demonstration and the record high voting in the District Council election in November 2003 convey a few strong messages:

- (1) There is a strong dissatisfaction of the current governing regime. This sentiment is a result of frustration arising from a combination of factors, including official arrogance, poor crisis management by the government, the increasing isolation or alienation of the government from public opinion, and its repeated failures and swerving and indecisive stances in major government policies (eg housing). The large turnout is a no vote of confidence in the Chief Executive and his Government, and not a result of "being misled", as the then Secretary for Security so contemptuously remarked;¹⁰
- (2) The frustration as well as the economic downturn has sparked off challenges on the legitimacy of the governance and an increasing demand for both direct election by universal suffrage of the Chief Executive and an increasing pace for democratization in the Legislature. This is particularly obvious amongst the middle class and the professionals;
- (3) While the demand for political democratization may be sparked off by economic crisis, it has transcended the economic performance and become a popular demand irrespective of economic recovery. This is

⁹ The District Council Ordinance provides that the District Council shall comprise elected members and appointed members. It authorizes the Chief Executive to appoint up to 102 District Council members, which represents about 25% of all District Council members. After the record high turnout in the November election, there were strong demands urging the Chief Executive to reduce the number of appointed members and not to disturb the power distribution among different political parties in the District Council as a result of the election. Despite such popular demand, the Chief Executive, on 27 Dec 2003, appointed 102 District Council members and disturbed the power distribution in many districts.

¹⁰ See "People are Furious; Government lost the Battle", *Hong Kong Economic Times*, 2 July 2003, p A04; "The Political Implications of 500,000 Demonstrators", *Hong Kong Economic Times*, 3 July 2003, p B42; "The people have spoken; they deserve a response", *South China Morning Post*, 2 July 2003, p 10.

perhaps a major misjudgment on the part of the Government which seems to believe that popular demand for democracy will fade once the economy recovers its strength;¹¹

- (4) At the same time, while many people in Hong Kong have an aspiration for democracy, a large majority of them are disappointed by the performance of the Democratic Party. As pointed out by many commentators, the voting outcome in the District Council election is a phenomenon of protest votes against the Democratic Alliance for Betterment of Hong Kong (DAB) rather than a support for the democrats.¹² The political opinion leaders emerged in the Article 23 saga and other events are professionals who are independent, moderate, liberal and rational, and not leaders of political parties; and
- (5) Interestingly, many people in Hong Kong have more trust in the Beijing Government than in the HKSAR Government. This is largely due to the personal charisma and the liberal attitude of the current leaders in Beijing.

Thus, there is an interesting phenomenon in Hong Kong. On the one hand, there is general dissatisfaction with the Government, and particularly the Chief Executive. On the other hand, there is a lack of trust or confidence in the opposing political parties. There is also the absence of an obvious opposition leader whom the public will recognize as an acceptable candidate to be the next Chief Executive.

The Consultation

On 14 January 2004, the Task Force on Constitutional Development issued a Consultation Paper.¹³ It identified two categories of issues relating to the constitutional review, namely the principles relevant to the political structure and the legislative process as well as other related legal issues. On the

¹¹ In a number of surveys conducted during the 1 July 2003 march, it was found that over 70% of the participants were of tertiary education level or professional groups, instead of the unemployed or the working class as one would have expected in a march provoked by economic downturn. The 1 Jan 2004 demonstration reinforced the message, as the sole objective of the demonstration was to increase the pace of democratization. See "Central Policy Unit Estimated the Number, ExCo totally unprepared", *Ming Pao*, 12 July 2003, p A12; "Reflection on the Demonstration", *Sing Pao*, 2 July 2003, p A02; "The Effect of 1 July shows that Economy can't save politics", *Hong Kong Economic Journal*, 24 July 2003, p P01.

¹² See "Middle Class Voters the Winner in the District Election", *Singtao Daily*, 24 July 2003, p A06; "A Wake-up Call for All", *The Standard*, 25 July 2003, p A02.

