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## The Pro-democracy Movement in Hong Kong and the September 2004 Legislative Council Elections

### 1 The Pro-democracy Movement before the 2004 Legislative Council Elections

The pro-democracy movement was in a difficult state in the years before the massive protest rally on July 1, 2003. There was considerable frustration with the lack of progress as no one expected any breakthrough before 2007. Even the political parties in the pro-democracy camp did not believe that democratization was an issue with much political appeal. The Democratic Party, the party with the most seats in the legislature before September 2004, and its allies could make very little impact on the government's policy-making process. As the Tung administration enjoyed the backing of a safe majority in the legislature, it did not have to lobby for the approval of the pro-democracy groups which were treated as the opposition. In fact, there had been little meaningful consultation between the pro-democracy groups and the government.

The sense of political impotence on the part of the pro-democracy groups was exacerbated by Hong Kong people's strengthening trust in China. Attacking the Chinese authorities' infringements of the community's freedoms and human rights had become less attractive to voters than before. The most important concerns of Hong Kong people were obviously the economy and unemployment, and the pro-democracy groups were not perceived to have much to offer.<sup>1</sup>

<sup>1</sup>The results of an opinion survey among young people (16-25 years of age) released in late June 1998 indicated that 61.6% of the respondents considered the economy to be the priority of the elected legislature, and 36% of the respondents considered employment to be the most pressing matter. Moreover, about 70% of the respondents did not trust the legislators. See *Ming Pao*, June 29, 1998. In another series of public opinion polls conducted by university academics, 46.6% of the respondents identified employment as the most serious social problem that should receive top priority in 1999; and 35.7% of the respondents did the same in 2001; see Victor Zheng and Wong Siu-lun, "Attitudes Towards Unemployment and Work", in Lau Siu-kai, Lee Ming-kwan, Wan Po-san and Wong Siu-lun (eds.), *Indicators of Social Development: Hong Kong 2001*, Hong Kong: Hong Kong Institute of Asia-Pacific Studies, The

Under such circumstances, the "young Turks" of the Democratic Party felt frustrated and attempted to challenge the leadership in December 1998. It appeared that intra-party differences were concentrated on three issues: a) the party's relationship with the Chinese authorities and the Hong Kong Special Administrative Region (HK-SAR) government; b) whether the party should attempt to aggregate class interests or to articulate more distinctively labour interests; and c) whether the party should try to effect change by working within the legislature, or resort to mass movements outside the political establishment.<sup>2</sup> The "young Turks" and the non-mainstream factions were opposed to efforts to improve relations with the Chinese authorities by means such as presenting candidates to compete for seats in China's National People's Congress (NPC). They were not interested in a better relationship with the HKSAR government and publicly called for the resignation of Tung Chee-hwa. Regarding the party's policy platform, they warned the party leadership against opportunism in attempting to represent the interests of all classes. In turn, they were accused of trying to turn the party into a labour party and adopting a populist approach. Above all else, the "young Turks" and the non-mainstream factions appealed for a return to the grassroots to mobilize the masses instead of engaging in futile parliamentary politics.

The episode, nonetheless, highlighted many important issues in the pro-democracy movement in Hong Kong. Before Hong Kong's return to China, there was substantial moral and public opinion pressure to maintain unity within the pro-democracy camp. Such pressure soon evaporated after July 1997. In the frustration in the political wilderness, differences in political orientations were exacerbated and could no longer be contained. The above differences remain controversial among pro-democracy groups today. There were other types of problems as well. Despite its electoral victories, the Democratic Party failed to expand its membership in a significant way. It probably had less than six hundred members, of whom about one-third remained active. In view of its limited resources, it was preoccupied with parliamentary politics and elections, and had not made much progress in institutionalization. The party's systems and procedures were not well established, and because of the work pressure, a small number of parliamentary leaders had to make decisions within a short period of time. Hence, accountability to the general membership, internal transparency, and intra-party democracy were not well developed.

While the Tung administration failed to show Hong Kong people the way ahead, the Democratic Party and other pro-democracy groups were not able to demonstrate significant initiatives in presenting Hong Kong people with well-researched policy alternatives. They failed to perform the role of an effective and constructive opposition from the perspective of policy platform. According to Lau Siu-kai's survey in 2001, 63.6% of the respondents indicated that the Chief Executive could not represent

Chinese University of Hong Kong, 2003, p.80.

