

China-Hong Kong Dual System: Twenty-Three Years of Uncertainty and Broken Promises

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Abstract

Despite the 1997 China's promises to the United Kingdom, Hong Kong, and the international community that it would operate a "One Nation-Two Systems" for fifty years, ending in 2047, this article submits that the last twenty-three years have been characterized by broken promises, failed covenants, unnecessary political meddling, judicial undercutting, press gagging and restrictions on freedom of speech giving rise to protests, advocacy, instability and political tension in the territory. The UK, which should have intervened by reminding China of the July 1, 1997 pledges and accord and, in absolute terms, compel China to uphold the agreements, herself has been burdened and baffled with the BREXIT deals and procedures leading first to the unexpected loss of the Conservative majority in the parliament due to Theresa May's political misperception/miscalculations. BREXIT, which has consumed the second Prime Minister after David Cameron despite the Democratic Unionist Party (DUP) or Northern Ireland's alliance on the platform of which May retained her seat with a pledge of additional \$1.3b budget allocation for Northern Ireland's pensions, social security etc. May herself lost out in the Brexit struggle giving rise to Boris Johnson. China has taken advantage of that distraction to violate the agreements with the UK over Hong Kong. This article argues that the people of Hong Kong have already sensed a consistent decline in China's resolve to allow freedom of speech, democracy, freedom of the press, uninterrupted judicial process, fundamental human rights and the British educational system. Officially, the "Hong Kong Special Administrative Region of the People's Republic of China" was expected to undergo a smooth transfer from the UK to China but the article concludes that while the UK has kept her promise to transfer HK to China after Ninety-Nine years, China has refused to

keep to the post transfer treaty. The promise of fifty years has been violated in less than twenty years. The UK on the other hand has broken the ethical/moral covenant to keep China on the covenant lane. Aside pockets of condemnations, no sanctions have been recommended or applied for failure/default by China.

Keywords: “One Nation-Two Systems”, Sovereignty, Sino-British Joint Declaration, Broken Promises, Brexit.

Introduction

The international system has watched with consternation China’s refusal to honour the agreement it signed with the United Kingdom at the handover of Hong Kong to her, which is regarded by some as marking the conclusion of the British Empire with July 1, 1997 being its end date. Hong Kong, officially named the Hong Kong Special Administrative Region of the People’s Republic of China (HKSARPRC), is an autonomous territory on the Pearl River Delta of China¹ expected to operate for fifty years in the first instance and maintain governing and economic systems separate from those of mainland China.

However, in the last twenty-three years, China has consistently violated the terms of the agreement she willingly signed without any regard for international sanctions or the wrath of the UK for the violations. Obviously, the UK has got a handful of domestic challenges compounded by the Brexit episode that had incapacitated her from applying sanctions for China’s violations. This paper analyses the events chronicling the contacts of the UK with Hong Kong up to the handover date. It proceeds to explore China’s violations of the treaty and explain the diplomatic implications of such violations for the parties involved.

Background to the Development of Hong Kong

Its official name, the "Hong Kong Special Administrative Region of the People's Republic of China", is the official title as mentioned in the Hong Kong Basic Law and the Hong Kong Government's website². However, "Hong Kong Special Administrative Region" or "Hong Kong" are widely accepted and used not only by China but the

international community. Hong Kong is constituted of 93.6% Chinese and 6.4% others yet almost 80% of the 7.4m people speak both the Chinese and English Language to an appreciable level to the extent that both languages have been adopted as the official language of the territory.

Hong Kong is one of the world's most significant financial centres, with the highest Financial Development Index score and consistently ranks as the world's most competitive and freest economic entity.³ As the world's 8th largest trading entity, its legal tender, the Hong Kong dollar, is the world's 13th most traded currency. HK is also a member of the World Trade Organization (WTO) and the Asia-Pacific Economic Cooperation (APEC). HK's tertiary sector dominated economy is characterised by simple taxation with a competitive level of corporate tax supported by its independent judiciary system.⁴ However, while Hong Kong has one of the highest per capita incomes in the world, it suffers from severe income inequality.⁵ This inequality is very obvious in Hong Kong and some of the residents blame the intervention and interruption of China in their affairs for the widening gap.

