

A TALE OF TWO EX-COLONIAL CITIES: HONG KONG AND MACAU

Suzanne Pepper

In May 2017 Zhang Dejiang spent three days in the former Portuguese colony of Macau. The mainstay of its economy is gaming but Zhang did not spend his time at casino tables. He was the third highest-ranking official in China's Communist Party hierarchy and responsible, among other things, for overseeing all matters concerning Macau and Hong Kong. Zhang's visit to Macau was billed as an inspection tour but it was actually as much about neighboring Hong Kong. The itinerary was carefully chosen, allowing him to moralize at every stop—using Macau as an object lesson of proper behavior in contrast to wayward Hong Kong.¹

In Beijing's eyes, Macau is the good child. Zhang called it a “universally recognized success” and a role model in implementing the governing formula that Beijing designed for its two ex-colonial territories. (Britain returned Hong Kong to Chinese rule in 1997. Macau, the last European colony in China, was returned in 1999.) The formula is called “one-country, two-systems” (一國兩制). It signifies one country, China, where two different political systems are allowed; meaning Macau and Hong Kong are “Special Administrative Regions” (SAR) governed differently than the rest of the country.

While Macau eased into the new arrangement with little apparent strain, Hong Kong has been one headache after another for Beijing with no end in sight. Although Zhang never actually drew the comparison in so many words, his message was lost on no one. Hong Kong editorial writers invoked an old Chinese idiom “scold the locust tree by praising the mulberry” (指桑罵槐).

Suzanne Pepper is a Hong Kong-based writer and scholar. Her books include *Civil War in China: The Political Struggle, 1945-1949* (University of California Press), *China's Education Reforms in the 1980s* (UC Berkeley Institute of East Asian Studies), *Radicalism and Education Reform in Twentieth Century China* (Cambridge University Press), and most recently *Keeping Democracy at Bay: Hong Kong and the Challenge of Chinese Political Reform* (Rowman & Littlefield Publishers).

The visit can thus be used to explore the origins and development of one of the key challenges facing China today—notably, Hong Kong’s growing determination to resist Beijing’s assumptions about what “one-country, two-systems” actually means. If Macau can accept it, why can’t Hong Kong? And if Hong Kong after 20 years is increasingly inclined to resist, can the Chinese leadership’s hope of forcing Hong Kong into the Macau mold succeed?

The One-Country, Two-Systems Model

Both Special Administrative Regions have their own Basic Laws to serve as their governing constitutions for 50 years from the date of return to Chinese sovereignty. Both were written under Beijing’s official direction and promulgated by the president of the People’s Republic. Hong Kong’s Basic Law went into effect as of July 1, 1997, Macau’s on December 20, 1999.²

They promised almost all the same things. Articles 25 through 41 of both laws promised fundamental rights and freedoms. Article 22 in both laws guarantee against interference by mainland authorities including both central and local. Other articles in both promise judicial independence and academic freedom. Ditto promises about application of the International Covenant on Civil and Political Rights.

During the 1990s, the promises were popularized by several catchy slogans that most everyone can still recite by heart: “local people ruling Hong Kong” (港人治港), with a “high degree of autonomy” (高度自治權), and “no change for 50 years” (五十年不變). The 50-year promise was guaranteed in Article 5 of both Basic Laws. This article says that the mainland’s “socialist system and policies shall not be practiced... and the previous capitalist system and way of life shall remain unchanged for 50 years.”

Of course, not all articles emphasize freedom and autonomy. A case in point in both Basic Laws is Article 23. This mandates local passage of legislation to prohibit acts of treason, secession, sedition, and subversion against the Central People’s Government, as well as the theft of state secrets. Foreign entities must also be prohibited from conducting political activities in both cities. Additionally, the power to interpret the Basic Laws is vested in Beijing—specifically in the Standing Committee of the National People’s Congress. Power to amend the Basic Laws also resides in Beijing and is vested in the National People’s Congress.