¹³ Available at <http://www.info.gov.hk/cab-review>.

former issue, it emphasized that “the design of the political structure is to ensure the comprehensive implementation of the basic policies of the Central Authorities regarding Hong Kong”¹⁴ and that “the Central People’s Government has its constitutional powers and responsibilities to oversee the constitutional development in the HKSAR, and has a responsibility to ensure that the development within Hong Kong’s political structure is in accordance with ‘One Country, Two Systems’ and the Basic Law.”¹⁵

In an Appendix to the Consultation Paper, it sets out five legal questions for consultation:

- (1) What legislative process should be used for amending the methods for selecting the Chief Executive and for forming the Legislative Council as set out in Annex 1 and Annex II to the Basic Law;
- (2) Whether it is necessary to invoke Article 159 of the Basic Law if the amendment procedures as prescribed in Annexes 1 and II are used;
- (3) What is the initiation mechanism for introducing amendments relating to the methods for selecting the Chief Executive and for forming the Legislative Council;
- (4) Whether the method for forming the third term Legislative Council as prescribed in Annex II may apply to the fourth term and subsequent terms of the Legislative Council; and
- (5) How the phrase “subsequent to the year 2007” should be understood?

The first set of issues boil down to whether democratization in Hong Kong will end up in Beijing’s losing control over Hong Kong. The overriding concern of the Central Government towards Hong Kong is to maintain stability. With Taiwan in mind, the Central Government cannot afford a failure of the “One Country, Two Systems” model in Hong Kong. Thus, in the last few years, the Central Government has tried its best to boost the economy of Hong Kong, and hoped that economic recovery will diffuse popular demands for democracy.

Rightly or wrongly, the Central Government’s main worry is that once there is a democratic election, be it of the Chief Executive or the Legislative Council, Hong Kong will get out of control.¹⁶ The democrats, like Professor Davies, have argued that Beijing needs not worry about this because: (1) the design of the Basic Law will ensure that Beijing will still have a final word on democratic reform in Hong Kong as any political

¹⁴ *Ibid.*, para 11.

¹⁵ *Ibid.*

¹⁶ Thus, four leading scholars in Beijing emphasized that the Central Government has a role to play in political reform in Hong Kong, and its role is not just to veto any proposal from Hong Kong.

reform would need its consent under the Basic Law; (2) the governance of Hong Kong is subject to the constraints in the Basic Law; and (3) liberal constitutional reform will in fact enhance stability and prosperity as it is the only way to avoid confrontation and disorder.¹⁷

While these are no doubt persuasive arguments, the proper audience for these arguments is the Central Government. These arguments have to be pitched in a way that can allay the worries of the Central Government, which does not have any tradition of constitutional liberalism, which is still searching its way through in constitutional reform, and which is hypersensitive to the slightest possibility of destabilization in its current process of economic reform. The argument whether political reform is in line with the design of “One Country, Two Systems” does not really take the matter any further, as the concept is so vague that different parties may pick and choose the parts that fit into their own arguments. Ultimately, the pace of democratization is a political judgment which is dependent not on any abstract principle but on power, control and public will.

In contrast, the legal issues are purely technical in nature. To some extent it appears that they are raised merely to mellow the political nature of the first sets of so-called “political principles”. The answers to some of these legal questions are obvious. For instance, if there is no agreement to amend the method for election of the third term Legislative Council, it is obvious that the method for election of the second term will apply to the subsequent terms of the Legislative Council until the method has been amended.¹⁸ Likewise, the phrase “subsequent to the year 2007” clearly means that the election method for the third term of the Chief Executive can be amended if appropriate. The year 2007 is intended to mean the end of the second term of the Chief Executive rather than the calendar year, as Annex 1 stipulated only the method for selecting the first two terms of the Chief Executive.¹⁹

Article 45 of the Basic Law provides that “the method for selecting the Chief Executive shall be specified *in the light of the actual situation* in the Hong Kong Special Administrative Region and in accordance with the *principle of gradual and orderly progress*. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative

¹⁷ See Davies (n 8 above).

¹⁸ See Question 4 of the Legal Issues set out in the Consultation Paper (n 5 above).

