

CIVIC ENGAGEMENT IN THE POLICY PROCESS IN HONG KONG: CHANGE AND CONTINUITY

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SUMMARY

The role of civic engagement is particularly noteworthy in quasi-democratic regimes like Hong Kong because it can potentially confer some degree of legitimacy on politics and the policy process. This article examines older and more recent means of civic engagement in the policy process in Hong Kong. The concepts of civic engagement and public participation are addressed, leading into discussions of the established mechanisms for public participation, the pressure on the government's approach to civic engagement since 2003, and the politics of civic action on heritage preservation and urban planning. Hong Kong's experience indicates that in a quasi-democratic polity the main channels for public participation in the policy process are often dominated by pro-government business and professional elites, and more participatory mechanisms are only gradually introduced after civic action by civil society groups, as reflected in the recent politics over heritage and planning. Copyright © 2011 John Wiley & Sons, Ltd.

KEY WORDS—Hong Kong; civic engagement; policy process; heritage preservation; urban planning

INTRODUCTION

Public participation in the policy process has attracted a great deal of scholarly attention as many democratic governments have realised the need to establish a partnership with the public and civil society groups (CSGs) in order to deliver effective governance (Irvin and Stansbury, 2004; Bingham *et al.*, 2005; Smith, 2010). Research in the United States has noted the emergence of the 'new governance' framework using quasi-legislative and quasi-judicial processes such as 'deliberate democracy, e-democracy, public conversations, participatory budgeting, citizen juries, study circles, collaborative policy-making and alternative dispute resolution' to actively engage citizens and stakeholders in governance (Bingham *et al.*, 2005). Studies have shown that citizen participation may have advantages such as the avoidance of litigation and greater legitimacy for policy decisions, as well as disadvantages such as the consumption of time and resources and the loss of decision-making control (Irvin and Stansbury, 2004). Despite the diversity of perspectives, public participation is widely considered to be an essential element of effective governance in developed democracies (Brannan *et al.*, 2006).

Public or citizen participation refers here to the organised activities and actions of citizens, whether in their individual capacity or as a group, to influence the policy process in its various stages of problem identification, agenda-setting, formulation, adoption, implementation and evaluation. This extends the idea of public participation as 'an organised process where a government has taken the initiative to involve citizens in all stages of policy development, from identification of problems, clarification of values and interests, to development of policy alternatives and prioritisation of proposals' (Centre for Civil Society and Governance, 2007: p. 5). While both definitions stress the need for the engagement process to be organised rather than just an informal *ad hoc* consultation, the second one limits it to a government's actively seeking to involve citizens largely only in the policy-making stages of the process.

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THE ROLE OF THE GOVERNMENT AND LEGISLATURE IN THE CHANGING POLICY PROCESS

Under the colonial system through to mid-1997, the policy-making process in Hong Kong was very much executive-led (Cheung, 2004; Scott, 2005). The Governor and the elite Administrative Officer grade dominated decision-making through the Executive Council (ExCo), which comprised prominent business and professional figures and the top policy secretaries, while the legislature mainly served to endorse the government's proposals. Business and professional elites were co-opted into the advisory system—the so-called administrative absorption of politics (King, 1981), 'positive non-interventionism' prevailed in economic policy, carefully staged public consultation exercises were used largely to legitimise the policy process and civil society was relatively weak.

Since 1997, the executive—as the government of the Hong Kong Special Administrative Region of China (HKSAR)—has continued to enjoy extensive powers in policy-making, with the Chief Executive (CE) having replaced the Governor as the key policy actor. However, while the 'administrative absorption of politics' remains intact, the Principal Officials Accountability System (POAS) introduced by the first CE in July 2002 has transformed the policy-making structure. First, the top policy secretaries can now be recruited from different sectors of the community rather than just from the senior ranks of the Civil Service. Second, with the CE having taken over immediate responsibility for policy coordination from the Chief Secretary for Administration, all policy secretaries can now communicate directly with the CE on matters of policy (Cheung, 2004). Third, a Policy Committee comprising all policy secretaries has been established to consider policy proposals before their submission to the ExCo.

