

Conflicts in the Negotiations Between China and Britain on the Return of Hong Kong

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Abstract. Hong Kong became a British colony in 1840. In the 1980s, the PRC government took the opportunity that Britain sent officials to sound out China's attitude towards the Hong Kong issue to introduce "one country, two systems" policy. Because the British government, led by Margaret Thatcher, repeatedly made difficulties against China on treaty and sovereignty issues, the negotiation process was challenging. After three changes of attitude in negotiation, the British government gradually realized the tough position of the Chinese government and agreed to return Hong Kong's sovereignty. However, Hong Kong has encountered the dramatically changing of world pattern over these 40 years. Anti-China movements in Hong Kong have colluded with overseas organizations, repeatedly set off riots and conflicts. Under such conflicts, the restoration of social order and economic development in Hong Kong need to re-examine the government organizations and policies within it, as well as the "one country, two systems". This paper takes the Sino-British negotiations as the starting point, makes a detailed analysis of the game between the two sides in the negotiations. By relating them with the actual situation of Hong Kong society, especially the 2019 riots, the paper analyzes the Hong Kong problem and examines the roots of the ongoing conflicts in Hong Kong.

Keywords: Hong Kong, Sino-Britain negotiation, China, political system.

1. Introduction

From the signing of "The Nanking Treaty" in 1842 to the signing of "the Convention between Great Britain and China Respecting an Extension of Hong Kong Territory" (hereinafter referred to as the Convention) in 1898, Hong Kong was under British colonial control ranging from Hong Kong New Territories with almost 100-year colonial history to the Hong Kong Island and Kowloon Peninsula with a colonial history of one and half centuries. Although the policy of "one country, two systems" has been implementing for the first time in Hong Kong since 1997 and has made extraordinary achievements in Hong Kong, it also sparks some disputes recently both in China and overseas. Especially since the "Umbrella Movement" and the "Anti-extradition Law Amendment Bill movement" (hereinafter referred to as "Anti-Bill movement"), a series of system designs and policy formulations that were made after the return of Hong Kong have become the focus of debate among these scholars.

Scholars have been seeking for reasons why there are serious problems threaten Hong Kong at present, besides the long-term administration under British colony government, which formulated unique regional politics and cultural style of Hong Kong. One might find that a series of details of the agreement of Sino-Britain Negotiation about Hong Kong should also take the blame for the present situation in Hong Kong. They include the policies towards Hong Kong economy, the management of some pillar industries and other contents about the arrangements of the Hong Kong administration and legislation since 1997.

In the 1970s, British government had already inquired about the attitude of Chinese government towards Hong Kong's future through the channel from the talk of Chief Governor of Hong Kong to the ministerial talk with China [1]. However, not until the former British Prime Minister of Mrs. Thatcher visited Chinese leader Xiaoping Deng in Beijing along with her pride and prestige gaining from the victory of Falkland Islands in September 1982 did the formal negotiation about Hong Kong begin. Obviously, the concentration of this negotiation is Hong Kong sovereignty [2].

On the one hand, China insisted that the withdrawal of full sovereignty of Hong Kong should be carried out in 1997, which was the year when the Convention expired. British stance, on the other hand, experienced a shifting progress. At the beginning, Mrs. Thatcher insisted her idea that three treaties about Hong Kong sovereignty were still valid. The actual purpose of this idea is “sovereignty in exchange of governance”. By this way, Britain might achieve the strategic goal that remained some powers and special interests in Hong Kong as more as possible.

Until 1983 March, British government changed its stance in order to avoid the breakdown of negotiation or the loss of control. Thus, Mrs. Thatcher sent her message to the Chinese premier Ziyang Zhao and expressed that Britain didn't oppose Chinese stance that Hong Kong sovereignty belongs to China, which confirmed the invalid of three treaties about Hong Kong sovereignty indirectly [3]. Meanwhile, Britain still insisted that some privileges in Hong Kong were supposed to be remained.

In fact, the purpose of these proposals remained to insure the idea of “sovereignty in exchange of governance”. Britain found that it was hard to relinquish her power in Hong Kong and lose a goose that had been laying golden egg [4]. The cabinet put the maximum autonomy of Hong Kong as the priority, which seemed to make Hong Kong another Dominion of Empire of Great Britain in other words. Such idea was actually asking the PRC for the permission of British special position in Hong Kong.

In 1984 July, British government was forced to change its attitude towards the sovereignty of Hong Kong once. It agreed the proposal of the formulation of co-team in Hong Kong with China to coordinate the transferring affairs. It could be shown from the stances of both sides that the major threads around the negotiation are the reorganization of Hong Kong political system and the interfering of some specific policies. According to the Hong Kong's experience after the return, many researchers believe that the strategies, proposals and agreements in the 1980s negotiation are the vital information to understand how “one country, two system” influence Hong Kong politics, how to view the origins of some problems in Hong Kong society and how to solve them in order to keep prosperity in Hong Kong.

After 2015, when facing the shifting global situation and complicated Sino-West relations, it is even more necessary for researchers and policy-makers to explore the impact of the 1980s negotiation on the young generation's political values in Hong Kong. Hong Kong's problems on the basis of the analysis of papers and memos about Sino-Britain negotiation to achieve the goal of solving the chaos underneath Hong Kong society with a more effective path from a grand perspective. For the time being, the academics researches towards Sino-Britain negotiation are mainly related to the game theory, the pattern of Hong Kong administration and legislation and the pros and cons of policies rather than adopting the method of the combination of the historical methodology and international perspective. This research aims at filling the gap between pure analysis and practical solutions to mediate the challenges and difficulties that Hong Kong faced with through the analysis of the negotiation. It contributes to current understandings of the Hong Kong issue by providing further explanations and views.

