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23. *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*, arts. 66–68, annex II.

24. This author was keynote speaker at two seminars in January 1988 and 1990 organized by the Hong Kong Labor Education Center as part of the planning and organizing effort for the formation of HKCTU, which eventually adopted the "Swiss Confederation Model" as advocated by the author.

25. *Hong Kong Economic Journal Monthly*, No. 166 (January 1991), pp. 92–97; also interview with Apo Leung, Hong Kong Labor Education Center, 6 May 1991.

26. See Levin and Chiu, in *Organized Labor in the Asian-Pacific Region* (forthcoming).

27. *Labor Movement Monthly*, No. 69 (December 1989), pp. 1–15; No. 79 (October 1990), pp. 1–16; and No. 80 (November 1990), pp. 21–27.

28. *SCMP*, 23 April 1990.

29. *SCMP*, 4 March 1991, p. 1; Hong Kong Daily News, 22 January 1991.

30. *Hong Kong Daily News*, 3 March 1981, p. 12.

31. Ibid.

32. *Hong Kong Economic Journal*, 2 March 1991.

33. Interview with Lee Cheuk-yan, 22 March 1991.

34. *SCMP*, 6–7 May 1991.

35. *Ming Po Daily News*, 13 September 1991, p. 2; *Hong Kong Daily News*, 14 September 1991, p. 12.

36. *Hong Kong Daily News*, 14 September 1991, p. 12; *Far Eastern Economic Review*, 3 October 1991, p. 11.

37. *SCMP*, 14 September 1991; "Election Special," *Hong Kong Standard*, 16 September 1991, front page.

38. *SCMP*, 9 October 1991, p. 1; *Hong Kong Economic Journal*, 8 October 1991, p. 5, and 9 December 1991, p. 5.

39. All voting data come from Ming K. Chan, "The 1991 Elections in Hong Kong: Democratization Under Beijing's Shadow," in *China in Transition: Economic, Political and Social Developments*, ed. George T. Yu (Urbana: University of Illinois Press, forthcoming). See especially Tables II and III, which are based on figures reported in *SCMP, Hong Kong Daily News, Sing Tao Daily News, Oriental Daily News, Hong Kong Standard, Ta Kung Pao, Wan Wei Po*, and *Ming Po Daily News* for the 16–17 September 1991 period.

40. Levin and Chiu, in *Organized Labor in the Asian-Pacific Region* (forthcoming).

41. *SCMP*, 12 December 1991, p. 6.

Education in Hong Kong Up to 1997 and Beyond

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As Hong Kong approaches the transfer of sovereignty from the United Kingdom to the People's Republic of China in 1997, various aspects of its society will inevitably undergo change in accordance with the Joint Declaration signed by China and Britain in 1985. Increasing economic interdependence with South China began in the early 1980s with the open door policy of China and has been gaining momentum. Political development, proscribed to a large extent by the Beijing-promulgated Basic Law of the future Special Administrative Region of Hong Kong, continues with a low level of democratization. The sense of being under siege pervades most segments of society, and emigration is increasing.[1] In the midst of all this, the Hong Kong education system cannot remain unaffected. This essay will examine where and what kinds of changes are likely to occur in the education system in the run up to 1997 and beyond.

It should be borne in mind at the outset that the "one country, two systems" arrangement, enshrined in the Joint Declaration and the Basic Law, was meant by its Beijing proponents to be a fifty-year transition period for the people of Hong Kong to prepare themselves for embracing full integration with the Fatherland. Hence, although these august documents provide that after 1997 Hong Kong will continue to have its own school system distinct from that of the Mainland, one could still expect education in Hong Kong to be made to serve an important role in smoothing the way for the dragon's embrace. Unless the government of the Special Administrative Region is able to assert complete autonomy from Beijing in its domestic policy, which does not seem likely in early 1992, there will be pressure from Beijing to reform Hong Kong education, particularly those aspects which may relate to national unity.

Background to the Education System

Hong Kong came into existence in the mid-nineteenth century when Hong Kong Island and the Kowloon Peninsula were ceded and leased by the emperor of China to the queen of England in two stages, after the Opium Wars in the late-1830s and late-1850s. Then at the end of the century, the New Territories were leased for 99 years during the Western

powers' scramble for concessions from the Chinese empire.

However, Hong Kong was not a Chinese city that came under British rule. Rather, it was a city built by Chinese emigrants under British sponsorship. Hong Kong Island before the cession had only a handful of farming and fishing hamlets remote from any urban centre, "a barren rock with ne'er a house upon it."[2] The population of Hong Kong consists of successive waves of immigrants from southern or other parts of China. They were mostly poor peasants who left their home villages and towns because of famine, poverty, unsettled conditions, war, or the unbearable oppression of government. In Hong Kong, cohort after cohort of immigrants have contributed to a thriving economy and a generally stable and peaceful society.

For the first century of Hong Kong's existence, most of the newcomers did not settle there permanently. Many of them were men who had left their families behind in their home districts upstream along the Pearl River valley, to which they would return for periodic visits and for retirement. Many of the families which migrated to Hong Kong also maintained strong ties with their clans back in the home districts. Hence, the children of the migrants very often spent their formative years and their schooling, if any, partly in Hong Kong and partly in China.

It was not until the 1950s, when the two million new migrants from the Communist revolution decided that they did not want to return to live in their home districts, that the population of Hong Kong began to settle permanently in the territory. In fact, the overwhelming majority of the inhabitants of Hong Kong in the 1950s had few previous ties with the territory. These peasants, artisans, merchants, and members of the intelligentsia gradually formed a new community during the early post-war decades. Hence, it was only since then that two generations of young people have spent most or all of their formative years and their schooling in Hong Kong and a truly autochthonous Hong Kong education system emerged.[3]

The government which presided over the formation of the new community and the establishment of the education system was a British colonial type of administration, with the top echelons appointed from London and the middle and lower ranks recruited locally. Its legitimacy was not recognized by the People's Republic of China, which regards all the nineteenth-century "unequal treaties" as invalid. Nor was it built upon any constitutional expression of the popular will. Rather, the government has legitimized itself by performance. It has made itself acceptable to the population by its success in maintaining law and order, fostering economic prosperity, and ensuring the provision of essential utilities and social services; by achievement of some kind of balance among the interests of different segments of society; by promotion of a measure of vertical social mobility; and, not least, and by insulation of the people from successive Chinese governments against which they have voted, often most reluctantly, with their feet.

The Hong Kong government follows a basic policy which a senior administrator once characterized as "positive non-interventionism."[4] It is decidedly not laissez-faire but rather an almost Daoist preference for minimal but strategic action, directed towards areas such as trade promotion and provision of basic social needs, including education, with the aim of optimizing stability and prosperity. This policy has worked well and has contributed to the government's legitimation by success.

The School System

The school system that emerged during the 1950s, and has continued to evolve, is a unique blend of Chinese and Western educational traditions. The outward appearance of its structure, its nomenclature, and some of its day-to-day practices were derived from Britain. However, its spirit, dominated by centralized competitive examinations and by exhortation to hard work for the sake of family enhancement, undoubtedly developed from the Chinese educational tradition. Teacher-student relations likewise grew out of Chinese tradition, albeit in the setting of an industrial society. The curriculum, however, is an amalgamation of Chinese and British traditions with certain contents and techniques also introduced from other Western societies, especially North America.[5]

The school system is the largest industry in the territory, comprising some 1.3 million staff and students (nearly a quarter of the entire population), who work in more than 1400 institutions at all levels. These range from kindergartens to graduate schools, covering a wide variety of general education as well as specialized or vocational programmes. The educational system annually consumes about 17% of the government budget and 3% of the gross domestic product.[6] Over the past four decades, it has functioned effectively to provide the necessary workforce for economic and social development and the major ladder of success for two generations of Hong Kong's youth.

The main features of the school system may be summarized as follows. Compulsory education starts at the age of six when every child in Hong Kong is expected to attend Primary One, but a majority of children would have experienced preschool or kindergarten for one or more

years before that. Primary school lasts for six years, and the programme includes Chinese language, mathematics, English language, social studies, science, arts and crafts, music, physical education, and moral or religious education. The language of instruction for almost all the children is Chinese (spoken Cantonese and written Mandarin). Most children attend on a half-day basis, either in the morning or in the afternoon.

The three year curriculum of junior secondary education (Forms One to Three) is again basically similar for all the children and consists of English language, Chinese language, mathematics, integrated science, Chinese history, a choice of one or more social subjects, as well as art, music, physical education, and moral or religious education. The languages of instruction in most subjects for the majority of children are spoken Cantonese and written English. Most pupils attend full-day.

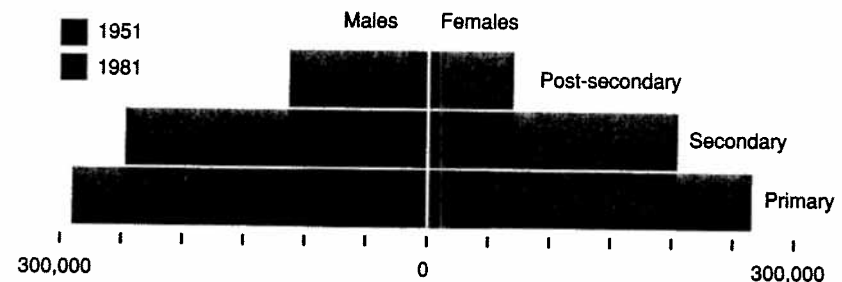
Compulsory education ends at age fifteen when most pupils complete their junior secondary stage. However, nearly 90% of the age cohort continue in some form of senior secondary education. Some attend vocational courses lasting six months to two years, but most of the pupils are in the two-year academic stream (Forms Four and Five), studying for the competitive Hong Kong Certificate of Education Examination. This examination may be considered the initiation rite of the industrial society. Each year some 50-60% of the candidates perform well enough to qualify for white collar positions in the job market, while a smaller percentage earn admission to matriculation programmes (Form Six) in academic secondary schools to prepare for the even more competitive examinations qualifying for admission to tertiary education. Those who do poorly in the examination either try again the following year, take up vocational courses in the technical institutes, or enter the labour force as unskilled workers.

In 1990 some 14% of the age cohort was admitted to all forms of tertiary education in Hong Kong.[7] Tertiary education consists of degree programmes in the arts, science, social sciences, business, education, and the technological professions offered by the universities and the polytechnics. It also applies to diploma programmes in education, nursing, business, languages, design, technology, and the performing arts offered by a variety of institutions. There is an Open Learning Institute which offers multimedia distance education at degree level. Most of these programmes are publicly funded. There is also a grants and loans scheme which provides comprehensive financial aid to ensure that an academically qualified student does not have to give up his/her place because of financial need.

