

# Hong Kong's Bilateral Relations

– Taiwan, Japan and the US

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# Fundamental Differences between HKSARG and HKC

- ◉ External Relations of Hong Kong: The Most Neglected Subject in International Relations?
- ◉ Colonial Law: Promulgated by the UK
- ◉ Basic Law: As Authorized by the NPC of PRC
  - > No Nullifying Power
  - > Full Sovereignty from PRC

# Basic Law Article 13

- The Central People's Government shall be responsible for the foreign affairs relating to the Hong Kong Special Administrative Region.
- The Ministry of Foreign Affairs of the People's Republic of China shall establish an office in Hong Kong to deal with foreign affairs.
- The Central People's Government authorizes the Hong Kong Special Administrative Region to conduct relevant external affairs on its own in accordance with this Law.

# Basic Law Article 150

- Representatives of the Government of the Hong Kong Special Administrative Region may, as members of delegations of the Government of the People's Republic of China, participate in negotiations at the diplomatic level directly affecting the Region conducted by the Central People's Government.

# Basic Law Article 151

- The Hong Kong Special Administrative Region may on its own, using the name "Hong Kong, China", maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organizations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields.
- WTO: "Tariff"
- APEC: "Economy"
- FIFA: "Domestic League"

# Basic Law Article 153

- The application to the Hong Kong Special Administrative Region of international agreements to which the People's Republic of China is or becomes a party shall be decided by the Central People's Government, in accordance with the circumstances and needs of the Region, and after seeking the views of the government of the Region.

International agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Special Administrative Region. The Central People's Government shall, as necessary, authorize or assist the government of the Region to make appropriate arrangements for the application to the Region of other relevant international agreements.

# Basic Law Article 156

- The Hong Kong Special Administrative Region may, as necessary, establish official or semi-official economic and trade missions in foreign countries and shall report the establishment of such missions to the Central People's Government for the record.

# Theoretical Grey Areas

- Diplomatic Relations Vs External Relations
- Academic Identity of Hong Kong
  - "Sub-sovereignty": Post-Cold War Studies
  - "Sub-nation": Central Policy Unit / Shanghai International Relations Research Institute
  - → Consensus: To abolish all academic terms for public
  - → One-country, Two-system
- Mutual-trust between Beijing and HK Guaranteed
  - Beneficiary to Chinese Diplomacy



# 1. The Manila Hostage Crisis

- Donald Tsang's Phone Calls to the President of the Philippines
- Part of External Relations? Part of Diplomatic Relations?
- APEC Platform – Corresponding? Not corresponding?
- After Approval Sought, the Philippine President should Answer?
- Letter from HKSASRG CE to President, Insulting?



# South China Morning Post, 28 September 2010

- Hong Kong's response to last month's Manila hostage crisis has triggered a debate over how much autonomy the city has in dealing with foreign countries. Hearing of the unfolding situation in Manila, Chief Executive Donald Tsang Yam-kuen tried to reach Philippine President Benigno Aquino by phone that day to express his concern for the Hong Kong tourists' safety.
- But Tsang's actions immediately drew criticism from pro-Beijing figures.
- Phoenix Television anchor Anthony Yuen criticised the Hong Kong government for overreacting and said Tsang should not have called Aquino as they were not on an equal footing.

# The Manila Hostage Crisis

- "The Philippine president is a state leader while the Hong Kong chief executive is not. Please be careful. If there is anyone who can make the call, it must be [President] Hu Jintao," Yuen said.
- "You [Tsang] must understand that you are not in a position to act arbitrarily in times of crisis. There are manners and protocol. You represent Hong Kong only. The request for the Philippine authorities to investigate the hostage crisis has nothing to do with you," Yuen said.