Hong Kong's legislature is not a powerful body in policy-making. The Legislative Council (LegCo) has 60 members, with 30 elected from geographical constituencies and the other 30 elected from functional constituencies that are biased towards the interests of business and the professions. While the LegCo is restricted in initiating legislation, it has power over legislation and the budget, such that the government must secure its support. Questions raised by legislators can compel the government to provide information and justify its policies. The directly elected legislators are often influential in articulating popular demands because of their electoral mandate.

ESTABLISHED MECHANISMS FOR PUBLIC PARTICIPATION IN THE POLICY PROCESS

Specific mechanisms for public participation were established by the colonial government to help it cope with increasing community demands and to legitimise policy decisions in an undemocratic political system. These mechanisms have been retained by the HKSAR government. Included are district bodies, statutory and advisory bodies, and selected public consultation exercises. Together, they confirm the dominant role of the government in the policy process, the continuing cooptation of professional and business elites, and the limits to grassroots representation in the advisory system.

District bodies

For many years under colonial rule, district bodies—the Urban and Regional Councils (as two municipal councils) and District Boards (as well as various other rural bodies)—were the main mechanisms for citizen participation at the local level. Over time, provision was made for the general public to elect the members of these bodies. While the district boards were mainly advisory in nature, the municipal councils enjoyed both advisory and executive powers, such as supervising government departments responsible for environmental hygiene, recreation and the arts. In exercising these powers, they had a degree of operational and financial autonomy.

In 2000, the municipal councils were abolished and their executive powers were assigned to two new government departments under direct government control. The district boards were renamed as district councils, but their advisory status remained unchanged. Subsequently, a review in 2006 identified the need for them to be given more funds and more power to manage district-based facilities, and also for the heads of government departments to attend their meetings as a means of keeping abreast of district affairs (HKSAR Government, 2006). These measures were initially implemented through pilot schemes in four districts, and were later rolled out to all

districts in 2008. However, the councils have still not been granted the executive powers enjoyed by the municipal councils before their abolition in 2000.

Not surprisingly, the government has again provided for some members of the councils to be appointed rather than elected—essentially as a means of countering the voices of elected members by more pro-government and conservative forces. Of the 534 members across all councils leading into the 2008–2011 term of office, 405 were elected, 102 were appointed by the government and 27 were ex-officio members in their capacity as Rural Committee Chairpersons in the New Territories (HKREO, 2007).

Statutory and advisory bodies

There are many statutory and advisory bodies which have long provided a basis for some public participation in the policy process, while also giving the government opportunities to co-opt business and professional elites into the advisory system (Cheung and Wong, 2004; Scott, 2005; Thynne, 2006). There are now 435 of these bodies (HAB, 2010). Of these, 191 are advisory boards and committees, while the other 244 include a range of entities such as non-departmental public bodies (commercial and non-commercial), appeal boards, regulatory boards, the universities and vocational bodies and the management boards of trust funds and funding schemes (HAB, 2005). Many of the bodies comprise both official members (from government) and non-official members (from the community), with the government having appointed almost 6000 non-official members to 392 of the present 435 bodies.

The business and professional sectors dominate the membership of these bodies. A study of the situation in 2000 found that 45 per cent of the members were from the professions and 35 per cent from business (Cheung and Wong, 2004: p. 881). The five major professions—medicine, law, engineering, architecture/surveying and accounting—contributed over 18 per cent of the membership, and the higher education sector contributed 16 per cent. The representation of the social services sector and labour sector were only 4 and 1.8 per cent, respectively.

While the advisory bodies can offer policy advice to the government, their role in the policy process is not particularly significant. The government not only controls the appointment of their members, but also naturally decides whether or not to listen to their views. Members participate as individuals, so they are not required to consult others in their own sectors. The secretariats of the bodies are staffed by civil servants. The government controls their agendas and can steer their meetings. Nonetheless, some bodies, notably the Education Commission, have made important policy recommendations in their areas.

In 2003, the government responded to increasing public concern in relation to the bodies by promising to improve their composition and transparency. A review of the bodies was launched in April of that year (HKSAR Government, 2004). By January 2006, some 15 interim reports had been issued. While none of them recommended that these bodies become more prominent actors in the policy process, they did address such matters as the strict observance of the ‘6 year rule’ (i.e. 6 years as the maximum duration of each appointment), the ‘six bodies rule’ (i.e. no member should serve on more than six bodies), and possible means of widening the participation of social groups such as youth, women, ethnic minorities and people with disabilities. Yet, the goal to turn these bodies into ‘important channels for public participation in public affairs’ remains illusive.