In addition to the 60,000 students attending tertiary-level institutions within Hong Kong itself, there is also a large number of young Hongkongans studying in universities and colleges overseas. As 1997 approaches, the number of students going abroad is likely to continue to increase. In 1990 over 20,000 students went overseas for their studies, usually to one or another of the English-speaking or Chinese-speaking societies. Canada was the most popular choice.[8]

The Hong Kong education system has expanded tremendously during the past decades, as shown in the following diagram comparing enrolment in 1951 and 1981. Not only has it provided opportunities for more and more Hongkongans to attend school for longer and longer courses, it has also served to bring about greater equality between the sexes, in education as well as in employment at the end of schooling.

Enrolment in the Hong Kong School System[9]



The Education System and 1997

In the remaining sections of this essay, the Hong Kong education system will be examined in terms of its input factors, its operational factors, and its output, including an analysis of how these might relate to the impending change of sovereignty during the next decade or so. The input factors include the values and knowledge existing in Hong Kong society which

are transmitted into the school system, as well as the human and financial resources which are invested in the system. The operational factors include policy and administration, curriculum and pedagogy, languages of instruction, and school life. Output refers to the body of students completing their schooling and leaving the system at various levels. Each of these factors can be expected to undergo considerable change up to 1997 and beyond.

The Input Factors

The school system is an integral part of society and receives sustenance in the form of teachers, pupils, ideas, information, values, and financial support.

Values

Hong Kong is one of the most open and liberal societies in Asia and is characterized by a broad range of cultural, ethical, religious, and political values—from Confucian, Buddhist, and Daoist to Humanist and Christian; from Nationalist to Communist to Liberal to Social Democratic. The government, a colonial set-up without a long term commitment and a cultural agenda, does not officially espouse or actively propagate any particular ideology or system of values, and the society as a whole is eclectic and cosmopolitan. Different ideas and values are openly expressed in speech, print, and the electronic media where they compete for acceptance. It is not at all uncommon for most or even all of the above viewpoints to be represented on an ordinary street corner news kiosk or bookstore.

In addition to all these values embodied in the "great traditions" of East or West, there is also a strong undercurrent of peasant values, derived from the southern Chinese countryside. This is the region from which the majority of Hong Kong people have migrated within living memory. These peasant values of pragmatic and industrious dedication to the survival and material improvement of the family, within a fatalistic acquiescence to the general social context, are seldom articulated. Nevertheless, they are suffused throughout Hong Kong society, at work and at school.

An important aspect of the values commonly found in Hong Kong society is the sense of identity with Chinese culture rather than with any Chinese state. This is derived partly from the peasant tradition of keeping a safe distance from government and partly from the sense of alienation from Chinese politics when the migrants exiled themselves from their home villages or towns.

The broad range of values thriving in Hong Kong society finds its way into the schools through the textbooks and teachers, as well as from the homes of the pupils and through the news media which are often used as supplementary teaching materials. While textbooks tend to be more conservative than society at large and reflect Confucian, Christian, and capitalistic ideas more than other options, there is no uniformity of values among all the subjects or texts available to any one class of pupils.

There is also little ideological uniformity, beyond a certain consensus about professional practice, among teachers who come from family backgrounds which are diverse ideologically. Also, many of them were college or university students in the 1970s when the very lively student movement fostered serious debates about social, cultural, and political issues from several divergent perspectives and was a significant part of their formative experience.

On the part of education authorities, the political tests (principally against communism), which had been administered in the process of textbook adoption or of student recruitment in the Colleges of Education since the 1950s, were abolished in the 1970s. Consequently, a pupil in a Hong Kong school is likely to be exposed to pluralistic values, rather than to a monolithic outlook. As for a sense of ethnic rather than political identity, Chinese culture has found its way into Hong Kong schools as part of the emotional baggage of many of the teachers and parents. It has also been encouraged by British colonial policies to depoliticize the educational system.[10]

However, the range of ideas available in society and in school is likely to become narrower by 1997 and beyond. Although freedom of belief and expression is supposedly guaranteed by the Joint Declaration and the Basic Law, the People's Republic government has shown itself to be very intolerant of criticism of China by Hong Kong people. This attitude has became even more apparent since 1989 when millions of Hongkongans demonstrated in support of the democracy movement in Beijing and condemned the June 4th massacre and its aftermath.[11]

Beijing has written into the Basic Law vague and general prohibitions against expressions and actions which may be detrimental to national unity, and it has put pressure on the Hong Kong government to disband properly incorporated community-based organizations in Hong Kong which supported the democracy movement in China. Such actions from Beijing do not reassure Hong Kong people that anything like the existing pluralism and openness will continue after 1997. Given the ideolog-

ical orientation of the government in Beijing and the influence that it will be able to exercise, directly or indirectly, on the government of the Special Administrative Region after 1997, it is very likely that the range of values freely expressed and propagated in Hong Kong will become narrower and more directed towards the political goals of a unitary Chinese state. The range of values officially permitted in the school system will be narrower still and aimed at inculcating unity of purpose with the state.

Knowledge

In any school system, the range and amount of knowledge that is current in the curriculum are selections from the knowledge available in the society at large. As one of the major urban centres on the globe, Hong Kong is a meeting point for the world's two most popularly used languages and enjoys wide availability of knowledge of all kinds. There is a free flow of information in Chinese and English and, to a smaller extent, in Japanese, French, and German. The common attitude towards cultural and technological knowledge is open, cosmopolitan, eclectic, and pragmatic. Hong Kong people have an insatiable appetite for new ideas, and a good deal of this knowledge and attitude finds its way into the school curriculum and school life.

Hong Kong is an important consumer, transmitter, and producer of knowledge. In terms of transmission and consumption, it has one of the highest per capita rates in the world for the publication and sales of newspapers and magazines, as well as films and television programmes. It is one of the major centres for publication in Chinese and the hub of the worldwide Chinese language book trade. Regionally, Hong Kong is also an important link in the world network of English language publishing and distribution.

The knowledge that is brought from other parts of the world to Hong Kong is widely disseminated locally. The academic libraries are among the best stocked and best managed in Asia. Although not as well endowed, the public libraries are very heavily patronized. For those who prefer to absorb information and ideas in more digestible dosages, most of the newspapers are richly supplemented with local and international cultural, social, literary, and technological pages. There is also a wide variety of more specialized magazines. For selection of materials, the editorial policies of the numerous print media represent a broad range of ideological and cultural perspectives.

In addition to reading, Hong Kong people gain new knowledge from

the electronic media. The news programmes make use of clippings from all the Chinese-speaking and English-speaking societies, and locally produced documentaries and investigative reporting are among the more popular shows. On the radio, phone-in discussions on the social, economic, and political issues of Hong Kong, China, and the world are popular daily features. On such programmes, persons with many divergent viewpoints and educational levels freely present their facts and arguments and debate those of others.

Travel is another important means for Hong Kong people to gain new knowledge. Hong Kong is a major centre for tourism, Asian performing arts, and conferences, and every year millions of foreign travellers bring in elements of their cultures, experiences, and ideas. The amount of outgoing travel is comparable to, if not higher than, that of incoming travel. The vast majority of Hongkongans have knowledge and experience at first hand of other societies which they inevitably compare to their own, not infrequently in print.

All these factors together represent a very large amount of information and ideas which freely enter and circulate in Hong Kong, with very little official censorship. Such ideas are readily available to be acquired by the average Hongkongan as her or his personal knowledge. This is significant for education, as much of the new knowledge available to society is input into the school system periodically through revisions of subject syllabuses and textbooks, as well as through updating programmes of teacher education. There is also continuous inputting through the extracurricular reading of teachers and students, the use of current media materials in the classroom, and the general exposure of students, parents, and teachers to the media and the social milieu of openness to and availability of new information and ideas.

At the top end of its school system, Hong Kong has been gaining momentum in the production of new knowledge. In science and technology, the continuous reception and adaptation of international knowledge since the 1960s have fostered a number of world-renowned mathematicians and scientists who have spent significant portions of their careers in Hong Kong. In the social sciences, the 1970s was a period of reception of Western knowledge, and the 1980s witnessed research work reflecting increased localization of the imported knowledge. In the humanities, there also appeared during the 1980s new perspectives in the appreciation and interpretation of inherited Chinese and Western traditions. A locally rooted academic community and tradition were rapidly taking shape when the issue of 1997 started to threaten their further

growth and existence.

From the angle of knowledge consumption, transmission, and production, there are several ways which 1997 could bring about radical changes to the Hong Kong scene. Just as with values, the range of options in the social sciences and humanities available to Hong Kong people after 1997 is likely to become more narrow. This could take place through government censorship of the media and the publishing industry, official or unofficial pressure on editors to exercise self-restraint, or commercial control of the market place for information and ideas.[12]

Already, state corporations of the People's Republic, controlled from Beijing, have bought significant portions of the shares in the telecommunications industry in Hong Kong. They have been active in local publishing and the establishment of large bookstores in strategic locations throughout the territory, gaining virtual monopoly of the book trade in certain districts. While profit undoubtedly has been an important motive in these business ventures, ownership also implies a great deal of power.[13]

The publishing and retail of books by these Beijing-owned firms so far have remained liberal and eclectic. They carry Hong Kong and Taiwan, as well as Mainland, works and even some titles by the 1989 dissidents. However, after a few more years of expansion when the near monopoly has grown to cover all of the territory, these state-owned presses could easily, without resorting to censorship, shut out all non-conforming intellectual options by limiting the local dissemination of knowledge through books to what is acceptable to the Beijing authorities. In terms of scientific and technological knowledge, restriction also might be imposed after 1997, not from China but from the West, especially the U.S.A. At that time the change of "camps," consequent on the transfer of the sovereignty of Hong Kong, will automatically limit the territory's access to certain information and products at the cutting edge of the development of electronic and other fields.

Whether or not the transfer of sovereignty will result in the reduction of travel of foreigners to Hong Kong or of Hongkongans outside the territory, it could very well restrict the freedom of expression of travel experiences where these might be construed to cast an unfavourable light on the Mainland government, national unity, or unification. This restriction is expressly provided for in the Basic Law.

The values and knowledge that are officially current within a school system tend to reflect the preferences of the powers that control the system. When the free flow of information and ideas into and within a

society becomes restricted, the knowledge input into its school system will most probably be even more limited. However, compliance with or undermining of officially prescribed limits depends to a certain extent on the staff and the students who constitute the main part of the system. These human input factors in the Hong Kong school system are also undergoing significant change.

Staff

The teaching staff is the key factor in any school system, as well as an integral, though somewhat specialized, part of the educated workforce of a society. The supply of teachers depends on the availability and willingness of educated men and women within the society to be trained and employed as teachers.