# The Manila Hostage Crisis

- However, Chinese University professor Simon Shen Xuhui, who studies international relations, said Hong Kong actually enjoys a "sub-sovereign" status which allows it to handle certain foreign affairs.
- "The Basic Law states that Beijing deal with Hong Kong's defence and diplomacy, while the city has a high degree of autonomy in external relations. These areas include economy, security, cultural affairs, sports, etc. Hostage rescue efforts should lie within the area of external relations but not within defence and diplomacy," he said.

# The Manila Hostage Crisis

- 3. Why was Tsang's attempt to contact Aquino seen by some as inappropriate?
- a. Philippine officials do not know him.
- b. It was not such an urgent situation.
- c. The Basic Law prohibits Hong Kong's chief executive from calling foreign country leaders.
- d. The Basic Law states Hong Kong's diplomatic affairs should be handled by the central government.

# The Manila Hostage Crisis

- 4. What did academic Simon Shen Xuhui say?
- a. The Hong Kong government overacted in handling the Manila hostage crisis.
- b. The Basic Law enshrines the rights for Hong Kong to develop foreign relations in certain areas.
- c. Co-operation with foreign countries comes under diplomacy and Hong Kong cannot control it.
- d. Hu Jintao should have called Philippine leaders.
  
- Real Answer: The Basic Law enshrines the rights for Hong Kong to develop “external relations” in certain areas.
- Beijing’s Consensus: Special Arrangement (*teshiteban*)

# The Guide of Correspondence

- ◉ Approval Sought
- ◉ Letter from the Highest Authority of the Signature of Treaty X from Hong Kong  
To
- ◉ Highest Authority of the Signature of Treaty A in Country from the Philippines



## 2. Hong Kong-Taiwan Relations

- Taiwan Representatives in Hong Kong
  - › Chung Wah "Travel Service Agency"
  - › Kwang Hwa "Information and Cultural Center"
- 1997-2002: Special Advisor to Chief Executive, Paul Kwok-wah Yip
- 2002-2008: Constitutional and Mainland Affairs Bureau (CMAB), Stephen Lam – The Passive Phrase
- 2008-now: CMAB, Stephen Lam "Plus"

# Previous Taboos

- Twin-city Forum: Capacity Issue
- DPP, Hong Kong Political Parties and Article 23
- Entrance of Taiwanese Officials / Legislators
- Taiwan Perceptions on One-country Two-system
- The Role of the “White Cloves”
  - Hong Kong Policy Research Institute
  - Friends of Hong Kong and Macau Association
  - Central Policy Unit Reports
- → Greenlight
  - Intermediary of Cross-Strait Economic Integration
  - Intermediary of Cross-Strait Political Integration?

# Post-2008 Development

- Establishment of Hong Kong Trade Development Council Taipei Office in 2008 to promote Hong Kong's economic interest and foster cooperation
- Taiwan-Hong Kong Economic and Cultural Cooperation Council (ECCC) under Mainland Affairs Council, aims at promoting interaction, information exchanges, integration in economic and cultural aspects, whilst providing a platform at a official level
  - Hong Kong-Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC)
- The first Hong Kong-Taiwan Cities Exchange Forum was held in Hong Kong in April 2009 by CMAB
  - > Taichung Mayor Jason Hu met Hong Kong Chief Executive Donald Tsang
- Tseng Yung-Chuan, Vice President Legislature Republic of China and Vice Chairman of KMT suggested that the diplomatic role and power of Taiwan's representative in Hong Kong Chung Hwa Travel Service should be extended
- Former Hong Kong Chief Executive Tung Chee-Hwa visited Taiwan in March 2010, invited to meet up with KMT's Lian Chan

# Hong Kong–Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC)

- The major aim is to deepen and strengthen commercial and cultural cooperation and exchange between Hong Kong and Taiwan.
- John Tsang, Financial Secretary and Honorary Chairperson of ECCPC: The platform will enable Hong Kong and Taiwan to deal with all the various issues that are of mutual concern... improve the relationship between Taiwan and Hong Kong, particularly on the commerce and cultural.
- ECCC / ECCPC first joint conference on 30 August 2010.
- Financial Secretary of Hong Kong SAR Government John Tsang who led the ECCPC delegation, had a meeting with the Minister of Mainland Affairs Council, Dr. Shin-Yuan Lai on the issue of deepen cooperation between Hong Kong and Taiwan.
- Tung Chee-Hwa's brother was also appointed as member of the council.



