

China's Decision on Universal Suffrage in Hong Kong and Its Significance

By Wang Zhenmin

I. The December 29 Decision on universal suffrage

The Basic Law, Hong Kong's mini-constitution already provides "double universal suffrage" for the Hong Kong Special Administrative Region (HKSAR) with no definite timetable. Article 45 of the Basic Law says:

(1) The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government.

(2) The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures. "

As for the Legislative Council, Article 68 of the Basic Law stipulates that:

(1) The Legislative Council of the Hong Kong Special Administrative Region shall be constituted by election.

(2) The method for forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the members of the Legislative Council by universal suffrage.

Since 2003, Hong Kong people have held extensive and in-depth discussions on constitutional reform. These focused on when and how the Chief Executive and all members of the Legislative Council should be elected by universal suffrage. What is the timetable, if any, and what should the methods be? Some people and social groups advocated introduction of universal suffrage as early as 2007 or 2012; others contended that a gradual and steady approach should be adopted.

Finally, on 29 December 2007, the Standing Committee of the Tenth National People's Congress (NPCSC) made a landmark *Decision* about Hong Kong's constitutional development. After seriously considering the Report on Constitutional Development submitted by Donald Tsang Yam-kuen, the Chief Executive of the HKSAR, and the debate as to amend the methods to be used in 2012 for choosing the Chief Executive of the HKSAR and forming its Legislative Council, the NPC Standing Committee concluded that appropriate amendments may be made to the specific methods used in 2012 for both elections; that the election of the fifth Chief Executive in the year 2017 may be implemented by universal suffrage; that after the Chief Executive is selected by universal suffrage, all members of the Legislative Council also may be elected by universal suffrage.¹ Thus the timetable for "double universal suffrage" was set by the Nation's top authority.

II. China's Position on full democracy in Hong Kong

To some people in Western countries, this *Decision* was a sudden and unexpected event. They unfavorably view China's attitude towards democracy as passive or even negative. How then could China permit universal suffrage in Hong Kong? Their logic assumes that because China itself has not yet achieved universal suffrage, it would not allow any part of the country, including Hong Kong, to have it. I must say these observations and assessments are incorrect.

It is true the 1984 Sino-UK *Joint Declaration on the Question of Hong Kong* made no mention of universal suffrage. It is understandable why the UK did not press China to give universal suffrage to Hong Kong at that time; it had never tried to implement it during 156 years of colonial rule. It was the Basic Law, a Chinese domestic law of 1990, which first promised universal suffrage to Hong Kong. Why did China take this initiative?

There are two reasons. First, full democracy is good for Hong Kong. To maintain long-term stability and prosperity, it is important that full democracy be introduced even though this had not been done by the UK. World history has proven that modernization usually goes hand in hand with democracy; without it, achieving economic development and social progress would be difficult. Democracy can best free human beings, and humans are the most important element of productivity. However, Hong Kong's past economic miracle was created without democracy, something exceptional and unusual. But for Hong Kong's sustainable development, it is necessary to further liberalize the people politically and economically. The Chinese government has been quite aware of this and fully cognizant of the value and extreme importance of complete democracy. China will do anything that is good for Hong Kong. Since democracy is good for Hong Kong, universal suffrage was eventually incorporated into the Basic Law by the national legislature, not as the result of any outside pressure. China was just willing to do this after serious consideration of the merits of full democracy in Hong Kong.

Second, China itself needs to develop democracy and has never denied the value of democracy. Deng Xiaoping repeatedly emphasized: without democracy, there can be no socialism; the more socialism develops, the more democracy develops. In October 2005, the Information Office of the State Council issued a white paper entitled *Building of Political Democracy in China*, which explained the government's official position. At the outset, it affirms: "*Democracy is an outcome of the development of political civilization of mankind. It is also the common desire of people all over the world.*" President Hu Jintao also expressly pointed out: without democracy, there can be no modernization.

