

Hong Kong's 2007 elections and what they meant

By Michael E. DeGolyer

Analysts forgivably could be confused by the three Hong Kong elections of 2007. They were for Chief Executive in March, for District Councils in November and an extraordinary by-election in December held on Hong Kong Island to fill the Legislative Council seat of the recently deceased leader of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB). It's easy to understand the confusion once their particulars have been recounted. But as all parties prepare for the full Legco elections of September, 2008, figuring out what lessons should be learned is critical.

Beijing's backing of the incumbent Chief Executive Donald Tsang saw him "win" overwhelming re-election in the 800-member Election Committee in March. While the results surprised no one—after all, the system has been carefully fixed precisely to prevent any surprises—what was new is that pan-democrats got a candidate qualified to run despite the skewed rules and restricted constituencies. But Tsang also won the battle for public opinion. Nearly two thirds in poll after poll indicated a preference for him over his pan-democrat backed opponent, Alan Leong. This was unexpected because the December 2006 voting that chose the Election Committee, held among tightly restricted professional constituencies, saw pro-democracy candidates win more seats than ever. With their names required to be affixed publicly to nomination forms, finding the minimum 100 backers among the 800 electors had proven too tough in earlier years. But this time, 136 nominators stood up for choice. While Leong's nominators knew he stood no chance of winning a majority of the 800, they did hope to see different results in the numerous opinion polls taken prior to the election. But both the public and the 800 preferred the status quo. Did this mean that professionals, who overwhelmingly backed candidates calling for a contested election, misread public opinion?

In the November election for District Council seats, everyone expected the pro-government DAB and Liberal Party to do well and recover from their debacle of 2003. At that time, in the wake of massive demonstrations against the Tung Chee Wah administration, pro-government parties, particularly the DAB, took a drubbing. The pan-democrats had cast the 2003 vote as an opportunity to send a message of disapproval to Tung's supporters. But if voters sent a message to the Chief Executive in 2007, it was a very different one. In these elections, while the pro-government Liberal Party added only two seats to its pre-election total of 12, the DAB racked up 51 new seats to join the 64 it held before the contest, for a record 115 of the 405 elected posts on the 18 councils. (Another 102 are filled by government appointment.) No one anticipated the pounding suffered by the Democratic Party and the Association for Democracy and Peoples Livelihood (ADPL), dropping from a combined total of 120 seats to only 77. The pan-democrats as a whole saw their numbers drop from just over 200 to 106, with only the Civic Party (fighting its first District Council election) bucking the trend among pan-democratic groups by increasing its seat total from six to eight. The ADPL losses of a third of their seats were particularly surprising, for it had long emphasized the local livelihood issues that everyone believes are the key to winning in these highly localized constituencies. So were the pan-

democrats being punished for backing a contested Chief Executive election? Or were the pro-government parties being rewarded for association with a popular government?

The parties had little time to contemplate their extraordinary District Council wins and losses before the high-profile by-election on Hong Kong Island that closed an already extraordinary political year. The by-election pitted former Chief Secretary for Administration Anson Chan, backed by pan-democrats, against former Secretary for Security Regina Ip, backed by the DAB, the Liberal Party, pro-Beijing groups and former officials. After the trouncing pan-democrats suffered in the District Council polls only two weeks earlier, their confidence in a sure Chan win had evaporated. Initially, that confidence had appeared well founded. Ip, whose advocacy of Article 23 (anti-subversion) legislation had triggered a massive demonstration of nearly 10% of the population in July 2003, and who therefore started with a supposed handicap of massive unpopularity, rolled up a nearly 43% vote in a turnout that far exceeded that of any previous by-election or District Council election, and which fell short only of 2004's record Legco election turnout. While Chan won with 54.6% of the vote, her proportion was down from previous pan-democratic performance that averaged from 58% to 60% on Hong Kong Island. In light of the previous election losses, democrats were puzzled at their win, but pro-government parties were little clearer on why they had failed to substantially increase the 130,000 to 140,000 votes they tallied on Hong Kong Island in 2004, when circumstances were much less favorable. So how to parse the results of these elections, and particularly, what might they mean for the 2008 Legco match up?

Mixed messages or missed messages?