In Hong Kong, nearly fifty thousand educated members of society have chosen to serve as teachers. They range from assistant kindergarten teachers, who had junior secondary education and a short course of training, to university and polytechnic lecturers with master's or doctoral degrees. The overwhelming majority of teachers have had most or all of their own general schooling and professional training in Hong Kong. Most of them too have come from peasant, worker, or lower middle-class family backgrounds. Many of them had been participants in successive student movements on the campuses of Hong Kong tertiary institutions. Although personally they subscribe to a diversity of ideological or religious perspectives, professionally they share a general consensus characterized by the work ethic, meritocracy, competitive social mobility, and an eclectic mix of authoritarianism and liberalism.

The teaching profession has been one of the fastest growing and best organized occupations in Hong Kong. Both the academic and the professional qualifications of Hong Kong teachers are internationally recognized, and the levels of remuneration also have been rather high. Since the 1970s, teachers have enjoyed largely successful unionization, which has helped to protect their interests *vis-à-vis* the Hong Kong government, the employer or paymaster of most teachers. Various teachers' organizations also have been active in advocating educational reform, promoting the democratization of society and politics, and other causes.[14]

From the 1950s to the 1980s, Hong Kong never had a teacher shortage. There were always educated men and women willing to serve as teachers, even though in the early decades many of them had no professional training and received in-service training for their teaching certifi-

cates when they were already on the job. Over the years it has been possible gradually to raise the academic and professional requirements for appointment to teaching positions, and plans were made in the mid-1980s for further advances in this area. Political questions about 1997, accentuated by the Beijing massacre of 1989, have dampened these plans quite considerably, and the concern by the early 1990s is how to maintain standards rather than to raise requirements.

Hong Kong teachers are very well aware that teachers in the People's Republic enjoy little social esteem and even less income, and have been the frequent victims of political campaigns. If the economic reforms of the open door policy in China gave some enticement to the business sector of Hong Kong, they offered little consolation to the teachers of Hong Kong who could see few material improvements for their colleagues on the Mainland.

Nevertheless, many Hong Kong teachers were hopeful that the Joint Declaration would guarantee sufficient autonomy for the Special Administrative Region so that they could continue to teach much as before, and that the Mainland reforms would in time bring about a more open, less repressive, and more amenable China. The first hope was greatly weakened by the process of the drafting of the Basic Law during which Hongkongans saw one after another of the promises of autonomy and democracy, which many believed were in the Joint Declaration, reinterpreted by the Beijing-appointed drafters. The second hope was crushed by the tanks on Tiananmen Square. Teachers who had been fervent in support of the hunger-strikers and protesters of Beijing became bitterly disillusioned after the massacre there.

For the first time, a teacher shortage in Hong Kong was reported three months after the massacre when many teachers resigned their jobs in order to collect their superannuation funds, to emigrate, or to change occupations for those in greater demand by countries accepting immigrants. The school term opened in September 1989 with 5% of the primary and secondary teaching positions unfilled.[15]

The Education Department responded to the sudden, and still continuing, staffing crisis by compromising on some of its own requirements. It permitted some teachers without Hong Kong degrees, but with local diplomas or Taiwan or Mainland degrees, to teach in the senior forms and some teachers with lower qualifications to teach in the junior classes. However, the problem is not likely to go away as emigration accelerates. Emigrants come from all classes in society, but a large proportion of them are from the pool of highly educated persons from whom the school

system draws its staff. In fact, some countries, such as Australia, recruit immigrant teachers from Hong Kong.

Meanwhile, the teacher education institutions are receiving far fewer applications than usual to their programmes as many young Hongkongans feel insecure about joining a profession which has suffered disproportionately under the Chinese Communist Party. The colleges and faculties of education cope with their recruitment problems by broadening their criteria for admission. For instance, in September 1990 the faculties admitted into their one-year post-baccalaureate programme of teacher certification, which is the main training course for secondary school teachers, much higher percentages of applicants with degrees from Taiwan or Mainland universities.

Broadening the basis of recruitment of teachers and student-teachers is no doubt necessary for crisis intervention but is likely to lead to other problems and changes in the not too distant future. Hong Kong students who had gone to Taiwan or the Mainland for their undergraduate studies, whether because of their own political orientation or because they had previously failed to enter local institutions, are likely to be different from the local graduates in many ways. These include their sense of belonging, ideas of and relations to authority and the state, the parameters and standards of their academic knowledge, and their self-confidence. Previously, teachers with Taiwan or Mainland degrees constituted only a very small percentage of the teaching staff of the whole system, and the ethos and consensus of the profession was set by the locally trained majority. As the numbers of these two groups in the profession increase, distinctions and divisions between them and with locally trained teachers will likely be accentuated and lead to conflict. Further attrition may well result from such conflict.

This will be especially so if the Mainland-educated teachers gain ascendancy over the other two groups after 1997. With Mainland-educated staff in the majority or in control, the professional ethos and the open and tolerant attitudes towards values and knowledge could also undergo considerable change.

Students

Hong Kong has always had difficulty with statistical projections of enrolment in its school system. In earlier decades, the problem was with population increase through births and immigration. As birth control became widely practised, immigration, which was often illegal and beyond control, was the unpredictable factor.

Since the mid-1980s, however, the problem has been reversed. The birth rate of Hongkongans has been declining dramatically, partly because some families have chosen to have their babies born overseas and partly because some couples postpone marriage or procreation in anticipation of 1997. The accelerating pace of emigration also has made it difficult to predict enrolment. The loss of students from the Hong Kong school system could take place with family emigration or through families sending their children overseas for secondary or post-secondary studies. With the former, the loss could come at any stage in schooling; with the latter, students are more likely to leave at the end of the junior secondary, senior secondary, or matriculation stages. In either case, the scale of the loss is difficult for planners to predict.

Hong Kong has been sending large numbers of students overseas since the 1960s. However, in the past students have gone abroad for their tertiary education. They were mostly children from well-to-do families or children from white-collar families who had previously been unable to enter local higher education. There were also some youngest children from large working-class families. By and large students from middle or lower class backgrounds, who were doing well in secondary school, stayed in Hong Kong to compete for admission to the local tertiary institutions. In anticipation of 1997, however, a far larger number of students at different stages and across different social strata are being sent abroad to study—some to stay with relatives or friends of their parents, some to be enroled in boarding schools, and some to live on their own or with peers. The problems that this mass movement has caused, both for the students and their families and for the school system, have not been addressed. The trend is likely to continue up to 1997 and beyond.

So far as the Hong Kong education system is concerned, the problem of attrition is not only one of numbers but also one of quality. In 1990 with the first admission exercise after the Beijing massacre, the local universities found that the calibre of the pool of applicants, even to such elite programmes as medicine, law, and journalism, while still competitive, was not as high as before. Whether or not this is a temporary phenomenon is too early to tell, but it is certainly cause for concern in the context of a projected rapid increase in tertiary enrolment. In the wake of the Beijing massacre, the Hong Kong government announced plans to double the intake of degree courses during the 1990s in order to boost confidence in the territory and to train replacements for the expected brain drain. Maintaining standards in the face of massive emigration will be a major problem.

Not only do students leave, some also return after a few years. Since many Hong Kong families emigrate for political security rather than for economic betterment, they may decide to return to Hong Kong after fulfilling their residence requirements overseas, especially if employment prospects in their adopted countries happen to be grim. The children of the returned emigrants may or may not be able to fit comfortably into the Hong Kong school system because they will have adjusted to the language, curriculum, teaching and learning style, and student culture of the adopted countries. They may need special schools—international schools existing at the periphery of the Hong Kong school system, which are compromises between the Hong Kong and overseas models. A few such schools already are in operation, and a Canadian school recently opened in November 1991. Here again it is difficult for planners to predict either the size of the return flow or what proportion of the returned students will be in regular schools and what proportion in international schools.

All these factors related to 1997—emigration, the rapid expansion of tertiary education, returned students in special schools—tend to erode the ethos which has been the common formative experience of young Hongkongans during the past decades: the work ethic, the belief in meritocracy, and the promise of a bright future open to talent and industriousness.[16]

Finance

The overwhelming majority of primary and secondary schools in Hong Kong are in the public sector, that is, fully financed by the government. These include a small number of schools operated directly by the Education Department and a much larger number of aided schools which are operated by a variety of voluntary agencies, including religious organizations, county-of-origin clubs, clansmen's associations, chambers of commerce, and others. Aided schools are free to set their own pedagogic policies, appoint their own staff, or raise additional funding for supernumerary equipment. However, they may not charge tuition fees and must follow Education Department guidelines for staff-student ratios, staff qualifications and salaries, and curriculum standards, as well as adhere to the centralized systems of pupil allocation, which leaves little discretion for the principal to admit or reject any pupil.

Educational funding in Hong Kong comes from the general revenue of the government, not from local rates. Over the decades, the level of funding given to the schools has tended to be equalized, so that by the late

1980s, a pupil attending a public-sector school would enjoy nearly the same amount of government investment as any of his/her peers in any other public-sector school in Hong Kong. Similarly, a teacher working in a public-sector school would be paid the same amount as any other public-sector teacher of the same qualifications and seniority, whatever the district. Such equalization has been the result of popular advocacy and government policy and has gone a long way towards equalizing educational opportunity between the sexes and across social classes.

As for private-sector schools, they are financed from tuition fees, which can be very expensive in the case of a small number of international schools and a larger number of less expensive and less endowed local private schools. The international schools have been serving the children of expatriates from multinational firms and generally have followed the curricula and practices of the home countries. The local private schools include a minority which are connected with the Chinese Communist Party. The majority, however, are commercial operations catering to pupils who are not qualified scholastically for academic senior secondary education in the public sector (which serves some 75% of the age cohort) and, yet, do not want to attend publicly-funded vocational institutions.

In the run up to 1997, the financial situation and policies of the government are likely to undergo significant change. There also has been an important change in the arrangements for educational funding. While the economy of Hong Kong as a whole is not expected to contract during the political transition and beyond, government revenue will probably be reduced, but expenditure is projected to increase rapidly.[17]

During the past decades, the Hong Kong government has followed conservative financial practices which usually brought in some annual surplus for the Reserve Fund. Since Hong Kong is a free port and collects import duty on only a few classes of merchandise, a very large proportion of government revenue has been derived from income and profit taxes. Not only are these levies imposed at very low rates, they are also collected from rather narrow segments of society—precisely those segments which are emigrating disproportionately from the territory, the highly educated and better paid professionals and entrepreneurs. The government is preparing for any eventuality by laying the groundwork for imposing a sales tax which has already given rise to considerable protest. In any case the tax base and total revenue are likely to become somewhat less stable during the 1990s.