Public consultation exercises

Public consultation exercises are another mechanism for public participation in Hong Kong. They were sometimes used by the colonial government and have increased in number since 1997. A total of 226 of these exercises covering a variety of issues were conducted from 1997 to 2009. A personal calculation suggests that, between 1999 and 2007, there were on average over 20 such exercises each year.

Where policy proposals have been addressed through consultation, the publication of a consultation document has usually been accompanied by a publicity campaign, public announcements in print and electronic media, phone-in programmes, the publication and dissemination of leaflets and the organisation of public forums. The government has dominated these exercises by setting the agendas and policy options for consultation, controlling the timing, and selectively reviewing the feedback from the community.

Over the last decade, the government has also been conducting consultations on the annual policy address of the CE and the budget. But whether such community input actually influences the government cannot be assessed because no information on the impact of the feedback received has ever been provided.

Experience over the years confirms that consultations initiated by the government are not designed to enhance public participation because there is no real dialogue between the officials and the people. The public are passively engaged and do not know whether their views have been incorporated or rejected, and on what grounds. The views of citizens may not be fairly represented when the government sums up the feedback from the consultation, and such citizen inputs are rarely fully revealed. The people are often only consulted after the government has decided on its preferred options. Inevitably, public forums are dominated by stakeholders keenly interested in the issues being considered. Although citizens may participate actively in certain policy sectors such as in town planning and environmental impact assessment processes, they have far fewer opportunities to participate meaningfully in most other areas.

PRESSURE ON THE GOVERNMENT'S APPROACH TO CIVIC ENGAGEMENT

The political crisis triggered by the massive 1 July 2003 protest against the government's proposed national security legislation transformed the political landscape in Hong Kong and weakened the government's authority. This and subsequent protests compelled the government to address the challenges from the civil society and develop new mechanisms for fostering more public engagement, but still with few effective results.

In 2005, in response to demands for participation from the middle class, the government established an Internet-based Public Affairs Forum comprising 600 participants with business, professional and academic backgrounds (HAB, 2004). A preliminary assessment suggested that the issues discussed in the forum were mainly raised by the government and that the response rate of the discussions was low (SynergyNet, 2005: p. 77). It remains unclear whether this forum has served any important function in providing public input to the policy process.

Also in 2005, in an attempt to enhance public participation in policy agenda-setting, the CE revamped the Commission for Strategic Development (CSD) as the 'most important advisory body' by appointing 153 prominent academic, business, professional and political figures to its four committees (HKSAR Government, 2005). The large membership, the domination of pro-government members, and the limited time for discussion all served to prevent the CSD from becoming an effective advisory mechanism reflecting diverse views. Since 2007, following the reduction of its membership to 69, it has operated more like a conventional advisory committee.

In 2006, as already mentioned, a review of the district councils resulted in their funds and powers being increased and in the attendance at their meetings by heads of government departments as a means of appreciating local issues and concerns. These changes have partially re-vamped the councils, but they have not turned them into more effective means of public involvement in local affairs than previously.

In 2007, the CE acknowledged that the government's approach to policy-making remained 'top-down' and that it needed to be amended by requiring the government to 'pro-actively solicit public opinion' (HKSAR Government, 2007d). His second 5-year term as CE which began in 2007 opened a window for change in this regard, but so far the response from the government has remained largely *ad hoc*.

Some new advisory bodies have been created to explore policy alternatives and to forge community consensus—an important example being the Consultative Committee on the Core Arts and Cultural Facilities of the West Kowloon Cultural District, under which three advisory groups were formed to address museums, the performing arts and tourism, respectively (Consultative Committee, 2006). Also, more citizens with diverse political views are now appointed to advisory bodies. For example, the Committee on Review of Post-Service Outside Work of Directorate Civil Servants includes senior members of the three most important political parties, including two prominent critics of the government (Committee on Review of Post-service, 2010). Similarly, of the 10 community members appointed to the Steering Committee on Review of the Urban Renewal Strategy, three are well-known critics of the government's planning and social policies (Development Bureau, 2010c; HKSAR Government, 2007b).