After his March re-election, Tsang labeled pan-democrats “the opposition” and charged them with opposing everything the government advanced without proposing positive alternatives. He made a point of cultivating the DAB and Liberal parties, with his October 2007 policy address rewarding the Liberals' construction- and property-dominated constituencies with over HK\$200 billion (US\$26.4 billion) worth of public works and providing the DAB's working and middle-class constituencies an extension of free public education from nine years to 12. In contrast, Tsang and his ministers attacked the pan-democrats every time they objected to any government policy, even though the Hong Kong system forbids the legislature from proposing policies or legislation. The restrictions on Legco are such that members often feel their only choice is between acting as a lapdog of the government or as a watchdog, barking warnings when they see their constituents' interests endangered. In the District Council elections, were the pan-democratic watchdogs being beaten for having barked too much? Were the results a repudiation of calls for democratically reformed governance?

A survey by the Hong Kong Transition Project, following the District Council elections, showed that the pan-democrats' major policy—support for full direct elections for Chief Executive and all Legco members in 2012—played little role at the local level where candidates often went head to head before electorates of considerably fewer than 20,000 voters and covering just a few blocks of high-rise residences. Only 12% of voters said their vote was influenced “a great deal” by a candidate's stance on direct elections. About two thirds said their vote was influenced very little or not at all by this issue. Only 44% were even sure their candidate

supported such elections. While 62% preferred to have all District Council members elected rather than to have about one in five appointed by the government, as at present, only 52% opposed having the Chief Executive appoint people to the councils while a third supported the practice. Democratic processes at the neighborhood level thus appear not to have been a major issue. So it is hard to see the outcome as a defeat for a pro-democracy stance. Instead, it appears to be a reward to the DAB, not for being lapdogs, but for being principled.

Since the DAB was founded in 1993, its members have proclaimed two fundamental positions. First, Hong Kong must cooperate with mainland China for its own prosperity and out of patriotic support for the “one country, two systems” policy. Second, DAB members must cooperate with the SAR government out of patriotism, even though there has been little progress on such issues as minimum wages which are important to the Federation of Trade Unions, a DAB key ally and component. Eventually, the DAB promised, its patriotic support of “one country, two systems” would garner rewards.

In 2003, these were obviously wrong stances. Five straight years of deflation due to competition with a rapidly growing Shenzhen and Guangdong province, then the SARS epidemic outbreak—which hit Hong Kong without any warning from mainland authorities who had been battling it for months—made the DAB’s principle of deferring to mainland China look positively damaging to Hong Kong’s interests. Tung’s incompetence made cooperation look even more self-destructive. In 2003’s Article 23 legislation outlawing sedition, secession, treason and theft of state secrets, Tung asked Hong Kongers to give up treasured freedoms in the name of patriotism. He specifically argued that China expected the SAR to pass the legislation. When the Liberal Party quit the government after the massive July 1 demonstration, the DAB tried even harder to put loyalty above the Hong Kong people’s direct interests. It thus suffered in the 2003 poll while the Liberals gained in both 2003 and the 2004 Legco contests.

By 2007 times had changed. Cooperation obviously appeared a better idea, given that major mainland investments in Hong Kong had driven stock market and property values to record levels and unemployment well down from 2003 peaks. The upcoming Beijing Olympics also made appeals to patriotism more acceptable. Martin Lee’s opinion article in the Wall Street Journal calling for international “pressure” on Beijing (allegedly including an Olympics boycott—a charge not sustained by the article and specifically denied by Lee) played right into this, damaging Democratic Party candidates at the margin. And in 2007 cooperation with the SAR government also appeared much more persuasive. The DAB went to Tsang before his policy address to ask that publicly-funded schooling be extended from nine years to 12. In the address, Tsang did just that and indicated a major focus on improving education, a key demand of poorer residents and a direct electoral benefit to the DAB—which could then claim it had the ability to “persuade” the government to undertake expensive programs with real benefits for its supporters. The DAB also could claim progress on the minimum wage issue. While Tsang was sympathetic, he couldn’t pass such a law without help from the Liberals and business groups, the DAB members argued, adding that the party therefore should support the DAB against Liberal candidates in most cases where the two parties contested for the same seats. In sum, the District Council elections were more a matter of voters rewarding the DAB for the fruits of their cooperation than one of punishing democrats for opposing the government.

