A tale of two systems

Since 1997, the people of Hong Kong have lived through political restructuring, outbreaks of disease and economic crisis. VAUNDE ENGLAND looks at life in the Special Administrative Region.

Uncle Thomas in Amsterdam had decided, in his late sixties, that it was time to travel to China. Seeking to avoid the £35 charge for a China visa in the Netherlands, he thought he would go to Hong Kong and, in so doing, be in China for free.

“Because Hong Kong is part of China, right?” he said, trying to explain his outrage when he discovered that he still had to get a China visa from Hong Kong, and that a border exists with customs and immigration controls, at which strict efforts to keep the relevant people on each side are made.

Of course Uncle Thomas is not alone in his confusion. In both Hong Kong and China, defining quite who should be on each side of the border remains one of the biggest puzzles in post-handover Hong Kong.

Hong Kong exists under a new kind of arrangement, for which there are no precedents. It can only be understood by looking at its own peculiar history and character.

The fact that it was a British colony for 155 years is integral to the formation of the place. (It’s true that China was technically in charge of Hong Kong before then, but it was a very different China – one ridden by warlordism and remote emperors – unrecognisable from today’s economic powerhouse.)

IN SEARCH OF AN IDENTITY

The democratically elected representative for Hong Kong’s central district, Kam Nai-wai, is a born-and-bred Hong Konger, and proud of it. “Most Hong Kong people feel they are Hong Kong residents rather than Chinese residents.”

“They want to identify they are Chinese, rather than governed by the Britain, but they feel that the government before 1997 was better than [that of] the Hong Kong SAR,” he says, referring to Hong Kong’s new title as a Special Administrative Region. “Some feel that there’s a lot of the Beijing government interference with the SAR government.

“So sometimes we feel some confusion for our identity,” said Kam.

The vast majority Chinese, particularly Cantonese, population who have made Hong Kong their home for generations was joined by waves of people from Shanghai and elsewhere, who arrived specifically to avoid the 1949 victory of Communism on the mainland.

That’s also part of what makes Hong Kong very different from China, and the deal reached between the British and Chinese governments through tortuous negotiations in the 1980s, took explicit account of that difference.

China’s then leader, Deng Xiao-ping, devised the formula: “one country two systems”. China promised to leave Hong Kong’s system unchanged for 50 years, and both countries pledged, in a Joint Declaration, to monitor the autonomy of Hong Kong and make sure what was promised is what comes to pass.

The challenge is deciding where the “one country” part stops and the “two systems” part starts. For most observers, the primary difference is the rule of law and the freedom of the press.

DEFENDING THE RULE OF LAW

The rule of law is something often taken for granted in other well-developed societies but is a phrase of immense meaning to anyone in Hong Kong.

It means that you have rights, and if you believe those rights have been denied or abused, that you have a higher court to which to turn in search of justice. It means that the system of judges and courts is kept separate from the political leadership of the day. It means a separation of powers between the executive and the judicial branches of government, so that a law court could rule against the government of the day in favour of an individual’s right – and that the individual could believe in that legal system’s capability to do so.

In order to bolster the economy, Tung Chee-hwa, Chief Executive of the HKSAR government, announced a policy of building 85,000 homes each year, which effectively dampened the booming housing market.

Conservationists clashed with developers intent on changing the face of Victoria Harbour.

One of the biggest puzzles in post-handover Hong Kong is the border with China.

By 1998, the HKSAR Government destroyed about 1.3m domestic fowls. Critics said that live poultry from the mainland should have been banned much sooner.
In 2000, the HKSAR government said that Legal Aid – the financial support available to an individual too poor to pay for a case – would be moved away from politically neutral administration to the supervision of a government appointee. Hong Kong’s Bar Association protested strongly, noting that such a move would raise “conflicts of interest” and would indeed “endanger the rule of law”.

Maintaining the freedom of the press requires the same level of vigilance on the part of Hong Kong people, and the record here is more patchy.

**THE DANGER WITHIN**

Looking back on the first ten years of Chinese rule over Hong Kong, analysts say the greatest danger to Hong Kong comes from within. The most oft-heard complaint is that members of Hong Kong’s political elite, so keen to curry favour in Beijing for personal or political advancement, are willing to let Hong Kong’s distinctiveness be eroded.

Residents are increasingly fed up with government plans to knock down old neighbourhoods or street markets, says political analyst Professor Ma Ngok, from the Chinese University of Hong Kong.

“People feel it was easier for a normal person to set up business before 1997; it was free, you could open a market stall on the street if you had to. Now the grievances are against big business, and this government is seen as working for them. Tearing down old buildings for new high-rises owned by tycoons is a sign of that,” said Professor Ma.