¹⁹ In his statement to the NPCSC in introducing the Basic Law, Ji Pengfei, Chairman of the Drafting Committee of the Basic Law, said: “In the *ten years* between 1997 and 2007, the Chief Executive will be elected by a broadly representative election committee. If there is need to amend this method of election *after that period*, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they must be submitted to the Standing Committee of the National People’s Congress for approval.” (Emphasis added): Statement appended to the Basic Law (One Country Two Systems Economic Research Institute Ltd, 1992), p 83.

nominating committee in accordance with democratic procedures.”²⁰ It then provides that the specific method for selection of the Chief Executive is prescribed in Annex 1, which sets out the method for selection of the Chief Executive for the first two terms and provides for the procedure for amending the method of selection if there is a need to do so subsequent to the year 2007. It is thus clear that the procedure set out in Annex 1 is intended to facilitate, not frustrate, the amendment so as to achieve the ultimate aim set out in Article 45. This is reinforced by Mr Ji Pengfei, Chairman of the Basic Law Drafting Committee, who, in introducing the Basic Law to the National People’s Congress, remarked that “the method for selecting the Chief Executive is provided in an annex to make it more amenable to revision when necessary.”²¹ The same reasoning applies to the method of formation of the Legislative Council, as Article 68 of the Basic Law clearly provides that “the ultimate aim is the election of all the members of the Legislative Council by universal suffrage.” The procedural requirements relating to amendment in Annexes 1 and 2 should therefore be construed in light of the express objective of achieving the ultimate aim of election by universal suffrage as set out in Articles 45 and 68 of the Basic Law.

Annexes 1 and 2 respectively stipulate that any amendment to change the method for selection of the Chief Executive and formation of the Legislative Council shall be made with the endorsement of a two-thirds majority of all members of the Legislative Council and the consent of the Chief Executive, and the amendment shall be reported to the Standing Committee of the National People’s Congress (NPCSC) for the record. As the procedure for amending Annexes 1 and 2 has been specifically spelt out in the Annexes, the intention of the Basic Law must be that the general procedure for amending the Basic Law as set out in Article 159 does not apply. This is indeed the reason why the method for selection of the Chief Executive and the formation of the Legislative Council is set out in the Annexes in the first place rather than in the text of the Basic Law itself. As Mr Ji Pengfei explained, the purpose is to “make it more amendable to revision when necessary”.²² This objective would be defeated if the procedure set out in Article 159 has to be complied with.

Annexes 1 and 2 have not provided for any initiation mechanism. There is no reason why it should do so. Since the ultimate destination of political reform has already been provided for in Articles 45 and 68 of the Basic Law, the amendments to Annexes 1 and 2 involve only a question of time and

²⁰ Emphasis added.

²¹ *Ibid.*, p 83.

²² *Ibid.*

pace of democratization. The guiding principle on the time and pace of democratization is that it is to be decided “in light of the actual situation in the HKSAR”, and the actual situation in the HKSAR is best assessed by the HKSAR. The methods for election of the Chief Executive and the Legislative Council is set out in domestic legislation, which can be amended by the Legislative Council. The Central Government should of course be involved and consulted in the process of amendment, but this is not by itself a reason to suggest that the normal legislative amendment process should not be adopted. Any legislative amendment has, according to Annexes 1 and 2, to be reported to the NPCSC for the record, and under Article 17 of the Basic Law, the NPCSC can always invalidate any domestic legislation by returning the law to the Legislative Council of the HKSAR. Article 17 already provides the ultimate safeguard for the NPCSC to ensure that no legislative amendment relating to the election of the Chief Executive and the Legislative Council would contravene the Basic Law. It could not have been the intention of the Basic Law that Annexes 1 and 2 should provide another hurdle for amending the provisions for the election of the Chief Executive and the Legislative Council, namely that any amendment process has to be initiated by the NPCSC. In order to achieve the ultimate aim set out in Articles 45 and 68 of the Basic Law, the methods of election set out in Annexes 1 and 2 will have to be amended in any event. The procedural requirement should be construed to facilitate the achievement of the ultimate aim, and to create a further unwritten hurdle on initiating the amendment process is hardly conducive to the achievement of the ultimate aim.

