

2047: THE WRITING ON THE WALL?

By Suzanne Pepper

Political leaders rarely say what they mean and China's late paramount leader Deng Xiaoping was no exception. Hence his mid-1980s promise about Hong Kong remaining unchanged for 50 years after the territory returned to Chinese sovereignty in 1997 could be interpreted in many ways. Uncertainty remained even after the promise was written into Hong Kong's de facto constitution, the Basic Law, promulgated in 1990. Article 5 states that the "capitalist system and way of life shall remain unchanged for 50 years." This provision is usually said to refer to economics but it also specifies that during those 50 years, "the socialist system and policies shall not be practiced." A socialist system in communist parlance presumes Communist Party political rule, suggesting that the promise needs clarification—especially since socialism can be defined in many ways while the ruling party guards its monopoly over state power as jealously as ever.

In June 2007, another Chinese political figure made a similarly enigmatic reference to the 50-year guarantee. As the first pro-Beijing loyalist and acknowledged Marxist ever to be appointed to a leading position in Hong Kong's government, "patriotic" newspaperman Tsang Tak-sing, was trying to deflect questions about his youthful activism in the late 1960s when he received a two-year custodial sentence for subversive anti-British pamphleteering. At the time, influenced by the high tide of Mao Zedong's Cultural Revolution across the border in China, Hong Kong's entire leftist community rallied to confront British authority, leading to one of the few violent political episodes in Hong Kong's colonial history. That 1967 confrontation, which loyalists still

celebrate, reinforced the line that remains in force today between the pro-Beijing minority and everyone else, or “us and them” to use a common local expression.

On July 1, 2007, Tsang Tak-sing became the new Secretary for Home Affairs, responsible for territory-wide administration, and local democrats could only hope he would be more tolerant of what Beijing regards as their subversive pamphleteering than the British were of his. Democrats consequently joined him in dismissing the importance of his 40-year-old prison record. Their apprehensions currently revolve around Beijing’s plans for the 40 years to come and Tsang Tak-sing acknowledged the uncertainty saying his attention is focused on the future not the past. “What I’m more concerned about is 2047,” he said, leaving the inference understood since 2047 is the cut-off date for Deng Xiaoping’s 50-year grace period. ¹

The uncertainty is all the more important because Article 5 does not mention what system of governance will be responsible for maintaining Hong Kong’s “way of life” over time. In fact, that system is by design in a state of evolution from the autocratic designs of British colonial rule to an as yet unspecified future—a future now taking shape as Beijing leaders and local loyalists begin to articulate their ideas about the way forward. By reading between a few lines it is possible to discern an emerging scenario that absorbs Hong Kong into China’s Communist Party-dominated People’s Congress system and the lines seem to be converging around the year 2047.

THE PAST

For reasons that are lost in the mists of time, Britain ruled Hong Kong as a “benevolent autocracy” from start to finish. Political reforms designed to prepare all its other colonies for evolution toward elected self-government were not introduced until the

1980s, *after* Beijing declared its intention to take back Hong Kong. The first direct election for a few legislators by universal suffrage was not held until 1991, giving British negotiators little right to demand that Beijing include Western-style democratic self-government in the package of guarantees.

Constraints against active politicking were nevertheless relaxed in the 1980s and Hong Kong rapidly developed a democracy movement that did its best to influence Basic Law drafters. But the net result was only a vague promise of “gradual” progress toward the “ultimate aim” of electing by “universal suffrage” both the local legislature and the governor, now known as the chief executive. The Basic Law also stipulated a progression whereby the number of legislators elected directly by universal suffrage would increase from 20 to 30 in the 60-seat Legislative Council (or Legco in local shorthand) by 2004. Reform beyond that point is hedged in by an intricate network of obstacles that can be surmounted only with Beijing’s approval and a two-thirds vote in Legco, which is designed in the old colonial way to guarantee “safe” conservative majorities.

Probably Beijing never really intended to allow Hong Kong the unfettered right to elect its own leaders via Western-style direct elections, which remains the objective of local democrats. But specific decisions leading to the emerging scenario seem only to have been made as events unfolded in Hong Kong and the communist-led government in Beijing regained its confidence after the collapse of communism elsewhere between 1989 and 1991. Initially, in the 1990s, Beijing officials lambasted the last British governor, Christopher Patten, for trying to turn Hong Kong into a “political city” at the 11th hour. They then tried to recreate its old colonial “economic city” ethos by tapping a

conservative businessman, Tung Chee-hwa, to head Hong Kong's first post-1997 government.

