

# Hong Kong government withdraws proposed security law

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29 September 2003

In the face of overwhelming popular opposition, Hong Kong chief executive Tung Chee-hwa announced at a special press conference on September 5 that his administration was shelving its proposed anti-subversion legislation.

The legislation, drafted under Article 23 of Hong Kong's constitution or Basic Law, amounts to a fundamental assault on the democratic rights of the Hong Kong population. If ever enacted, it will criminalise any organisations that are banned on mainland China and enable the prosecution of Hong Kong citizens for inciting treason and subversion against the Beijing regime.

On July 1, as many as 500,000 Hong Kong residents demonstrated in a mass rally to defend their liberties, sparking the greatest political crisis since Britain returned Hong Kong to Chinese sovereignty in 1997. Stunned by the extent of opposition, Tung removed three of the most draconian clauses from the legislation. Despite this concession, James Tien, leader of the Liberal Party and Tung's main political ally in the island's Legislative Council, resigned from the executive council. Without the Liberal Party's support, Tung lacked the necessary numbers to push the new laws through the legislature.

However, the Chinese regime continued to pressure Tung throughout July and into August to find the ways and means of passing the bill. Social tensions in China are steadily building and the Beijing authorities have grown increasingly anxious over the ability of mainland oppositional movements to use the island as a base for their activities.

By mid-August, the situation had become untenable. Any attempt to enact the anti-subversion laws would have provoked further demonstrations and civil unrest. Tung and the Chinese government faced a difficult choice—prepare to repress the popular opposition, or back down and risk emboldening their opponents. Either option carried political dangers.

The final nail in the coffin of the legislation came on August 21 in the form of an unprecedented political intervention by Hong Kong's and China's most powerful business tycoon. Li Ka-shing, who has close ties to both Tung and Beijing, publicly praised the July 1 demonstration as an example of Hong Kong's democracy. The statement could only have been interpreted as advice to shelve the anti-subversion laws. Four days later, a senior mainland official, Liu Yandong, described the July 1 demonstrators as "patriotic". Within a fortnight, Tung made his announcement that the legislation would be postponed indefinitely.

Tung continued to insist that enacting the legislation was the Hong Kong government's constitutional duty. But due to public "doubts and concerns," he declared he would withdraw it "so as to allow sufficient time for the community to study the enactment question". He also announced the formation of a special group under his administration's Security Bureau to review the legislation and to "ultimately win over" public support.

The decision is partly motivated by concern in both Beijing and Hong Kong over the outcome of next year's Legislative Council election. Under the hand-over agreement between China and Britain, half of the 60 legislative seats in 2004 will be elected by universal suffrage. The pro-Beijing big business parties, such as the Liberal Party and the Democratic Alliance for Betterment of Hong Kong, feared major losses if they supported Tung. Li Pang-kwong, a politics academic at Hong Kong's Lingnan University, told Associated Press on September 5: "Mr. Tung is hoping that the withdrawal will quell [the] public and voters won't pledge overwhelming support to pro-democracy legislators in the 2004 election."

The *Far Eastern Economic Review* noted: "Critics of the new laws believe Beijing decided to endure the humiliation of this backdown because the top leadership

senses danger. In the aftermath of the July 1 protest and two subsequent mass demonstrations, it was clear that the central government had dramatically underestimated the degree of public hostility to the national security laws and the widespread resentment in Hong Kong over Tung's handling of the economy."

At his September 5 press conference, Tung sought to appease the population by pledging to turn his attention to reducing Hong Kong's record level of unemployment. "As Hong Kong is going through a painful process of economic restructuring, especially after the SARS outbreak, it is crucial that the government, the trade and industrial sectors and the community as a whole concentrate our efforts to revitalise and increase employment opportunities," he said.

The mainland regime has announced measures intended to assist Tung stimulate the economy. Restrictions on mainland Chinese tourists visiting the island have been relaxed. Wealthy businessmen are being encouraged by the Chinese government to invest in property in Hong Kong in exchange for a legal residency. The construction of a bridge connecting the island to the booming Pearl River Delta industrial zone in the adjacent Guangdong province has also been approved.

Another factor was the reaction in Taiwan, which China is hoping to entice into a reunification agreement similar to Hong Kong's. With elections coming up next March in Taiwan, anti-reunification parties have appealed to voters by highlighting Tung's attempts to implement anti-democratic legislation in Hong Kong.

Beijing was also concerned about the potential for unrest in Hong Kong to spread to the mainland, particularly neighbouring Guangdong. Tens of thousands of Hong Kong residents cross the border every day to work, shop or visit their businesses, property or relatives, bringing their ideas and news to the mainland population. Hong Kong television networks broadcast throughout most of Guangdong, and the scenes of the mass protests would have been seen by millions of mainlanders.

Beijing's political backdown in Hong Kong has encouraged opposition movements on the island to broaden their activities. The *Washington Post* commented on September 18 that the July 1 protest marked a "sea change" in the population's psychology: "For decades the people of this territory have been called apolitical, more interested in business than democracy. When China took control of Hong Kong in 1997, many assumed that the people of this former British colony would simply go from being subjects of the British crown to being subjects

of Beijing." Now, the *Post* observed, broad layers of the population "are beginning to care about democracy".

The last time the Chinese regime so publicly made concessions to placate mass discontent was in May 1989, when former Communist Party secretary Zhao Ziyang initially lent official sympathy to the demands of student protestors in Tiananmen Square. The government's retreat before the student's calls for a greater freedom of speech became the catalyst for hundreds of thousands of workers to take to the streets with their own social and democratic aspirations. As the situation spiralled out of the control of the student leaders, the military was sent in to massacre the anti-government protestors.

Beijing's brutal repression on June 4, 1989 was carried out to defend the interests of the bureaucratic apparatus and the capitalist elite being spawned by the regime's free market program. If seriously threatened again from below—whether on the mainland or in Hong Kong—it would not hesitate to use the same methods. Last year's *China's National Defense* report, for example, bluntly stated that one of the Peoples Liberation Army's chief roles is to "stop armed subversion and safeguard social stability". It declared the Chinese armed forces will "strike hard", "crush" and "crack down" on activities that threaten public order or subvert state power.

Beijing has not given up on plans to give itself repressive new security powers in Hong Kong. As the official *People's Daily* editorialised on September 8: "As part of China, the Hong Kong Special Administrative Region is still legally bound to pass a security law... Hong Kong has a duty to ensure that no subversive activity is carried out on its territory. This is not too complicated to understand."



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