2. The 1840-1945 History Review of Hong Kong Sovereignty Problem

Britain, as the first capitalist nation who completed the First Industrial Revolution, accelerated the process of expanding its sphere of influence and establishing new colonies around the globe in 19th century. This rapid expansion and explosive growth of capital soon ushered in the first economic crisis caused by the capitalistic cyclical overproduction in the world history. Beginning in 1825, British stocks fell, banks went bankrupt, goods were piled up and factories were shut down. In this broad economic background, Britain began to pay attention to the long-standing trade deficit with China, and changed its trade mode with China from exporting industrial products to exporting opium. This drug, which was beginning to become popular at the time, brought huge profits to Britain almost instantly.

As for the domestic affair, in order to protect the interests of the emerging industrial bourgeoisie, Britain carried out the 1832 Reform Act, which provided the industrial bourgeoisie with more seats. They sought for control over the House of Commons, including the cabinet, and succeeded at last. Affected by the economic crisis and political pressures from cabinet and parliament, Britain was bound to find new colonies in the Far East in search of industrial source and new markets for surplus industrial goods. In 1840, with Lin Zexu's Destruction of Opium at Humen as the fuse, Britain launched a war against China and signed the Treaty of Nanjing. Hong Kong Island was permanently assigned to Britain as Britain's first colony in East Asia. After decades, Britain and other capitalist countries launched several wars against China and seized territories such as the Kowloon Town and the New Territories by forcing the Qing government to sign the Treaty of Tianjin, the Treaty of Peking and the Second Convention of Peking, basically establishing Hong Kong as a colony and British rule over there.

After the founding of PRC in 1949, the PRC government declared that a series of unequal treaties signed by former governments were invalid. However, Hong Kong, as the production of unequal treaties, was not recovered immediately for various reasons. Not until the 1980s, with the expired date of the Convention was approaching, the Hong Kong sovereignty issue was put on the agenda. There was no doubt that the Sino-British negotiations around Hong Kong were difficult. The main issues related to the sovereignty of Hong Kong territory. Hong Kong's territory is mainly composed of three parts, namely Hong Kong Island, Kowloon Peninsula and the New Territories. According to the Treaty of Nanjing, it being obviously necessary and desirable, that "British Subjects should have...the Island of Hong Kong, to be possessed...and to be governed by such Laws and Regulations as Her Majesty the Queen of Great Britain...shall see fit to direct". According to the Treaty of Beijing, the Kowloon town is under the jurisdiction of the United Kingdom. According to the Convention, the Qing government leased the New Territories, including its surrounding islands, some sea areas of Shenzhen Bay and Dapeng Bay, to the British government. The lease term is 99 Years [5].

Therefore, Hong Kong's Kowloon Peninsula and its affiliated islands should be recovered by Chinese government. If China conflicted with Britain in the process of recovering territory, the situation would be difficult to control. If British government renewed the lease of the New Territories, the process of the Chinese national reunification would undoubtedly be slowed down. In view of in the 1980s, China's relations with Western countries were thoroughly eased. China had a positive external environment and the national power to recover Hong Kong. The Chinese government decided to formally negotiate with the British government on the Hong Kong issue, and strive to recover Hong Kong peacefully while ensuring Hong Kong's prosperity.

However, the historical problems left over from the negotiations and the diplomatic game between China and Britain did not make Hong Kong have a harmonious social situation. On the contrary, although Hong Kong has returned for more than 20 years, conflicts such as "Umbrella Movement" and the "Anti-Bill movement" have emerged one after another, seriously impacting the historical achievements of the Sino-British negotiations. Therefore, before the discussion, in addition to explaining the historical process of the formation of the Hong Kong sovereignty problem, this paper should also have an understanding of the attitudes of China and Britain towards this issue.

Most researchers believe that the formal contacts and negotiations began with Mrs. Thatcher's 1982 Visit to China. Actually, before Margaret Thatcher, there were many senior British officials sounded out Chinese leaders' views about Hong Kong's future. Although this kind of temptation was not counted as part of formal negotiations, it clearly showed the attitude of China and Britain towards it and possible differences. Therefore, the following parts will refer to them as well.

For Chinese government, Hong Kong had actually been in an unresolved state before the negotiations began. Chinese government believed that it should be recovered, but it should not be recovered in advance. As early as 1949 autumn, PLA arrived in Shenzhen, Mao issued a decision on whether to enter Hong Kong. At that time, PLA was able to occupy Hong Kong in a short time and eliminate the British army stationed in Hong Kong, but Mao Zedong rejected Lin Biao's proposal to attack Hong Kong [6]. It did not because PLA lacked ability to attack Hong Kong. In 1948 summer,

the House of Commons inquired the British Foreign Office about Hong Kong's defense. The officer replied, "Our goal is to keep Hong Kong as much as possible, but the reality we have to face is that the Chinese have the ability to make us untenable in Hong Kong through boycotts or other means" [7]. Sir Alexander Grantham, the governor of Hong Kong at that time, also said that the Chinese army did not even need to attack. It only needed to surround Hong Kong and stop the import of fresh water, electricity or food to Hong Kong to easily obtain Hong Kong without using troops [7].

The reason why Hong Kong was not recovered was that the Chinese leaders at that time believed that Hong Kong could continue to serve the interior of China as a platform for maintaining trade exchange and technological information exchange with Western countries. Therefore, Mao not only asked Lin to withdraw his troops, but also personally wrote to the Governor Sir Alexander Grantham, indicating the three requirements of CCP, namely: first, Hong Kong cannot be used as a military base against PRC; second, activities that undermine the prestige of the PRC is forbidden. Third, Chinese citizens in Hong Kong must be protected [8]. It can be seen that in the face of the difficult situation in the early days of its establishment, the Chinese government did not want to have a head-on conflict with Britain too early. However, the Chinese government never gave up its full claim to sovereignty over Hong Kong.

