



Defending Hong Kong and Our Liberal Values is the Only Option

By Martin Lee

This opinion piece is part of the Silver Lining Series written by members of the Council of Asian Liberals and Democrats (CALD), an organization of liberal and democratic parties in Asia, to celebrate its 25th Anniversary this 2018.

At midnight on July 1, 1997, my home, Hong Kong, a territory of then 6 1/2 million people was handed over from Britain to the People's Republic of China. Almost twenty-one years later, we have come to a critical moment: promised democratic development has been totally stopped; the young generation in Hong Kong is under attack; and the autonomy and core values we have worked hard to preserve are in serious danger.

I am 79 years old, and have been working for five decades as a barrister and advocate for Hong Kong. I have been the chairman of the Bar, an elected legislator, a pro-democracy political party founder, and a member of the Basic Law Drafting Committee, which drafted the mini-constitution for Hong Kong.

In all of these roles, my goal has been to preserve Hong Kong's freedoms, core values, and way of life through our rule of law and an independent judiciary. My generation has fought hard. But it is the future generation represented by 21-year old Joshua Wong—who was recently sent to prison twice for his involvement in the 2014 Umbrella Movement—and other young leaders such as Nathan Law, Alex Chow, Agnes Chow and Raphael Wong, who are even more adamant that their rights be absolutely preserved.

For many decades Liberals around the globe have led support for Hong Kong, understanding that our values are aligned, and that Hong Kong is the best hope for seeing Liberal values take hold in the larger Mainland, China.

The framework for the transfer of Hong Kong's sovereignty and people was established by the 1984 Sino-British Joint Declaration, an international treaty registered at the United Nations. In that treaty, which set out China's "basic policies regarding Hong Kong", we, the people of Hong Kong were promised "one country, two systems," "Hong Kong people ruling Hong Kong" with a "high degree of autonomy except in foreign and defence affairs"; and that our rights, freedoms, rule of law, and way of life would "remain unchanged for 50 years". Indeed, Deng Xiao-ping, the then paramount Chinese leader, and the architect of the one country, two systems policy, wanted prosperous and stable Hong Kong practising capitalism to lead China forward so that she would become one of the major economies of the world in 50 years' time. Thus, Deng adopted this policy for the good of the whole of China, not just Hong Kong.

Importantly, we Hong Kong people were also promised in the Basic Law that we would gradually progress towards the election of our Chief Executive and all legislators based on universal suffrage. This arrangement has protected free political speech in the city and kept alive hopes for an electoral democracy that we were denied under 150 years of British rule.

Twenty years ago, the "one country" part of this agreement was implemented, when China assumed control over Hong Kong on July 1, 1997.

But Hong Kong people are still waiting for the "two systems" part to be fully implemented. Until we are masters of our own house through universal suffrage, "two systems" will never be a reality. And without genuine democratic elections, none of our freedoms is safe.

For if repressive laws are proposed by a Beijing-controlled government led by a Beijing-selected Chief Executive (as now) and passed by a Beijing-controlled legislature (as now), even independent and conscientious judges would have to apply those laws which would deprive our citizens of their freedom.

Indeed, "if men were angels", we have nothing to worry about. But if not, then we must insist that all the pledges given and founded on China's own basic policies regarding Hong Kong be fully honoured.

Let me be clear: Hong Kong people are not challenging Beijing. We are merely asking that China uphold her pledges to let us freely choose our leaders by universal suffrage as promised in the Basic Law, and exercise that “high degree of autonomy” already promised in the Joint Declaration as a condition for the handover of Hong Kong. Nothing more, but certainly nothing less.

Indeed, those pledges were also given to the international community from whom both China and Britain sought public support of their Joint Declaration before it was announced on 26 September, 1984 in order to stem the emigration tide from Hong Kong. Such public international support was enthusiastically given, and the emigration tide immediately abated.

Since the 1997 handover, Hong Kong journalists, lawyers, students, religious leaders, teachers, business executives, and other citizens have fought hard against every encroachment by Beijing. Our society is as free as it is today because of those efforts.

But much more needs to be done if Hong Kong is to remain a model for people seeking democracy and opposing authoritarianism.

We have fought to preserve our core values—Liberal values—including the rule of law, transparency, a free flow of information, and free markets, the values that have long been a beacon for China and beyond.