<sup>2</sup>See Ivan Chi-keung Choy, "Shuangyue Zhengbian - Minzhudang Feizhuliupai de Fanpu" (A Coup in the Frosty Month - Counter-attack by the Non-mainstream Factions of the Democratic Party), in: *Ming Pao*, 16.12.1998.

their respective views, and only 12.1% of the respondents said he could. Similarly, 51.7% of the respondents revealed that the HKSAR government could not represent their respective views, and only 15.2% said it could. But the Democratic Party was not much better: 46% of the respondents indicated that it could not represent their respective views, and only 13.4% said it could. The public affairs concern groups were considered most representative: only 22.1% of the respondents said that they could not represent their respective views, and 38.6% indicated that they could.<sup>3</sup>

To attract the media's attention, legislators from the pro-democracy political parties usually had to dramatize their gestures and statements. A harsh criticism of Beijing obviously had a better chance of making headlines in the newspapers than a balanced statement. Their success with the media, however, made it very difficult for their leaders to establish a dialogue of mutual trust with senior civil servants. It also offered convenient excuses to the Chinese officials for rejecting any contact with them. Such political posturing often had a negative impact on the intelligentsia's support for the pro-democracy political parties.

The pro-democracy political parties encountered difficulties, too, in their relationship with grassroots community organizations which emerged and developed in the late 1960s and 1970s, and had been supporting pro-democracy political groups. The pro-democracy political parties certainly could help to raise issues of importance to grassroots community organizations in the legislature or with senior government officials, thus exerting pressure on the Tung administration to provide solutions. But their high profile and eagerness for publicity often resulted in failures to compromise and in delays in achieving settlements. Many grassroots community organizations worried that they might be taken for a ride, and they often preferred to act without the involvement of political parties. After all, grassroots community organizations were issue-oriented; they wanted concrete solutions to their problems. Further, the introduction of proportional representation in the direct elections to the legislature in 1998 and the split in the pro-democracy camp exerted pressure on grassroots community organizations to take sides. They were eagerly courted by the pro-Beijing political groups too. The pro-democracy political parties understood the problems, but their options were limited.

It was in this context that new groups such as Power for Democracy, Hong Kong Democratic Development Network and Civil Human Rights Front emerged in early 2002. They planned to concentrate on the cause of democracy and human rights, and wanted to offer an alternative to political parties in political participation. Their emergence and development reflected the disappointment with political parties in the pro-democracy camp and the suspicions against its politicians. It was significant that these new groups were dominated by church activists and academics who were generally seen as having no political ambitions. At this stage, these groups attempted to bring together various types of organizations in support

<sup>3</sup>See Lau Siu-kai, "Socio-economic Discontent and Political Attitudes", in Lau Siu-kai, Lee Ming-kwan, Wan Po-san and Wong Siu-lun (eds.), op. cit., p.69.

of democracy and human rights because of the decline in appeal of the pro-democracy political parties, the suspicions against them, and the in-fighting among them and that between them and the grassroots community organizations. This was not a healthy phenomenon as political parties had the resources and the most important role to play in the push for democracy in the territory.

The dissatisfaction with the Tung administration produced the massive protest rally on July 1, 2003. It was a major boost for the morale of Hong Kong's pro-democracy movement. The opposition to the Article 23 legislation<sup>4</sup> was linked to the demand for democracy, and the anger with the Tung administration also highlighted the significance of democracy. People realized that they had no part in the re-election of Tung; and while his performance was terrible, the community could not force him to step down. The demand for democracy had been strengthened, and it could no longer be avoided by the Tung administration. But the pro-democracy movement's problems remained, and its biggest challenge was to maintain the movement's momentum and people's interest in the cause.

The pro-democracy camp managed to present a united platform in the District Council elections in November 2003. More than two hundred candidates from all pro-democracy groups supported: a) direct election of the Chief Executive by universal suffrage by 2007; b) direct elections of all seats of the legislature by universal suffrage by 2008; c) initiation of public consultations on political reforms by the government before the end of 2003; and d) abolition of all appointed seats to the District Councils after the November 2003 elections. The pro-democracy camp understood that it could not mobilize hundreds of thousands of people to march on the streets all the time; and it therefore hoped to use the elections to send a message to the Tung administration, Beijing and the world that Hong Kong people had not forgotten the demand for democratization. It was hoped that the same message would be conveyed in the Legislative Council elections in September 2004. Meanwhile, the pro-democracy camp organized a protest rally demanding democratic reforms on January 1, 2004, in which about 100,000 people participated; the response even surprised the organizers.