Britain's attitude is exactly the opposite. Whether it was the debate in the House of Commons, the memoirs of the Governor or records of British government officials' visits to China, they are eager to know China's attitude towards Hong Kong. The reasons are as followed: First, Hong Kong's geographical location is special, which is of great strategic value to Britain. Second, Hong Kong gradually became an international offshore financial center during the Cold War with great economic value. Britain would never give up Hong Kong unless absolutely necessary. Finally, the anxiety of the British government was actually deeply related to the particularity of Hong Kong's military defense. As one of the British colonies overseas, Hong Kong is too far away from the British Islands. Maintaining military control of this area would require strong naval and air force. Britain, after World War II, not only lost control of most overseas colonies, but also was influenced by these colonies and the United States to some extent, both economically and militarily.

Under such circumstances, Britain's guarantee of Hong Kong's security required not only China's acquiescence or support but also continuous control of the New Territories. In this case, the United Kingdom would continue the validity period of the Special Provisions on the Extension of Hong Kong Boundary Sites and maintain its control of the New Territories. Whether these two points could be implemented or not required the permission of the Chinese government.

In this way, for the British, there were two special criteria to pay attention to about the Hong Kong issue. First, on the issue of sovereignty and governance, China has sovereign rights but not governance in the New Territories (Rent by Britain) according to the Convention. For Kowloon and Hong Kong Island (British occupation), there was neither sovereignty nor governance according to the treaties. The New Territories needed to continue to be leased; otherwise, there was no guarantee for the maintenance of Hong Kong's main urban areas. Second, since sovereignty and governance can be separated, they can be dealt with separately when China withdraws. At the last resort, the UK could give the sovereignty back to China, and then return the governance to China, or China and Britain jointly governed Hong Kong. In the formal negotiations between China and the UK, in addition to maintaining Hong Kong's prosperity and stability, arguments between two sides also basically revolved around these two directions.

3. The Negotiation in the 1980s

3.1. The Dispute in the Negotiation

In the 1970s, with the changes of the situation of Cold War and the restoration of China's legal seat in UN, the policies of the U.S. and other Western countries towards China changed from hostile isolation to cooperation. Apart from that, China carried out "reform and opening up" policy after 1978. The national strength was strengthened. For Britain, these changes made Hong Kong problem,

especially the ownership after the expiration of the New Territories lease, must be resolved through peaceful negotiations, and cannot cause the negotiations to break down. For China, in the face of new national policies and international relations, Chinese leaders proposed that “China needs at least 20 years of peace in order to concentrate on domestic construction” [9]. It also showed that the Hong Kong issue should be a peaceful transition. So, in 1980 January, Deng proposed that China in the 1980s, one of three major tasks of the era is to realize the reunification of the motherland, and proposed in 1982 that the way of realizing unification is “one country, two systems” [9]. Britain sent the Governor, Baron MacLehose, visited China. He proposed to extend the original term of “New Territories” land deed (June 27, 1997) and change the local deed to “valid during the period of the King of England’s control of this area” to achieve the purpose of blurring the “ninety-seven limit” [10].

In 1982, former British Prime Minister Heath met with Deng, and Heath asked Deng’s attitude towards Hong Kong. Deng answered: “Regardless of the political status of Hong Kong in the future, the current economic situation of Hong Kong will remain unchanged” [9]. It can be said that the first test between China and Britain was cautious and rational. According to Xiao Donglian’s research, Britain put forward many schemes to extend the British governance of Hong Kong, such as extending leases, renewing contracts or making new contracts; or “freezing” sovereignty, which was hosted by Britain or the UN; or co-managed by China and Britain [1].

However, more people proposed to separate sovereignty from governance, recognizing that China had sovereignty over Hong Kong, but it would be still governed by the United Kingdom. The Chinese “attack” on the British maintained its own tone and proposition, so as to adapt to all changes, that is, China should not only recover its sovereignty, but also recover its governance. However, how to govern could be discussed with the British side to take into account the special situation of Hong Kong to ensure Hong Kong’s economic development [1, 9].

After several tests Mrs. Thatcher visited China with the prestige of victory in the Falklands, met with Deng Xiaoping, Zhao Ziyang and other Chinese leaders and officially started negotiations. Mrs. Thatcher gave a speech and answered reporters’ questions before departure: “I will make good use of these three treaties (Refers to the relevant treaties signed with China) [1].” Mrs. Thatcher was ready to insist that “three treaties are valid” and ask China to recognize that. After consulting a number of experts on Hong Kong, she believed that “although my negotiating position is based on the claim of sovereignty at least part of Hong Kong’s territory, I know that this will ultimately not guarantee the future...of Hong Kong. Our negotiation goal is to exchange the sovereignty of Hong Kong Island for long-term governance over entire colony [11].”

In her talks with Zhao, she further said that Hong Kong was the only model of successful cooperation between China and Britain. If there was a big change in Hong Kong’s management, or even as long as it is announced that there would be a big change, Hong Kong’s funds would flow out. Confidence and prosperity depended on Britain’s governance of Hong Kong. If the British governance of Hong Kong could make them satisfied, then they would consider it and debate on Hong Kong’s future. In other words, the British strategy is insisting on the validity of the treaty and exchanging sovereignty for governance [11].

The British hoped to retain the power of the British represented by the Governor in Hong Kong to the maximum extent, including appointing delegation members of the executive and legislature, approving or repealing bills and decisions, and managing all government affairs in Hong Kong. If it still came into effect after 1997, there would be a Hong Kong government manipulated by the British government. Everything in Hong Kong would be still decided by the British. As a concept in international relations and political science, sovereignty requires a country to have the most basic independent decision-making power.

