

# A clear choice for legislators

Exactly 110 years ago Ng Choy became the first Chinese member of the Legislative Council. He had in fact been sitting in the chamber for the previous four years but was not officially appointed until 1884. It had taken almost half a century of British rule before one of the local people was considered suitable to have some say in government.

Today the members of the Legislative Council face an even more crucial choice on the extent of representative government considered suitable for Hong Kong.

Despite the rhetoric, they are faced with no more than a modest choice. Even the most radical proposal, Emily Lau's call for a fully elected legislature, falls far below the level of representative government which prevails in newly independent Eritrea, a country which has only recently emerged from a bloody civil war, leaving only the most basic infrastructure in place.

In Hong Kong, where modern-

ity and the latest of everything is taken for granted, a fully elected legislature would not have executive powers and could not form a government.

However this is of no more than academic interest because Lau's proposal, which has a great deal of public support, does not have the slightest chance of being accepted by the members of the legislature.

Instead there is a far more basic choice between a set of government proposals which, under the most generous interpretation, would give most of the voting population a chance to elect half the members, and a set of proposals from the Liberal Party, which essentially confines universal suffrage to no more than a third of the seats up for election.

The most remarkable aspect of the debate over this issue is that there has been practically no discussion of the merits of the proposals but a great deal of talk about whether or not China will

pregnancy. If China is intent on simply dissolving the three tiers of government covered by the electoral arrangements, it will presumably do as it says. It will not half or quarter-dissolve them in the same way that a pregnant woman will not half or quarter-deliver a baby. It may be, however, that China softens its position or decides to scrap the existing bodies and replace them with something very similar.

The problem is that we are assured, by the very people trying to mould their proposals into Chinese shapes, that China will not change its policy and it is confrontational to expect the Chinese government to do so.

Thus we are left with a decision to be taken on its merits. The real question that legislators should be asking is whether a higher or lower degree of representative government meets the aspirations of Hong Kong's people.

This may be considered as an oversimplistic approach.

We would argue that the issue is essentially simple and should not be obscured by unnecessary sophistry.

However we cannot ignore the reaction of the new sovereign power. China has a perfect right to take a profound interest in Hong Kong's constitutional reform. The Basic Law, or mini-constitution for the post-1997 period, contains outline provision for the election of the three tiers of government. Sensibly the Basic Law drafters did not attempt to create an inflexible and highly detailed blueprint for the electoral system. It says that "the method for forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region".

This is a very flexible statement, open to interpretation. At the moment China and her supporters are choosing to make the most conservative interpretation of the Basic Law. A more liberal interpretation may follow. But the

Basic Law is clear on one point, a point contained in the Joint Declaration.

At the outset the Basic Law states that the National People's Congress authorises the new government of Hong Kong "to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power".

If there is a sliver of sincerity in this statement it must mean that Hong Kong will be given the right to determine many aspects of the way it is governed.

Legislators thus have a clear choice today. They can vote for what they believe to be right and just or they can vote along lines they believe will be acceptable to a power outside Hong Kong.

The irony of the situation is that the fate of the electoral proposals resides in the votes of a handful of legislators who have been elected by nobody but hold office thanks to a system of colonial appointment which is about to be scrapped.

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like the outcome of the debate. Some of those joining the debate appear to have ignored China's often repeated position on the matter. The Chinese government has clearly stated that it will not recognise the decision reached at today's Legco meeting because it does not recognise the authority of the legislature and

believes that constitutional reform can only be decided in bilateral negotiations between Britain and China.

Despite this, some members of Legco, notably the Liberal Party, believe that the constitutional reforms can be shaped to meet China's requirements. This is a bit like trying to achieve semi-

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