Despite Tung's bumbling administration, Beijing was content to renew his mandate for a second term in 2002, while local democrats sank into a fractious state of demoralization. Their disarray was enhanced by the growing strength of Hong Kong's new pro-Beijing political party led by Tsang Tak-sing's elder brother, Tsang Yok-sing. Democrats just managed to keep up their struggle to exploit the system's margins for maneuver until the Tung administration mistook quiescence for acquiescence and launched a campaign to force passage of national security legislation as mandated by Article 23 of the Basic Law.

The proposed Article 23 legislation was carelessly drafted and crudely promoted while Hong Kong was fighting the deadly SARS epidemic, which originated across the border amid China's notoriously lax health and rigid security standards. The threat to Hong Kong's way of life was clarified as never before, provoking 500,000 people to turn out in spontaneous protest on July 1, 2003, and resulting in withdrawal of the legislation. That date marked the revival of Hong Kong's democracy movement, paralleled by Beijing's determination to defeat it.

THE CURRENT IMPASSE

Democrats hastened to exploit the momentum with a street rally aimed at transforming public anger into renewed enthusiasm for pro-democracy candidates in the coming district and Legislative Council elections. The Beijing-owned *China Daily* responded within 24 hours denouncing the July 13th rally as a "conspiracy to subvert" Hong Kong's government with demands for full democracy.² Democrats ignored the

warning since it was no different than many others except that this response was more immediate than usual for so innocuous an event. Democratic candidates managed to overcome their differences enough to agree on a common platform demanding full democracy in 2007/08, the first years possible under Basic Law rules. These candidates swept to victory in the November 2003 District Councils election recouping all earlier losses.

With their own confidence restored, democrats allowed themselves to talk about winning a 50% majority in the September 2004 Legislative Council election despite the obstacles built into its conservative design. All candidates again agreed on the same common platform as before. According to insiders' accounts, it was the July 1, 2003 protest plus the follow-up electoral challenge that finally spurred Beijing officials to take drastic action.³ This they did with an angry polemic based on patriotism and the "conspiracy to subvert" logic, and explicitly redefining one key Basic Law proviso about Legco reform being a matter for Hong Kong alone to decide.⁴

When democrats reminded Beijing of this provision they received a sharp rebuke, which many official statements have since repeated: no aspect of Hong Kong's political reform can be decided by Hong Kong alone.⁵ The polemic culminated, in April 2004, with a Beijing ultimatum barring any changes in 2007/08, thereby depriving democrats of the main plank in their election platforms.⁶ Some clever maneuvering by leftist campaign managers, who have been fast learners of the electioneering trade, deprived democrats of their 50% Legco goal as well.

With its attention now focused directly on Hong Kong's governance, Beijing then oversaw a series of correctives. Tung Chee-hwa resigned mid-way through his second

term and was replaced by long-time civil servant Donald Tsang Yam-kuen. Moving from denial to acceptance, Beijing officials also began to acknowledge Hong Kong's desire for political reform, resulting in a new plan introduced by the new Tsang administration in 2005. The aim was to placate democrats while adhering to Beijing's 2004 ultimatum against changing the balance between directly and indirectly elected legislators.

The ultimatum derived from voting patterns that have held since 1991: at least 60% of Hong Kong voters in Legco elections support pro-democracy candidates, whereas the small constituencies for indirectly-elected seats are tailor-made for mostly conservative candidates. Beijing has also reaffirmed its substantive right to approve the appointments of all Hong Kong's principal executive officials.

A "PEOPLE'S CONGRESS" SCENARIO?

Although not identified as such, a tentative future course first appeared at this point, in the form of the 2005 plan. It called for an increase in Legco seats from 60 to 70, with five each in the directly and indirectly elected categories. But the latter would be elected by District Councilors, giving them a total of six such seats. Councilors at the district level are overwhelmingly conservative by reason of their small constituencies, local neighborhood ties, and the appointment system. This latter, an old colonial safety device, gives the chief executive the right to appoint about 20% of the councilors (102 among the 529 District Councilors in 2003). Appointees are nominated by the Home Affairs department and have been uniformly conservative since the practice was reinstated in 1997. In 2003, despite their gains, democrats won elected majorities in only three of the 18 District Councils and lost their parity position in six others once the appointees took their seats.⁷

Democrats voted down the plan in December 2005, but without articulating its full implications. The six Legco seats indirectly elected by District Councilors would have introduced a pattern identical to that of China's own People's Congress system. This is built upon grassroots foundations of universal suffrage, small constituencies, indirectly elected delegates to congresses at the next level above, and Communist Party domination of candidates throughout. Since the defeat of the 2005 plan, reminders from Beijing have grown more insistent.