The emergence of a British-controlled government on China’s territory is not only a violation of China’s sovereignty, but also a disrespected behavior to the colonial history of Hong Kong and the will of the local people. It is no wonder that Mrs. Thatcher found that what she thought was very persuasive and pragmatic attitude did not bring China’s compromise on the issue of sovereignty [11].

Mrs. Thatcher also found that the potential position of the Chinese was that Hong Kong people are Chinese rather than British, and that Hong Kong could be governed by local people and keep the existing system unchanged [11]. Chinese Premier Zhao Ziyang also said that if China had to choose between Hong Kong's sovereignty and prosperity, China would choose the former [11]. Mrs. Thatcher was unfavorable in the first battle, and she encountered a greater setback in her meeting with Deng Xiaoping the next day.

Although many people thought that Mrs. Thatcher welcomed Deng's proposal of "one country, two system", but she herself said when recalling the meeting that Deng had not been grasped the main problem and the Chinese knew very little about the legal and political situation of capitalism [11]. Deng said: "On the sovereignty, China has no room for maneuver...Sovereignty is not a question that can be discussed [1]." China's attitude actually showed that China didn't accept a Hong Kong dominated by British. The existence of the government and the affairs of Hong Kong must be up to the Chinese; China wanted to recover Hong Kong's full sovereignty and governance; the difficulties caused to Hong Kong could be avoided or overcome.

It can be said that although the first meeting between Chinese and British leaders lasted only two days, it laid the foundation for this issue in future. Britain understood where China's bottom line lay; Chinese knew that the Britain would not easily give up any part of its special rights or interests in Hong Kong; What they both had in common was to do their utmost to avoid investors losing confidence and ensure its economic prosperity and stability during the transition period [12].

3.2. The Analysis of Proposals from Britain

Although Britain lost the first battle, it did not relax on the Hong Kong issue. Sir Percy Cradock, the British ambassador to China, insisted on Mrs. Thatcher's position, and the two sides did not give in to each other. At the same time, the British government created public opinion outside the negotiations, instilled the idea of anti-communist and evil communist in Hong Kong people, and blamed Hong Kong's economic downturn on China's attempt to take back Hong Kong. Chinese scholar Xiao Donglian believes that as Hong Kong was still in the hands of the British at that time, so the British were more anxious than the Chinese. The long-term stalemate was actually detrimental to Britain [13]. This view is reliable. The proof is that in the book *Downing Street Years*, Mrs. Thatcher said, "A few months have passed, and there is no movement at all... I'm still worried [11]." Mrs. Thatcher also asked Dr. Kissinger for advice on how Chinese people do things [14].

Facts have also proved that Britain was unable to bear the cost of the collapse of Pearl of the Orient. After rethinking and convening a cabinet meeting, Mrs. Thatcher wrote to Zhao in 1983, expressed that "if China and Britain could reach an agreement on Hong Kong's administrative arrangements...to ensure Hong Kong's future...If it can be accepted by the British Parliament and Hong Kong people, she would be ready to propose to the Parliament to return Hong Kong's sovereignty [15]." Zhou Nan, one of the negotiators, believed that this attitude did not make any commitment to China's restoration of Hong Kong's sovereignty, but it was also relaxed [15]. This research, on the other hand, argues that this wording actually indirectly recognized that China's claim was legal and reasonable. It expressed that Hong Kong's sovereignty was the "return" to China. That was, Britain returned the sovereignty that originally belonged to China to China, rather than the "Transfer of sovereignty", which was the transfer of sovereignty.

If what Mrs. Thatcher said was true, and there was no deviation in the translation of the two countries in dealing with the details of the negotiations and the translation of the copy, Mrs. Thatcher's letter was the evidence that she recognized she can no longer insist on Hong Kong issue. This is a sign of a huge change in British attitude. Opponents may argue that Britain later encouraged Hong Kong to bypass negotiations and the reform of the Chinese government to promote its referendum like Singapore to promote Hong Kong's independence or autonomy, which was evident that Britain did not change its attitude. This was actually a political operation, hoping to put pressure on China and get benefits, which had nothing to do with whether the British government recognized that Hong Kong's sovereignty belonged to China.

The turning point came quickly. The British government hoped to bargain with China's management rights with the cards in hand, but found that there were too few cards in their hand to fight against China. Mrs. Thatcher's idea of making Hong Kong a Dominion also went bankrupt before China introduced its tough stance on Hong Kong's policy [11]. Britain suffered repeated setbacks at the negotiating table, which made them begin to place their hopes on Hong Kong's public opinion. A foreign member of the Legislative Council launched public opinion, saying that the proposals of both China and Britain should be submitted and debate [16].

On the surface, this was to advocate "people's self-determination" and "Hong Kong people governing Hong Kong". In fact, the Legislative Council and the British under the appointment and manipulation of the British Governor belonged to the same negotiating subject and had no right to demand that these proposals be debated in the parliament. In October 1983, Mrs. Thatcher sent a letter to Zhao again. At this time, she realized that "in addition to sovereignty, we will also have to make concessions to China in terms of governance [14]." Britain's attitude changed again, and the negotiations were able to continue.

Here, the negotiations seemed to be carried out because of Britain's second concessions. But in fact, these concessions were not thorough, and China's position on some issues was not firm enough as well for example, the legality of the Legislative Council. It was the product of the colonial era, which should have been abolished. But, it was retained to a large extent. Some people even continued to serve in SAR (Special Administrative Region) government after 1997. These M.Ps or civil servants appointed by Britain continued to hold important positions or implemented decisions in the 1997 Hong Kong government, which laid hidden dangers for the recurrence of the riot. Mrs. Thatcher's compromise was also made because the so-called "high degree of autonomy" could leave time and space for Britain's layout in Hong Kong.

