

WebMemo



Published by The Heritage Foundation

No. 1734

December 11, 2007

The Election of Anson Chan: A Step Forward for Democracy in Hong Kong

Ambassador Harvey Feldman

Mrs. Anson Chan, who had been the head of Hong Kong's civil service both before and after the handover to China, was elected to the Legislative Council on December 3, defeating her pro-Beijing opponent by 12 percentage points. Her election likely will give new energy to the movement for greater democracy and universal suffrage in Hong Kong, but the obstacles imposed by Beijing remain many and daunting.¹ The United States should continue to support the democratic forces within Hong Kong society.

Meaning of the Election. The 67-year-old Mrs. Chan, born in Shanghai and educated in Hong Kong and at Tufts University, worked her way up through the colonial service during the period of British rule and stayed on as the head of Hong Kong's civil service after it became a Special Administrative Region (SAR) of China. Called "Hong Kong's Conscience," Mrs. Chan left office after disagreements with the Beijing-appointed Chief Executive.

Her election, seven years after leaving government, was significant for the democracy movement in several ways. The candidate she defeated, Regina Ip, was best known for proposing a highly draconian anti-sedition law while SAR attorney general. Also, Mrs. Chan will occupy a seat that had been held previously by Ma Lik, a politician who denied that massacres had taken place at Tien An Men, and had insisted that universal suffrage should not come to Hong Kong any earlier than 2020—if then.

Mrs. Chan made her views clear in her victory statement:

The election has come to an end today. But the fight for universal suffrage in 2012 has come to a new beginning. The result of this election indicates that Hong Kong people are anxious to push forward on democracy. We think we're ready to implement universal suffrage in 2012.

The Democracy Movement. The movement for universal suffrage goes back even before the return of Hong Kong to China. Today, democracy advocates want a greater voice for all adult SAR residents in the selection of Hong Kong's Chief Executive and through direct election of the Legislative Council.

The "Basic Law"—the Chinese-granted equivalent of a constitution—provides for "gradual and orderly" progress toward that goal, but specifies neither timetable nor methodology. At the time of the 1997 handover, Hong Kong citizens saw 2007 as the year for democratic elections. But that was ruled out in April 2004 by the Standing Committee of China's National People's Congress, which functions as the Basic Law's final interpreter. Mrs. Chan and other democracy advocates now have their sights set on 2012.

It will be a tough go. After announcing that direct elections will not take place in 2007, the

This paper, in its entirety, can be found at:
www.heritage.org/Research/AsiaandthePacific/wm1734.cfm

Produced by the Asian Studies Center

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002-4999
(202) 546-4400 • heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

National People's Congress reserved to itself the right to decide "if there is a need" for any amendment of the voting system for the Chief Executive or the Legislative Council. Currently, the Chief Executive is chosen by a special committee of 800 members hand-picked by Beijing; the majority of members in the Legislative Council are not directly elected. In defending the April 2004 NPC Standing Committee decision, one of its members said that inasmuch as political power was returned to the people by China's assumption of sovereignty on July 1, 1997, there was no need for further electoral reform of any kind.²

Hong Kong's democracy advocates, including Mrs. Chan, are actually rather moderate in their proposals. They recognize that the Chief Executive will have to be someone acceptable to Beijing—someone in whom the PRC leadership has confidence that the fragile "one country, two systems" arrangement will not be shaken. However, advocates also want the Hong Kong public to have an actual choice between candidates. Accordingly, the democratic caucus in the present Legislative Council has proposed that by 2012, the 800-member special committee be increased by 400 members who are elected directly by the public. Rather than serving as an electoral college, the new 1,200-member council would select candidates to be put before the public.

Half the 60 seats in the current Legislative Council (usually called "Legco" in Hong Kong) are filled with members from "functional constituencies" (teachers, small businessmen, corporate executives, tradesmen, etc.). Each forms a constituency and elects a representative. The process looks democratic on the surface, but most of these constituencies are small and easily manipulated. The functional constituency model was developed by Mussolini in the early 1920s as a way to dominate the Italian parliament. It was transferred to Hong Kong by the British as a way of keeping the

public divided, and now serves the same purpose for Beijing.

The democratic caucus has proposed a mixed election system for Legco in 2012. Half of the 60 seats would be filled by persons directly elected from geographic constituencies. The other half would be chosen by proportional representation with Hong Kong as a single constituency. Under this system, each voter would cast two ballots.

Other Governance Issues. Important as they are to Hong Kong's future, the questions of democratic reform and universal suffrage are hardly the only problems facing Mrs. Chan and her colleagues. The once pure air of Hong Kong is now horribly polluted by emissions from Pearl River delta factories in China as well as from the SAR's own coal-burning power plants. In 2006, air pollutant concentrations were 200 percent above World Health Organization guidelines. On December 7, 2007, the Hong Kong Environmental Protection Department recommended that, in view of the air pollution index readings, "people with heart or respiratory illnesses should reduce physical exertion and outdoor activities, and avoid prolonged stay in roads and streets with heavy traffic."³

Although its GDP per capita ranks sixth in the world, Hong Kong has substantial pockets of poverty. According to World Bank figures, Hong Kong's 2001 gini coefficient (which measures distribution of wealth within a country—the closer to zero the more equitable the distribution) was 0.525, making it 18th from the bottom of the 132 countries listed. By contrast, Taiwan's gini coefficient that year was 0.326, and the United States' was 0.408. According to the Hong Kong Census and Statistics Department, median monthly household income actually declined slightly in the ten years after the handover to China.⁴

Dealing with the SAR's health, economic, and social problems will be difficult enough. Attempting

1. Full disclosure: Mrs. Chan is a member of the Advisory Council of The Heritage Foundation's Asian Studies Center.
2. Professor Xiao Xiarong, quoted in "Universal Suffrage in 2007 Flouts Basic Law," *South China Morning Post*, January 17, 2004.
3. John Ruwitch, "Hong Kong Chokes on Pollution," Reuters, December 7, 2007, at <http://uk.reuters.com/article/environmentalNews/idUKHKG744802007120>.
4. See "Gap between HK's rich and poor widening," *South China Morning Post*, June 18, 2007.

to bring about democratic reform together with free and fair elections will be an even greater challenge. Just as they have attacked the pro-democracy group within the Legislative Council in the past, the pro-Beijing group (in and out of Hong Kong government) should be expected to turn their fire on Mrs. Chan. In fact, the attacks began on the very day she took her seat. But she, perhaps more than anyone else in the SAR, knows government inside and out and has the skills and courage to move Hong Kong on the path toward democracy.

Conclusion. In 1992, the United States enacted the Hong Kong Policy Act, which essentially treats the SAR as an entity separate from China for key

areas of U.S. law, including immigration, customs, export controls, trade, and air services. The United States should continue to insist on the path toward an autonomous Hong Kong, governed by the rule of law and having universal suffrage and greater democracy, as provided in the Basic Law itself. Through its Consul General in Hong Kong, as well as through Congressional and Executive actions, America should support the democratic forces within Hong Kong society.

—Ambassador Harvey Feldman is Distinguished Fellow in China Policy for the Asian Studies Center at The Heritage Foundation.