In April 2006, the Basic Law's "guardians" in Beijing ventured a new set of guidelines. Everyone calls them guardians because, as Basic Law drafters, they are often called upon to explain Beijing's views on implementation. The guardians opined that Hitler, Mussolini, and Taiwan president Chen Shui-bian all came to power by manipulating elections. Even in the United States they had produced presidents mostly of mediocre caliber. In order to avoid such misfortunes, Hong Kong should first prepare by: passing the dreaded national security legislation; passing a law to govern political parties; achieving community consensus on the need for such elections; safeguarding against the redistribution of economic wealth; and accepting patriotic education!⁸

These guidelines reflect the arguments Beijing and local conservatives use to rally their followers against the demon democracy. Beijing says it risks opening up Hong Kong's government to Western forces bent on overthrowing communist rule in China; conservatives say democrats appeal to voters by promising welfare-state give-aways that will destroy Hong Kong's capitalist prosperity. Of all the guardians' criteria, however, patriotic education is the most difficult because it means accepting a political culture,

defined by Beijing, which has since the early 1950s separated the leftist minority from everyone else.

In May 2007, an unscripted outburst from pro-Beijing politician Ma Lik explained exactly what patriotic education meant. He declared that patriotism was the prerequisite for universal suffrage meaning, among other things, that people must stop thinking of what happened in Tiananmen Square on June 4, 1989 as a “massacre.” He reckoned that at the rate Hong Kong was moving, it would take until 2022 for the public to have experienced enough “national awareness education” to accept Communist Party rule and thereby win the right to directly elected local government. Still, some progress had been made. Initially, he thought the appropriate date would be 2047.⁹

Soon after this unplanned revelation, Ma Lik spoke more formally about his immediate task, namely, the coming 2007/08 election cycle. “Under the new situation,” he said, “various political parties now understand that to win seats at the district council elections would form a foundation for the Legislative Council election.”¹⁰ Since the 2005 plan was defunct, Ma Lik had no reason to worry about district-level foundations, or so it seemed until the government’s next package of reform proposals was announced in July. Sure enough, one of only three Legco reform options in the *Green Paper on Constitutional Development* is based on the same District Councils design, that is, phase out the current 30 indirectly-elected legislators representing various occupational categories and replace them with legislators elected by District Councilors (p. 37). The *Green Paper* also declares indirect election to be a legitimate method of achieving universal suffrage (p. 13).¹¹

In 2003, Ma Lik had succeeded the elder Tsang brother as chairman of Hong Kong's main pro-Beijing political party, now known as the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB). It is Hong Kong's largest party with just over 10,000 members, up from only 2,000 in 2005, when a major recruiting drive was launched. Chief Executive Donald Tsang, like his predecessor, keeps democrats at arms length but embraces the DAB as a "companion" in government. It is therefore no coincidence that the younger Tsang brother has been tapped to oversee Home Affairs, which is responsible for district-level administration, District Council appointments, community development, building management, arts, culture, and sports—the ostensibly non-political areas where the well-funded DAB has been busy building its electoral support base. Adding to this official brief, Tsang Tak-sing promptly announced that he also aimed to make national patriotic education one of his top priorities.¹²

In one final touch, plans for Hong Kong's new government complex to include a new Legco building were unveiled in March 2007. Four modernistic designs emerged from the tendering process and a perfunctory public consultation followed. Evidently the winning bid's architects know nothing about democratic parliamentary seating arrangements or they were told to create a miniature replica of the Great Hall of the People in Beijing. At the apex of its congressional system, China's indirectly-elected and Communist Party-vetted National People's Congress (NPC) gathers in this hall once annually. Delegates face a silent line-up of national leaders on the dais and just as silently endorse their policies. Unless the design is modified, Hong Kong legislators will be similarly seated in front-facing rows, which should formalize debate since the

occupants will only be able to see the dais and the backs of one another's heads in a design that can easily be adapted for future use by the People's Congress of Hong Kong.