China noticed this issue in the negotiations. For example, the British repeatedly modified the connotation of China's "high degree of autonomy" with "maximum autonomy" and opposed that the SAR was directly under Chinese Government; it required the establishment of a "British Commissioner" representative office in Hong Kong; and required China to inherit the British party intact in the transitional period; required China not to station troops in Hong Kong; and so on. These claims were naturally rejected by China [13]. However, China only focused on the power to send troops. It lacked more detailed consideration of the appointment and requirements of the executive legislature after its return, such as whether Britons should be selected as judges, and whether there were ideological assessment standards for newly appointed lower class civil servants, such as police and teachers.

With such a change of attitude, the negotiations entered the final stage, which was considering the process of the sovereignty handover ceremony. The two sides quickly made progress in forming a joint management team, and determined the name, location, responsibility and time of existence of the group [17]. After that, the representatives negotiated and reached an agreement on specific matters such as civil aviation and land leases. So far, the negotiations were finalized. In January 1984, Chinese and British leaders signed the Sino-British Joint Statement on Hong Kong (Hereinafter referred to as "The Statement") and decided to establish SAR.

3.3. The Interpretation of the Final Agreement

Peace talks avoided possible panic and collapse in Hong Kong and stabilized the social order of important free ports and financial centers around the world. For China and Britain, it not only upheld the dignity of the country, but also created a good precedent for similar differences and resolutions in the future. In the statement, the Chinese government put 12 principles proposed in 1983 into the text. These 12 basic principles can be summarized as: "Hong Kong people govern Hong Kong with a high degree of autonomy [16]." This was also a successful practice of the "one country, two systems" proposed by Deng Xiaoping.

However, the results of this two-year negotiation laid a deeper hidden danger in the contradiction between Hong Kong and mainland. First of all, although the "Twelve Basic principles" proposed by

China (Hereinafter referred to as “Twelve Articles”) indicated that SAR “is directly under the central government [16].” If SAR was directly under the central government, so the laws it made must comply with PRC’s constitution. The “Twelve Articles” only mentioned that the SAR had independent legislative power and final jurisdiction, which indirectly showed that the SAR’s legislative and judicial system could be independent. It can not only investigate, arrest and judge by itself, but also ignore the demands of Chinese government to some degrees.

The two sets of judicial systems and legal provisions not only gave Hong Kong a very loose space, but also provide Hong Kong’s separatist forces with an opportunity to take advantage of it, providing an opportunity for some criminals to “felony misdemeanor sentence” and making the cost of some acts that obviously violate the Declaration very low. Secondly, Chief Executive were the results of the internal election of Hong Kong. In other words, although the Chinese government has a veto over the candidate of the Chief Executive, it cannot make a final decision on the candidate. More importantly, the “Twelve Articles” also expressed that: “the officials and police officers of the former departments of the Hong Kong government can be retained...SAR can also hire British and other foreigners as consultants [16].” There were no more assessment requirements for their personal conduct and words and deeds. After 1997, there was no extensive screening. This left some people within Hong Kong government who didn’t support the return and “one country, two systems”. If these people had a smooth career in the government or the legislature, or even achieved relatively high positions, in fact, they would form a monopoly on some important positions in the Hong Kong government, spread divisive remarks, and even formulated a divisive policy conducive to “Hong Kong independence”. In addition, SAR could use its own name to maintain and develop economic, sign agreements, and issue travel documents on its own. This also gave many young people the illusion that Hong Kong was only one procedure left to the “independent founding of the Hong Kong”. This procedure could be forced to pass by means of rallies and petitions.

Although during the transition period, the Chinese government made a certain degree of corrections to the above issues. For example, during Patten’s tenure, the amendments to the Hong Kong Bill of Human Rights Ordinance and the Public Security Ordinance were not allowed to become Hong Kong law, and the democratic reforms he promoted and the election methods for parliamentarians were resisted [18]. However, this was to deal with specific problems arising from the implementation of the statement, and it did not affect the Statement or the Basic Law itself. It could be found that if the Hong Kong government kept the vast majority of civil servants during the British occupation after its return without careful screening and allowed them to rise to higher positions, it would affect Hong Kong’s policies and propaganda and the election of M.Ps. Even if there were illegal operations, people had no scruples because of the relatively low cost, so Hong Kong’s special political and economic systems would become a contradiction rather than a designation. Zhang Weiwei and Jin Canrong stated in an interview that the policy of “two systems” was overemphasized and the “one country” was ignored. This is actually a moderate criticism towards Hong Kong government’s policies.

4. The Dilemma and Treatment towards Hong Kong

4.1. The Dilemma

The Statement gradually became a historical document and lost its validity after 1997. But its “historical legacy” has not been fundamentally eliminated. Since the Return of Hong Kong, many anti-China outbreaks and Independence movement broke out in Hong Kong. Among them, two of the most destructive movements are the “Umbrella Movement” and the “Anti-Bill movement”, especially the later one, which is often described by researchers as the Color Revolution in Hong Kong in 2019.

It is true that such a large-scale and long-term mass conflict in Hong Kong requires a rigorous plan with powerful leadership and financial support. However, it is obviously difficult to convince the scholars simply attributing the problem to the support of rivals outside China. First of all, the U.S. and other Western countries have been fighting with China for a long time. Although this kind of

confrontation is particularly serious in Hong Kong with many recurrences, there are few mass riots of such scale and influence in the mainland. Large-scale mass incidents broke out in mainland in 1989, which was called “Tiananmen Square Accident”. It is so secretive that most young people in China’s contemporary regard this matter. The Chinese government has far more control over media than Western countries led by the U.S. According to China’s relevant laws and regulations, CCP occupies a dominant position in the political life of China. This dominance gives the CCP an absolute advantage in the right to formulate legal provisions and exert influence on people through various channels in social life.

