

The “One Country, Two Systems” Model Needs Urgent Life Support

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To the Conservative Party Human Rights Commission

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Hong Kong’s young people who have grown up under the “one country, two systems” model are convinced that Hong Kong is dying. To paraphrase the film “Ten Years,” is it “already too late” to save Hong Kong or is it “not too late” to give it urgent life support?¹ And what form of life support does Hong Kong need?

The “one country, two systems” model has been implemented for 18 years out of its designated lifespan of 50 years since 1997. In London, the Foreign Office has restated in its six-monthly reports to Parliament that the model “has, in very many areas, continued to function well” even if “there have been specific grounds for concern.”² Foreign Secretary Philip Hammond reiterated during his recent visit to Hong Kong on April 8, 2016 that the model “is generally working well... although concerns have been raised over the recent booksellers’ case.”³ In returning to the usual term “concern,” Mr. Hammond seemed to back down from the unusually blunt language employed in the latest report issued on February 11, 2016. This report suggests that one of the booksellers, Lee Bo, a British citizen, was “involuntarily removed” from Hong Kong to mainland China (on or after December 30, 2015). It further judges that the incident “constitutes a serious breach of the Sino-British Joint Declaration on Hong Kong and undermines the principle of ‘One Country, Two Systems’.”⁴

To many Hong Kong people, the Lee Bo case involves more than a breach of the “one country, two systems” model, it also formally rings its death knell. As Joshua Wong, formerly convener of the now-disbanded Scholarism, said at a forum on January 12: “We used to believe that we should be able to keep our physical safety even when we lose all other freedoms. However, the Lee Bo case shows that even our physical safety is at risk.”⁵

It is in this sentiment that the “one country, two systems” model is dying that the dystopian film “Ten Years” has had such a galvanizing grip on Hong Kong people.⁶ It is the conviction that there is “no other way”⁷ that aroused members of the Hong Kong Indigenous to respond to police

¹ The film closes first with “it’s already too late” and then “it’s not too late.”

<https://www.hongkongfp.com/2016/02/07/ten-years-film-speaks-hong-kongs-worst-fears/>

² <https://www.gov.uk/government/news/six-monthly-report-to-parliament-on-hong-kong-july-december-2015>

³ <https://www.gov.uk/government/news/foreign-secretary-visits-hong-kong--2>

⁴ <http://www.rfa.org/english/news/china/uk-says-hong-kong-bookseller-detention-is-serious-breach-of-treaty-02122016103435.html>

⁵ http://hkuems1.hku.hk/hkuems/ec_hdetail.aspx?guest=Y&UEID=40749

⁶ <https://www.hongkongfp.com/2016/02/07/ten-years-film-speaks-hong-kongs-worst-fears/>

⁷ <https://victoriathui.wordpress.com/2016/02/13/fishball-protests-the-fateful-turn-to-violence/>

abuse with brick throwing in Mongkok on February 8-9, 2016.⁸ It is the sense of desperation that “we have to... defend... Hong Kong... before it is all eaten up by China”⁹ that motivated the formation of the pro-independence Hong Kong National Party.¹⁰

Why would Hong Kong’s college-age generation – who grew up under the “one country, two systems” model – suddenly agitate for previously unimaginable independence and violence? This is a remarkable development as not even Taiwan with de facto statehood dares to openly use the “I” word. Hong Kong people have long been known to be pragmatic and conservative. There was never any support for independence or violence until recently. Even the “Occupy Central with Love and Peace” movement was once considered too radical by most pro-democracy voters in Hong Kong.¹¹ Yet, in the Legislative Council by-election in the New Territories East district held on February 28, 15 percent of those who cast their votes (66,000 out of 434,000) supported the HK Indigenous’ Edward Leung, thus giving explicit endorsement for their resort to violent resistance in Mongkok.¹²

Why would Hong Kong’s democracy movement make such a radical turn? Mr. Hammond suggested while in Hong Kong that the call for independence is “an inevitable consequence of frustration from the inability to find a way to move forward with constitutional reform.”¹³ He did not mention that the U.K. government was complicit in this “inability.” Hong Kong people were loud and clear in their rejection of Beijing’s proposal to vet candidates. While acknowledging that Beijing’s framework was “clearly more restrictive than... anticipated,”¹⁴ the Foreign Office advised Hong Kong’s pro-democracy legislators to accept it because “something is better than nothing.”¹⁵ It is remarkable that London continued to paint a sanguine picture even after the outbreak of the Umbrella Movement.