These and other developments, while potentially significant, have had limited effect as means of fostering widespread public participation in the policy process across an array of policy areas. Overall, the formal channels for the articulation and incorporation of public views on policies and their implementation remain seriously inadequate, despite some of the important engagement initiatives addressed below.

THE POLITICS OF CIVIC ACTION ON HERITAGE PRESERVATION AND URBAN PLANNING

Some cases involving heritage and planning can be usefully considered as examples of both top-down and bottom-up developments in civic engagement. They illustrate important dimensions of the politics of engagement, with the idea of identity politics constituting a core element in the contention over heritage and planning.

Heritage, identity politics and civic action

Identity politics in the post-colonial era has become increasingly prominent as Hong Kong continues to work with 'one country, two systems' as the basis of its constitutional and political relationship with Beijing. In this regard, Henderson (2008: p. 549) argues that 'heritage is . . . a socio-cultural resource which the Hong Kong citizenry is drawing on to help define an identity, both connected to and distinct from mainland China'. Heritage sites and the intangible 'collective community' of the Hong Kong people have become a highly contentious issue between the post-colonial government and society as a consequence of competing visions on the city's development model, the protection of public space and citizen rights, and the legitimacy of the political system (Henderson, 2008; Lu, 2008). In response, there have been major civil society protests against several of the government's development projects involving sites of considerable historical and cultural significance.

From the perspective of civil society activists, the government's reclamation and renewal policies have privileged property developers and big businesses because old communities and important sites have often been bulldozed for projects resulting in highways and high-rise commercial and residential blocks. In confronting the authorities, an often diverse array of civil society groups (CSGs), activists and citizens with cultural, environmental and professional backgrounds have coalesced to challenge the lack of public participation and to de-legitimise an urban development model that ignores the protection of public space, ruins local communities and heritage, and reduces economic opportunities for the ordinary people.

The proposed and, in some cases, actual destruction of old Hong Kong areas and architecture threatens or eradicates iconic public places and landmark structures of the British colonial era. This has certainly been so with the demolition of the Star Ferry Pier and Queen's Pier as part of a reclamation development to make way for a four-lane highway linking the eastern and western sides of Hong Kong Island, and also with the proposed redevelopment of old buildings and related areas in Wan Chai and Central.

With regard to the Star Ferry Pier and Queen's Pier, the Outline Zoning Plan of the area in which the Piers were located received no objections from the established mechanisms such as the relevant panels of LegCo, the Antiquities Advisory Board and the District Councils (Centre for Civil Society and Governance, 2007: p. 38). Subsequently, when CSGs heard of the planned demolition of the Piers, they reacted very strongly and were soon joined by other professional and environmental groups. Those involved appreciated the historical significance of the Piers. Thus, while not a spectacular piece of architecture, the Star Ferry Pier was the place of protest which triggered the 1967 riots, a key event that subsequently prompted major policy changes under British colonialism. Located close by, the Queen's Pier was where the British royal family and governors always first set foot when visiting or taking up appointments in Hong Kong. Both evoked strong memories of Hong Kong under British rule.

Although the Queen's Pier was given the highest Grade 1 status by the Antiquities Advisory Board in May 2007, the government did not grant it the status of a declared monument. This decision and the moves to demolish both Piers prompted protests and a hunger strike organised by individuals and CSGs in late July and early August 2007. The protest continued but ultimately to little avail as the Piers were demolished.

The Wan Chai Market building constructed in 1937 is classified by the Antiquities Advisory Board as a Grade III historical building. In 2004, the Urban Renewal Authority (URA) announced a plan for it to be demolished and redeveloped into a 42-storey residential building. This announcement immediately upset members of the public

who wished to preserve the building and subsequently five CSGs formed a taskforce urging the URA and the developer to consider alternative possibilities (HKIA, 2004). In response to the taskforce's arguments and other voices, the government felt compelled to encourage the URA to work with the developer to identify an effective way forward. On this occasion, after some years of action, a compromise solution was found. This resulted in the introduction in early 2008 of a core elements preservation scheme in which the major elements of the market building with heritage value would be preserved (Development Bureau and URA, 2008).

Meanwhile, in 2006, a plan was announced by the URA for about half of the 150 hawker pitches in the nearby open-air bazaar in Tai Yuen Street and Cross Street to be relocated to the newly built Wan Chai Market beyond the old market building. Residents and volunteers were soon organised to pressure for the bazaar to be preserved (Wan Chai Street Market Concern Group, 2010). In response to growing public concern, the CE finally included the bazaar as one of the targets for heritage preservation.