Hong Kong is renowned for its deep natural harbour, which enables ready access by international cargo ships, and its impressive skyline, with a very high density of skyscrapers⁶: the territory boasts of the second highest number of high rises of any city in the world.⁷ According to Emporis, there are 1,223 skyscrapers in Hong Kong, which puts the city at the top of world rankings. It has more buildings taller than 500 feet (150 m) than any other city. The high density and tall skyline of Hong Kong's urban area is due to a lack of available sprawl space, with the average distance from the harbour front to the steep hills of Hong Kong Island at 1.3 km, more than half of it reclaimed land. This lack of space logically causes demand for dense, high-rise offices and housing. Thirty-six (36) of the world's 100 tallest residential buildings are in Hong Kong. More people in Hong Kong live or work above the 14th floor than anywhere else in the world, so it is the world's most vertical city. It has a very high Human Development Index ranking and the world's longest life expectancy. Over 90% of the population make use of well-developed public transportation.⁸ Seasonal air pollution with origins from neighbouring industrial areas of mainland China, which adopts loose emissions

standards, has resulted in a high level of atmospheric particulates. This has worsened since the 1997 handover from UK to China, a major concern for HK residents.

Hong Kong's education system understandably follows the system in the UK, even though international systems exist.⁹ Despite the Ninety-Nine years of British rule, the government maintains a policy of "mother tongue instruction" (Chinese) in which the medium of instruction is Cantonese with written Chinese and English, while some of the schools (international schools) adopt the use of English as the teaching language. In the secondary schools, 'bi-literate and trilingual' proficiency is emphasised, and Mandarin-language education has been increasing. Consequently, the Programme for International Student Assessment ranked Hong Kong's education system as the second best in the world.¹⁰

There are eight public universities and one private university in Hong Kong, the oldest being the University of Hong Kong (HKU), established in 1910–1912.¹¹ The Chinese University of Hong Kong was founded in 1963 to fulfil the need for a university with a medium of instruction of Chinese.¹² Competition among students to receive an offer for an undergraduate programme is fierce as the annual number of intakes is limited, especially when some disciplines are offered by select tertiary institutions, like medicine which is provided by merely two medical schools in the territory, the Li KaShing Faculty of Medicine at the University of Hong Kong and the Faculty of Medicine of the Chinese University of Hong Kong. This is a major concern in the territory.

In the Health sector, there are 13 private hospitals and more than 40 public hospitals in Hong Kong. There is little interaction between public and private healthcare. The hospitals offer a wide range of healthcare services, and some of the territory's private hospitals are considered to be world class. According to UN estimates, Hong Kong has one of the longest life expectancies of any country or territory in the world. As of 2012, Hong Kong women were the longest living demographic group in the world.¹³

The two medical schools in the territory have links with public sector hospitals. With respect to postgraduate education, traditionally, many doctors in Hong Kong have looked overseas for further training, and many took British Royal College exams such as

the MRCP(UK) and the MRCS(UK). However, Hong Kong has been developing its own postgraduate medical institutions, in particular the Hong Kong Academy of Medicine, and this is gradually taking over the responsibility for all postgraduate medical training in the territory.

Hong Kong is a multi-faith society. Majority of residents of Hong Kong have no religious affiliation, professing a form of agnosticism or atheism.¹⁴ According to the United States Department of State, 43 per cent of the population practise some form of religion.¹⁵ According to a Gallup poll, 64% of Hong Kong residents do not believe in any religion.¹⁶ Hong Kong enjoys a high degree of religious freedom, guaranteed by the Basic Law. Hong Kong's main religions are Buddhism, Taoism and Confucianism; a local religious scholar in contact with major denominations estimates there are approximately 1.5 million Buddhists and Taoists. A Christian community of around 833,000 form about 11.7% of the total population; Protestants outnumber Roman Catholics by a ratio of 4:3, and smaller Christian communities also exist, including the Latter-day Saints and Jehovah's Witnesses. The Anglican and Roman Catholic churches freely appoint their own bishops, unlike in mainland China. There are also Sikh, Muslim, Jewish, Hindu and Bahá'í communities.¹⁷

Hong-Kong Contact with Europe

The earliest European visitor to the Island of Hong Kong from available records to date was Jorge Álvares, a Portuguese explorer, who arrived in 1513.¹⁸ His visit encouraged the Portuguese merchants to proceed from Europe to Asia. Having established a trading post in a site they named "Tamão" on the Hong Kong waters, the very aggressive opportunistic Portuguese merchants commenced regular trading in southern China. The Portuguese merchants' trading activities soon led to some discontent with the original Chinese traders leading to conflict and subsequently escalating to a war. Consequent military clashes between China and Portugal led to the expulsion of all Portuguese merchants from southern China. This expulsion was a temporary disconnection with Europe as the United Kingdom cashing in on Portuguese expulsion, soon found her way into the Island.

