

**Testimony of LEE Cheuk-yan
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On Democracy in Hong Kong

**Before the Subcommittee on East Asian and Pacific Affairs of the
United States Senate Committee on Foreign Relations**

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Mr. Chairman, thank you for inviting me to present my views to you and the subcommittee on Hong Kong's democratic development. I am the General Secretary of the Hong Kong Confederation of Trade Unions (the CTU), an independent workers' organization dedicated to the promotion of decent work, social justice and democracy. The CTU, comprised of 64 affiliated unions, represents more than 170,000 workers from all major industries and occupations. I am also a directly elected member of the Legislative Council (the LegCo) of the Hong Kong Special Administrative Region (the HKSAR), the People's Republic of China (the PRC).

The CTU and I believe that political right is an integral part of worker's rights, and political democracy is an indispensable condition for workers' full enjoyment of the rights to decent work, as stipulated in the International Covenant on Economic, Social and Cultural Rights and various conventions of the International Labor Organization. It is the reason why the CTU and I have played an active part in Hong Kong's democratic movement since the 1980s.

It is indisputable that Hong Kong's political system was, *and still is*, skewed toward business interests. Under British colonial rule, the Governor was appointed in London, and members of his cabinet, the Executive Council, were almost exclusively recruited from a handful of big business. In the first 10 years after China's resumption of the exercise of sovereignty over Hong Kong, the Chief Executive is selected, under the Basic Law, the mini-constitution of the HKSAR, by an Election Committee, in which the business sector have a disproportionate representation in their favor.

The detrimental consequences of this unfair political arrangement on workers' welfare are evident. There are no laws regulating workers' working hours in Hong Kong.

Nor are there any statutory provisions on minimum wages protecting workers from excessive exploitation. Employees are still being denied a voice at work, and labor unions are deprived of the right to bargain collectively with the employers. Hong Kong has one of the most uneven distributions of income in the world (Hong Kong's Gini Coefficient, a common measure of income inequality, reached its record hike at 0.525 in 2001), while business profit's share of national incomes is among the highest in all advanced economies (45% of GDP in Hong Kong cf. 30% in the United States).

It is well established that an undemocratic society, where societal conflicts could not be resolved through proper political means, is less able to weather the storms at times of difficulties. Hong Kong is no exception. Economic recession in past few years has triggered a crisis of legitimacy and governance. Successive opinion polls reveal that more than 60% of respondents have no confidence in the Chief Executive, and majority of Hong Kong people register their dissatisfaction with the executive branch of the HKSAR Government as well as the legislature. All available evidences lead to the conclusion that the existing political system no longer works, and it is not conducive to rallying people's support for steering Hong Kong forward. Failure to institute reforms will, sooner or later, adversely affect Hong Kong's stability and prosperity.

Local political scientists and commentators rightly point out that the present impasse has largely stemmed from the flaws in the design of Hong Kong's political system. At the heart of the problem is the lack of popular support due to its weak political mandate. The only logical solution is: electing both the Chief Executive and all members of the LegCo by universal suffrage. An overwhelming proportion of Hong Kong people subscribe to this view. A recent survey finds that more than two thirds of respondents agree that the Chief Executive should be popularly elected in 2007, while over three quarters of the population support electing the entire legislature by universal suffrage in 2008.

Hong Kong people's call for electing the Chief Executive and all members of the LegCo on a one-person-one-vote basis in 2007 and 2008 respectively is in line with relevant provisions of the Basic Law. Articles 45 and 68 of the Basic Law stipulate that the methods for selecting the Chief Executive and forming the LegCo shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim, as promulgated in the Basic Law, is the election of the Chief Executive (upon nomination by a nominating committee) and all members of the LegCo by universal suffrage. Given our level of economic development, tradition of the rule of law, free flow of information, a vibrant civil society and experiences in organizing territory-wide polling (the actual situation), Hong Kong is well equipped for introducing a universal

suffrage system (gradual and orderly progress) in 2007 and 2008. And Hong Kong people are, undoubtedly, more than capable of choosing their own leaders.

Mr. Chairman, I would like to stress that the Central Government of the PRC has definitely a stake in Hong Kong's political development. Annex I of the Basic Law stipulates that,

“If there is a need to amend the method for selecting the Chief Executives for the terms subsequent to the year 2007, such amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and *they shall be reported to the Standing Committee of the National People's Congress for approval*” (emphasis added).

Hong Kong people, including the “democratic camp”, are prepared to engage in a rational and meaningful dialogue with the Central Government, with a view to reaching a consensus on the method of electing the Chief Executive.

I have to admit, however, that there are grave differences between local community and the Central Government over the pace of Hong Kong's democratization, and resolving these differences is no easy task. Our community would like to have a discussion more focused on the concrete road map tackling Hong Kong's existing political impasse while the Central Government insisted on reaching consensus over some abstract principles. In fact, no one in the HKSAR would object to the principles relating to Hong Kong's democratic reform raised by the Chinese leadership, including the patriotism proviso and support for the “One Country, Two Systems” model, provided they are construed in strict accordance with the Basic Law. But local power brokers and vested interest groups are fast in exploiting the opportunity to launch attacks on us, the democratic camps, putting forwards accusations of unpatriotic or not supporting one Country Two Systems. Some even go further to suggest that we are not qualified to stand for the coming Legislative Council Election. This is both counter-productive and obviously a delaying tactics of avoiding discussions on substance.

Regrettably, some business community, instead of pressing the territory forward into the necessary political reforms, also tried to hinder Hong Kong's democratization to preserve their vested interests. The business sector argues that Hong Kong is not ready for democracy, because local politicians do not understand business. One prominent business

leader even warned that democracy would turn Hong Kong into a welfare state, causing the economy to collapse. Their arguments are simply absurd. The claims that direct election would result in a drastic increase in welfare outlays is empirically unfounded and a total disregard of serious debates in election campaign. What local business leaders fear is, in my view, a level playing field, in which all Hong Kong people are given a voice in the territory's governance. To them, "all animals are equal, but some animals are more equal than others".(George Orwells Animal Farms)

Mr. Chairman, despite the above obstacles, there are also reasons for optimism. First, the Chinese leadership has so far not said or done anything irrevocable. In other words, there are still chances for reaching a consensus on Hong Kong's future political development, and universal suffrage in 2007 and 2008 is still a viable option.

Second, Mr. Hu Jintao, President of the PRC, had stressed recently that that there was no socialism without democracy. In his address to the French National Assembly early this year, Mr. Hu also revealed that the International Covenant on Civic and Political Rights would be put to the National People's Congress for ratification once all conditions were in place. It is evident that present Chinese leaders had committed themselves in China's political modernization process. Hong Kong's democratization should be foremost and very much part of this modernization process. Experiences of introducing a universal suffrage system in the HKSAR will interact valuably with the Mainland. This is both good for Hong Kong and our country.

Mr. Chairman, more than half a million Hong Kong people took part in the historic rally on July 1, 2003. They stood up and defended their fundamental rights, in a most dignified manner. Hong Kong people showed, once again, solemnly, to the Chinese leadership as well as the international community, that they have a strong sense of responsibility and they care about the territory they call home. The people of Hong Kong have spoken and their aspiration for a democratic future should be respected. The Central Government's response to the demonstration has been rational and restrained. This is the best indication of its determination to maintain stability and prosperity in Hong Kong. Against these backdrops, I am confident that a blueprint for Hong Kong's democratic reform, which is beneficial to both the HKSAR and the mainland, could be worked out.

Thank you very much, and I would be happy to answer any questions.