In 2007, the URA proposed that the 160-year old Graham Street in Central be turned into an 'Old Shop Street' while preserving only some hawker stalls nearby and constructing four high-rise buildings (URA, 2007). This proposal similarly faced strong opposition from various CSGs (Project Conservation Advisory Panel, 2007). In July 2008, after a year of public action and related consultation, the URA announced that the street market would be largely maintained with all dry-goods stalls being kept and wet-goods stalls being moved to a new market building close by. The floor space after redevelopment would also be scaled down by some 40 per cent (URA, 2008).

The government's recognition of heritage

The protests concerning the piers, market building and other areas of historical significance captured intense community attention, leading to the government, legislators and political parties modifying their stance on matters of heritage. The CE publicly conceded that 'collective memory' had been awakened in the community and that it was a challenge to capture voices not incorporated in the existing consultative mechanisms (HKSAR Government, 2007c). The Secretary for Development admitted that the responses had convinced her to take into account the rising public aspirations on heritage conservation (*Ming Pao*, 30 July, 2007). The responses had clearly affected government thinking and policy involving civic engagement, while also heightening community interest and concerns over participation and heritage.

Since then, the government has amended its decisions in several projects after engaging the public and having been challenged by CSGs. The Central Police Station Compound comprising the Central Police Station, the former Central Magistracy and Victoria Prison was first planned to be redeveloped for tourism purposes, but this decision was strongly opposed by CSGs demanding its preservation by non-commercial means. Then, after the CE's endorsement of the Hong Kong Jockey Club's revitalisation proposal on the Compound (Hong Kong Jockey Club, 2007), the Club conducted a 6-month engagement exercise to collect public views on its proposal. In July 2008, after the consultation found that many people opposed the proposed 160-m-high new structure, the Club decided to remove the observation deck and modify the structure by reducing its height. A revised conceptual design with a substantial reduction in the height and bulk of the new structures was later released in mid October 2010 (Development Bureau, 2008, 2010d).

Situated near the Central Police Station Compound, the Former Police Married Quarters site, which also includes the historic Central School, was first approved for redevelopment for residential use in February 2007. Late that year, the CE suspended the decision for 1 year (Office of the Chief Executive, 2007). A coalition of environmental groups, professional bodies, local residents and other CSGs strongly argued that the site should be preserved. This resulted in a 3-month public engagement being conducted between February and May 2008. When the engagement revealed public support for revitalisation rather than redevelopment, the CE in late 2008 formally proposed the revitalisation of the site for creative industries and education (Office of the Chief Executive, 2008).

The Government has also responded to pressure from CSGs to intervene in the conservation of privately owned architecture with significant heritage value. The King Yin Lei mansion built in 1937 was not graded as a heritage that merited protection for years. The Conservancy Association, a well-known environmental CSG, revealed in mid September 2007 that the demolition of the mansion had begun after a change in its ownership. The group responded swiftly by notifying the Development Bureau and organising a petition (Conservancy Association, 2010). In

response, the Secretary for Development declared the mansion a proposed monument and called for a halt to the works on the site (Commissioner for Heritage's Office, 2008). The government later successfully secured a deal with the new mansion owner. In return for the surrendering of the whole building to the government, the Secretary offered an *in situ* 'land exchange' under which an adjacent piece of slope would be granted to the owner for residential development. The mansion was officially declared a monument on 11 July 2008 (HKSAR Government, 2008).

In his 2007–2008 Policy Address, the CE finally proposed a series of new initiatives, including the creation of the post of Commissioner for Heritage in the Development Bureau as a 'focal point for public participation' and conservation, the requirement for heritage impact assessments in all public works projects, the involvement of non-governmental organisations in revitalising historic buildings, the provision of financial incentives for the conservation of privately owned historic buildings, the extension of the ambit of the URA to protect pre-World War II buildings and the inclusion of heritage conservation as a major concern in the urban renewal strategy (Office of the Chief Executive, 2007). These initiatives were supported by the Development Bureau, which was given increased overall responsibility for policies on land, planning and heritage. They were also buttressed by the revamping of the Antiquities Advisory Board. This included its membership being increased from 21 to 28, and 15 new members being appointed who were not only younger but also more involved in heritage protection (HKSAR Government, 2007a,e). The revamping has already resulted in noticeable changes. For instance, with the appointment of a new chairman, the screening and grading of monuments have been expedited. Previously only a few cases were discussed each year, but they soon began working on a very tight schedule in order to speed up the grading of the existing 1444 cases.