It was not until the Lee Bo incident that the Foreign Office finally accused Beijing of breaching the Joint Declaration. Yet, the Foreign Office still tries to characterize Lee Bo’s abduction as an aberration to otherwise successful implementation of the “one country, two systems” model. In reality, this instance marks the culmination of ever-intensifying encroachment on the Hong Kong system.

The explosive response of Hong Kong’s young people has deeper roots than a single breach. Since 1997, successive Chief Executives handpicked by Beijing have chipped away at the pillars of Hong Kong’s freedoms: the rule of law, the independent judiciary, the impartial police, the

⁸ <http://www.scmp.com/news/hong-kong/politics/article/1910850/explained-who-are-hong-kong-indigenous-and-what-was-their>

⁹ Convener Chan Ho-tin, see <http://www.scmp.com/news/hong-kong/article/1936029/claims-hong-kong-independence-forum-censored>

¹⁰ <http://www.scmp.com/comment/insight-opinion/article/1933451/formation-hong-kong-national-party-latest-sign-china-losing>

¹¹ <https://victoriabhui.files.wordpress.com/2015/04/hk-jod-hui-the-protest-and-beyond.pdf>

¹² <https://www.hongkongfp.com/2016/02/29/58029/>

¹³ <https://www.hongkongfp.com/2016/04/08/political-stalemate-affecting-business-hk-independence-debate-reflects-public-frustration-uk-foreign-sec/>

¹⁴ <http://www.ejinsight.com/20150227-britain-urges-consensus-on-electoral-reform/>

¹⁵ <http://www.scmp.com/news/hong-kong/article/1679545/beijings-reform-framework-hk-imperfect-better-nothing-says-british>

free press, and the neutral civil service. The Umbrella Movement was fueled by anger over the erosion of Hong Kong's much cherished core values.¹⁶ In the aftermath, Beijing has further stepped up “a long-term struggle with the forces that bring calamity to Hong Kong,” taking the fight “from the street to the law courts, to the Legislative Council, to inside the government, and to universities and secondary schools, etc.”¹⁷

I compile an ever-growing list of erosions elsewhere.¹⁸ What I should highlight in this submission is that most pillars of freedom have been made increasingly hollowed. Zhang Xiaoming, chief of Beijing's Liaison Office in Hong Kong, claimed that the Chief Executive has “overriding power” over the executive, legislative, and judicial branches.¹⁹ Indeed, the Chief Executive has overwhelming power over various executive branches, which has made it easy to undercut the impartiality of the Department of Justice, the police, and the civil service by appointments and promotions. The Chief Executive also has undue influence over seemingly autonomous non-governmental organizations through appointments, funding, and licensing. University councils are now stacked with the Chief Executive's supporters. Commercial Radio and Hong Kong Television are made or broken by licensing. By 2016, the judiciary is the last pillar of freedom left standing more or less intact.²⁰ Yet, this also makes the court system the next prime target. The official pronouncement that the Chief Executive should have “overriding power” over the judicial branch may be seen as the prelude to the next stage of Beijing's campaign. Pro-regime forces have criticized judges for releasing the majority of protestors. Mainland legal scholars have even criticized judges for interpreting the Basic Law in the Common Law tradition, which, of course, is what the principle of “one country, two systems” is intended to preserve.²¹

It is not just hot-headed young people who feel that the “one country, two systems” model is on its deathbed. Tsang Yok-sing, a long-standing pro-Beijing legislator, openly expresses his worry

¹⁶ As a 13-year-old said, “I used to think that 一國兩制 meant one country two systems, now I know that it really means the ‘one country’ limiting and containing [HK].” (Original in Chinese: “一國兩制，以前我會認為是一個國家兩個制度，現在才知我真相是一個國限制和牽制。” Note that the character 制 could mean system or limitation/restriction.)