Meanwhile, large scale projected developments, like the rapid expansion of tertiary education and the even more ambitious Port and Airport Development Scheme, will demand unprecedented levels of government expenditure. All this will inevitably bring changes in the priorities and patterns of government policies, including deficit financing and lower standards of funding for those stages of education which benefit the most people and help promote social equality—namely, primary and secondary education.

Already in 1990, the government adopted the "Direct Subsidy Scheme," whereby qualified secondary schools, whether in the public or private sector, could seek annual grants from the government and still charge fees, set their own standards of staffing and salaries, follow their own curriculum, and not participate in the centralized allocation of pupils. This gives the schools in the Scheme many of the advantages of public funding without the obligations and most of the freedom of private schools. It is expected to benefit the Communist-connected schools, as well as international schools.[18]

In fact, as part of an effort to stem the brain drain, government policy has encouraged international schools in order to attract emigrants to return with their families to work in Hong Kong. However, the consequence of the Scheme will be divergent levels of educational funding, with children of the elite attending better endowed schools than children from ordinary families. This is a reversal of the long-term trend towards equalization. If government revenue does become unstable, affecting government expenditure on education, the gap between the directly subsidized schools and schools remaining within the public sector is likely to become wider.

The Process of Schooling

The school system makes use of the moral, intellectual, human, and material resources supplied by society and organizes them in ways which are expected to facilitate teaching and learning. As Hong Kong approaches 1997, a number of changes in these arrangements are already in existence, and it is commonly expected that more changes will come after the transition of sovereignty.

Policy and Administration

The school system of Hong Kong is characterized by the government's taking charge of overall planning but maintaining only loose operational control. Most operational matters are decentralized and dependent on

the voluntarism of the school-sponsoring bodies, such as the Christian and Buddhist churches, philanthropic organizations, and other community groups. This is the administrative implication of the pattern of public-sector financing outlined above. It is part and parcel of the overall government policy of positive non-interventionism, whereby the government has been trying to minimize its direct involvement in various aspects of social life.[19]

In this way, the government makes its annual educational plans on the basis of demographic data and its medium-term plans on social and economic considerations. These plans, which range from five to fifteen years in coverage, usually are drafted in the form of green papers and then published for public consultation. Comments from the education-related professions and from the general public have been prolific, and often have been taken into account when the subsequent policy statement or white paper is prepared. Hence, since the 1970s, there has been broadly based public consultation on educational policies and plans. These consultations have helped not only to garner opinions but also to legitimize government educational policies in the absence of elections to either the Board of Education or the Legislature.

In addition to consultation by green papers, there is also a system of standing or ad hoc committees dealing with educational matters which provide the government with professional or public opinion on existing practice or proposed innovations. These committees are appointed by the governor or the director of education, but they do tend to represent a broad range of opinion and aim at evolving consensual policies. All in all, the approach to decision making is not democratic, but it is also not autocratic and allows for quite considerable pluralism.

At the level of the school, there is great diversity in the styles of administration, varying from one sponsoring body to another and from one school to another. Some schools have very authoritarian heads while others have a great deal of teacher participation in decision making. Some have rather strict hierarchies, and others have more equal collegiality among the teachers. A few schools allow a fair amount of student input and some very little in different aspects of school policies. Pluralism, resulting from decentralization and voluntarism, is the rule.

One thing, though, is common to the administration of almost all the schools in Hong Kong. As a result of stringent government measures in the 1950s and 1960s to de-politicize education, no political party has been allowed to organize in the schools. Except for a small number of schools connected with the Chinese Communist Party on the Mainland

or the Chinese Nationalist Party on Taiwan, there has been general compliance with this regulation. After 1997, however, it would be very surprising indeed if there were no Communist Party organization or influence in more and more schools, even though on various occasions during the late-1980s, Party and state representatives from the Mainland have offered several different opinions about future Party activities in Hong Kong.

With or without Party interference, the change in government is also likely to bring changes in the policy making and administration of education. The government of the future Special Administrative Region will derive its legitimacy from appointment by the authorities in Beijing and from partial elections under the Basic Law. With this legitimization, the future government may find it less requisite to consult by green papers and by committees. It may, perhaps, even find it less convenient to do so if it senses a potential conflict between the demands of the profession or the public and the demands emanating from Beijing.

In the same vein, if there should be a demand from up north during the early twenty-first century to make use of education in Hong Kong to promote full national integration, the government of the Special Administrative Region may find it necessary to tighten government control over all aspects of education. This would effectively do away with voluntarism. In any case, there is likely to be rather more centralization and less pluralism within the school system.

Curriculum and Pedagogy

The curriculum in Hong Kong is organized in a unique pattern which is partly Chinese and partly English. According to the policy adopted in 1989, the hitherto diversified and confusing senior grades will be reformed to produce a uniform school ladder with a six-year primary cycle, a three-year junior secondary cycle, a two-year senior secondary cycle, a two-year matriculation cycle, and a three-year baccalaureate cycle—i.e., the "6-3-2-2-3" system. There has been considerable debate in recent years on whether the uniform ladder should be based on a supposedly more Chinese pattern, with a three-year senior secondary cycle plus a four-year baccalaureate cycle, i.e., the "6-3-3-4 system". The debate is likely to remain alive and continue beyond 1997.[20]

The curriculum of primary and secondary education in Hong Kong is subject based, and permits, especially in the secondary cycles, a great many choices and free combinations of subjects. In fact, in senior secondary education, there is no officially required subject at all. Subject

choice is very much a matter of convention, consensus, and individual aspirations for advanced education or employment.

The subject syllabuses are published by the Education Department and the Examinations Authority, and are prepared by committees of serving teachers and officials from these government agencies. However, there is no unity of values, ideology, or approach among the several dozen syllabuses which tend to reflect the preferences of individual committees or authors, at least as much as those of the government agencies. The original contents of these syllabuses were derived from Britain and China, but since the 1970s, they have become increasingly localized and distinct from their counterparts in the two metropolitan powers.

In any case, the syllabuses are meant to be "recommended" and not "prescribed," and schools are, at least in theory, welcome to prepare their own syllabuses and submit them to the Education Department for approval. Since the late 1980s, the Department has offered monetary grants to encourage School-Based Curriculum Development, in an effort to make schooling more responsive to pupils with divergent needs. The programme has been well received by many schools and teachers.

Teaching and learning in Hong Kong schools, particularly in the senior secondary and matriculation cycles, are dominated by the public examinations. These are subject-based, academic achievement tests. The setting of the questions and grading of the papers are undertaken by independent committees of teachers appointed by the Examinations Authority and involve fairly sophisticated pedagogical and statistical techniques. Some of the tests are moderated by the Examinations Syndicate of London University, to ensure international recognition of the results.

The actual practice of teaching and learning under the syllabuses and the shadow of the examinations vary a great deal from school to school and from teacher to teacher. There is a broad range from rote learning to activity methods, but the overall trend since the 1970s has been towards greater use of student-centred approaches and problem-solving activities and away from rote memorization and teacher- or text-centred authority.

After 1997 northern influence and the northern example will undoubtedly gain some ascendancy. Instead of free combinations of subjects, there may be a more or less rigidly prescribed common curriculum, both for teaching and for examination. Instead of teacher-based and loosely coordinated curriculum committees, there may be a government

dominated and tightly controlled set-up for curriculum revision. The public examinations will be patterned more closely after their counterpart on the Mainland. London moderation may be replaced with Beijing regulation, and international recognition may be given up as unnecessary or even harmful. In addition, the trend towards student-centred and problem-solving pedagogy, which matches well with the pluralism of Hong Kong life, may be displaced by state-centred and thought-unifying approaches.

Whether or not these authoritarian structural changes will come to pass, one important change is almost certain. The languages used in Hong Kong schools have been spoken Cantonese, written Mandarin, and spoken and written English. Since the existing language pattern has been found to be unsatisfactory, the profession, as well as the Education Department, has tried to find ways to assure effective learning of both Chinese (Cantonese) and English. The Joint Declaration and the Basic Law both provide explicitly for the continued use of English in various aspects of Hong Kong life, including education. However, the Beijing drafters of the Basic Law have refused to enshrine Cantonese language rights and have treated the very suggestion from a group of distinguished Hong Kong linguists with unconcealed contempt.[21] Therefore, it is likely that the Beijing authorities will attempt to influence the future Special Administrative Region government to impose Mandarin as the only acceptable form of the Chinese language in Hong Kong schools—surely a step towards national unity of thought and expression.

If this should be the case, Hong Kong teachers and students struggling with two non-native speeches—Mandarin and English—will find it very difficult to use active, student-centred and problem-solving pedagogy and may have to be content with rote learning of prescribed texts. Also, Mainland-educated or northern-born teachers will enjoy an unbeatable professional advantage over their Hong Kong-born and educated colleagues.

Campus Life

In spite of the pressure of examinations, life in Hong Kong secondary schools is not all work and no play but is enriched with a variety of after-hours social, cultural, sports, social service, and religious activities. While the actual offerings differ greatly from school to school, the practice as a whole is encouraged by the Education Department and by many school sponsoring bodies. In part, this is a measure to prevent the rise of juvenile delinquency which so far has been less serious in Hong Kong than in

most other industrial societies. The form-master/mistress or home-room teacher is responsible for student counselling as well as for helping to organize extracurricular activities. Activities which require special skills are assigned to teachers with such expertise.

One thing particularly noticeable on the grounds of most primary, secondary, and tertiary schools in Hong Kong is the almost complete absence of any political symbol, whether of parties or of the government. This is the most visible, or rather invisible, aspect of the long-standing policy to de-politicize education. There is also no organized political activity or group in the schools.

However, since the 1970s there has been an increasing trend to encourage student self-government in secondary schools, as practical civic education and leadership training. In a few schools, this has taken the form of universal suffrage to elect freely nominated candidates for a students' council, which would then take charge of almost all the extracurricular activities and which would be consulted by the school administration on certain school policies. Most institutions, however, have not gone this far but have more limited parameters for students' organizations, while some schools do not permit any degree of self-government at all.

The tertiary institutions all have self-governing student unions which have joined together to form the Hong Kong Federation of Students. The unions and the federation, as well as other tertiary-level student organizations—most notably the Hong Kong Federation of Catholic Students—have been very active not only with social functions and cultural festivals, but also with social and political reform. Since the 1970s they have helped bring about some of the most important reforms in Hong Kong, such as the establishment of the Independent Commission Against Corruption. They were also among the most vociferous supporters in Hong Kong of the democracy movement in Beijing in 1989. In fact, the tents crushed by the tanks on Tiananmen Square had been supplied by the student unions and federations of Hong Kong.