Although hostile countries, organizations or individuals that maintain ideological opposition with China have condemned China’s move as a brainwashing of people and a violation of democratic freedoms and human rights, the frequent turmoil and riots in Europe and the U.S. in recent years have made most Chinese citizens dislike and reject such political concepts. Since the outbreak of COVID-19, this kind of excessive personal liberalism and the widespread idea of democracy and human rights has further divided Western societies and caused serious difficulties in the management of the government, especially for the control of the epidemic. Many Western countries have to admit the fact that China’s political system and the efficiency of government complement each other and a high degree of interaction between Chinese government and people guarantee the thoughts and actions of the whole society can remain united, so that China could have higher risk resistance capacity.

Although Hong Kong has been widely recognized as an inalienable part of China’s sovereignty, “one country, two systems” has enabled Hong Kong to maintain a different political system from that of the mainland. On the one hand, Hong Kong Legislation and the SAR government must legislate and govern under the framework of Basic Law. It set up the ceiling of autonomy to SAR Government and gave China legally guaranteed power to send troops to defend Hong Kong. According to the analysis of China’s mainstream media, Basic Law and the National Security Act are the ballast stone to ensure the stability of Hong Kong [19]. SAR government can effectively use these powers to allocate resources and be consistent with the continent’s principle and some important issues.

Therefore, for example, although the candidate of Chief Executive of HK (Hereinafter referred to Chief Executive) shall be elected by a committee, whether they can become a formal official depends on the Chinese government. Only when it is officially appointed by the Chinese government, can the candidate be elected as Chief Executive. This is similar to that the British Prime Minister that is appointed by the monarch is considered a real leader of government. It is just that the appointment of the British Prime Minister is merely a necessary procedure, though the Chinese government can directly veto the eligibility of candidate according to its own judgment, although in fact whether the British monarch or the Chinese government has never veto one since the 20th century.

On the other hand, Basic Law also draws on the democratic political system of capitalist developed countries. Take for example, the Chief Executive shall be elected in accordance with Basic Law by an Election Committee. This election committee is composed of 1500 people. The composition basically covers all classes and groups in Hong Kong, and each group has a fixed number of people. Most members are elected by voters directly. This election method is similar to the election of members of the House of Commons in the United Kingdom, though the British M. Ps belongs to different parties and do not have the requirements of political experience.

There is no doubt that this system was originally designed to take care of Hong Kong’s special social and historical situation in the negotiations. The Chinese government hopes this political design, which combines the advantages of democracy and centralization, can preserve the original social life of Hong Kong residents to the greatest extent and ensure Hong Kong’s economic prosperity. To be precise, “one country, two systems” has actually completed its mission relatively well. In the face of the financial crisis in Southeast Asia, 2008 economic crisis, the Sino-US trade war and the COVID-19 pandemic, Hong Kong’s system has indeed shown its strength, resilience and vitality.

However, there have been serious mass incidents in Hong Kong under such institutional design, and the impact of this highly liberal self-government system and organizational structure is one of the reasons that cannot be ignored. Professor Yan Xiaojun analyzed Hong Kong people’s attitude

towards “one country, two systems” in detail in his book *Orders and Chaos in Hong Kong*. In the views of Hong Kong’s young generation, the rise and glory of Hong Kong were achieved in the British colonial era. Later, a series of crises and disasters were caused by the introduction of China’s management model and the constraints of the Basic Law [20]. This hostile attitude towards mainland has a long history.

Although Britain had to change its tough stance in the face of China in the 1980s negotiations, various private actions, including exaggerating the “Hong Kong collapse theory”, triggered the Hong Kong dollar run crisis and promoting anti-communist ideas, and guided the thinking of young people. In addition, at the beginning of the returning era, Hong Kong accepted a large number of young people who fled from ports in Shenzhen and other places to here to escape political persecution and political movements. These young people have become refugees due to family poverty and political movements in China, which has caused Hong Kong society to misunderstand the mainland government. What’s more, the long-term obstacles to communication between Hong Kong and the mainland caused by the special international situation have also become an important reason for the lack of understanding of each other’s political and social situation.

At the same time, young people in Hong Kong generally trust Western media propaganda. They convince that the Chinese government oppresses citizens, deprives basic human rights and freedoms, and has a long-term lack of patriotic ideological education for young people since childhood, which makes Hong Kong people more identify themselves as Hong Kong people rather than common Chinese. Under such identity and environmental influence, “one country, two systems” has gradually changed to “one country, two governments” [20]. Therefore, as a profound political riot, it is necessary for this paper to further analyze the “Anti-Bill movement” more thoroughly.

After the return of Hong Kong, the “Anti-Bill movement” is the longest-lasting, most influential and the most widespread riot. The original fuse of the movement was that a murderer from Taiwan absconded back to Hong Kong after committing a murder in Taiwan. Because there is no relevant judicial agreement between these two regions, the murderer cannot be transferred to the Taiwan government for trial. In order to close the judicial loopholes, the SAR government proposed an amendment. Li Zhuming, founder of Hong Kong Democratic Party and Chen Fang Ansheng, a former SAR government official, took the lead in opposing. Many young and middle-aged people in Hong Kong launched demonstrations instigated by foreign rivals and Hong Kong anti-China politicians, then besieged Chinese government offices in Hong Kong and some SAR government office buildings to make city center was caught in panic and riot.