# New Problems Facing

- CEPA-ECFA-HKTFTA Triangle
  - → HK-Taiwan FTA Initiative
  - The open up of direct three links and signing of Economic Cooperation Framework Agreement (ECFA) have directly threatened Hong Kong's role as Entrepot in Greater China
- Sustainability of Hong Kong-Taiwan Relations Uncertain after Regime Changes in Taiwan
  - The "Change" was not Initiated by CMAB
- The Mutual Colonial Complex
  - The Taiwan Movie *Cape No#7*
  - The "Psychological Return" Vs Flexibilities
  - The New Head of the HKMAO

### 3. Hong Kong's Reaction towards Diaoyutai (Sensaku) Crisis

- ◉ Anti-Japanese sentiment in Hong Kong is relatively weak in comparison to Mainland China where large scale protest broke out in major cities.
- ◉ Multiple Identities of "Diaoyutai Activists"
- ◉ Distinction from Extreme Nationalists in PRC

# Historic Contribution of Hong Kong to China Regarding DYT

- ◉ Origin of the Diaoyutai Crisis and Responses from Both Sides of the Strait
- ◉ Diaoyutai Activists in Hong Kong: Local Identity, National Identity and Anti-colonialism
- ◉ The Japanese Viewpoint: Are Diaoyutai Activists in Hong Kong Part of the Chinese Planning?





# The 2010 Crisis

- ◉ Action Committee for Defending the Diaoyuislands, associated with the traditional left wing organization in Hong Kong, April Fifth Action, was planning to sail to Diaoyutai on 22 September
- ◉ Investigation by the Health Department – Complaints against “Mice”
- ◉ Being stopped by the Marine Department, claiming that the boat has not been properly registered / not doing “pure fishing”
- ◉ Member of Action Committee for Defending the Diaoyuislands, Legislator Albert Ho claims that they are going to seek legal action for government unreasonable and non-legitimate actions
- ◉ Potential Problems in the Basic Law:
  - ◉ People’s Diplomacy = Diplomacy?
  - ◉ Who are doing “pure tourism”?

# 4. HK-US Relations

- The Hong Kong-U.S. relations is largely underpinned by Hong Kong's role in Sino-U.S. relations.
- The U.S. has been concerned with Hong Kong's autonomy under One Country two System after handover in 1997, U.S. is determined to play an active role in promoting and ensuring Hong Kong's prosperity, autonomy, and way of life.
- As it is stated by the U.S. Department of State, U.S. policy toward Hong Kong is grounded by the U.S.-Hong Kong Policy Act of 1992.
  - Attitude from Beijing
- The United States maintains substantial political and economic interests in Hong Kong.
- Report by the Centre for Strategic and International Studies in Washington in 2007 notes that the U.S. attention towards Hong Kong has been uneven.

# Contribution of HK towards Sino-US Relations

- The Role of the US in HK's Political Reform, 2010
- The Financial Role (refer)
- The Counter-terrorist Role (refer)

# Controversies of the US Presence in Hong Kong

- ◉ Diplomatic Vs External Relations
- ◉ Worries of Pro-Beijing Commentators
  - > The Role of NDI
  - > The Role of Congressional Hearings
  - > The Myth of "Color Revolution"
- ◉ Basic Law Article 23: The Solution?
- ◉ Implications from the Welcoming US Stance towards Political Reforms in Hong Kong in 2010

# Conclusion

- Theorizing One-country Two-system
- Potential Challenges Facing
- Hong Kong External Relations: Great Asset of Chinese Diplomacy
  - > *CPU / SIRRI Report: "To do the things that Beijing is not convenient to do"*
  - > Final Words: The 7:0 Soccer "Conspiracy"