Hong-Kong Contact with the United Kingdom (HK-UK Contact)

The United Kingdom cashed in on Portuguese expulsion and found her way into the Island. Without establishing formal relations through the Chinese tributary system, British merchants were only allowed to trade at the ports of Zhoushan and Xiamen in addition to Guangzhou. Official British trade was conducted through the auspices of the British East India Company (BEIC), which held a royal charter for trade with the Far East. The BEIC gradually came to dominate Sino-European trade from its position in India and due to the strength of the Royal Navy.¹⁹

When the Manchu Qing dynasty took over China, Hong Kong was directly affected by the Great Clearance decree of the Kangxi Emperor, who ordered the evacuation of coastal areas of Guangdong from 1661 to 1669. Over 16,000 inhabitants of Xin'an County including those in Hong Kong were forced to migrate inland; only 1,648 of those who had evacuated subsequently returned. It was these returnees that eventually became the progenitors of the New Hong Kong. The New Hong Kong therefore was like an emerging and evolving society from the remnants that returned.

The First Opium War, also known as the Opium War and sometimes labelled as the Anglo-Chinese War, was a series of military engagements fought between the United Kingdom and the Qing dynasty of China over conflicting viewpoints on diplomatic relations, trade and the administration of justice in China.²⁰

In the 17th and 18th centuries, demand for Chinese goods especially silk, porcelain and tea in Europe created a trade imbalance between Qing Imperial China and Great Britain. European silver flowed into China through the Canton System, which confined incoming foreign trade to the southern port city of Canton. To counter this imbalance, the British East India Company began to auction opium grown in India to independent foreign traders in exchange for silver; this was to strengthen its trading influence in Asia. The opium was transported to the Chinese coast where local middlemen made massive profits selling the drug inside China. The influx of narcotics reversed the Chinese trade surplus, drained the economy of silver, and increased the numbers of opium addicts inside the country. Obviously, the Chinese officials were worried at this development.

In 1842 the Qing Dynasty was forced to sign the Treaty of Nanking: This treaty was considered unfair by the Chinese as it granted an indemnity and extraterritoriality to Britain, opened five treaty ports to foreign merchants and ceded Hong Kong Island to the British Empire. The failure of the treaty to satisfy British goals of improved trade and diplomatic relations led to the Second Opium War (1856–60). The Qing defeat resulted in social unrest within China. In China, the war is considered the beginning of modern Chinese history.²¹

The Sino-British Joint Declaration

The Sino–British Joint Declaration is an international treaty signed between the People's Republic of China (China) and the United Kingdom of Great Britain and Northern Ireland (UK) on 19 December 1984 in Beijing.²² The Declaration stipulates the sovereign and administrative arrangement of British Hong Kong after 1 July 1997, when the lease of the New Territories was set to expire according to the Convention for the Extension of Hong Kong Territory.

The Declaration was signed by Premier Zhao Ziyang of the State Council of the People's Republic of China (PRC) and Prime Minister Margaret Thatcher of the United Kingdom on behalf of their respective governments. It entered into force with the exchange of instruments of ratification on 27 May 1985, and was registered by the PRC and UK governments at the United Nations on 12 June 1985. In the Joint Declaration, the PRC Government stated that it had decided to resume the exercise of sovereignty over Hong Kong (including the perpetual British territories of Hong Kong Island and Kowloon as well as the leased New Territories with effect from 1 July 1997). The UK Government declared that it would hand over Hong Kong to the PRC with effect from 1 July 1997.

The Sino-British Joint Declaration was a Treaty packaged to determine the future of Hong Kong in the post-UK era for “Fifty Years” (1997-2047): The treaty was ratified under the principle of “One Country, Two Systems”. Hong Kong maintains a separate political and economic system from China. Except in military defence and foreign affairs, HK maintains its independent executive, legislative and judiciary powers. In addition, Hong Kong develops

relations directly with foreign states and international organisations in a broad range of "appropriate fields".²³ On the surface, every party saw genuine intensions from the other. However, the expectation that the treaty would be followed to the letter was short lived. China could not live up to her covenant. As soon as the UK delegates turned their back, China turned the treaty upside down.

Chinese Interruptions in Hong Kong Affairs

The Chinese interruption in the affairs of Hong Kong is informed by some factors: China has been expanding its engagement with the international legal order. It has expanded its roles in the principal regimes for security and political matters including joining major conventions on weapons of mass destruction and participating in regional security fora. China has become more assertive in seeking to shape international legal rules to better reflect its interests and preferences, thus the Hong Kong phenomenon was in the interest of China even though her interruptions in Hong Kong have been condemned across the international system.

Although Hong Kong has one of the highest per capita incomes in the world, so attractive to Chinese interruptions, it suffers from severe income inequality.²⁴ This socio-economic inequality of the populace is largely responsible for the polarity of the people and has serious impact on the internal struggles of the state: Pro-China and Pro-Hong Kong leanings are reflective of this polarity. As a matter of fact, intellectual debates are sometimes centred on which side of the divide will reduce, strengthen or neutralize the social strata of the country. This is a further boost to the flagrant disregard to the agreement China signed with the UK.

The foregoing should have been the main focus of discourse and strategic structural reengineering of the territory if China had allowed a Hong Kong free of Chinese interference in line with the Sino-British agreements returning HK back to China after 99 years. The autonomy of Hong Kong was guaranteed in all areas apart from defence and foreign affairs. Under it, Hong Kong's laws and "common law" legal system would remain in place. The independence of its courts and their right to exercise the power of

final adjudication were assured. In doing this, both the UK and Chinese Governments had accepted the “one country, two systems” proposal based on the rule of law, and this was planned to remain unaltered until 2047. The rule of law, thus, is expected to be the cornerstone of the territory.

However, over the last 23 years a number of attempts have been made by the Chinese government and its allies in the Hong Kong political system to undermine this fundamental principle and weaken Hong Kong’s autonomy: press freedom was suppressed, freedom of speech was hampered, and democracy was scuttled. So, China practically reneged on an agreement she signed consciously. The latest of such acts has led to the current massive demonstrations and uprising even in the face of the Corona virus pandemic. This is not a new phenomenon. It had happened previously and is fuelled by two main factors. The first is the widespread frustration at the lack of progress towards the introduction of universal suffrage, despite commitments to introduce democratic reforms after 2007. The current political system falls far short of democratic accountability. The legislative council is only partially democratically elected.

The top political post of chief executive is selected by an election committee which is structured to ensure that a pro-Beijing candidate emerges to further the interests of China and maintain her grip on the territory. The 32 member-strong executive council which includes the 16 “cabinet type” ministers is accountable to the chief executive and not the legislative council.

Secondly, several attempts to introduce security and legislative measures to suppress political freedoms, human rights and political dissent are perceived as attempts to make the region become more like mainland China. Even in the midst of Corona virus pandemic, the mainland China fiercely opposed the limited democratic reforms championed by Chris Patten, Hong Kong’s last governor. Since taking over, Beijing has gradually tightened its political grip on the region. In 2003, it provoked large-scale protests by trying to enforce a treason and subversion law. Its unbending resistance to pressure for greater democratic choice brought more trouble in 2007 and 2014. There has also been a spate of highly publicised cases of apparent human rights abuses and violations of press and speech freedom.

Concerns about an extradition law proposed by the Chief Executive, Carrie Lam, have brought these unresolved issues back to the surface, reinvigorating a broader movement to defend Hong Kong's freedom. Meanwhile, harsh police tactics have produced just demands for an independent inquiry and the release of people arrested since June 2019.