Implications for 2008

Pan-democrats have long relied on unpopular government policies, distrusted leaders and suspicions about Chinese intentions to attract votes. They have often questioned the effects and intents of China's policies. With a very popular leader, more popular policies, plus results that demonstrated the influence of the DAB, pan-democrats could do little to deflect their characterization as oppositionists with no influence on the government. Voters, seeing the District Councils as neighborhood agents for liaison with government, chose those who demonstrated such practical abilities rather than those who called for the more abstract goal of added democracy.

The implications were different in the other 2007 elections. While Democrats lost that first-ever contested Chief Executive election resoundingly, they scored points by highlighting the unfairness of the system and by forcing the Chief Executive to publicly debate his policies and plans, especially those for reforming the electoral system. Tsang publicly pledged to accept any proposal that garnered 60% public backing and to solve the issue of when and how to implement full universal suffrage elections for voting in both the Chief Executive and the legislature before he leaves office. However, after a consultation on reforms focused around a suspiciously complex green paper—recalling the similar complexity of an earlier consultation on reform in 1987, which went on to become an episode of such duplicitous government behavior as to be cited by Chris Patten as the most dishonorable episode in Britain's colonial governance—the SAR government submitted a reform proposal that falls far short of pan-democrats demands.

This is where the Chan-Ip by-election results apply. Chan, who had earlier indicated diffidence about the deadline and particulars of direct elections for the executive and legislature, ran on a platform committed to 2012 as the deadline for full direct election of the executive and all Legco members. Ip also called for direct elections in 2012 “if possible”, but for 2017 if Beijing refused. She also backed direct election of all Legco members, but proposed more restrictive rules for the Chief Executive nominating committee. In sum, both former government officials felt compelled to call for more democratization sooner rather than later and, in the end, Chan's stance clearly prevailed with a majority.

However, Chan did not win 60% of the vote, the crucial margin Tsang said was needed to prove to Beijing that Hong Kongers had achieved a consensus on reform. The government's report to Beijing states honestly that, while a majority wants direct election of the Chief Executive in 2012 (Chan's position and that of the pan-democrats), 2017 is “more likely” to represent a date agreeable to a majority sufficiently large to compel legislators to agree when they vote on the reforms. To pass, any reforms need 40 of 60 Legco votes and, with half of Legco's seats formed by functional constituencies with fewer than 200,000 business-dominated voters, businesses can and will veto reforms unless they face strong pressure from the government and community. This same barrier stands in the way of abolishing the functional constituencies, and forms a task so difficult the government argued that specific Legco reform cannot even be presented at this time. It proposed instead that a date sometime after the direct

election of the Chief Executive be set for full direct election of all Legco members, arguing this deadline will compel eventual agreement on details. This means that if 2017 sees the first executive directly elected, then 2020 would be the first Legco election allowing full universal suffrage elections as promised in the Basic Law of 1990. Beijing likely will issue its verdict on the timetable sometime in the spring of 2008, thus setting up the September Legco election as a referendum on the government's reform plans and proposed timetable.

If the government attempts to provoke opposition from pan-democrats in order to condemn it, in the hope that democrats will lose in the 2008 Legco contest as in the 2007 District Council races, they will be disappointed. Support for direct election of all Legco members and the Chief Executive remains strong in every poll. Despite dramatically improved economic circumstances and a government as popular as its predecessor was unpopular, and despite losing by a landslide at the district level just days before, democrats turned around and scored a lopsided victory in the Hong Kong Island by-election with a candidate, Anson Chan, clearly offering the greatest expertise in watch-dogging government plus a strong commitment to achieving greater democracy sooner. If the 2008 Legco election becomes a referendum on democracy and checking government power, the outcome likely will be clearly in democracy's favor. However, that victory will have to be overwhelming—60% or better—for the veto-wielding business and conservative factions to accept either an earlier timetable for full direct elections or more generous democratic reforms of the Chief Executive nominating process. The Legco election of 2008 is may well become the most crucial election in Hong Kong's long and convoluted road to democracy.

Michael E. DeGolyer is Professor of Government & International Studies at Hong Kong Baptist University and Director of the Hong Kong Transition Project, a study of the Hong Kong people's transition from being subjects of British colonialism to becoming full citizens of the Hong Kong Special Administrative Region of the People's Republic of China.