For this reason alone, if not for others, the authorities in Beijing will want to have some influence and control over campus life in Hong Kong. The absence of political symbols certainly will not last beyond 1997, as the People's Republic will be eager to show the flag all over the reclaimed territory. There can be little doubt, too, that the Chinese Communist Party will attempt, overtly or covertly, to gain control over extracurricular life at all levels of education in Hong Kong. Depending on the circumstances of each school or institution, this could take the

form of Party cells or front groups among the administrators, the teachers, or the students.

The Output

The output of a school system is made up of the school leavers and graduates who, by virtue of the education they have received, are different from unschooled or less schooled persons. Hence, they will be able to make different contributions to the social, economic, political, and cultural life of the society in which they live. In Hong Kong during the past four decades, the output of the school system at various levels has helped transform the territory from a colonial seaport with two million demoralized peasant refugees to a modern metropolis with a unique and vibrant industrial, commercial, and cultural life and identity. Education has not only helped to transform Hong Kong society as a whole, but also enabled many Hong Kong families to find their places in the sun, to put a very considerable distance between their socio-economic origins and destinations.

Since the 1960s the school system of Hong Kong has contributed educated persons not only to Hong Kong society but also to other societies around the world, in the form of students overseas who decided to stay in their host countries upon graduation and in the form of outright emigrants. The close relations between Hong Kong and Canada have been built, in part, on this foundation.[22] In recent years, with the open door policy in the People's Republic of China, many educated and skilled Hongkongans also have contributed their knowledge and skills to the economic and social development of China, by working as entrepreneurs or employees of joint venture companies investing in China.

As 1997 approaches, and even beyond the transfer of sovereignty, all these forms of the outward contribution of the Hong Kong school system are likely to continue. The mix and the quality of that contribution probably will change from time to time, depending on external factors as well as on the input and operational factors of the school system.

As for Hong Kong society itself, the very severe brain drain, caused by the 1997 question and aggravated by the Beijing massacre, calls for greater and greater output from the school system to help fill the shortfalls in the educated workforce. While the haemorrhage continues at an increasingly rapid rate, the school system itself, especially at its higher levels, suffers from staff shortages. As long as the political question of the future internal autonomy remains unresolved, increasing the output of Hong Kong higher education may simply increase the rate of emigration

by giving more persons the means to qualify for immigrating to other countries. That political question, of course, is much larger than the school system and is the core of the predicament in which Hongkongans find themselves.

Summing Up

This essay has examined the changes that are likely to occur in the Hong Kong education system up to 1997 and beyond. The future, of course, is not ours to see, and the scenario which has been presented here is premised upon the developments since the mid-1980s of the school system itself and of Sino-Hong Kong relations. World events during the past few years often have taken unpredictable turns, and the future Special Administrative Region of Hong Kong may yet turn out to be much more autonomous, pluralistic, and free than hitherto supposed. This author will be only too happy to find by the year 2011 that his generally pessimistic outlook for the autochthonous school system of Hong Kong in this essay was entirely wrong.

Notes

1. T.L. Tsim, "Introduction," in *The Other Hong Kong Report*, eds. T.L. Tsim and B.H.K. Luk (Hong Kong: Chinese University Press, 1989), pp. xv-xxxv; J. Walden, "Implementation of the Sino-British Joint Declaration," in ibid., pp. 45-62; T.L. Tsim, "Implementation of the Sino-British Joint Declaration," in *The Other Hong Kong Report, 1990*, eds. R.Y.C. Wong and J.Y.S. Cheng (Hong Kong: Chinese University Press, 1990), pp. 131-46.

2. The remark was made by Lord Palmerston. For the early history of Hong Kong, see G.B. Endacott, *A History of Hong Kong* (Hong Kong: Oxford University Press, 1964), chap. 1-3.

3. B.H.K. Luk, "Chinese Culture in the Hong Kong Curriculum: Heritage and Colonialism," *Comparative Education Review* 35 (November 1991): 650-68, esp. 661-64.

4. The phrase was first used by Philip Haddon-Cave, Financial Secretary of the Hong Kong Government during the late 1970s. For a discussion of the policy, see A.J. Youngson, *Hong Kong Economic Growth and Policy* (Hong Kong: Oxford University Press, 1982).

5. B.H.K. Luk, "Education," in *The Other Hong Kong Report*, pp. 151-88.

6. *Hong Kong 1990* (Hong Kong: Government Information Service, 1990), pp. 376-77 (app. 7), pp. 382-83 (app. 10, 10A).

7. Sir David Wilson, "A Vision of the Future," (Annual address by the Governor to the Legislative Council, 11 October 1989), in ibid., p. 12.

8. Wong and Cheng, eds. *The Other Hong Kong Report, 1990*, pp. 376-77.

9. H.K. Luk and K.L. Wu, *Education Development in Post-War Hong Kong: Chronicles in Graphs* (Hong Kong: Wah Fung Book Company, 1983), chap. 1, charts 1.1-1.8.

10. Luk, "Chinese Culture in the Hong Kong Curriculum," pp. 664-67, section on the 1953 report of the Chinese Studies Committee.

11. Tsim, "Implementation of the Sino-British Joint Declaration," pp. 139-45; Luk, "Education," in *The Other Hong Kong Report, 1990*, pp. 391-94, section on the Beijing democracy movement and Hong Kong's students and teachers.

12. On existing threats to freedom of expression, see H. Litton, "Public Order," in *The Other Hong Kong Report*, pp. 273-79; and in *The Other Hong Kong Report, 1990*, pp. 184-86.

13. The Commercial Press, the largest of the China state-owned book publishing and selling firms operating in Hong Kong, has eight large branch stores throughout the territory. It has formed a conglomerate for business in Hong Kong and in overseas Chinese communities with other state-owned publishers.

14. Luk, "Education," in *The Other Hong Kong Report*, pp. 171-72; and updated in *The Other Hong Kong Report, 1990*, pp. 391-94.

15. Ibid., p. 394.

16. B.H.K. Luk, "Privatization and Meritocracy: the Real Issue of the Direct Subsidy Scheme," in *Differences and Identities: Educational Argument in Late Twentieth-Century Hong Kong*, ed. A.E. Sweeting (Hong Kong: Hong Kong University Faculty of Education, 1990), pp. 47-55.

17. A.K.F. Siu and Y.F. Luk, "The State of the Economy," in *The Other Hong Kong Report, 1990*, pp. 205-20.

18. Education Commission, *Report No. 3*, (Hong Kong: Government Printer, 1988), chap. 4; cf. Luk, "Education," in *The Other Hong Kong Report*, p. 188.

19. *The Hong Kong Education System*, (Hong Kong: Government Secretariat, 1981), chap. 4.

20. Education Commission, *Report No. 3*, chap. 3, esp. 32-34.

21. B.K.Y. T'sou, "Language Issues in Hong Kong," paper presented at the International Conference on Cultural Tradition and Contemporary Education, Chinese University of Hong Kong, 1988.

22. Beginning in Spring 1990, statistics of migration from Hong Kong to Canada are presented in each issue of the *Canada and Hong Kong Update*, ed. and pub. by the Canada and Hong Kong Research Project, Joint Centre for Asia Pacific Studies, York University-University of Toronto.

Crises and Transformation: the Implications of 1997 for Christian Organizations in Hong Kong

Thomas In-sing Leung

Hong Kong's Socio-Political System

Since Hong Kong is a British colony, the ultimate power and sovereignty over Hong Kong resides with the British government whose policy for administering its colonies has been to rule on an "as-needed" basis.[1] Although the Hong Kong government possesses considerable autonomy in most policy matters, its sphere of authority is still that of a regional government with the final power of legislation being retained by the British parliament. Hong Kong has no constitution of its own but is ruled according to two documents, the *Letters Patent* and the *Royal Instructions*, enacted in 1917.[2] These bills define the power of the Governor, the Executive Council (Exco) and the Legislative Council (Legco). The bills come under the category of prerogative legislation through which the British government can annul laws passed in Hong Kong[3] and the governor is given the power to dissolve the Legislative Council.[4]

Through this political structure, the Hong Kong government's authority has been strictly limited. Moreover, there has been no participation by the people of Hong Kong in the executive or legislative process. Before 1985 all members in the two councils were appointed by the governor. As the government absorbed the political power of Hong Kong's elite into its administrative structure, the basic political model of the territory has been aptly labelled by one analyst as "administrative absorption of politics."[5] The government and its policies for social development have been based, not on the mass consensus of the community but on the decision making of a limited elite group. Political integration involves discussion with the elite and the absorption of their opinions into the decision-making process.

This elite consists of key representatives of wealthy commercial and professional groups. In this sense, the government runs Hong Kong as if it were a big commercial institution, and the board members, as it were, make all the decisions. They have all the executive power and implement their policies through a large bureaucratic system. The general philosophy behind the administration is a kind of "positive non-interventionism," based on the values of and benefits to the elite. The administration avoids intervening in economic development.

The essence of Hong Kong politics, at least prior to the limited democratization introduced in 1985, is a system of freedom without democracy. Hong Kong people have freedom and opportunities to develop their living standard but limited participation in the power structure. "Submissive individualism" has become the dominant ideology of the Hong Kong people. Abandoning the quest for political participation, most people make use of the legally-protected freedom to strive for private and individual success. This is a form of individualism which submits to the political authorities who, in turn, respect certain human rights and provide room for economic freedom.

Given this background, the function of the religious community has been limited to fulfilling individual spiritual needs rather than fighting collectively for a more just society. Hong Kong people enjoy religious freedom. The nature of this freedom has been summarized by the *Manifesto of the Protestant Churches in Hong Kong on Religious Freedom*, drawn up by Protestant church leaders in the early 1980s. Hong Kong people's religious rights include the freedom to choose and propagate religious belief, including to one's children; to assemble for religious purposes, including in public facilities; to run such facilities as schools, social welfare agencies, seminaries, and cemeteries; and to associate freely with religious believers worldwide.[6]

Since the government puts few limitations upon religious communities, they have tended to support the political system. It could be said that the role of religion in Hong Kong has also been a kind of "positive non-interventionism." Most religious bodies have not intervened in the political structure, nor have they encouraged people to participate in politics or criticize the established system. Moreover, many religious communities have fulfilled only a marginal service function; they have existed only to fulfil the spiritual needs of the people.