From Constitutional Review to Patriotism

Instead of focusing on whether the actual situation in Hong Kong is such that it is time to amend the method for selection of the Chief Executive and the method of formation of the Legislative Council, the constitutional review took a dramatic detour in February 2004 by a public debate that the Chief Executive had to be patriotic. There were sharp and emotional exchanges among different factions of the community on what patriotism meant. There were also personal attacks against certain members of the community for being unpatriotic.²³

Patriotism is not the same as deference to the ruling government, and criticism against the government or the ruling party should never be equated to being unpatriotic. On the other hand, patriotism is an elusive concept

²³ See, for example, “Is Martin Lee patriotic”, *Wenweipo*, 23 Feb 2004, p A18.

which can hardly be determined by any objective measure and which can easily be abused to serve political ends. It is often a function of time and history. What is judged as unpatriotic by the ruling government may well be regarded as patriotic in the course of history. The debates on patriotism are unlikely to lead to any constructive conclusion, and would only serve to polarize the community and confuse the current constitutional review.

Three Issues

On the way forward, three issues are worth noting. First, the destination of political reform in Hong Kong has already been set out in the Basic Law. Under Articles 45 and 68 of the Basic Law, the ultimate goal is to have a Chief Executive and Legislative Council returned by direct election by universal franchise. The question is one of pace and time, and this should be the focus of the review.

Secondly, one of the problems faced by the Chief Executive is that he assumed leadership of the Government without any support. He brought with him no minister or political party. He has certainly recognized this problem and in reforming the Executive Council and in introducing the ministerial system in the year 2002, he brought in the leaders of two political parties so as to ensure a majority support in the Legislative Council.²⁴ The problem is that this is a rather weak coalition and there is no common vision or commitment among members of the cabinet. His exclusion policy against the democrats (and any other people who can be remotely classified as a democrat) has attracted increasing criticism and resulted in his further alienation from the rest of the community.²⁵ Hence, the public would expect any candidate who wishes to contest for the Chief Executive to present not only his policy vision for Hong Kong, but also a cabinet which will help him realize his vision. This is indeed what happens in many western democracies, namely that the election of the President is not the election of a person, but an identification of his policies, and a trust in his ability and that of his team to implement the policies.

²⁴ Mr James Tien of the Liberal Party and Mr Tsang Yok Shing of the DAB.

²⁵ One of the characteristic features of the British colonial government is to include many opposition or talents in the community in an extensive network of consultative and advisory bodies. Not only is this a way to filter opposition, but that it has proved to be a useful mechanism for training promising political leaders. For instance, many of the current community leaders have served at one time or another on the Central Policy Unit or other public services. In contrast, in the last six years, these appointments have been turned into a reward system to reward those who support the Chief Executive. This in turn has resulted in the reluctance of many capable people to serve on the Government or in its many consultative or advisory bodies.

A problem in Hong Kong is that none of the political parties or independent politicians has any coherent vision on the governance of Hong Kong, let alone a cabinet with common vision and goal. There is not much time for the emergence of such a group; yet, for those who advocate direct election of the Chief Executive in 2007, this is an unavoidable issue.

Thirdly, direct election of the Chief Executive will not resolve the tension between the Executive and the Legislature. The Chief Executive, not being a member of any political party, has no control over the Legislative Council. As a result, in the last few years, the Government has had to rely on friendly members of the Legislative Council and pro-Government political parties in order to secure the passage of any controversial bill. The co-option of the chairmen of Liberal Party and DAB into the Executive Council in 2003 was an attempt to ensure that the Government would have a majority support in the Legislative Council. The resignation of Mr James Tien, Chairman of Liberal Party, from the Executive Council after the 1 July demonstration marked the collapse of this rather weak coalition. The landslide defeat of DAB in the District Council election further confirmed that an alliance with a weak Government was likely to be a burden. The defeat also led to the resignation of Mr Tsang Yok Shing from the chairmanship of DAB and a revision of the party line, especially when election to the Legislative Council is to take place in September 2004. The new Chairman, immediately upon his assumption of office, announced that DAB would no longer be a "pro-Government political party". In the circumstances, the Tung Government will be further isolated and will find itself in an even more helpless situation. The Government is likely to face immense difficulty in governance in the next few years. A Chief Executive with popular mandate may counterbalance a directly elected Legislature, but unless the Chief Executive can work with the Legislative Council, the Government could hardly govern in any effective manner.