Pessimism is setting in once more among Hong Kong democrats as they hear Chinese officials and local conservatives become increasingly enthusiastic about 2017 as the year for only beginning "the gradual and orderly" progression toward further reform. Democrats know they have had to struggle every inch of the way to get this far, and they also know their gains have succeeded in mobilizing all the resources of an autocratic state against them. Both sides have learned just how effective a communist party organization and unlimited funds can be along with adjustable electoral designs. In contrast, Hong Kong's democracy movement is disadvantaged on almost every count. Assets are limited to a never-say-die spirit, 60% support in Legco elections, and mainstream public opinion that tends to regard Communist Party rule as the discredited remnant of a bygone revolutionary era.

Whether these advantages can survive the forces ranged against them is an open question, as is the Communist Party's ability to retain its monopoly over all aspects of Chinese political life. But in the meantime, plans for Hong Kong are taking shape. They anticipate an indirectly-elected people's congress design based on universal suffrage at the district level and guided by increasing doses of patriotic education. The precedent for selecting Legco members to join Hong Kong's NPC delegation has in fact already been established. A few compatible councilors have served concurrently since 1997.

At that time, in 1997, some idealistic democrats welcomed the prospect of joining China's National People's Congress as a means of promoting genuine democracy therein.¹³ Now they are being asked to accept unadulterated Communist Party rule as a

precondition for Hong Kong's own political evolution. Whether they can extricate themselves from this impasse with their ideals intact will be a major test of political wits and will -- for those destined to survive until 2047.

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¹ *South China Morning Post*, Hong Kong, June 24, 2007.

² *China Daily*, Hong Kong, July 14, 2003.

³ "Zheng zheng 300 ri" (300 Days of Political Struggle), *Dong zhoukan (Eastweek)*, Hong Kong, no. 39 (May 26, 2004), pp. 19-26.

⁴ According to the Basic Law (Annex II), Hong Kong need only report any Legco election reforms to Beijing "for the record." Chief executive election reform requires Beijing's "approval." (Annex I). An official statement in 1994 assured the British that Legco reforms could be decided by Hong Kong itself and needed no Chinese government guarantee (Ministry of Foreign Affairs, People's Republic of China, "Facts about a Few Important Aspects of Sino-British Talks on 1994/95 Electoral Arrangement in Hong Kong," *China Daily*, March 1, 1994).

⁵ *Ta Kung Pao*, Hong Kong, *Ming Pao Daily News*, Hong Kong, and *South China Morning Post*, all Feb. 8, 2004.

⁶ "NPC Standing committee Decision on Issues Concerning Methods for Selecting Hong Kong's Chief Executive and Forming the Legislative Council," April 26, 2004, news.xinhuanet.com.

⁷ *Xin Bao (Hong Kong Economic Journal)*, Hong Kong, Nov. 25, 2003; *Ming Pao Daily News*, Dec. 28,

2003.

⁸ *Wen Wei Po*, Hong Kong, *Ta Kung Pao*, and *South China Morning Post*, all April 28, 2006.

⁹ *Wen Wei Po* and *South China Morning Post*, both May 16, 2007.

¹⁰ *South China Morning Post*, June 27, 2007. Ma Lik died suddenly in August after a three-year battle with colon cancer.

¹¹ The other two *Green Paper* options are to retain the functional constituency seats, or to elect the entire body directly beginning in 2012. The latter seems a doomed democratic hope given the chorus of conservative opposition being raised against it and the number of transitional options designed to delay full implementation indefinitely.

¹² *South China Morning Post*, July 14, 2007.

¹³ Because Hong Kong is not yet a part of the People's Congress system, local National People's Congress delegates at the system's apex have been selected separately since 1997. In China, NPC delegates are selected by the provincial people's congresses. Before 1997, a few local loyalists, including Tsang Tak-sing, were appointed to join the NPC delegation of neighboring Guangdong province. Hong Kong democrats were disqualified from the first separate selection contest, in 1997, due to their provocative manifesto (*Some of Our Opinions on Implementing Democratic Constitutional Government and Promoting the Rule of Law in China* [in Chinese], Democratic Party, Hong Kong, November 1997).

Endit

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