1997 and the Self-Transformation of the Role of Religion

In the early 1980s Hong Kong society was challenged by the 1997 issue. When then British Prime Minister Margaret Thatcher visited China in 1982, the Beijing government demanded that Hong Kong be returned to China in 1997. After two years of negotiations, the British and Chinese governments signed an agreement known as the "Sino-British Joint Declaration on the Future of Hong Kong." The accord affirmed that the colony would be returned to Chinese sovereignty in 1997. Chinese authorities promised in the agreement that after its return, Hong Kong would retain a "high degree of autonomy," and "Hong Kong people"

were to rule and retain a capitalist system for at least fifty years. A mini-constitution embodying these principles and spelling out the post-1997 legal and political structure of the territory, "The Basic Law of the Hong Kong Special Administrative Region," was drawn up by a committee convened by the Chinese government and composed of representatives of Hong Kong and China.

This sequence of events forced people to begin to rely on themselves to shape their future since they could no longer depend on the British. The Christian communities at that time were quite responsive, and some of their leaders assumed a sense of responsibility for Hong Kong. The churches would no longer be marginal social institutions but would take an active role in creating the future. This was not an overnight awakening of the churches as the Christian community had already become involved in social issues in the late 1970s. For example, the magazine *Breakthrough*, a fundamentalist Christian magazine with wide secular appeal, began to discuss sensitive social issues after it was founded in 1975.[7] Also, the liberal Christian Industrial Committee had worked for a decade with factory workers to further their rights.

An early expression of Protestant Christian social concern occurred in November 1980 when the Hong Kong Council of Churches organized a conference called, "The Mission of the Hong Kong Churches in the 80s." With 120 representatives from mainstream churches, they discussed five main issues: 1) evangelization of lower-income people; 2) evangelization of students; 3) concern for Christians in China; 4) participation in public policy; and 5) influencing the attitudes of citizens.

Toward the end of the conference, the two public bus companies in Hong Kong announced a fare increase of 100 per cent. Since the majority of the population relied on public transport, this increase was likely to adversely affect working people. As an expression of concern for lower income families, some pastors started public demonstrations against the fare increase. These actions received a positive response from the secular world. More than three hundred groups, religious and non-religious, formed a "Joint Council to Oppose the Raising of Fares on the Two Public Bus Systems." From that time some Christian communities have taken a more active and critical stance on social issues.[8]

From these pioneering actions, some Christian leaders moved to face the challenge of 1997. In the year 1983-1984, three important documents were drawn up: 1) "The Creed of Hong Kong Christians in the Heart of Present Socio-Political Transformation;" 2) *The Manifesto of the Protestant Churches in Hong Kong on Religious Freedom*; and 3) the "Opinion Paper on the Future of Hong Kong."[9]

In September 1984, twenty-one Christian leaders were invited by the Chinese government to visit Beijing. They took with them an opinion paper which discussed not only religious issues but also proclaimed the solidarity of Christians with Hong Kong people as a whole. The paper maintained that a trustworthy government is one which is directly responsible to its citizens, with a separation of legislative and executive powers. Further, Hong Kong people should have the right to participate in the drafting of the Basic Law, insuring that it affirms the dignity and rights of the non-elite. Freedom of travel, holistic social welfare, bilingualism and moral education should all be guaranteed in post-1997 Hong Kong. Finally, in order to equip the people to take up the responsibility implied in the Chinese government's own slogan, "Hong Kong people ruling Hong Kong," the opinion paper insisted that a democratic system should be promoted in the territory prior to the hand-over date.

In discussing the concerns of the churches, the opinion paper stressed that freedom of thought and belief, and indeed freedom in all areas of life, had to be protected after 1997. Christian educational and social services, as well as the freedom to maintain relationships with churches from all over the globe, should continue to receive government support and sponsorship, as under the colonial administration.

Underlying the opinion paper was a view of the Christian community as an integral, deeply rooted part of Hong Kong society. Christian leaders were not merely concerned for their own religious freedom but also with the whole development of the region. They demanded a more open and democratic society so that people could participate meaningfully in the government and protect their rights.

As demonstrated by the three documents, the Christian community was developing a more participatory model and was starting to cooperate with the middle class democratic lobby that was seeking to influence the future of Hong Kong. One reason for this transformation was that Christians had developed their own identity and character. Most of the Protestant Christian population are middle class people who share the anxieties of their peers.[10] Unable to participate in or have any influence over the processes of government, they have no way to control their own fate. When Hong Kong is transferred to the authoritarian Communist government, the middle class stands to gain little but risks losing its intellectual freedom and its property. The only protection for them would be the right to participate in the system. Under the British colonial government which respects the rule of law, most middle class people feel safe

even though they cannot participate in their own government. However, there are no guarantees that the Communist government will allow itself to be subject to a legal system. In the eyes of the very anxious middle class, only a more democratic political structure can protect the rights and autonomy of the people.

An important difference between Christian and normal middle class aspirations is that the Christians believe demanding democracy is a way to implement Biblical principles of justice. Democracy is not only for their own benefit but also for the good of the poor. With this in mind, the Christians of Hong Kong have become increasingly vocal in calling for a more democratic and just future.

Struggling for Democracy During the Basic Law Drafting Process

In anticipation of the great transition of 1997, the Hong Kong government in 1984 proposed a reform of the Hong Kong political system and released a "Green Paper" on the future development of representative government. Direct elections to the Legislative Council on a regional basis was one option discussed in this paper. As an initial step forward, in 1985 the government introduced a proportion of indirectly elected members into Legco. Prior to 1985 Legco was made up of only appointed members. Thus, in 1985 twenty-four out of the fifty-six were indirectly elected.[11] Perhaps the government hoped to create a check on the power of the future executive branch of the government by making Legco more powerful and more representative.

In the same period, the Chinese government formed a 52-member committee to draft the Basic Law to govern Hong Kong after 1997. China appointed twenty-five people whom it believed to be representative of different social groups. Among the twenty-five was one leader representing religious interests, the Anglican Bishop of Hong Kong and Macau, Peter Kwong. Members from China made up the rest of the committee. It appeared that as far as religious freedom itself was concerned, the Basic Law would be acceptable.

The major controversy of the 1987–1988 period was not the drafting of the Basic Law but whether or not Hong Kong should introduce directly elected members to Legco in 1988. In May 1987 the Hong Kong government released a "Green Paper," entitled *The 1987 Review of Developments in Representative Government*, and called for the public to submit proposals. The Chinese government soon showed that it was not pleased with the idea of direct elections in 1988 because it feared that the

development of a democratic system in Hong Kong before the Basic Law was drafted and promulgated would force China to accept a democratic system in the territory after 1997. However, middle class people were excited by the new hopes for democracy raised by discussions of direct elections in the following year. They actively joined in discussing and supporting direct elections in 1988.

Faced with the opportunity to create a democratic system in Hong Kong, the Christian communities were mobilized again. A group of Christian professionals and intellectuals founded an organization called "Christian Sentinels for Hong Kong" and wrote a series of articles in newspapers to promote direct elections and comment on the Basic Law.[12] In 1987 many evangelical pastors and Christian leaders signed a declaration urging all Christians to support direct elections in 1988. Both Catholics and Protestants held interdenominational mass gatherings to support these elections, which demonstrated the response of grass roots as well as middle class Christians to the new political situation.[13]

This activism was contrasted with the position of the institutional churches. The leaders of some mainline denominations had developed close relationships with China. For the sake of ensuring the survival of their institutions after 1997, their attitude towards direct elections in 1988 was conservative and low-profile. Whether theologically liberal or evangelical, the institutional churches tended to be aloof from political issues, preferring silence and inaction. However, parachurch organizations and Christian lay people were very active in the democracy movement. The Christian communities were split, not according to theology but by political attitude.

Under great pressure from China, the Hong Kong government allowed only indirect elections to Legco in 1988 and a small proportion of directly elected members in 1991.[14] After this decision was announced, the focus of attention on the democratization of Hong Kong shifted to the drafting of the Basic Law.

In August 1988, after the first draft of the Basic Law was released for discussion, a position paper was drawn up by many Christian leaders, entitled "Position Paper of Hong Kong Protestant Church Workers on the Draft Basic Law." This document not only discussed religious issues but also proclaimed that the church had contributed to the overall social development of the community. With their previous experience of participating in the forefront of social development, the Christian workers summarized their political beliefs in five points:

1) An open political system which allows participation is the condi-

tion for Hong Kong's advancement.

2) People, as the greatest resource for social development, need to be respected and trusted.

3) Instead of just the interests of particular sectors or social strata being protected, all the interests of all the different social groups should be protected.

4) The political system must have built-in checks and balances.

5) Human rights must be protected.

Based on these beliefs, the position paper demanded the protection of the various rights, duties, and freedoms of Hong Kong's people in the Basic Law. It recommended that all the provisions of the International Covenant on Civil and Political Rights applicable to Hong Kong be guaranteed in a legally effective way in the Special Administrative Region after 1997. After commenting extensively on the articles of the Draft Basic Law, Christian leaders called for an open political system and stronger checks and balances in the post-1997 political structure.

This overt promotion of direct elections by Hong Kong Christians apparently threatened the Chinese government. While both Protestant and Catholic leaders were promoting these ideas among the approximately 500,000 church-goers in the territory, the Chinese Communist authorities gave a warning signal through articles in newspapers signed by Xin Weisi. "Xin Weisi" is the pen name used by a writer or writers who comment on the Hong Kong situation from the perspective of the Chinese Communist Party.

The articles of Xin Weisi are interpreted as an unofficial Chinese attempt to influence opinion in Hong Kong. Although China has promised to develop a political system in accordance with the will of the people of Hong Kong, the Chinese government also wishes to communicate what opinions are most appreciated. Thus, in the writings of Xin Weisi the views of China's leaders can be expressed in a public way but not by the Chinese government. The government can then adopt these same opinions and claim to the world that these views are from Hong Kong and that China is listening.

Articles by Xin Weisi are printed in the influential Hong Kong daily, *Ming Pao*. Claiming to represent China's official views in an unofficial way, these articles criticized the whole democratic movement and the idea of direct elections in 1988.[15] On 5 December 1986, Xin published an article entitled "Jibenfa yu zongjiao ziyou ("The Basic Law and Religious Freedom"),[16] in which he described how some Christian organizations had recently participated in social issues in the name of the church, with the result of a politicized church. He maintained that clerical professionals were using religious meetings to promote their own political views and had moved beyond the sphere of religious activities. Advocating the principle of separation of church and state, the article discouraged Christians from participation in shaping the future of Hong Kong. Xin claimed that the expression of political views by religious personnel could bring no advantage and might even bring unpleasant consequences.

This article provoked criticism from both religious and secular writers. The major objection raised was that Xin had confused the meaning of the "separation of church and state" with the "separation of religion and politics." He used the Chinese terms *zheng*, which can mean "the state" or "politics," and *jiao*, which can mean "church" or "religion." Shifting back and forth between the different meanings of the Chinese terms, he advocated the idea that religious people should not participate in political activities.

Under fire from religious groups, Xin wrote a second article in February 1987, clearly stating that neither the church, its institutions, nor religious professionals (clergy, parachurch workers, etc.) ought to participate in political activities or express opinions on political matters.[17] He warned that participation by the church in politics would bring intervention from the Chinese government.

These two articles indicated that the Chinese government felt threatened by the political activities of the Hong Kong Christians. Chinese authorities used this veiled method to warn the churches and demand they stick to fulfilling their traditional functions under the model of positive non-interventionism—or in Marxist terms, the function of opiate of the people. However, this warning served only to challenge Christians to further political involvement. Beijing's attempt to limit religious freedom in Hong Kong, even before the territory came under Chinese sovereignty, was unprecedented. It spurred Christians to struggle even more ardently for greater protection of Hong Kong's political system after 1997.

All these activities indicated the transformation of the role of Christianity in Hong Kong. Reflecting deeply on their social role, Christian groups were not satisfied with the marginal function of conducting Sunday services and social events. They wanted to participate in the process of shaping the destiny of Hong Kong. In theological terms, such groups moved towards a prophetic role. Instead of taking a "back seat" on social questions, they wanted to "stand up front" to help

guide society forward. Although the institutional churches, for the sake of survival after 1997, still wanted to stay aloof from social and political issues, a significant proportion of Hong Kong Christians wished to take a more active stand on these important issues. Some community churches, in which the pastor is also a social worker, have been set up among the poor in housing estates and squatter areas where they can better serve and mobilize local people. The advantage of this community church model is that it is rooted in the masses and that if the institutional churches were ever eliminated by political authorities, churches could still survive among the people.[18] Many fellowships among different groups of people have been set up, such as for actors, lawyers, Central District office workers, basketball players and others.

Thus, in response to the challenge of 1997, Christians have sought to root their faith beyond the institutional church. Some socially and politically active Christians have separated from the Hong Kong Christian Council, which has become more institutionalized and has retreated from involvement in issues of social concern. They have formed a new organization called the Hong Kong Christian Institute to encourage like-minded Christians to participate in the concerns and sufferings of Hong Kong's people.

The Tiananmen Square Massacre and its Impact on Hong Kong

On 15 April 1989, the pro-reform, former General Secretary of the Chinese Communist Party (CCP), Hu Yaobang, died in Beijing. Hu had been deposed for failing to take a tough stand against student demonstrations in late 1986. After his death, students gathered in Tiananmen Square in memory of him and in criticism of the conservative old leaders of China who had forced him to step down in 1987.

On April 26 the official organ of the Chinese Communist Party, the *People's Daily*, published a commentary condemning the student demonstrations as counter-revolutionary. In response, more than 2,000 joined in a hunger strike in Tiananmen Square to demand a retraction of this judgment and a fair evaluation of their motives. Millions of people joined in street marches in their support. People demanded the resignation of the old leaders and political reform. On May 20 the angry Premier of the State Council, Li Peng, declared martial law in the capital, and hundreds of thousands of troops began to move towards Beijing. The whole Chinese nation, including Hong Kong, was shaken.

The Hong Kong Christian Institute and eight other Christian organizations published a declaration supporting the Beijing students and calling on the Chinese government to respect freedom of speech. It also called on Hong Kong Christians to pray for China. On May 20, the day of the declaration of martial law, fifteen Christian organizations formed a "Council of Hong Kong Christians in Support of the Chinese Democracy Movement," later called the "Hong Kong Christian Patriotic Democratic Movement." It organized almost thirty thousand Christians to join in the historic protest march of more than one million people in Hong Kong on May 21. Around this time many declarations supporting the students and condemning the Chinese government's declaration of martial law were published by different Christian groups, fellowships, and individuals. Thousands of Christians gathered in various districts to pray for China.

In the night of June 3-4, the Chinese People's Liberation Army, using tanks and machine guns, broke through the non-violent protective lines of people. The massacre came as a great blow to Hong Kong people. Once again, over a million people took to the streets to protest against the brutality of the Chinese government. The Hong Kong Christians in Support of the Chinese Democratic Movement and the Catholics were actively involved in demonstrating. On June 5 they organized a funeral procession for the dead in Beijing which was attended by over ten thousand Protestant and Catholic Christians. Hundreds of individual Christians, as well as organizations, published declarations condemning the massacre and further persecutions in China. However, the aged leaders of China remained, and remain, firmly on their thrones.

Hong Kong people were so disillusioned by these events that any hope and trust they had in the Chinese government were shattered. They saw that the true face of the Chinese government was no better than the repressive Stalinist/Maoist regime of the Cultural Revolution era. Since 1978 the whole reform movement under Deng Xiaoping had not brought any substantial improvement in the rights and dignity of the people. The tragic realization was that Hong Kong would come under the control of this same government after 1997.

In order to restore the confidence of the people of Hong Kong, some Christian leaders joined forces with other pro-democracy groups to promote a "Hong Kong people saving Hong Kong" campaign. They urged the British government to grant the right of abode in the United Kingdom to Hong Kong citizens, so that the people of Hong Kong could establish a safety net with the support of the international community. The outcome of this effort was the agreement of the British govern-

ment to issue full UK passports to only 50,000 elite households, in order to keep key professionals in the territory until 1997. The British were not prepared to assume responsibility for protecting the future of the Hong Kong people as a whole. After this disappointment, the people of Hong Kong turned their attention and their hopes towards ensuring that their human rights would be adequately protected in the Basic Law.

The Final Draft of the Basic Law

The final version of the Basic Law was passed by the National People's Congress (China's parliament) in April 1990.[19] As expected, the conservative leaders of China allowed only a limited proportion of directly elected representatives to Legco. According to the provisions of the Basic Law, only twenty out of sixty Legco members will be directly elected by 1997. The proportion will be increased to twenty-four (40%) in 1999 and thirty seats (50%) in 2003. This slow pace of democratization was received coldly by the general public.

Since the support of the people of Hong Kong for the Chinese democratic movement had threatened Beijing authorities, a clause forbidding any "subversive activities" in Hong Kong was added to the final draft of the Basic Law. This was intended to discourage any pro-democracy actions in Hong Kong by threatening legal prosecution against such activists.

In response to the spirit of the Basic Law, the reform process of the Hong Kong political system slowed down. While the government announced that the number of directly elected seats in 1991 would be increased from ten to eighteen, it also made clear that there would be no further change until 1997. Eight additional elected seats were not very encouraging to many Hong Kong people since the government would not challenge the Chinese decree that only one third of the legislature would be directly elected in 1997. After the internal crisis caused by the Tiananmen Square massacre, the Chinese were even more determined to avoid a participatory and representative political model for Hong Kong. The British preferred the old colonial style of appointing a few elite "yes-men" into the government and running Hong Kong as if it were a company with a board of directors.

On 9 February 1990, sixteen Protestant and ten Catholic groups published a joint declaration urging the Hong Kong representatives on the Basic Law Drafting Committee to take a stand for the democratic rights of Hong Kong people. As a "last-ditch" effort, these groups exhorted representatives to vote against the Basic Law if the final draft

were not democratic. However, the final version of the Basic Law retained its conservative wording and allowed only a limited degree of democracy under the shadow of China.

The Struggles of 1990

The only encouraging experience for Hong Kong people in recent years has been the great changes in Eastern Europe. In order to boost the morale of Christians in Hong Kong, the Christian Patriotic and Democratic Movement, founded in the wake of the Tiananmen massacre on 24 June 1989, has organized many prayer meetings and seminars on this issue. A fourteen-member delegation including pastors, Christian leaders, and theologians was sent to visit Poland and Czechoslovakia in September 1990. They shared experiences with the churches and encouraged each other to hope for a promising future. Some church leaders from Eastern Europe were also invited to come to Hong Kong and give seminars about their struggles. By introducing their church model, they showed Hong Kong Christians ways in which the church could survive under a communist government. They also encouraged Hong Kong Christians by sharing their experiences of reform in Eastern European countries through Christian faith and hope.[20]

After the June 4 massacre, Hong Kong people urged their government to introduce a Bill of Rights into the Hong Kong legal system before 1997. Most Christians supported this demand. The colonial legal system still contains many laws which could be a threat to human rights. While the Hong Kong government has not used these laws in violation of human rights, there would be no guarantee that the new government would not use these laws, if they remained in place after 1997, to suppress dissenting voices. Only a Bill of Rights that had legal priority over other laws could safeguard the human rights of Hong Kong's people in the future. In response to the urging of the Hong Kong public, the government published the draft Bill of Rights on 16 March 1990, which covered basic human rights as laid out in "The International Covenant on Civil and Political Rights." The final version was passed in June 1991. However, China has publicly declared that this Bill cannot have precedence over the Basic Law. Christians in Hong Kong, as part of the international church community, have asked Christians in other countries to watch and help safeguard the implementation of the new Bill of Rights.

In May 1989 the Catholic Church published a plan for its development over the next ten years.[21] The focus of the document is "harmony,"

in contrast with the confrontation and separation experienced by the people of Hong Kong and China in the past. Furthermore, it stressed that the differences of others must be accepted, in keeping with the Church's policy of accommodation with China. Through dialogue, both sides should respect each other. Facing the possibility of pressure from the future Communist government, the Catholic Church also emphasized setting up small communities as part of its strategy for survival. Since a large institutionalized church is more easily controlled or persecuted by a political power than a "grass roots" based church, in small communities the believers can keep the faith even under government pressure.

With the increase in disillusionment and frustration about the situation in China, the number of Hong Kong people emigrating abroad surged to an alarmingly high total of 62,000 in 1990.[22] Since many of them applied to emigrate after the Tiananmen massacre, continuing high rates of emigration are expected until 1997. Faced with this crisis in confidence, the Hong Kong Christian Council launched the "We Love Hong Kong" campaign beginning in 1991. As stated in the campaign proposal, it aims "to redirect attention from those who are leaving Hong Kong to those who are staying behind.... We must take responsibility for our city now and in the future.... The purpose of the campaign is to appreciate and celebrate the industrious character of our people and to encourage them to carry on."

The "We Love Hong Kong" campaign seems to be a new direction towards which the Christian community is struggling after all the discouraging experiences of 1989 and 1990. Instead of focusing on matters in China which the people of Hong Kong have no power to affect, Christians are putting their effort into Hong Kong. As Hong Kong people lose their hope for a promising future, many Christians believe religion is the one dimension of human culture most able to bring hope to people living under great difficulties. While the Hong Kong Christian Council was planning its "We Love Hong Kong" campaign, the Billy Graham Crusade of November 1990 resulted in the conversion to Christianity of more than 20,000 people.