Civic action on urban planning

In view of a series of protests and the Court of Final Appeal's decisions on reclamation in 2003–2004, the government in May 2004 formed a new advisory body on planning the harbour area: the Harbourfront Enhancement Committee (HEC, 2009). The Court's ruling meant that no reclamation would be permitted except for 'overriding public need'. The HEC's membership comprised a wide range of stakeholders—green groups, professional bodies, district councillors, business organisations and academics. The setting up of the HEC was a bold move by the government to incorporate different voices into its policy deliberation framework in order to move the harbour planning forward. The nominations of non-government representatives were made by environmental and professional bodies, not by the government—a practice which was well-received by the CSGs. Under the guidance of the HEC, public consultation exercises were conducted in the development of plans for selected harbour-side areas in 2004–2006.

The Southeast Kowloon Planning Review embracing the old Kai Tak airport site was undertaken under the auspices of the HEC. It involved a number of stages, including the drawing-up of an initial outline concept plan, public forums, district-based forums, design forums, focus groups and workshops, followed by the development of the outline development plan which was used as the basis for the statutory Outline Zoning Plan. The public were allowed to play a role in shaping the review agenda and in envisioning the project in the first stage. The consultation on the Kai Tak site helped to balance diverse views and consolidate different planning scenarios. After spending almost 2 years and considerable resources, the government regarded the success of the civic engagement in planning the Kai Tak site as a model of planning in partnership with the community. This led to the HEC being superseded by a new Harbourfront Commission in June 2010.

In order to avoid strong opposition from residents and other stakeholders, the URA conducted four rounds of community engagement for 2 years before confirming the renewal plan for the aging Kwun Tong Town Centre in 2007. Broadly similar to the Kai Tak case, these engagement efforts included two surveys conducted in 2005 (stage 1), the setting up of the Kwun Tong District Advisory Committee in November 2005 (stage 2), and the organisation of a design community workshop in which over 100 people from different backgrounds attended to design six renewal conceptual plans (stage 3). Formal public consultations on three design proposals based on these six plans were organised and attracted a record 85 439 visitors (stage 4) (URA, 2005). After extensively engaging

the public and incorporating public views into the renewal plan, the project proceeded smoothly without much confrontation.

In 2008, the Secretary for Development organised a thorough three-stage review of the Urban Renewal Strategy. The review was completed in 2010 and is awaiting further action (Development Bureau, 2010a, b).

CONCLUSIONS

There has been a great deal of continuity in the formal means of public participation in Hong Kong, but they can no longer cope with the changing political dynamics. With the further weakening of the government's authority since mid 2003, the onset of major confrontation with different CSGs in 2006–2007, and the re-appointment of the CE in mid 2007, the government finally reoriented its stance toward civic engagement. Significant engagement exercises have been tried in selected policy areas since 2003 and especially since 2006–2007, along with the accommodation by the government of strong civic action in highly contentious issues such as heritage and planning in which the Secretary for Development has become confident in working with civil society. It is now unlikely that the government would attempt to introduce a major policy without actively involving the public. Nonetheless, the established mechanisms for public participation are still dominated by the government, the business and professional elites are often still the key players, and the impact of civic engagement still varies significantly across policy arenas.

In future, Hong Kong is likely to witness the co-existence of a mixture of civic engagement mechanisms. In environmental, planning and heritage areas, civic engagement will be the norm rather than the exception because of the breakthroughs that have been made by CGSs and others since 2006–2007. But the government will continue to exercise tight control over policies that it considers to be politically risky, and hence will be less inclined to genuinely engage the public in these areas. The prospects for more widespread and effective civic engagement in a quasi-democratic regime like Hong Kong remain precarious.

ACKNOWLEDGEMENTS

The author would like to thank Anita Chow and Kelvin Sit for their research assistance, Dr. Cho-Nam Ng for his advice, and the Research Grants Council for its support of his project on the policy process in Hong Kong (HKU 7209/04H).

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