Recently a leading political scientist published a book entitled *Democracy is a*

Good Thing.”² Over the past three decades, apart from promoting economic growth, China's democratic system also has continuously improved, and the forms of democracy are becoming more varied. People are exercising their right to be masters of the state. It is a consensus amongst Chinese political and academic circles that, without democracy, it is impossible to maintain long term economic growth and establish a socialist harmonious society advocated by President Hu Jintao at the 17th National Congress of the CPC. Since democracy is developing on the mainland, there is no reason why China should not permit Hong Kong to do the same. In fact, according to the “One Country Two Systems” formula, democratic development in Hong Kong can be different from that on the mainland in terms of speed and structure. Democracy in Hong Kong can be achieved more quickly with its own definite timetable. It can have its own form and method.

These are the two major reasons why China made such a *Decision*. The first derives from Hong Kong’s internal demand. Hong Kong needs democracy to maintain its stability and prosperity. The second stems from mainland China itself. China needs Hong Kong to be more democratic. Realizing full democracy in Hong Kong is not only in the interests of Hong Kong, but also in the national interests of China.

People may wonder why China permits Hong Kong to introduce universal suffrage, while saying that it cannot be achieved overnight. That’s because it is the “ultimate aim” and can only be achieved “*in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress*” (Articles 45 and 68). Now the NPCSC has said the ultimate dates are 2017 for the Chief Executive and 2020 for the Legislative Council. Some people may complain that it is too slow. Why did the NPCSC not approve immediate or earlier universal suffrage for Hong Kong? The Chinese government, being aware of the strong democratic demand and the urgent request of introducing universal suffrage, addresses this question by first assessing the political, economic and social significance of universal suffrage.

III. The political, economic and social significance of universal suffrage

Universal suffrage has great political, economic and social significance. Politically, it means the peaceful transfer of political power from a few people to the general public, and its redistribution among different social groups and society members. The groups which enjoy the greatest political interest and power under the current system will lose some or most of it under the new system. With universal suffrage, the common people will become their own masters and control their own destiny. The decision-making process will be much more open and will rely on greater public participation. Most importantly, a fundamental change touches upon the origins and sources of government power. The government will be created and empowered by majority vote, with public power deriving from the ballot box. Thus the government

will become both more dependent on and responsible to the people. The new political game will involve many people, and how to organize a game in which many people participate is an art. It will take time to learn the necessary organizing and operating rules from developed democracies.

Economically, universal suffrage signifies the transfer of economic benefits from a few wealthy people to the general public. Since the public will hold most of society's voting rights, under democratic rules winning an election will require a politician or party to please the majority by promising social welfare and other benefits. Once elected, politicians then must carry out at least some of their election promises. To honor these promises, the government probably must raise taxes. Who will pay most of these taxes? Of course, the wealthy will pay more than the poor. For them, universal suffrage will mean transferring some of their income to the less wealthy, while for poor people universal suffrage will bring material benefits from the wealthy through government taxation. Therefore, constitutional development and the realization of universal suffrage are not only political questions, but also economic questions. They will cause adjustment and redistribution of economic interests among society members.

Currently, the interests of business and industrial groups are well protected by authorities who are business-friendly and follow the principle of business first. This is typical orthodox capitalist philosophy. As mentioned before, once universal suffrage is realized the voting majority becomes the source of public power. The government will inevitably take better care of the general public. There is a strong possibility that a fully-democratized Hong Kong might be restructured from a typical traditional capitalist society into a public welfare-based capitalist society.

Socially, universal suffrage may bring a major change to the lifestyle of every Hong Kong resident. It will stimulate the growth of contesting pressure groups, including political parties, special interest organizations and professional lobbyists.

In one sentence, the implementation of universal suffrage will have a fundamental impact on Hong Kong's society—politically, economically and socially. Generally speaking, grassroots groups will gain more benefits and the elite wealthy groups will lose by paying higher taxes. An elite-centered, business-oriented society will be transformed into a grassroots-centered and welfare-oriented society.