<https://www.facebook.com/joshuawongchifung/photos/a.313299448762570.71779.200976479994868/788584804567363/?type=1&theater>

¹⁷ <http://www.scmp.com/print/news/hong-kong/article/1661573/now-city-must-face-big-questions-wake-occupy>

¹⁸ See my regularly updated blog post “The Freedom without Democracy Model is Broken,”

<https://victoriathui.wordpress.com/2014/11/21/the-freedom-without-democracy-model-is-broken-transcript-of-testimony/>; “Hong Kong's Umbrella Movement: The Protest and Beyond,” *Journal of Democracy*, April 2015, Volume 26, Issue 2, pp. 111-121, <https://victoriathui.files.wordpress.com/2015/04/hk-jod-hui-the-protest-and-beyond.pdf>; “What the current political storm spells for Hong Kong's freedoms,” *Hong Kong Free Press*, October 17, 2015, <https://www.hongkongfp.com/2015/10/17/what-the-current-political-storm-spells-for-hong-kongs-freedoms/>; and my testimony on “The Future of Democracy in Hong Kong” to the U.S. Congressional-Executive Commission on China on November 20, 2014, <http://www.cecc.gov/events/hearings/the-future-of-democracy-in-hong-kong>.

¹⁹ <https://www.hongkongfp.com/2015/09/12/hong-kongs-leader-has-overriding-power-over-executive-legislature-and-judiciary-top-official-in-hk/>

²⁰ <https://thestandnews.com/最後防線/>

²¹ http://news.mingpao.com/pns/dailynews/web_tc/article/20160412/s00012/1460398262138

about what all the erosions add up to: “If the central government’s interference goes deeper and deeper into Hong Kong’s internal affairs, at some point quantitative changes will become qualitative changes. Even if Beijing does not abrogate ‘one country, two systems’ by name, the central government will exert de facto direct rule over Hong Kong.”²²

Mr. Hammond believes that the “one country, two systems” model is “the right future” for Hong Kong.²³ However, it is simply impossible for Hong Kong to preserve its freedoms and way of life without democracy.²⁴ The only way that Hong Kong could avoid absorption into China’s system is if the U.K. government would diligently exercise its treaty obligations as a signatory to the Sino-British Joint Declaration. It is not enough to publish six-monthly reports as a public relations exercise. London must point out on-going breaches as they happen.

Is it too late for the U.K. government to offer emergency life support for the “one country, two systems” model? No, it is not too late! There is still judicial independence as the last pillar of freedom. Hong Kong’s judges are fighting to resist interference. Academics, journalists, civil servants, even some members of the police are likewise battling to prevent further erosion of their autonomy and freedom. London should more closely monitor the situation in Hong Kong and call out every instance of violation. Professional and non-governmental bodies in the U.K. should also strengthen ties with their counterparts in Hong Kong and embed such ties with global networks.

If Hong Kong has access to life support, then there is less need for angry young people to try to save Hong Kong by increasingly radical means.

Coincidentally, the “Great Britain” has descended to the status of “Little Britain” or “Littler England” – “a shrinking actor on the global stage” during the life span of the “one country, two systems” model.²⁵ Pulling Hong Kong from the brink would help the U.K. regain its lost global leadership.

²² <http://www.scmp.com/news/hong-kong/politics/article/1853845/exclusive-hong-kong-legco-chief-says-urgent-review-needed>

²³ <http://www.scmp.com/news/hong-kong/politics/article/1934652/independence-not-option-hong-kong-says-british-foreign>

²⁴ “In retrospect, the erosion of freedom in the absence of democracy is hardly surprising. It is not a coincidence that Hong Kong is the only case of the ‘freedom without democracy’ model -- and this unique case is fast disappearing. All around the world, freedom and democracy are either present together or absent together, strong together or weak together. Democracy is more than free and fair elections—it is also about the rule of law, the independent judiciary, the impartial police, the free press, and the neutral civil service. Thus the literature uses the term ‘democracy’ as a short-hand for ‘liberal democracy,’ with liberalism encompassing what Hong Kong people see as basic freedoms or core values. In the rest of the world, it has typically been extremely difficult to consolidate democracy without freedom. The Hong Kong case confirms the literature from a different direction: that it is not possible to preserve freedom without democracy.” See “Hong Kong’s Umbrella Movement: The Protest and Beyond,” *Journal of Democracy*, April 2015, Volume 26, Issue 2, pp. 111-121.

²⁵ <http://www.economist.com/news/leaders/21647618-meet-little-britain-shrinking-actor-global-stage-punch-and-duty>; <https://www.foreignaffairs.com/articles/western-europe/littler-england>