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See the attachment for my response to the public consultation questions on reform. Hardcopy sent by mail. Suzanne Pepper

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PUBLIC CONSULTATION ON POLITICAL REFORM

PRINCIPLES

A1. Sovereignty and Suffrage

The only time anyone here has openly questioned Hong Kong's status as part of China was during the 1982-84 period soon after Beijing announced its intention to resume sovereignty. Since 1984, when the Joint Declaration was signed, the community has accepted all its many guarantees at face value and concentrated on translating them into practice. Consequently, the need to reaffirm Hong Kong's status as an inalienable part of China at this point in time seems redundant because it refers to the basic assumption on which all political reform debate has proceeded during the past two decades. Basic Law Articles 1, 12, 43, and 45 are well known and proposals for political change have never challenged their validity. Hong Kong activists did often say they sought democratic guarantees as protection against possible abuses of an authoritarian Beijing government, but they did so PRECISELY BECAUSE democrats accepted their post-1997 status as citizens of the People's Republic.

Hence it is unclear why a consultation on political reform in 2004 should begin with a statement about sovereignty – unless Beijing leaders, being unfamiliar with the history of political development under British colonial rule, assume that suffrage is synonymous with independence. In fact, it is not. The British allowed political reform in their colonies after 1776, PRECISELY BECAUSE they were trying to avoid more American-style revolutionary declarations of independence. Political reform, elections, and local management by local people, leading to responsible self-government were always, after 1776, undertaken with the aim of AVOIDING independence and keeping colonies within the empire!

Beijing leaders would be well advised to revisit that history and especially the first serious attempt to introduce political reform in Hong Kong, between 1946 and 1952. London's aim in 1946 was to let local people enjoy a right that had by then been extended to virtually all others under British colonial rule, again PRECISELY BECAUSE London wanted to give Hong Kongers a stake in local governance and thus a reason to remain within the British Empire.

That first Hong Kong reform effort was also not abandoned in 1952 because London, Beijing, or Taipei feared it would lead to independence. Nor did Beijing ever object to political reform in Hong Kong for any such reason (despite London's perennial claims to the contrary), as aging reformers from the 1946-52 generation were finally able to learn for themselves when they traveled to Beijing for the first time in the late 1970s.

A2. Politics and Actualities

"Actual situation" should refer to EXTERNAL and INTERNAL considerations. Externalities are at least two-fold, namely, China's reputation within the international community and the problem of Taiwan-mainland reunification.

Concerning the first point, the Joint Declaration was recognized as the equivalent of an international treaty and the Basic Law as following therefrom. These two documents were advertised as safe guides to Hong Kong's future because Beijing was an honorable partner that could be relied upon to keep its promises. In particular, the Basic Law promises universal suffrage for both the Chief Executive and all members of the Legislative Council, and indicates that reforms can begin from 2007. The Basic Law (Annex II) also says that any changes in Legco election procedures need only be reported to Beijing "for the record." Additionally, in 1994, a formal statement from the Chinese Foreign Ministry said clearly that post-1997 election arrangements were a matter "to be decided by the Hong Kong SAR itself and it needs no guarantee by the Chinese Government." These were all serious undertakings with a basis if not in international law then at least with respect to China's standing as a responsible member of the international community. If the rules are arbitrarily changed now, or if there is further undue procrastination in implementing them, Beijing will be perceived as reneging on those earlier promises.

On Taiwan, Beijing leaders seem blind to the basic nature of its intransigence. Neither the Nationalist Party nor the Democratic Progressive Party will accept a Hong Kong-style "one country, two systems" formula as the basis for reunification **PRECISELY BECAUSE** the promises of autonomy have not fully materialized for Hong Kong. As leaders of both parties continue to indicate in many different ways, they have struggled for half-a-century to achieve the ability to elect their own leaders and are not willing to relinquish that achievement. Therefore, if Beijing wishes to set Taiwan hearts at ease, Beijing should begin by honoring its promises on political reform and universal suffrage that are written into Hong Kong's Basic Law. Toward that end, the statement that Hong Kong should be ruled by patriots is especially counter-productive because it is a partisan requirement referring to Hong Kong's pro-Beijing loyalists. Taiwan cannot be expected to agree to conditions of future governance that are actually code words for rule by China's Communist Party and its partisan loyalist minority, a fact of Taiwan's "actual situation", that Beijing should consider when making decisions on Hong Kong.