Moreover, there are two important differences between the two laws. The reason for the differences has never been explained but they likely reflect different expectations that were being registered within the two communities—Hong Kong and Macau—during the 1980s and 1990s when the Basic Laws were being drafted. Article 68 of Hong Kong’s Basic Law says: “The ultimate aim is the election of all the members of the Legislative Council by universal suffrage.” The equivalent Article 68 of Macau’s Basic Law says of its legislature only that “[t]he majority of its members shall be

elected.” There was no promise to elect the entire Macau legislature by whatever means. The promise to Hong Kong was that the entire legislature would be elected by universal suffrage. Regarding the Chief Executive, Article 45 of Hong Kong’s Basic Law says: “The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.” The Macau version, Article 47, says that its Chief Executive “shall be selected by election or through consultations held locally.” These are surely significant distinctions.

Zhang’s Macau Itinerary

The headline news in Hong Kong as Zhang Dejiang began his rounds was the phrase “comprehensive jurisdiction” (全面管治權). Zhang praised Macau immediately upon his May 8 arrival for accepting without complaint the Chinese central government’s comprehensive jurisdiction that putatively guarantees a high degree of autonomy. He did not try to explain how the obvious tension between the two concepts was being reconciled in practice. He said only that Macau was doing a good job of implementing the two key dimensions of the “one-country, two-systems” model.³

The next day he visited Macau’s Legislative Assembly where he praised and exhorted legislators on several points—which just happened to overlap with what Beijing doesn’t much like about Hong Kong’s Legislative Council. He praised Macau legislators for safeguarding national security by passing legislation criminalizing treason, secession, subversion, and the other provisions mentioned in Article 23. Macau approved this legislation in 2009. He also praised Macau for adapting to national development trends in order to diversify its economy. Then he turned to cautioning legislators to remain attentive on several key points. They should take their oaths-of-office seriously, respect the nation, the law, and the executive-led system. They should focus on economic development and maintain a patriotic nation-loving spirit. They should also respect legislative procedures by refusing to participate in disruptive behavior like filibustering and violence. Since Macau legislators are not known for violations on any of these points, maybe Zhang was just speaking preemptively lest they be tempted to emulate Hong Kong’s much publicized behavior.⁴

Macau’s assembly is much smaller than Hong Kong’s and has not evolved much beyond its colonial foundations. The 33 members represent a population of 650,000. Of those 33 members, only 14 are directly elected; 12 are indirectly elected by occupational constituencies; and seven are appointed by Macau’s Chief Executive. In contrast, Hong Kong has 70 legislative councilors—half directly elected and half-indirectly elected, representing a population of 7.3 million.

The law courts were next on Zhang’s agenda. At Macau’s Court of Final Appeal he reminded judges that they were living under the “one-country, two-systems” model and

must respect both the Constitution of the People's Republic of China and Macau's own Basic Law—the authority of which derives from the former.

Last but far from least, Zhang offered a few words for the younger generation. At the University of Macau, Zhang went on at some length about “three hopes” linking patriotism, education, and prosperity. He exhorted students to link their personal goals to the development of Macau and the Chinese nation; to study history so that they cultivate a deep love for China and their native city, and an aspiration to serve both; and, finally, to fulfill their roles as inheritors of the “one country, two systems” principle. Citing Macau's impressive growth over the past decade in terms of economic output and fiscal reserves, Zhang repeated several times that “Macau's achievements have ‘attracted worldwide attention’ since its return to the motherland” and demonstrate the success of the “one country, two systems” principle.⁵

Hong Kong: Leading by Negative Example?

Much to Beijing's chagrin, it is not Macau but Hong Kong that is generating political energy and attracting so much worldwide attention. In a sense, Zhang's Macau itinerary retraced the steps of Hong Kong dissent that Beijing deplores. On the first day when he used the phrase “comprehensive jurisdiction,” it recalled the consternation caused among Hong Kongers when they read the PRC central government's June 2014 White Paper.⁶ The phrase had not been commonly used for public consumption before then. This document preceded and was intended to prepare the ground for Beijing's decision on August 31 of that year (or 8.31 decision) regarding electoral reform.⁷

The two 2014 documents set the stage for the Occupy civil disobedience movement that broke out soon thereafter. Together they lie at the heart of all that is wrong in the relationship between Beijing and Hong Kong. They caused some in Hong Kong to argue that Beijing had changed its mind about the promises originally written into Hong Kong's Basic Law. More likely, Beijing did not change. Instead, the Basic Law's words and phrases were carefully drafted so that everyone could read into them what they wanted, the better to put minds at ease in preparation for the 1997 transition. That mystery—about Beijing's original intent—remains to be solved. But it is already clear that words such as “autonomy” and “universal suffrage” carry a range of meanings depending on whether they are intended for use in Beijing or in places with very different political traditions. The 2014 White Paper was meant to be read as a political study document in Hong Kong, where people had not yet grasped the nature of its relationship with Beijing, as Beijing defines it, under the one-country, two-systems formula. China's central government is sovereign and exercises ultimate authority. Hence the promised “high degree of autonomy” did not mean what many in Hong Kong seemed to assume. It means, in effect, only as much autonomy as the sovereign chooses to grant.

Here it is important to recall that Hong Kong's contemporary democracy movement fully emerged in the 1980s with demands for directly elected Legislative Council seats. There had been earlier attempts to introduce some form of elected representation, extending back to Hong Kong's earliest days as a British colony. The culmination of that campaign was to have been in 2017, with the direct election of Hong Kong's Chief Executive by one-person, one-vote universal suffrage. Preparatory changes were to have begun in 2016, leading to the direct election of the Legislative Council in 2020.

Instead, the entire movement has ground to a halt. Hong Kong went through various government-run consultation exercises—with members of the public from across the political spectrum submitting many different reform proposals—only to be told via Beijing's 8.31 decision that none of Hong Kong's proposals were acceptable. After all the years of preparation and anticipation, Hong Kong was given only one choice: accept Beijing's design for a mainland-style election with Beijing-vetted candidates, or get nothing.

Therefore, it was that 8.31 decision—or, rather, ultimatum—that sent protestors out into the streets in what would become a 79-day occupation of major thoroughfares throughout the city. It would also become known as the Umbrella-Occupy movement, in honor of the umbrellas protestors used to protect themselves from police teargas on the first day, September 28. This movement continues to reverberate most dramatically now in the demand by some of the most disillusioned among young dissenters for Hong Kong independence.

In fact, the entire democracy movement has shifted direction. All the major parties and groups have, since Occupy, adopted new terminology amending their previous simple adherence to universal suffrage within the Basic Law's one-country, two-systems design. The parties have gone on record as favoring self-determination, without defining specifically how they interpret the term.

Back in Macau, Zhang's message to its Legislative Assembly reflected many more points where Hong Kong is found wanting in Beijing's eyes. His praise of Macau's assembly for passing Article 23 legislation on national security conjured up memories of Hong Kong's biggest act of defiance prior to 2014. Legislation aimed to adapt mainland national political security concepts for use in Hong Kong was met by mighty resistance in the form of half-a-million people marching in protest on July 1, 2003. Key members of the pro-government coalition lost their nerve at the sight of this angry crowd and withdrew support for the government's Article 23 bill. It remains shelved while official pressures for its revival remain ongoing.

Zhang moreover praised Macau's assembly for backing Chinese regional economic development plans. Hong Kong's legislature has balked repeatedly at approving funds for the Hong Kong sections of Beijing's cross-border projects most notably the high-speed railway and the Hong Kong-Macau Bridge. Macau, of course, can hardly complain since its recent prosperity derives in large part from newly-rich mainlanders trying their luck at the gambling tables.

But probably foremost in Zhang's mind was the current turmoil in Hong Kong's legislature. The Hong Kong government is seeking to unseat 10 legislators elected in the first post-Occupy election last September. Eight of the 10 are being charged with various violations of their oath-taking last October. The other two have been indicted for crimes allegedly committed during the Occupy movement. Zhang mentioned the importance of oath-taking in his comments at Macau's Legislative Assembly. And well he might since the central government has now stepped directly into the Hong Kong controversy with an interpretation of Hong Kong's Basic Law, Article 104, on taking the oath of office.⁸ This was Beijing's response to two of the new post-Occupy legislators who declared their loyalty to Hong Kong alone and not to Hong Kong as part of China. Other legislators issued various protest statements while taking their oaths during the October 12 swearing-in ceremony. Court cases are underway with the possibility that all eight might be disqualified and lose their Legislative Council seats.

Zhang's concluding lecture to students underscored Beijing's frustration. Hong Kong's young activists have become the spearhead of its democracy movement. By Beijing's reckoning they should have adapted to mainland political ways and means by now. Instead they are leading the resistance. Joshua Wong Chi-fung symbolizes this generational succession. He shot to local fame when he organized a small group of his middle-school classmates to protest the new national political studies curriculum that was to have been made compulsory—mainland style—for all students at all levels. It was scheduled for introduction at the start of the fall semester in September 2012. But by then his small group had multiplied like proverbial loaves and fish into a citywide protest movement that included students, parents, and educators.

In Macau, Zhang pointedly commended the entire community for backing education policies that passed down "Macau's patriotic traditions" to the younger generation. Meanwhile, Hong Kong's new national political studies curriculum remains on the shelf, where it is collecting dust along with the government's proposed Article 23 national security legislation.

It was also Hong Kong's students who spearheaded and led the Occupy protest movement, although the idea for a civil disobedience street blockade originated with Benny Tai Yiu-ting. He is a University of Hong Kong law school professor who spent the better part of two years planning for the event, only to watch it escalate far beyond his hopes in September 2014. But he likes to recall that his ideas date back to his own student days, in the 1980s, when Hong Kong's current campaign for a popularly elected government was just getting underway.

What is to Be Done?

Perhaps the most reliable means of assessing the impact of Hong Kong's democracy movement on the general public is examining the results of local elections. Consider

the September 2016 election for the Legislative Council, in which half the unicameral chamber's seats were directly elected. Of Hong Kong's 7.3 million people, 3.7 million registered to vote in the election for those 35 seats. The turnout rate on September 4 was a record 58 percent.

Partisan divisions were very clear. Pro-democracy candidates won 59.7 percent of the vote. Pro-establishment candidates won only 40.3 percent. According to the *South China Morning Post's* breakdown of the pro-democracy vote, 27 percent went to traditional democrats and 27 percent to radicals. About 5 percent went to moderate democrats.⁹ The radicals were mostly, although not entirely, post-Occupy younger generation candidates. But by September 2016, the traditional parties had all shifted toward post-Occupy standards to declare themselves for self-determination. Overtly pro-independence candidates were barred from entering the 2016 election. The two—self-determination and independence—are lumped together in Beijing polemics. However, there seems to be some margin for maneuver here that could allow those advocating self-determination to come forward with clearer definitions of what they mean.

Returning to the initial questions why Hong Kong is not like Macau and whether the former's stance toward Beijing can ever converge with the latter's, their differing colonial experiences point toward answers. Hong Kong may have been the only British colony that was never allowed popular representation in government. But that ideal of popular representation was always present, given Britain's own nineteenth- and twentieth-century electoral reform movements. In colonial Hong Kong, no decade passed without someone raising the issue. By the 1960s, it finally seemed set for a breakthrough—until the 1967 riots in Hong Kong provided the powers-that-be in London and Hong Kong with another excuse to shelve the idea. London was then left with the uncomfortable option of leaving its colonial Hong Kong population to fend for itself—without the tradition, precedents, or experience that might be used as protection from whatever might follow under Beijing's post-1997 rule. Hence London conceded to a better-late-than-never political reform project that had the effect of inspiring students of Benny Tai's generation in the 1980s. Their agitation, and pressures from London, underlay the differing versions of the two Basic Laws—Hong Kong's and Macau's—on the key issue of elected representation in government.

Beyond that issue, the Hong Kong community has taken the initiative to push back on multiple pressure points where Beijing's demands have intruded into what was initially thought to be Hong Kong's own autonomous space within the two-systems model. Hong Kongers are considering more carefully what exactly Beijing's 50-year guarantee means. People at both ends of political spectrum are finally beginning to question what Beijing intended by that vague promise. Radicals as well as those with pro-Beijing tendencies realize that had Hong Kong not pushed back against the idea of comprehensive jurisdiction, compulsory national patriotic education for all students, and the mainland-style party-vetted practice of “universal suffrage”—had all those

measure had been accepted as in Macau, Hong Kong would already be well advanced along to road to full political absorption by China.

If Beijing officials really intend to try and force Hong Kong into the Macau mold, they will probably have to resort to draconian means—which, presumably, they want to avoid. The only alternative will be for Beijing officials to relax their rigid mindset and seek creative ways of somehow accommodating to Hong Kong resident’s original understanding of “one-country, two-systems.”

NOTES

¹ An earlier version of this article was published by the Japan Policy Research Institute, an APPSI affiliate, as *JPRI Occasional Paper* No. 54 (June 2017).

² English versions of the two Basic Law documents can be online at URLs below.

Macau – <http://www.wipo.int/edocs/lexdocs/laws/en/mo/mo019en.pdf>

Hong Kong – http://www.basiclaw.gov.hk/en/basiclawtext/images/basiclaw_full_text_en.pdf

³ See *Ta Kung Pao*, May 9, 2017, and *Wen Wei Pao*, May 9, 2017.

⁴ See *Ta Kung Pao*, May 10, 2017, and *Wen Wei Po*, May 10, 2017.

⁵ See *Ta Kung Pao*, *Wen Wei Po*, *China Daily*, *Macau News*, May 11, 2017.

⁶ People’s Republic of China Information Office of the State Council. “The Practice of the ‘One Country, Two Systems’ Policy in the Hong Kong Special Administration Region.” June 2014.

<http://www.fmccprc.gov.hk/eng/xwdt/gsxw/t1164057.htm>

⁷ An English version of the “8.31 Decision”—or the “Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (Adopted at the Tenth Session of the Standing Committee of the Twelfth National People’s Congress on 31 August 2014)”—can be accessed at the following URL.

<http://www.scmp.com/news/hong-kong/article/1582245/full-text-npc-standing-committee-decision-hong-kong-2017-election>

⁸ Beijing’s interpretation of Article 104 of the Basic Law of Hong Kong can be found at the following URL.

<https://www.hongkongfp.com/2016/11/07/in-full-in-english-beijings-interpretation-of-hong-kongs-mini-constitution-the-basic-law/>

⁹ *South China Morning Post*, September 6, 2016.

REFERENCES

Johnson, Chalmers. "The Mouse-Trapping of Hong Kong: A Game In Which Nobody Wins." *Asian Survey* 24 Number 9 (September 1984): 887-909.

Lo, Shiu-hing. *Political Development in Macau*. Chinese University Press, 1995.

Ng, Jason Y. *Umbrellas in Bloom*. Blacksmith Books, 2016.

Pepper, Suzanne. *Keeping Democracy at Bay*. Rowman & Littlefield, 2008.

Roberti, Mark. *The Fall of Hong Kong: China's Triumph and Britain's Betrayal*. John Wiley, 1996.

Tsang, Steve Y. *Democracy Shelved: Great Britain, China, and Attempts at Constitutional Reform in Hong Kong, 1945-1952*. Oxford University Press, 1988.

White, Lynn T. *Democratization in Hong Kong—and China?* Lynne Rienner, 2016.

(Leave this page blank)