The record voter turnout rate (44.1%) was the most important feature of the 2003 District Council elections. After the July 1, 2003 massive protest rally, Hong Kong people came out to vote in the local elections to express

<sup>4</sup>Article 23 of the Basic Law (Hong Kong's constitution) states: "The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies." This article was written into the draft Basic Law after the massive protest rallies in Hong Kong during the Tiananmen Incident in 1989; obviously, the Chinese authorities were concerned with a repetition of such activities. The Tung administration was wise enough not to initiate the controversial legislative process in its first term. In response to the open prompting of the Chinese authorities, a paper addressing the implementation of Article 23 of the Basic Law was finally unveiled for public consultation in September 2002. As expected, the proposals stirred fears of a crackdown on human rights groups and Falun Gong. The pro-democracy camp in the territory also perceived the proposals a threat to civil liberties. See SCMP, 25.9.2002.

their dissatisfaction with the government and their demand for democratization again. While the pro-Beijing united front had tried to explain the participation in the protest rally on July 1, 2003 as a reflection of the economic difficulties then, and that people had various types of grievances, the record voter turnout rate was a clear indication that people remained dissatisfied with the Tung administration, even though Beijing strongly backed Tung and provided economic assistance to Hong Kong. Further, candidates from the pro-democracy camp won handsomely, while the pro-government Democratic Alliance for the Betterment of Hong Kong (DAB) suffered a serious defeat.

If the pro-democracy movement had maintained its momentum, then there would have been a small chance for it to capture a majority of seats in the Legislative Council elections in September 2004, and thereby really exert pressure on the Tung administration and the Chinese leadership to concede to its demand for political reforms. According to the Basic Law, changing the electoral system for the Legislative Council requires the approval of two-thirds of the legislators and the endorsement of the Chief Executive; and changing the electoral system for the Chief Executive requires the above, plus the green light from the Standing Committee of the NPC in Beijing. It is politically impossible for the pro-democracy movement to pass through these hurdles unless the Chinese leadership accepts political reforms in Hong Kong. Actually the HKSAR political system allows the Chinese leadership to enjoy the power of veto on all significant issues, and the electoral system has also been designed in such a way to prevent the opposition, i.e., the pro-democracy camp, from gaining a majority in the legislature. The fact that the pro-democracy camp was perceived to have a small chance of securing 30 seats in the legislature showed that the extent of public dissatisfaction with the Tung administration was threatening Beijing's fundamental policy towards Hong Kong. On the other hand, the victory in the District Council elections and the prospect of securing half of the seats in the Legislative Council elections in September 2004 symbolized the revival of the pro-democracy movement.

## 2 Pressures from China

Since the Chinese leadership indicated that it was "highly concerned" with Hong Kong's political reforms in December 2003, the discussions became more confrontational. As all parties concerned attempted to mobilize mass support, the chances for a rational dialogue were correspondingly reduced. On the part of the pro-democracy camp, it avoided openly criticizing the Chinese leadership, and turned to organizing another large-scale protest rally on July 1, 2004. It worked hard to register voters for the Legislative Council elections in the following September. It understood that its bargaining power would largely depend on the election results. The pro-Beijing united front too was fully mobilized. Deputies to the NPC, delegates to the Chinese People's Political Consultative Conference and others came out to condemn the pro-democracy camp for ignoring the central government's role in the

HKSAR's political reforms, and that such attitudes were tantamount to the advocacy of Hong Kong independence. Pro-democracy activists were said to be anti-China and had the intention of bringing chaos to the territory. Patriotism was again exploited to attack the pro-democracy movement, which was accused of having various sinister links with the U.S., United Kingdom and Taiwan.

The Chinese leadership indicated clear support for the Tung administration, poured economic assistance into Hong Kong, and used all kinds of gestures to drum up the community's patriotic feelings, such as the large-scale military parade by the local garrison on Army Day on August 1, China's Olympic gold medallists' visit to Hong Kong just a few days ahead of the Legislative Council elections, etc.

There were more shadowy activities too. It was reported in the media that Hong Kong people doing business and working in the Pearl River Delta were contacted by cadres advising them to vote for pro-China candidates and not to support the pro-democracy candidates. Town and township heads in China also rang up their acquaintances in Hong Kong repeating the same message. The successive resignations of three popular radio talk-show hosts before the protest rally on July 1, 2004 were widely believed to have been caused by pressure from the pro-Beijing united front, if not from the Chinese authorities. Finally, there was a prostitution case involving a Democratic Party candidate in Dongguan in the Pearl River Delta just before the Legislative Council elections, and apparently the public security organ in Dongguan was involved in propaganda activities discrediting the pro-democracy camp. In sum, the pro-democracy camp felt that they were fighting against a powerful state machinery in the election.

## 3 The Electoral Arrangements and the Election Results

The electoral system was designed to ensure that the pro-government forces would capture a majority of seats in the legislature so as to ensure the smooth functioning of the administration. In the first place, only half of the seats, thirty out of sixty, were available for direct elections by universal suffrage in 2004, the other thirty members were returned by functional constituencies heavily dominated by business interests and professional groups associated with business interests. In most of these functional constituencies, such as the finance functional constituency in which each bank had one vote, the pro-democracy camp had no chance of participation. It was therefore not surprising that candidates in eleven functional constituencies encountered no competition and were elected on an *ipso facto* basis. In functional constituencies where there were relatively democratically-constituted electorates such as the education functional constituency and the social welfare functional constituency in which each teacher and each social worker had one vote respectively, the pro-democracy camp stood a good chance of winning. But there were only nine such professional functional constituencies.

Regarding the geographical constituencies, instead of the single-member constituency, first-past-the-post system, a multi-member constituency system in which each voter is given only one vote to choose one list of candidate(s) was adopted. The latter system worked roughly the same as a proportional representation system, thus ensuring that the pro-Beijing camp would win at least one seat in each geographical constituency as the pro-Beijing camp could expect to secure at least 20% to 25% of the popular vote.

In terms of the number of seats won, the pro-democracy camp therefore was not so happy. It secured 18 in the geographical constituencies – two more than in 2000, and seven in the functional constituencies – two more than in 2000. The democracy movement did not set any target, yet most political commentators had expected it to win about 26 seats, and its leaders agreed. So the result could have been better.

With the exception of the Article 45 Concern Group, all the other established pro-democracy groups did not gain any extra seat. In view of the success of new political stars such as the respectable barristers from the Article 45 Concern Group, Albert Cheng Jinghan and “Long Hair” Leung Kwok-hung, the pro-democracy groups’ second-tier candidates all failed to win. This will make it even more difficult for the pro-democracy groups to remain united and to expand their organizations.

In terms of the share of votes won, the pro-democracy camp increased its share from 58.2% in 2000 to 60.5% in 2004. However, this was still slightly lower than its share of 63.2% in 1998.<sup>5</sup> In the context of a record voter turnout rate and the impressive turnout for the two protest rallies on July 1, 2003 and July 1, 2004, this was not a very satisfactory result. The Legislative Council elections in 2004 failed to generate meaningful discussions on the significance of the elections and the related important policy issues.

The pro-democracy camp was probably adversely affected by scandals, hostile media and backward campaign strategies. The scandals not only affected the image of the pro-democracy groups, especially the Democratic Party, but also seriously handicapped the pro-democracy camp from conveying its messages to the community. Further, with the exception of the Apple Daily, the territory’s media tend to support the pro-Beijing united front. Local media are largely in the hands of big business conglomerates, and almost all of them have major business interests in China. This means that they have an incentive to please the Chinese authorities, at least not to antagonize them. Candidates of the pro-democracy camp were not innovative in their campaign strategies and tactics. They largely relied on traditional ways such as meeting voters at railway and subway stations, visiting them at home during evening hours, distributing pamphlets, etc. Lack of resources was a handicap, but there was also an obvious lack of imagination.

Within the pro-Beijing united front, the Democratic Alliance for the Betterment of Hong Kong (DAB), in

co-operation with the Hong Kong Federation of Trade Unions, did unexpectedly well in the elections. The flagship of the pro-Beijing united front captured twelve seats and became the largest party in the legislature.

The DAB was wise in keeping a low profile during the campaign period and relied on its networks built through the appeal of patriotism and services at the grassroots level. Credit had to be given to the DAB regarding the following: it spent substantial efforts in cultivating a younger generation of well-educated professionals as its second-tier leaders; it focussed on new residential areas and used its resources to win over the new residents who appreciated the services of local politicians; and its activists and leaders were dedicated and hard-working. In contrast, another pro-Beijing group, the Hong Kong Progressive Alliance, was complacent and lacked innovation and enthusiasm; it failed to win any seat in the 2004 elections. The pro-business, pro-Establishment Liberal Party also did well in the elections. It retained its previous eight functional constituency seats and added two new seats from geographical constituencies – one each from New Territories East and New Territories West.

The most important lesson for the pro-democracy groups is that they have to be more united and better coordinated. Two big challenges await them in the months ahead: to strengthen their unity in order to be more effective in the legislature; and to maintain the sustainability of the pro-democracy movement in the absence of elections and massive protest rallies for some time to come.

The Chinese authorities should feel relieved with the election results. The pro-democracy camp, as expected, did not succeed in capturing half of the seats of the legislature. The Chinese authorities have clearly indicated their opposition to universal suffrage by 2007 and 2008, and this position has weathered the anger and protest of the community. They expect no severe challenges in the immediate future.

## 4 The Political Impasse

Despite the lack of a breakthrough in the Legislative Council elections, the pro-democracy camp maintains its basic position and will continue to seek direct election of the Chief Executive by universal suffrage in 2007, as well as the election of the entire legislature by the same mode in 2008.

This position was the most prominent part of the political platform of the pro-democracy camp candidates in the Legislative Council elections. In the context of a record voter turnout rate, the pro-democracy camp candidates won slightly more than 60% of the votes in the direct elections. In the second half of 2003, all the opinion surveys indicated that about 70% to 80% of the respondents supported the platform of the pro-democracy camp. Even after the interpretation of the Basic Law by the Standing Committee of the NPC in late April 2004 rejecting the pro-democracy camp’s demand, the subsequent polls still showed a support level of 50% to 60%.

Under such circumstances, the pro-democracy camp simply cannot retreat from its position, otherwise it cannot be accountable to its supporters and the electorate. In

<sup>5</sup>These percentages vary a little depending on who are counted as members of the pro-democracy camp. Experts differ to a small extent regarding the exact categorization of one or two marginal/controversial candidates.

a way, through the opinion surveys, the massive protest rally on July 1, 2004 and the Legislative Council elections in the following September, Hong Kong people have clearly stated their position on the issue of constitutional development. A responsible government which respects public opinion must respond to the community's demand for democracy.

While the pro-democracy camp does not have new proposals to offer, it expects a clear and sincere answer from the HKSAR government. If the Tung administration is sincere about political reforms, it should propose a concrete timetable. The pro-Beijing united front often insists that Hong Kong must be administered by people who are patriotic and love Hong Kong. But patriotism and love of Hong Kong are not constitutional and legal concepts; they are subjective judgements. Above all, such judgements must not be made by those who hold power. A lot of Hong Kong people believe that many in the Establishment only pretend to be patriotic in pursuit of their selfish political and business interests. Supporters of the pro-democracy camp, on the other hand, consider that only those who advocate democracy are genuinely patriotic.

In the past public consultation exercises on political reforms, pro-democracy groups demanded that the government should release a consultative document listing all the possible options. It should arrange for independent, scientific opinion surveys, so that Hong Kong people's opinions could be truly reflected in a quantitative manner. Finally, the government had to pledge that it would respect public opinion, and implement the reforms supported by the community. These demands are still insisted by the pro-democracy camp today.

In the document released by the recent fourth plenum of the sixteenth Central Committee of the Communist Party of China, it is stated that "maintaining the prosperity and stability of Hong Kong and Macau is a new task facing the Party in governing the country in the new situation". In handling this new task, Chinese leaders must not avoid Hong Kong people's demand for democracy. Only by enhancing the representativeness and legitimacy of the HKSAR government it will then be able to appeal to Hong Kong people to strengthen their solidarity to overcome the present difficulties.

The Tung administration wisely shelved the Article 23 legislation again at this stage, and has won much praise. It is hoped that in the handling of the issue of political reforms, the Tung administration will show its sincerity in respecting public opinion, and ensure that Hong Kong people will enjoy genuine democratic progress by 2007 and 2008. But the chances for disappointment remain high.

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