Ironically, Li Zhuming, who took the lead in opposing the revision, once urged the SAR government to amend it as soon as possible because of the extradition ordinances in the mainland and Hong Kong. Chen Fang Ansheng, Secretary for Administration of the SAR Government, promised to amend the statute as soon as possible. Mainstream media in mainland, such as Xinhua Newspaper and the Global Times, have carefully analyzed the different words and deeds of them, also exposed the scandal of frequent contact between some Hong Kong political party leaders and foreign rivals during the “Anti-Bill movement”, which shows that some SAR officials, the media and leaders in many industries have colluded with foreign anti-China forces to create a group movement, using public opinion as a threat to exchange Hong Kong’s stability and SAR status for political or economic benefits. It should be noted that for most of the period under Hong Kong’s administration and British government, important positions in Hong Kong government have been monopolized by the British, and Chinese do not have the right to take a position in politics [21-23].

In 2021, Chinese State Council published the “Democracy Development in Hong Kong under One Country, Two Systems” White Paper report. The white paper clearly states: “There is no democracy in Hong Kong under British colonial rule [23].” The functions of Hong Kong Governor have also been mentioned above. His political powers, legal and military power in Hong Kong are like a medieval feudal lord in Western Europe. Britain suddenly accelerated the promotion of democratic reform in Hong Kong in the 1990s. Chen Fang Ansheng became the first Chinese political officer during this period. China requires recover Hong Kong’s full sovereignty is one of the reasons for

Britain's political reform in Hong Kong. If Deng Xiaoping agrees to Margaret Thatcher's proposal for sovereign in exchange of governance in the talks, political reform may be shelved. In addition, in the Statement, there was a clause explicitly requiring the British government to guarantee the fundamental rights of Chinese in Hong Kong during the transitional period. As the main body of Hong Kong's population, Chinese have the right to participate in politics after the long-term oppression and exclusion of the British Hong Kong government. It just shows Britain's previous indifference to the situation of Chinese political rights. The basic political rights guaranteed, including formatting political parties in Hong Kong, take part into Hong Kong governance is the best response in terms of institutions and policies to organizations and individuals who support riots.

At "Anti-Bill movement", Chen Fang Ansheng, Li Zhuming, Li Zhiying and He Junren are called "Gang of Four in Hong Kong". All four people, except Li Zhiying, have served in SAR Government or served in the Legislative Council. According to the Basic Law and the negotiation agreement, most civil servants of British Hong Kong government can stay in office. This decision was originally made by the Chinese government's desire to have an experienced and qualified Hong Kong civil service that is familiar with Hong Kong affairs at the beginning of its return, so as to ensure the stability and realization. However, in the implementation process, due to the lack of deeper inspection and screening, officials who are malicious to mainland and are good at speculation escaped from dismissal and punishment, especially in the field of education. The actions of such politicians also had a serious impact on Hong Kong's young generation in a direct policy manner. For example, primary schools, secondary schools and universities in mainland have "Raise the national flag and sing the national anthem" ceremony weekly. There is no doubt that a simple ceremony will not shock most students too much.

However, perseverance in such rituals can indeed create a positive patriotic atmosphere around students. At the same time, the ideological and cultural education content that runs through the whole education system also plays a very important role. Almost all Chinese youth have a basic understanding of the history of modern China, especially Hong Kong's colony. The content of China's patriotic education not only emphasizes "Love one's country", which is also emphasized as "Worrying country", finally arrives on "How to be patriotic and how to share the worries of the country". It gives all Chinese teenagers in different regions and classes to have a common ideological content. In contrast, Hong Kong people born after the 1990s have not experienced the period of oppression by the British Hong Kong government, nor have they systematically received patriotic education. Most schools hardly raise the national flag.

Naturally, it is more vulnerable to incitement and exploitation. Finally, there is a long-standing interaction gap between Hong Kong and the mainland. Many Hong Kong people have never been to the mainland. Even if so, many of them are refugees and immigrants who fled to Hong Kong before 1980. Their knowledge of the mainland remains in the past. Hong Kong people who do not know much about the economy, politics and cultural ideas of mainland are also more vulnerable to media publicity. These incited ordinary citizens believe that all the difficulties encountered by Hong Kong are due to the Returning. It is precisely because of the introduction of the system and culture of mainland that it has impacted Hong Kong's local administrative, legislative and judicial systems and caused Hong Kong's dilemma today.

However, there is no need to say that the disparity between the rich and the poor, unfair distribution, solidified interests and weakened social mobility have also plagued Hong Kong. Poor living, weak security, employment and other chronic diseases of people's livelihood have caused dissatisfaction [20]. In addition, some policies have not been widely reached to all citizens in Hong Kong, especially grassroots people. Since there are strong social reality problems as the deep root cause of contradictions, ordinary people in Hong Kong are more likely to be affected by anti-China propaganda. This is also exactly what "one country, two systems" fails to take into account.

4.2. The Old Treatment towards New Issues

As mentioned above, although the “one country, two systems” basically care both China and Britain’s interest in the 1980s. In modern times, Hong Kong has encountered problems that have not been expected before, and it is urgent to revise the content of “one country, two systems”. In addition, the Basic Law and the organization and functions of Hong Kong government also need to be further reformed in order to gradually adapt to the needs of the development of the Hong Kong and solve or alleviate the complex contradictions faced by contemporary Hong Kong society.

First of all, it is to further explain Deng’s interpretation of the “one country, two systems” and appropriately add new content to adapt to new problems. Deng once said: “Hong Kong’s policy remains unchanged for 50 years after returning to China in 1997... There is no need to change after 50 years as well [9].” However, Deng also made it clear that only by adhering to the leadership of the CCP under the premise of adhering to socialist system in mainland can the existence of “one country, two systems” be allowed [9]. In other words, 50 years is not its life expectancy, but at least it should exist 50 Years.

The Basic Law isn’t very detailed. So, it leaves more space for the management. Of course, this also means that there is more room to explain the details of the Basic Law. That is to say, Chinese legislatures and judicial organs have the right to interpret its content and supervise the administrative organs and legislatures in Hong Kong to carry out their daily work in accordance with the Basic Law.

At the same time, Chinese government actually has the power to supervise and advise the Hong Kong SAR government. This kind of supervision and advice is not the decentralized supervision of government agencies by ordinary people, but targeted and policy-oriented supervision and recommendations. It is precisely because of these two powers and the appointment and removal of Hong Kong Chief Executive that mainland seems to be confident when riots occurred. Since the rioters in Hong Kong are directly saw mainland and the Communist Party as an enemy, according to juromatic logic, Chinese government has the right to hold the Legislative Council and the SAR government accountable for the occurrence of riots, and to make recommendations and guidance on omissions in the work of the Legislative Council and the government in accordance with the requirements of the Basic Law. Members of the Hong Kong Legislative Council who hold anti-China positions and politicians who are anti-China in the government must be dismissed immediately, and the anti-China political parties in Hong Kong must also be banned immediately. The riots in Hong Kong would calm down very soon without organized leaders and “spies” in the government and Legislative Council.

However, it is obvious that although Chinese government has legal power and the ability to enforce policies, it is unwilling to interfere too much in Hong Kong’s internal affairs. Therefore, Chinese government chose to introduce the National Security Act, arrest rioters, deter foreign forces, and punish officials and M.Ps who participated in the riots. Although this kind of measure is practical, British judges in Hong Kong courts have become an obstacle to the enforcement of the law. Court judges often use the power of sentencing to escape punishment or light punishment for heavy criminals. That is to say, in order to solve the problem from the root, it is also necessary to use the power to appoint or remove judges, members of the Legislative Council or government officials.

The SAR government has no right to appoint judges of the court. This is the reason why Hong Kong courts are still able to retain British judges who shield criminals. Therefore, with the help of the Basic Law, it is necessary to appropriately expand the functions and powers of the Hong Kong Government. For example, the judges who cover up criminals have the right to be held accountable, and the right to apply to the Central Committee for the transfer of the PLA stationed in Hong Kong to participate in the suppression and escort of criminals in the event. At the same time, a certain degree of restriction should be imposed on the powers of the court, including no longer appointing British judges with dual citizenship. The Chinese government has the right to replace the judges of the SAR court, or to object to the decisions made by the judges, re-selected judges for re-trial of cases that have large disputes, and the sentencing of convicted criminals who participated in anti-China demonstrations should not be too light, nor can they be released early. In the final analysis, criminals

can be better warned by changing the judgment of felony and light punishment in the past. Although the law stipulates that the heads of departments of the Hong Kong government are decided by the Chief Executive of Hong Kong.

However, mainland can make suggestions on the governance policies of officials. The SAR government should add lectures about the modern history of China, especially Hong Kong history courses after the Opium War and the history of the British Governance of Hong Kong to strengthen the patriotic ideological education of Hong Kong youth. History textbooks in Hong Kong can only be issued after they are submitted to the Chief Executive and the mainland for review. It should strictly forbidden to publish textbooks that tamper with history and intend to dilute colonial history as well. At the same time, students, including university students, should be organized to visit museums that introduce colonial history, watch historical documentaries of the colonial period, and go to the mainland (Such as Shenzhen, Guangzhou Or Beijing) to carry out long-term exchanges with mainland students, jointly study history courses, discuss and analyze the content of history lectures, so as to ensure that young people in Hong Kong can receive the correct education of values and national concepts.

The real problem in Hong Kong lies in the seriously hollowed economy, which gradually lags behind the mainland's economic competitiveness and its high dependence on the free financial economy. For example, the high housing prices in Hong Kong lead to excessive pressure on young people in ordinary families and the lack of better jobs and living environment. In fact, this can be solved through the cooperation between the SAR government and the mainland. For example, many young people in Macao began to choose to live in Zhuhai through customs at night and work in Macao during the day to solve the problem of high prices in Macao. If there is possibility to reduce the customs clearance process and communication barriers between Hong Kong and the mainland, and achieve a high degree of cooperation in Guangdong, Hong Kong and Macao, then the social problems and economic difficulties that have plagued Hong Kong for a long time can be also better solved possibly. The purpose of the Guangdong-Hong Kong-Macao Bay Area plan launched by Chinese government may be the result of this thought.

5. Conclusion

This paper argues that in the face of continuous anti-China sentiment and political movements, in addition to the introduction of the National Security Act, it is also necessary to reinterpret and supplement the content of "One Country, Two System" and the Basic Law to make them adapt to the new changes in Hong Kong's situation. At the same time, measures should be introduced to reduce trade and travel barriers between Hong Kong and mainland so that young people in Hong Kong have the opportunity to see the situation in the mainland in person, strengthen patriotic ideological education, learn Hong Kong's colonial history, and disintegrate the idea of anti-Chinese organizations to cultivate young generation. At the same time, in view of the collusion between some politicians and civil servants and the intelligence abroad agencies, the Basic Law and the National Security Law could be used to screen and punish. By reforming Hong Kong's judicial system, preventing the occurrence of felony and misdemeanor sentencing and disintegrating the anti-China forces from leadership, can these actions fully safeguard Hong Kong's stability and blossoming.

Although this paper has made a very specific review of the Sino-British Hong Kong negotiations and problems faced by contemporary Hong Kong to the greatest extent, due to the limitation of time, the lack of access rights to historical documents and basic information, there is not too many contents in the relevant documents of the specific details of the negotiations by the governments of China and Britain. What's more, due to the limitations of the content and volume of the article, it is impossible to further sort out and analyze the existing historical materials, especially the historical reviews from the UK. This is the shortcoming and regrets of this research paper. If there are more opportunities in the future, the author will use them to make a more in-depth and extensive analysis and explanation of the issues mentioned above.

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