
The Betrayal of Hong Kong

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When Beijing takes over Hong Kong at midnight on June 30, 1997, the first official act of the new sovereign will be to scrap Hong Kong's elected Legislative Council. China's own hardly democratic National People Congress issued the death warrant for our legislature in early September, decreeing that "the Legislative Council, city government, district government, and district boards will be terminated on June 30, 1997."

In October, Beijing dropped another bombshell: the setup of a Beijing-controlled "temporary" legislature to pass laws after China takes over. This unelected body has no clear terms of reference and will undoubtedly rubber-stamp all laws the Communist leadership wants it to.

There has been no clearer sign yet of why Britain, Hong Kong's colonial ruler, must be persuaded to follow through on its promises to the six million people of Hong Kong. A good start would be for the last British Governor of Hong Kong, Christopher Patten, to use his near-dictatorial powers to enact strong institutions of democracy and human rights protection.

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Never mind that in the 1984 Sino-British Joint Declaration, China absolutely guaranteed it would implement a policy of "one country, two systems" with regard to Hong Kong. Under this policy, Hong Kong would retain its capitalist economy and the people of Hong Kong would govern themselves in all matters except defense and foreign affairs. Or, as Chinese leader Deng Xiaoping repeatedly expressed the policy in a pair of four-

Chinese-character phrases: "Hong Kong people will rule Hong Kong" with "a high degree of autonomy."

But since the Tiananmen Square massacre in 1989, it has become apparent that China has new plans for Hong Kong, very different from the one Chinese leader Deng Xiaoping and then British Prime Minister Margaret Thatcher signed up to ten long years ago. Ironically enough, the recent tenth anniversary of the historic Joint Declaration was marked in Hong Kong with a flurry of articles citing Britain and China's betrayals and breaches of the once-celebrated international treaty.

With the Joint Declaration in tatters, each day brings a chilling new sign for Hong Kong people of what the future may hold: a muzzled press, a corrupted rule of law, a petrified civil service, and a loss of basic liberties and freedoms. Beijing has in effect said that what the "one country, two systems" policy really means is two systems—so long as they are both under China's tight control.

Beijing is also undermining Hong Kong's economic success. Since 1991, China has been throwing up roadblocks to our new airport and its financing. For the last two years, Beijing has also blocked Container Terminal #9, a badly needed new container terminal, because the contractor is an old British trading company that failed to toe Beijing's line on democratic reform. These overt efforts to control Hong Kong are sure to rattle our previously independent civil service and create enormous uncertainty for businesses and citizens alike about who is in charge here.

However, there has been shockingly little international outrage over China's flouting of the Joint Declaration. Beijing's newfound leverage has helped catapult China back into the world community, with the Western governments and businesses anxious for a piece of China's rapidly expanding market. The lure of China's 1.2 billion person market means that those around the world who have an interest in standing up for Hong Kong and defending our free society keep silent as Beijing's

bullying and intimidation increase by the day. Above all, US President Bill Clinton's policy about-face in granting Most Favored Nation (MFN) status to China without any demonstrable human rights improvement has given Chinese leaders the greatest confidence that a booming market will cloak any number of sins.

Shortly after President Clinton's policy reversal on MFN, China's leaders pronounced the Tiananmen Square massacre a success. According to Chinese

Communist Party General Secretary and President Jiang Zemin, "History has shown that anything conducive to our national stability is good. Without the resolute measures taken then, China would not enjoy today's stability." As far as Beijing is concerned, the end justifies the means—even when the ends are on the order of a massacre of China's own people. This belief that "Tiananmen worked" casts a long shadow over Hong Kong.

Moreover, longtime leader Deng Xiaoping's health is rapidly deteriorating, and the uncertainty over who will succeed him has paralyzed decision-making in China. As long as this end-of-dynasty mentality prevails, none of the Communist elite can afford to look soft when dealing with Western leaders on human rights issues. In such a power vacuum, Hong Kong provides the most convenient target for hardline dogma. Thus dialogue with China on Hong Kong's new airport, our Court of Final Appeal (the equivalent of the US Supreme Court), and just about everything else related to the transfer of sovereignty has ground to a halt.

Beijing is refusing to cooperate in part to punish Governor Patten, who had defied China by giving Hong Kong people a chance to elect a legislature not under Beijing's control. But Beijing's uncompromising policy notwithstanding, there is a vast amount of unfinished business before the transfer of sovereignty to China.

Press freedom is under siege, with Hong Kong reporters arrested in China and ever more conspicuous examples of self-censorship in Hong Kong. When the Hong Kong journalist, Xi Yang, was accused of obtaining information from a Chinese government official on interest rate movements and the sale of gold in the international market, it sent a chill through the journalistic community in Hong Kong. Last April, after a secret trial without legal representation, he was sentenced to twelve years in prison. Despite the bland assurance from Hong Kong and Macau Affairs Director, Lu Ping, that "the sentence will not affect Hong Kong

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reporters' normal reporting work," Hong Kong reporters and citizens have a great fear for the future freedom of the press after 1997.

Mr. Patten could help the situation by immediately repealing the many largely unused, but potentially draconian, colonial laws authorizing press censorship now on Hong Kong's books. Many security-related laws, such as the Emergency Regulations Ordinance, grant sweeping powers to shut down all media and political dissent. Though rarely used by the current British colonial government, Chinese leaders are eager to inherit these laws to control Hong Kong's media after the transfer of sovereignty. Hong Kong's free society and free markets will be irreparably harmed if these repressive leftover British laws are used to stifle dissent and to punish those who fail to toe the Beijing line.

Our legal system is also gravely threatened by senior Chinese officials' oft-repeated statement that Beijing will abolish Hong Kong's Bill of Rights and our common law system. The Beijing-appointed, post-1997 provisional legislature also represents a major threat to the rule of law, since this unelected body would rubber stamp all laws Beijing wants passed to control Hong Kong (on treason, the press, and taxation). Governor Patten must shore up the judiciary and our existing legal system by setting up Hong Kong's highest court, the Court of Final Appeal, in line with the Joint Declaration and allowing legal aid to be administered independent of government.

The basic freedoms now enjoyed by our six million people, exercised daily in the press and radio, education, religion and the law, are all threatened by the transfer of sovereignty. Beijing's demonstrated lack of respect for basic human rights makes it imperative for Governor Patten to set up an independent Human Rights Commission, as strongly urged by the Legislative Council and Britain's House of Commons, as well as numerous international legal and human rights groups. Governor Patten has rejected a Human Rights Commission, pronouncing it "not necessary." Easy for him to say, as he will not be in Hong Kong after 1997.

The people of Hong Kong desperately need these institutions to protect and preserve our freedoms. If China can be persuaded to accept these reforms, all well and good. But if not, Governor Patten must go ahead and create them, as he is empowered to do under British colonial law. If Beijing wishes to scrap Hong Kong's free society and democratic institutions after 1997, Chinese leaders should at least be forced to do so in full view of the international community—and not through the silent complicity of the colonial government. ●