As at the time of rounding up this study paper (23-05-2020), Beijing introduced a draft national security law that will bypass the legislature in Hong Kong, reigniting concerns over eroding freedoms in the special administrative region and triggering protests over the weekend. This is a further confirmation of Chinese determination to violate the Sino-British agreement. The Hong Kong government was required to draft a national security law, the Basic Law in accordance with Article 23 of the territory's mini constitution. A previous attempt to introduce national security legislation in Hong Kong in 2003 was shelved after mass protests. These protests were clear messages that the residents do not trust Mainland China, otherwise HK has had twenty-three years to draft a national security law. Beijing now feels there is an urgency to introduce this law as it feels that there are serious national security issues in Hong Kong, due to long-drawn social unrest sparked by protests over a scrapped extradition bill:

After the last year, there are now serious security issues they need to address. It is hard to pass legislation in Hong Kong these days, so the central government is taking the initiative and going forward with it.²⁵

HK, a former British colony, now transferred to China, is socio-culturally structured in such a way that most of the citizens do not express great pride in being addressed as "Chinese". It is not in the nature of Chinese political culture to accommodate oppositions, criticisms, protests, and advocacies. Hong Kong should have been used for a "Test" case as China may have come to terms with the reality of a democratic future. The Hong Kong People will have to look outside the UK for support.

Honk-Kong Protests and Responses

The excitement of the people and residents of Hong Kong at the epochal, historic landmark British hand-over to China on July 1, 1997 was short lived. The slogan from the event that HK is still proudly HK was a mere morale booster for the Hong Kongers. HK from the onset was deeply divided between the Pro-China group who did not want to upset/provoke the Chinese authorities. They acknowledged and indeed appreciated the concession granted by the Chinese authorities as a privilege and not a right which should therefore not be abused. On the other hand are those who are Pro-HK arguing that HK should be allowed to run its own affairs like the system practised by the erstwhile colonial masters, Great Britain. As far as this group is concerned, HK remains a global city like any other and thus should be treated as a relatively independent state with due respect to its affiliation to Chinese mainland.

Pro-democracy protests, the identity question, the reality of “One Country-Two systems” rule, the anti-communist protests ban, and Xi Jing Ping’s firm grip on the Chief Executive and the socio-political - legal and economic - have become the characteristics of the new territory. The territory has been structurally divided: politically and economically along the line of Pro or anti-China: While one may blame the division to be a consequence of colonialism, those divisions would have been resolved within the fifty years proposed semi autonomy rule of HK if China had not forcefully imprinted her influence on every aspect of the governance and livelihood of the territory.

While it was clear from the onset that the UK responsibilities will pass to China, it was also clear that HK would be “free” from the Chinese overriding political and economic influence and grip for fifty years. Unfortunately, China only waited for UK to depart before throwing the agreements into the bin. Although Hong Kong people were not consulted on the need, process, procedures and structure of the handover as Britain was only committed to her Ninety-Nine year covenant, Britain’s trust in China was misplaced. So the people reacted.

Protests on democratic freedom, press freedom, human rights, freedom of speech, freedom of association, uninterrupted access to information among others became daily routines. Many

were detained, 3% identify themselves as Chinese, 40% calling for independence completely. China would not tolerate such calls. In 2014 the protests almost turned violent with the police taking instructions from China and youths were unconnected to China. As far as the Chinese authorities are concerned, "Hong Kong affairs are a domestic issue for China," Mr Hong, a Chinese official said, "and no other country has the power to meddle."²⁶ This clearly informs China's total disregard and utter disrespect for the Sino-British Declaration.

At the start of the Umbrella Revolution in 2014, a campaign against the perceived infringements in the HKSAR by mainland China, the British Foreign Office announced that Chinese officials now treat the Joint Declaration as "void".²⁷ Rita Fan, then Hong Kong's only representative to the Standing Committee of the National People's Congress in Beijing, asserted that Britain's supervisory responsibility had lapsed and, furthermore, that the Joint Declaration did not stipulate universal suffrage.²⁸ HK today has much more international relevance and the international community would prefer less Chinese influence in Hong Kong. In terms of business, HK is indeed comparatively stronger than 20 years ago but the fear of One Country-Two Systems running for fifty years is causing so much uproar, unrest and uprising. Although the Two systems fit China extraordinarily well, HK citizens need to feel they can be different so as to be more Chinese, without undue interference from the mainland China.

It is noteworthy that the HK Flag is always below China's: this is part of China's strategy to not only maintain her hold on HK but also to keep the people of Hong Kong reminded of their subject to China despite the relative independence in some aspects of political, economic and social life. The CEO of HK is the head of government. Election is a selection process with about 250,000 electorate. Hong-Kongers mainly claim they are not Chinese. The system should have benefitted HK people if allowed to run as planned. HK youths face uncertain future as they are disenfranchised and ruled by tycoons, so they keep agitating for attention and discussion in protests.

HK people have protested that they do not freely elect their leaders. They demand the right to protest. Some books are banned in

Hong Kong by China. Freedom of expression is limited, but the people opposed the censorship of the press. The latest controversial decision by Chief Executive Carrie Lam to introduce new extradition laws between Hong Kong and mainland China is directly responsible for what is happening at the moment.

Although he is claiming that the purpose of it is to close loopholes in order to prevent Hong Kong from being a safe haven for criminals, many civic leaders are concerned that it will undermine the region's autonomy, particularly its judicial system, and expose its citizens to the deeply flawed Chinese justice system which is used more as a political tool to suppress dissent and human rights rather than uphold justice.

Powerful business leaders and the International Chamber of Commerce have also expressed concern over the interference of mainland China. Trade and Commerce is the lifeblood of Hong Kong but it is now bleeding badly. The economy was predicted to shrink by 1.4% in 2019 and economists predicted growth could wither by as much as 3% in the year 2020 not considering the outbreak or impact of COVID 19. These factors seem to suggest that the protests in reaction to the Chinese disregard for the Sino-British agreement would linger on for now.

The Moral/Legal Failure of the UK

For some reasons, the United Kingdom seems to have forgotten or lacked the strength and diplomatic prowess to enforce the agreement it signed with China on July 1, 1997 at the hand-over ceremony without mincing words. The UK has moral, legal responsibility to draw the attention of China to the said agreement. If in twenty-two years, the freedom accorded and promised HK is dwindling so fast, then in another twenty-eight years, the agreement signed on July 1, 1997 may just have been reduced to a piece of paper.

The distraction of the UK by the Brexit notwithstanding, if the UK was honourable enough to keep her own part of the bargain to handover Hong Kong after Ninety-Nine years despite the interregnum and interruption of Japanese Take-Over of the Island during the Second World War, then China is obliged under any circumstance and notwithstanding that there were no sanctions prescribed for violation. UK should look beyond Brexit and Covid 19

and bring China back to track on the mutually agreed terms and conditions of the handover.

Tensions between people from Hong Kong and mainland China have developed since the handover of Hong Kong's sovereignty to China in 1997, and in particular since the late 2000s and early 2010. Various factors have contributed to the development of such tensions which include: a difference between the popular interpretation in Hong Kong of the "One country, two systems" constitutional principle as against the Chinese government's official interpretation; policies of the Hong Kong and central governments to encourage mainland visitors to Hong Kong; and changing economic environments in Hong Kong and mainland China. Increasingly, these tensions have resulted in a rising sentiment in Hong Kong of hostility to "mainlanders" and resentment at a perceived trend towards assimilation and interference from the mainland and the central government, and at the same time a rising sentiment in mainland China of bewilderment and resentment at assertions that Hong Kong is, and should remain, different from the mainland in terms of political system, culture and language. Even if China plans to integrate HK fully into China in 2047, the UK should diplomatically and politically rather than legally compel China to honour a fifty year covenant.

In August 2019, in support of the UK, the US Vice-President, Mike Pence, urged China to respect Hong Kong laws amid protests in Hong Kong, Chinese-US Trade war and global suspicion. Chinese state media, CCTV, responded by saying that the treaty is "a historical document", and has been "invalid and expired" for a long time. It claims that it is "shameful" and "ridiculous" for United States to "interfere in China's internal affairs" with such a document.²⁹ This was few months before the outbreak of the dreaded Corona Virus which came to redefine China-US relations.

Diplomatic Implications for Honk-Kong, China and the UK

The Hong Kong ensuing matter has implications not only for the HK Territory but also for China, the UK and the UN. The international community naturally and logically had great expectations of China in her takeover of HK and the cynosure of the diplomatic eyes was on China to abide by the agreement it signed with the UK.

The unwritten gospel is “If Britain can honour and respect a Ninety-Nine Year agreement, why can’t China honour a Fifty year agreement”? It was a legitimate, logical expectation from the international system. China was not compelled to sign the said agreement with such conditions and clauses so reneging on its validity and implementation calls for concern especially as it has led to series of protests from HK thereby threatening the peace and economic stability of the territory.

The implication of current diplomatic political and legal fuss over HK presents a transmutation of Hong Kong from “a peaceful territory to a protesting enclave” which has tremendously impacted on the socio-political and economic live of the territory.³⁰ All of the economic and socio-political gains of the past will be lost if China does not stem the tide of protests in Hong Kong. For China, her flagrant disregard for the Sino-British Joint Declaration portrays tacit alignment and harmony with the global suspicion. What is at stake (as noted by Mike Pence) is whether in future, the rest of the world will be able to trust Beijing to keep her words. It is indeed a litmus test for China. Chris Patten, the last British governor of Hong Kong, also submitted in June 2019 in a paper entitled “Britain Has a Duty to Help Hong Kong out of this Dark Moment.”³¹ “If it breaks its commitment to Hong Kong, where else can it be trusted?” The world is waiting.

The claim that Beijing is constrained in how it acts towards Hong Kong is based upon the idea that the PRC is still bound by the provisions of the 1984 Sino-British Joint Declaration, a bilateral treaty governing the transfer of Hong Kong from British colonial rule to PRC sovereign control. Because the Joint Declaration is still in force, the argument goes, both parties ought to uphold its provisions as a basic principle of international law.

The Joint Declaration, however, remains deeply problematic. Beijing agreed in 1984 to accept certain restrictions on how it would govern Hong Kong, but only because it wanted London to willingly relinquish sovereignty over Hong Kong Island and the Kowloon Peninsula. Without the P.R.C.’s accession to the Joint Declaration, only the New Territories would have reverted to Chinese control in 1997. It is difficult to support the general principle that colonial powers ought to have the legitimate authority to dictate the future

behaviour of those whose territorial integrity they have violated. Decolonization should not be conditional; no matter how virtuous the conditions attached by a decolonizing power.

The international community may not necessarily take on China over Hong Kong, but the body language of the international community is obviously against China's flagrant disregard for the agreement she willingly signed. Some scholars are of the opinion that the distrust of China by the international system is a remote factor in the international suspicion of the activities and cover-up of China with respect to the ravaging pandemic of corona virus.

Conclusion

The international community continues to watch in bewilderment how China flagrantly dishonours, disobeys and disregards her own treaties. The UK that was expected to drag China before the UN appears to be no longer as "Great" as she used to be. She was battling with Brexit and before she could get her diplomatic acts together, COVID 19 showed up. China so far shows no sign of any form of commitment to honour the Sino-British Joint Declaration which guarantees Hong Kong freedom for fifty years except in the area of Defence and Foreign Policy. Unfortunately, in twenty-two years, China has violated her own commitment with total disregard to the international community, the UK, UN, and Hong Kong itself. China has proceeded to compel HK Government to initiate the extradition of HK offenders to mainland China contrary to HK laws and the agreement. The US, UK, Canada, and the EU have all criticised the extradition proposals, but given the fact that China often turns deaf ears to international criticisms the concerns should be taken to a new level. A global strategy should be devised to compel China to respect her own treaties.

China and the UK are joint signatories to the Sino- British Joint Declaration which guarantees Hong Kong freedom. It is a legally binding bilateral treaty registered with the United Nations, thus, the UK has a responsibility to lay aside the Brexit for a moment, turn her attention and focus away from COVID 19 for a change, and officially petition the UN that China is not honouring its obligations under the treaty and request the international community to take urgent action.

Japan occupied Hong Kong from December 25, 1941 till August 15, 1945 when Britain recovered the territory back and reaffirmed her control over the territory. Despite the Four years break in British hold on the territory, Britain maintained her integrity in sustaining the Ninety-Nine year hold on Hong Kong. Ironically, China which applauded Britain for honouring a Ninety-Nine year old agreement could not honour a Fifty year agreement. It is only Twenty-Two years since July 1, 1997 handover of the Hong Kong territory to China.

It is important to state that the Chinese diplomatic flaws interrogated in this study will further push Taiwan away from any future plans of annexing her to Mainland China, which China desperately crave for, as Taiwan is a very critical observer of the Chinese handling of Sino-British agreements.

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