Hence, the relationship between the Legislative Council and the Executive Government will be a key issue that should be addressed in the coming constitutional reform. This will be an extremely difficult issue. On the one hand, the Central Government and the Tung's regime have tried hard to establish an executive-led government in the past few years. This has been done through marginalizing the "democrats" and introducing restrictive procedures to bring private members' bills. Since the Chief Executive is appointed by the Central Government, an executive-led Government in Hong Kong will, to say the least, be more predictable to the Central Government. On the other hand, the British legacy and the democrats are in favour of a popularly elected Legislature that has a strong mandate from the people. This "western model" of political game is not something the Central Government is familiar with, and understandably, when stability is the paramount consideration, it is not a risk that the Central Government will lightly take.

Election of the Chief Executive

As far as the election of the Chief Executive is concerned, Article 45 of the Basic Law stipulates that he should be nominated by a broadly representative nomination committee. No doubt the composition and the power of the nomination committee, as well as the procedure of nomination, will be the main controversies in the coming constitutional review. Various models have already been proposed, ranging from an ideal position to a practical compromise to a more conservative proposal with a view to allay the worries of the Central Government. These proposals include:²⁶

- (1) Legislative Council serves as a nomination committee and a small number of nominators, say, 5 members;
- (2) The existing Election Committee serves as a nomination committee. Again a small number of nominators, say, 5 per cent of the 800 members, is proposed;
- (3) A combination of nominating procedure involving both the Legislative Council and the Election Committee so that the Election Committee must nominate any person who has been nominated by 5 per cent of its member or a small number of Legislative Councillors. In these 3 models, the general theme is to ensure that the nomination committee shall not act as an election committee so that it can screen out candidates and nominate only those candidates whom it considers unsuitable for election;
- (4) An entirely new nomination committee modeling along the lines of the US system. This will introduce another layer of election to the nomination committee;
- (5) Postponing direct election of the Chief Executive with a clear timetable that there will be direct election in 2012. This is unlikely to be popular; and
- (6) A stringent nomination requirement so that it may screen out unpopular or unacceptable candidates irrespective of the composition of the nomination committee.

Other models will certainly be proposed in due course. The main issue here is whether the nomination committee is responsible for nomination only, or whether it is a screening body so that only “desirable” candidates will be nominated for election. Many people believe that whatever system that is

²⁶ For more details of these proposals, see the papers referred to in Annex A of the Constitutional Affairs Bureau's paper to Legislative Council (n 5 above).

proposed, there would not be more than two or three real candidates, and they will be the candidates whatever system is adopted. People in Hong Kong are rational and mature. They will not choose someone who is radical or who adopts a confrontational stance against Beijing. This is simply not in the interest of Hong Kong. On the other hand, they do not wish to have a “yes man”. The candidate will have to have good relations with Beijing and yet he has to be sufficiently independent and credible to be acceptable to the people of Hong Kong. Such candidates are almost by definition a rare breed.

An Unfamiliar Risk

Thus, ironically, if Beijing is prepared to give a free hand to the people of Hong Kong, it is quite likely that the candidate ultimately elected will be someone acceptable to Beijing. On the other hand, the stronger the interference from Beijing, the stronger will be the countervailing forces and the more likely that the people will choose someone with a strong stance against Beijing or will simply discredit the “election process” and hence pose further legitimacy and governance crisis in Hong Kong. Similar to the issue on democratization of the Legislature, Beijing will be asked to take a political risk which it is not familiar with and which it has never taken before. In this sense, the constitutional reform is both a challenge to Hong Kong and to the new generation of leaders in Beijing.

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