Hong Kong's actual INTERNAL situation is related in turn to gradual orderly progress. The first attempt to introduce elected Chinese representation in Hong Kong was made by Governor John Bowring in the 1850s. From that time until now, different kinds of people including both the British and local Chinese leaders, using all kinds of different pretexts, have argued against allowing Chinese residents in Hong Kong to participate in this way. But from that time to this, there have also been interested Chinese residents continuing to demand such a right and devising reform programs that would allow them to do so. More recently, during the last half of the 20th century, there has never been a time when someone in Hong Kong was not advocating political reform. As a result of those demands, elections have been held here continuously, at progressive

rates of development since 1952, without incident and only to positive effect. So that it is difficult to calculate how much more gradual this process can be when it has already proceeded at a snail's pace for half a century.

Specifically, during the past two decades, the voting public has matured to the point where it cannot be distracted by old-fashioned "bread and circus" routines, nor intimidated by mainland-style political struggle campaigns. The public's abilities and aspirations have thus been demonstrated many times over, whether measured in objective terms (literacy, income, communications) or on the basis of subjective considerations (tolerance, social activism, voter participation). Indeed, a point of diminishing returns appears to have been reached where NOT allowing further progress risks consequences more negative than positive, as indicated by declining public confidence in the executive's ability to lead and a consequent deflation of political authority.

A3. Safe and Sound Leadership for All

Capitalist economic systems are so uniformly associated with democratic polities that Hong Kong's "actual situation" in this respect is an anomaly, difficult to reconcile with the near universal norm. Presumably, in time and with the proper encouragement, corporate capital here will be able to exert pervasive influence over elections as it does elsewhere. Meanwhile, except for its tycoon class, many sectors of Hong Kong society (academics, lawyers, social workers, trade unionists) have already begun to establish representation through the direct election method. Where they have not, professional associations are numerous and well-developed; and can easily articulate their interests with elected representatives as and when necessary.

As for the business community, if it is really incapable of producing electable politicians who can be trusted to represent its concerns, then one solution would be to divide Legco more clearly into two lower and upper houses. Accordingly, a directly elected "commons" would not have to suffer the repeated frustration of preemption by appointed "lords," who could nevertheless rest assured that on major budgetary matters their veto would prevail. Before so drastic a step is contemplated, however, an intermediate solution would be to give the business community one last chance to get its political act together, in 2008, when the nine new functional constituencies could be transformed into directly elected seats. The geographic constituencies would be smaller than at present allowing, for example, Liberal Party politicians a better chance of succeeding where previously they have failed.

PRACTICALITIES

B1. The phrases "amend the method" and "amend the provisions" used in Annexes I and II need not be interpreted to mean amending the Basic Law. The reference presumably is to the process of gradual and orderly development that the Basic Law promises and that the local community has been led to expect. Local legislation should therefore suffice, at least for the first stages of that progression, as suggested above in section A3.

B2. There is no need to invoke Article 159 at this preliminary stage.

B3. Tung Chee-hwa himself should be seen to be taking the initiative by launching a public consultation as soon as possible. He should promise that it will be conducted in good faith, and that he will personally intercede with Beijing on Hong Kong's behalf. He should also be responsible for informing Beijing that the campaign-style political discourse of Hong Kong's as yet unreformed leftist minority is counter-productive both internally and externally.

B4. The excuse of "no consensus" was used by the British throughout the post-1949 period, as a stock response whenever questions were raised about political reform in Hong Kong and has evidently survived in the post-1997 civil service memory despite being widely discredited. That particular argument should therefore be avoided at all costs; another manipulation of the "consensus" question will only add to the government's lapsed credibility and authority, as occurred most recently with the Wilson Administration in 1987.

B5. Reform should begin in 2007.

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