According to its orthodox ideology and Constitution, the Chinese Communist Party (CCP) represents the workers and farmers and protects their interests. Thus letting grassroots groups gain additional political and economic benefits is consistent with the party's political values and principles. There is no question that the Chinese government supports this adjustment and redistribution. Because universal suffrage will bring a flow of political and economic interests from the rich to the poor, there is no reason why the CCP should not support universal suffrage and full democracy and,

as a matter of fact, the party has never opposed them. We can now understand why the Chinese government took the initiative to put universal suffrage into the Basic Law in 1990 and why the Standing Committee made such its historic *Decision* on December 29.

Nevertheless, some people are unhappy because the Standing Committee did not approve earlier and immediate universal suffrage. A responsible government must give full consideration to the majority (the poor) but, equally important, it also must protect the lawful interests and rights of the minority (the rich). Although the Chinese government supports this redistribution of political and economic interests, the process must be “*in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress.*” We must allow time for the minority to adjust and find new ways to protect its legal interests in a fully-democratized political environment.

Although politically the rich are in the minority, economically they control a majority of society’s wealth. If they lose confidence in Hong Kong and, for example, move their companies to other places, the entire Hong Kong society will suffer. That is why on the one hand China supports universal suffrage while, on the other hand it must seek balanced participation from all walks of life in the new political framework. China will not allow constitutional development to jeopardize Hong Kong’s status as an international and regional commercial center. Prosperity, stability and sustainable development must be maintained as constitutional development proceeds. A political party in opposition may pursue extreme policies with only a single goal. However, a ruling party cannot do that. It must seek a reasonable and just balance of political and economic interests among different groups. One can not kill the goose that lays the golden eggs, or drain the pond to get all the fish at once.

Conclusion

According to the Basic Law, Hong Kong’s previous system can be kept unchanged for the 50 years following the 1997 handover. The selection method of the first HKSAR government (1997-2002) was specified in separate NPC legislation in 1990.³ The selection method of the second HKSAR government (2002-2007) was also clearly stipulated by the Basic Law.⁴ Therefore, the question of constitutional development did not arise in the first ten years of the HKSAR’s existence (1997-2007). According to the Basic Law, the selection method of its third government in 2007 and thereafter can be changed by following certain legal procedures. And the stated *ultimate aim* is the realization of “double universal suffrage” within the 40 years from 2007 to 2047. Now the NPC Standing Committee has said the first election based on universal suffrage may take place in 2017. This means that in the tenth year of the 40-year period during which Hong Kong can

achieve universal suffrage, it will be permitted to introduce that system. This *Decision* and its speed are rather generous and quick from the viewpoint of the Chinese government. Of course, once “double universal suffrage” is realized within the 40 years from 2007 to 2047, the system will definitely continue beyond 2047.

Some people doubt China’s seriousness about honoring the 2017 timetable, and think some uncertainty remains. However, I believe the Chinese authorities are sincere and serious in making this legally-binding *Decision*. China is determined to implement universal suffrage in Hong Kong, and is ready and happy to see the head of HKSAR government so elected in 2017. Since everyone in Hong Kong will be substantially affected by the new system during the next 10 years, people from all walks of life should fully understand its implications and the impact on their work and daily lives. Because the business community in particular will have to “sacrifice” more income, it will need to adjust its business models and political representation methods. Everyone should be prepared to accept the new rules of the political game and a new style of life. For such a “revolutionary” constitutional reform, ten years is not a long preparation period.

As the NPCSC decision states, with the joint efforts of the Hong Kong Government and its people, the democratic system definitely will make continuous progress. Moreover, the aim of choosing the Chief Executive and all members of the Legislative Council by universal suffrage will be realized in accordance with the Hong Kong Basic Law and the December 29 decision.

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¹ *Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage*, 29 December 2007, the NPC Standing Committee.

² YU Keping: *Democracy is a Good Thing*, Beijing, Social Sciences Academic Press, 2006.

³ *Decision of the National People’s Congress on the Method for the Formation of the First Government and the First Legislative Council of Hong Kong Special Administrative Region*, adopted at the Third Session of the Seventh National People’s Congress on April 4, 1990.

⁴ Basic Law Annex I: *Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region*, and Annex II: *Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures*