

## 十八

Great Britain and China  
must find a foundation  
so life could go on  
with no great alteration  
“One Country, Two Systems”  
was what they decided  
a plan leaving Hong Kong  
a region divided



## Chapter 18 – “One Country, Two Systems” – The 1984 Joint Declaration

Chinese people in Hong Kong have never been in control of Hong Kong’s destiny. I don’t believe they felt the British colonial government was terribly repressive. Rather, there was a laissez-faire attitude embraced by most Chinese and expatriates alike living in Hong Kong after WW2. It wasn’t until the 1984 Sino-British Joint Declaration announced “One Country, Two Systems,” that local people actually began to consider that they might become active participants in the government and the politics of Hong Kong.

Prior to the 1842 Treaty of Nanking, Hong Kong was mostly a fishing and farming port. The cession of Hong Kong Island to the British “in perpetuity” was the icing on the cake for the British in what China still refers to as the “Unequal Treaties” after the 1<sup>st</sup> Opium War. Unable to keep up with the demands for silver, which was the only “currency” China would accept for the vast amounts of tea the English public was consuming, England, through the British East India Tea company, came up with a scheme for another kind of currency – opium!. Although a law was passed in 1796 declaring opium illegal to import into China, there was definitely a market among the overworked and impoverished Chinese masses in the coastal, urban, and southern regions. To circumvent China’s anti-opium laws, the British East India Company used private traders to take their contraband from Bengal in India to China starting in the late 18<sup>th</sup> century. By 1840, China was hooked. The British didn’t act alone in their opium trade with China. Other European countries, and the USA joined in to get a piece of the opium action.



In addition to the 1842 Hong Kong Island cession to the British, a portion of Kowloon was added at the 1860 Treaty of Peking. The British were not, however, able to get the same *in perpetuity* deal for the remainder of Kowloon nor for the New Territories, from the Dowager Empress Cixi in 1898. Their 99 year leases would be up for renewal in 1997. The British had set up a colonial government whose senior ranks were mostly held by Brits. Representative democracy was never a high priority among the British in Hong Kong. Most British didn't believe the Chinese were capable of running Hong Kong. It wasn't until the British "recovered" Hong Kong from the Japanese after World War 2 that Governor Mark Young proposed the Young Plan in 1946, in a first attempt to give Hong Kong a representative democracy. This plan was quashed in 1952 by Young's successor, Alexander Grantham. But the clock was ticking ever closer to 1997 and the fate of Hong Kong after that was very much up in the air. In 1979, Hong Kong Governor Murray Maclehoze brought up the future of Hong Kong in an unofficial meeting with Deng Xiaoping. No clear direction could be determined from that meeting. Hong Kong might remain as it had been under British control, or it might revert back to China. In the 1982 meeting between Deng Xiaoping and Margaret Thatcher however, Senior Leader Deng gave a very clear mandate to Prime Minister Thatcher. All of Hong Kong would come back under Chinese control in 1997. The 1842 Treaty of Nanking was the only real bargaining chip that the British held to negotiate a better deal for the British and for the people of Hong Kong. For the first time in the history of Hong Kong, a new question began to be considered by the people residing there. What would be best for the future of the people of Hong Kong?

The concept of "One Country, Two Systems" was proposed by Deng Xiaoping during negotiations with Margaret Thatcher in 1982. Even though Hong Kong would come back into the Chinese fold as a Special Administrative Region, it would be able to keep its current system of capitalism and "a high degree of autonomy" for the next fifty years. Deng saw this to be the future of not only Hong Kong, but also of Macau, and hopefully, Taiwan. Hong Kong would have control of its own domestic affairs, but China would be responsible for diplomatic relations involving other countries and Hong Kong would benefit from China's national defense.

The [Basic Law](#) came into effect on 1 July 1997 with the establishment of the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR).

The [Basic Law](#) guarantees:

- The continuation of the common law system that had been practised in Hong Kong for more than 170 years
- Fundamental rights and freedoms including: equality before the law; freedom of movement; freedom of conscience and religious belief; freedom of speech; and privacy of communication

- Everyone in Hong Kong is equal before the law
- Access to the courts, right to confidential legal advice and choice of lawyers for everyone
- An independent judiciary and the power of final adjudication by the [Court of Final Appeal \(CFA\)](#). The CFA may include non-permanent judges from other common law jurisdictions
- English and Chinese as official languages. Local legislation is enacted bilingually and cases in Hong Kong may be heard in English or Chinese
- Courts exercise judicial power independently, free from interference. Members of the Judiciary are immune from legal action in the course of their judicial functions
- High degree of autonomy in areas such as the economy, external affairs as well as education, science, culture, sports, religion, labour and social services

Like all agreements, however, some things were left up to interpretation. Chief among these was, what was meant by a “high degree of autonomy?”