They want to have their babies in Hong Kong, rather than in China, and, although no formal study has been done yet, the three reasons given for their choice are: avoiding the one-child policy in China; the better medical care in Hong Kong; and, the automatic residency rights granted to any Chinese baby born in Hong Kong. It’s the latter point that seems paramount to mothers who want their child to have a better chance of education, rights to free medical care and public housing.

But surely mainland mothers could use a Hong Kong hospital with no fuss? After all, it’s all one country isn’t it? Well, yes and no.

“We think this is unfair. We are the tax payers in Hong Kong and are supposed to enjoy a quality service,” said Ella, a pregnant Hong Kong mother who led protests against the mainland influx.

Hong Kong’s government needed to react to this crisis – in order to maintain credibility at home. It is in the interests of Beijing leaders to keep the masses of Hong Kong happy, avoid disruption to the all-important financial wellbeing, and to maintain the credibility of the ‘one country, two systems’ formula – so that it might one day be applied to Taiwan.

The Basic Law, which had been interpreted to give residency rights to Chinese born in Hong Kong, is considered by both leaders as impossible to alter. One change could lead to a clamour for so many others that it would be the proverbial Pandora’s Box. So depriving the mainland mothers of residency rights for their children was not the answer.

Instead, new regulations were introduced, needing no political debate or sanction, which raised the prices for mainland births in Hong Kong, and set up a queuing system that would always put Hong Kong mothers first in line for care. Complaints were about the finer points of the solution, but the numbers of mainland mothers coming to Hong Kong has dropped significantly.

Equally, when Hong Kong’s economy was shaken by the bird flu and SARS epidemics and the regional financial crisis of the late 1990s, China sought practical solutions – in the form of the Closer Economic Partnership Agreement, and the new rules allowing mainlanders to visit more easily and so contribute to Hong Kong livelihoods with their spending.

**THE BIG ISSUE – DEMOCRACY**

Such approaches, however, are not possible when it comes to the largest issue dividing Hong Kong and China: democracy.

There can be little compromise between the educated internationalist of Hong Kong, who views the right to vote as being as basic as clean water in the pipes, and the leadership in Beijing which appears determined to maintain its monopoly on power.

One of Hong Kong’s best-selling Chinese language newspapers, the Apple Daily, is edited by Jimmy Lai, in many ways an archetypal Hong Konger. He is an overtly pro-democracy tycoon who says his business loses money every day because pro-China businesses boycott advertising in his publications.

“Democracy in today’s world is no longer a political idea, but is a moral imperative,” said Lai.

But the business and political elite maintain close and friendly ties with the leadership in Beijing, either because they want promotion...
Beginning from 1 January, 2004, the Mainland and Hong Kong Closer Economic Partnership Arrangement came into force in the form of preferential trade and tax treatments and almost unrestricted travel for mainlanders to Hong Kong, greatly boosting the local economy, especially the retail trades, and contributing to the recovery of the Hong Kong stock market.

For the much-loved old Star Ferry pier from demolition last December. The pier building was hardly a special architectural landmark. But Hong Kong people had surged through it, often daily, for decades, and it was the administrative and intellectual weakness of Tung Chee-hwa’s administration (1997-2005) that upset first Hong Kong’s people and then the leaders in China, because they had to admit they’d chosen the wrong man. Apart from that, it’s clear that the biggest problems were the unexpected ones – disease, regional economic weakness, and the failure of Hong Kong’s leaders to stand up to Beijing. It seems healthier not to have a lot of British civil servants running things. But China’s presence is probably as extensive, it’s just more hidden. References are made to “the boys in Sheung Wan”, to refer to China’s liaison offices in Hong Kong where secretive officials run things in Hong Kong where secretive officials run things.

But the sailing boats still race in the harbour, country parks host thousands of walkers every weekend, outlying islands are home to varied and mixed communities of Chinese and various Westerners and the arts festival offers excellent international acts every year.

Beyond the daily politicking and the stresses of being in any massive modern city actively engaged in trade and industry and populated by almost 7m people, Hong Kong has become a more cherished home to many in the past decade.

Hong Kong people of Western extraction have in some cases been here as long as the Chinese, tracing their families back over many generations. Others such ‘foreigners’ also refuse to see themselves as expatriate having, like many of the Chinese, lived here for many years. For people such as shipbroker Tim HUDLESTON, the handover has only made Hong Kong more desirable.

“Hong Kong is a better place to live. In 1997, I would not have made the decision to spend the rest of my life here. In 2007, I can make that decision. Has handover changed our lifestyle? No. It’s still a great place for setting up and running a business. And we don’t have squaddies [British soldiers] throwing up in Wanchai [a bar district].”

For a taxi driver who was proud to say he had arrived in Hong Kong in the year of Queen Elizabeth II’s coronation, his view was more trenchant. “Hong Kong was a British colony. Now it’s a Chinese colony. Hong Kong is always a colony.”

But what matters is that Hong Kong keeps its rule of law, that it keeps the freedom of the press, my freedom to tell you this.”