But in June, 2014, the Central Government published a White Paper in seven languages, claiming, among other things, that it has “comprehensive jurisdiction” over Hong Kong, instead of the promised “high degree of autonomy” already given to Hong Kong.

Since then, we have seen an acceleration of worrying encroachments:

- Beijing’s extrajudicial abductions of publishers and a businessman from Hong Kong to the Mainland;
- The disqualification of candidates and elected legislators through Beijing’s interpretation of the Basic Law;
- The prosecution and imprisonment of student leaders and many other demonstrators in the 79 –day Umbrella Movement;
- Attacks on our independent judiciary; and
- The application of Mainland laws to replace the Basic Law in the new terminal of the Express Rail Link.

These recent developments underline the urgent need for democratic elections to preserve basic rights and freedoms in our territory of 7 1/2 million people.

This trend also spotlights the role of the UK, US, and the international community. The UK, being a signatory to the Joint Declaration, has completely dropped the ball in defending rights and freedoms in Hong Kong, in order to foster, in the famous words of George Osborne, former Chancellor of the Exchequer, a “golden relationship with China”.

The governments of many countries, including USA, Canada, Australia, and many other countries, all supported and still support the “one country, two systems” policy, and they undoubtedly owe the people of Hong Kong as least a moral obligation to speak up when our system is being changed unilaterally by Beijing.

Our people cherish our rule of law and an independent judiciary to protect our freedoms, and recognize how important they are to any hope of a rights-respecting China in the future.

When Hong Kong was promised by paramount leader Deng Xiaoping that all our freedoms would remain unchanged for 50 years after 1997, we understood that we have to insist that every single freedom we enjoy is kept 100% intact. If we do, there is a chance for those freedoms to come to China in the not too distant future.

But 20 years after the handover, China’s Central Government Liaison Office in Hong Kong has gone from being a representative office to blatantly issuing public pronouncements that undermine the integrity and autonomy of our system. This further alienates our youth who are our future, and generates yet more protests—obviously the opposite of what Beijing wants. Indeed, it is increasingly our young people who are literally on the frontlines of protests for democracy in Hong Kong and get arrested as a result. This includes many who weren’t even born at the time of the handover in 1997.

These young people understand very well what makes Hong Kong special and different from Mainland China. They have a life ahead of them which they know must be based on “two systems.” They don’t want to live in a Hong Kong that becomes ever more like China’s other cities rife with of cronyism and corruption. They value academic freedom, press freedom, uninhibited access to the internet and the ability to speak, write and protest freely. They know full well that these core values cannot last long without democracy. They also know that democracy will not be handed to them on a silver platter even though it was promised in the Joint Declaration and the Basic Law.

Indeed, the young generation has now seen 20 years of the older generation trying to get Beijing to fulfil its promise of two systems. They have more reason than their parents and grandparents not to trust Beijing because the promises contained in the Joint Declaration and the Basic Law have been flouted with impunity.

There is still a chance to restore proper relations between Hong Kong and China, which would involve Beijing discovering better judgment, and a willingness to listen to the people of Hong Kong who insist on the “two systems”, including our young leaders. Then and only then can mutual trust be fostered.

Importantly, China needs to return to Deng’s blueprint for the “two systems” which would require the much bigger and more powerful Mainland to accommodate the much smaller Hong Kong, like a man playing the seesaw game with his little son, who can only participate in the game if his much heavier father would move towards the centre of the plank until an equilibrium is struck.

But today, the “two systems” part of the equation is not working because little Hong Kong has been pushed by mighty Beijing to move forward instead. This trend must be reversed. For a successful implementation of the one country two systems policy in Hong Kong will not only be a model for Taiwan, but also an incentive for our younger generations to stay and build on our successes.

Now is the time when the world is wondering about President Xi’s intentions, and if China will be a responsible leader of the global community, as countries with both Liberal and illiberal leaders grapple with the challenges of a relationship with China.

Thus, China needs to show the world that she can be trusted to uphold international agreements and play by the rules, particularly when President Xi is launching his ambitious initiative of “One Belt, One Road”, in which Hong Kong has a definite role to play, being the only city in China with the rule of law and an independent judiciary where legal disputes can be resolved to the satisfaction of all participating countries in the project.

What better place to start building international confidence than Hong Kong—over which China’s pledges were made in the eyes of the world? And what better time to start rebuilding confidence in Hong Kong with the full support of our people, both young and old?

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