

ABSTRACT

Dysfunctional Constituencies: The Saga of Hong Kong's Legislative Council

Hong Kong was transformed into a city of protest because its government was neither representative of nor democratically accountable to its people. All things being equal, legislatures are intended to be the institution of governance best attuned to the popular will, but Hong Kong's Legislative Council (LegCo) was never designed to fulfill that purpose. Belatedly installed during the twilight of British colonial rule, the body was based on a corporatist design originally designed for a conservative Portugal dictatorship and installed at Macau. Even at its most democratic iteration, during the early years of Chinese sovereignty, half of its seats were reserved for corporate special interests known as "functional constituencies." At best this arrangement offered a forum for Hong Kong's pro-democratic majority to capture a minority of the legislature, allowing them to articulate their viewpoints but providing no method by which to realize them. In 2021, Beijing moved to resolve the contradiction by purging the democratic candidates, recasting the entire LegCo as a body of pre-vetted "patriots." This article explores the rise and fall of that institution, providing a periodization ranging from its ideological roots in Catholic social thought and deployment at Macau, through its adoption by British colonialists at Hong Kong, its adaptation under early Chinese sovereignty, and its degradation as part of a crackdown against the city's grassroots democracy movement. Ultimately, the saga of the Hong Kong Legislative Council is the story of a showpiece assembly designed to add a democratic veneer to successive authoritarian systems.

KEY WORDS

International (Hong Kong / China), Legislatures, Representative Government, Elections

BIO

Jason Buhi is an assistant professor of law at Barry University's Dwayne O. Andreas School of Law in Orlando, Florida, where he teaches constitutional law, election law, and torts. Prior to joining Barry University, Professor Buhi taught at the Peking University School of Transnational Law in Shenzhen, China, where he instructed courses in constitutional law and Hong Kong-China legal relations. He holds his J.D. from the Pennsylvania State University and his Ph.D. from The University of Hong Kong. Professor Buhi's scholarly interests include the division of national power, subnational autonomy, elections, and freedom of assembly. He is a member of the Maryland and Washington D.C. bar associations, the International Society for Chinese Law and History, and the International Society of Public Law.