In facing 1997, the direction for Hong Kong Christian communities is perhaps best summed up by the Reverend Kwok Nai-wong, director of the Hong Kong Christian Institute. He concluded that creating a democratic culture is a difficult task: "Only such a culture can recreate the value and dignity of every person, can reaffirm that the citizens are the centres, not the periphery, of any society." The church should "enable those who must stay in Hong Kong to speak up and fight for a fairer arrangement for their future. The church must seek ways to actively support the democratic movement and all efforts to create a democratic culture in Hong Kong."[23] This aim wraps up the past struggles and opens up a new horizon for religious communities in Hong Kong.

The Sunset of Religious Freedom in Hong Kong

Article 141 of the Basic Law, the post-1997 constitution of Hong Kong, states that religious freedom shall not be restricted. It says:

> The Government of the Hong Kong Special Administrative Region shall not restrict the freedom of religious organizations or restrict religious activities which do not contravene the laws of the Region. Religious organizations shall, in accordance with the law, enjoy the rights to acquire, use, dispose of and inherit property and the right to receive financial assistance. Their previous property rights and interests shall be maintained and protected. Religious organizations may, according to their previous practice, continue to run seminaries and other schools, hospitals and welfare institutions and to provide other social services. Religious organizations and believers in the Hong Kong Special Administrative Region may maintain and develop their relations with religious organizations and believers elsewhere.[24]

This is a well-drafted article. However, the lack of confidence among Hong Kong people comes from the fact that it may only be a well-drafted piece of paper. The Constitution of the People's Republic of China is also well-drafted, but since 1949 the law in China has been interpreted according to the whims of those who controlled the government. As far as the Basic Law is concerned, article 158 states that, "the power of interpretation of this Law shall be vested in the Standing Committee of the National People's Congress [NPC]."[25] Since the people of Hong Kong have no final authority to interpret the Basic Law, its guarantee of religious freedom may turn out to be worth no more than the paper it is written on.

Concerning religious freedom, a much more sensitive issue is that such rights within China itself are far more restricted than in the Basic Law. The Constitution of the People's Republic of China (PRC) states that, "The people of the People's Republic of China enjoy religious freedom." However, it also says, "No one is permitted in the name of religion to damage the social order, harm the health of the people or obstruct the national educational system. Religious bodies and religious

affairs are not to be controlled by foreign forces."[26] Religious freedom is restricted in the sense that the healing ministry and any promotion of the religious world view that challenges the atheistic educational system is not allowed. Moreover, the phrase about damaging the social order is open to interpretation, giving room for the intervention of the state in religious matters. Hong Kong religious communities are worried that after 1997, with the return of Hong Kong to Chinese sovereignty, the new government may not respect Article 41 of the Basic Law or will eventually apply the more restrictive provisions of Article 36 of the PRC Constitution.

Furthermore, in contrast to the Hong Kong Basic Law, which has no "religious policy," China does have a religious policy which defines freedom of religion in a restrictive way. The major post-Mao statement of this policy, released in 1982, states, "Any religious organization or believer should not evangelize, preach and advocate theism, nor spread religious literature and books, the publication of which has not been permitted by the government."[27] Also in 1982, an internal document concerning the administration of Christianity stated, "the concretizing of religious policy should not be misunderstood as support for religion; on the contrary, it is to weaken religion."[28] In 1986 an article on the Party's religious policy, published by the official magazine *Hongqi (Red Flag)*, stated that "normal" religious activities are protected by law while "abnormal" religious activities are to be limited or halted. "The basic point of all the rules," said the author, "is to limit all religious activities to recognized places of religious activity."[29] All these stipulations of either law or policy which limit religious freedom in China raise valid concerns for the religious freedom of the people of Hong Kong after 1997.

Even more worries were created in 1988 when the Guangdong Provincial People's Government published the "Guangdong Province Regulations on the Administrative Supervision of Places of Religious Activity."[30] This law set many limits to religious activities. Religious personnel are only allowed to operate in designated places of religious activity or under certain conditions in cemeteries, crematoriums, hospitals, and believers' homes (clauses 23 and 24). The content of all religious training must be registered with and approved by the religious affairs authorities of the government (clause 7). Only approved religious personnel are permitted to conduct religious activities such as expounding scriptures or preaching (clauses 9 and 25). All donations from foreign believers must be approved by the government (clause 30). From this provincial code, it is clear that "religious freedom" in China applies only to religious activities conducted by approved workers in limited places.

All of these examples of Chinese religious policy and provincial religious laws have heightened sensitivities in Hong Kong over whether these policies will have an adverse effect in the territory after 1997. Hong Kong religious communities are worried about the possible intervention by the post-1997 government in the religious freedom of Hong Kong. Their concerns can be summarized under two headings: constitutional intervention and administrative intervention.

1) **Constitutional Intervention:** Although Article 141 of the Basic Law is well-drafted, the interpretation of the Law lies with the NPC Standing Committee. Some terms in the Basic Law, such as "religious freedom," are understood differently in China and Hong Kong. For Hong Kong people, religious autonomy means total freedom, unlimited by any religious "policy" or administrative code. However, the Chinese official understanding of religious freedom is limited to certain places, times and workers. Outside of these, there is no freedom at all. It is quite possible after 1997 that the Chinese government will choose to define the religious liberty stipulated in the Hong Kong Basic Law in terms of normal Chinese understanding and practice. Vesting the power of interpretation of the Basic Law in the NPC Standing Committee opens the door for constitutional intervention by China in Hong Kong's religious freedom.

2) **Administrative Intervention:** In China, religious freedom is limited to those within the spiritual community. For any outside religious activity, the community must apply for permission and go through an administrative procedure. It is easy for a secular government to use administrative procedures to interfere with religious freedom. In Hong Kong many religious activities are held in public places and currently need the approval of the Urban Council for rental of facilities. Who can guarantee that the government after 1997 will continue to permit the use of public facilities and venues for religious activities? In fact, one case of administrative intervention by the present Hong Kong government actually occurred in 1990. The Hong Kong Christian Patriotic Democratic Movement applied to use a public stadium for a mass meeting in order to pray for the future of China and support pro-democracy political prisoners arrested in 1989. According to Christian worker Helena Wong,[31] the Urban Council dared not approve the request and asked for the opinion of the Chief Secretary, the top bureaucrat in Hong Kong. Because of the sensitivity of the political issue and possible pressure from China, the Urban Council eventually did not approve the

application. Though a Christian organization may in theory be entitled to preach and to educate religious believers, it may, through administrative measures, be denied access to venues suitable for these activities. This incident appears to foreshadow anticipated administrative intervention after 1997.

Conclusion

As Hong Kong is the sixth largest trading entity and one of the most important financial centres in the world, its continued existence and prosperity are of global importance. However, Hong Kong cannot prosper if attention is paid only to its economic development. The economy cannot be isolated from such factors as cultural diversity, political stability, and the availability of human resources. Only the protection of freedom in Hong Kong can provide the right conditions for the region's continued development, and such freedom can only be protected by a democratic system. In its forty years of communist rule, China has had a very poor record compared with democratic countries. At the same time, the Basic Law does not promise a democratic future for Hong Kong though it does indicate that certain freedoms will be legally protected. In the absence of popular participation in the political system, no one can guarantee that these freedoms will not be impinged upon. The safeguarding of religious freedom will be one measure of respect for the Basic Law and the future of Hong Kong.

Notes

1. See P.K. Fieldhouse, *The Colonial Empires* (London: Weidenfeld & Nicolson, 1966).

2. In the *Laws of Hong Kong* (Hong Kong: Government Printer), vol. 28. Analyses of these laws can be found in P. Wesley-Smith, *An Introduction to the Hong Kong Legal System* (Hong Kong: Oxford University Press, 1987); and Lei Jingchuan, "Xianggang de zhongyang zhengzhi ji qi tezhi" ("Hong Kong's Central Political System and its Character") in *Guoduqi de Xianggang (Hong Kong in Transition)*, ed. Zheng Yushuo (Hong Kong: Joint Publishing, 1989), pp.19-37.

3. *Letters Patent*, Clause VII.

4. This clause was added in 1985; see *Royal Instructions*, Clause XXVIIIA.

5. Ambrose Y.C. King, "Administrative Absorption of Politics in Hong Kong: Emphasis on the Grass Roots Level," *Asian Survey* 15 (May 1975): 422-439; also idem, "Xingzheng xina zhengzhi: Xianggang de zhengzhi moshi" ("Administrative Absorption of Politics: Hong Kong's Political Model"), in *Xianggang zhi fazhan jingyan (Hong Kong's Experience of Development)*, eds. Ambrose Y.C. King and Hsing Mu-huan (Hong Kong: Chinese

University Press, 1986), pp.3-19.

6. The manifesto was included as appendix 2 of the "Opinion Paper on the Future of Hong Kong," carried by the Christian leaders to Beijing in 1984.

7. *Breakthrough* was founded by Ms. So Yuen-pei and Dr. Philemon Choi in 1975. Ms. So was a well-known Christian writer who died in 1981. Dr. Choi is a medical doctor who gave up his profession in order to become a full-time Christian worker. For many Hong Kong fundamentalist Christians today, Dr.Choi is now the most respected spiritual and socio-political leader.

8. I was myself involved in some of these issues. For a brief history of these activities, see Jiang Dawei, "Bashi-niandai jiaohui lianhe guanshe xingdong pingyi" ("An Evaluation of the United Social Concern Activities of the Churches in the 1980s"), *Si (Thought)*, no. 1 (April 1989): 7-10.

9. These three documents were included as appendices of the "Opinion Paper on the Future of Hong Kong."

10. According to a 1990 sample survey, 45% of Christians in four different churches were preparing for or considering emigration to other countries, mostly to Canada, Australia, and Singapore. Since the qualifications for immigration to these countries favour white-collar professionals and wealthy investors, the high rate of immigration from the church shows that most Hong Kong Christians are middle class professional people or rich. See "Analysis of the Results of the Questionnaire on the Future Direction of Hong Kong Christians," *Si (Thought)*, no. 10 (November-December 1990).

11. See the Hong Kong Government White Paper, *The Development of Representative Government: The Way Forward* (Hong Kong, 1988), p.6.

12. Most of the important articles of the "Christian Sentinels" are collected in *Guoduqi de Xianggang: zhengzhi, jingji, shehui (Hong Kong in Transition: Politics, Economy, Society)* (Hong Kong: Shouwang Press, 1988).

13. For the historical development of this Christian movement, see In-sing Leung, "The Socially Responsible Spirit of Hong Kong Christians: An Analysis of Its History and Present Actions," *Pai Shing Semi-monthly* 157 (December 1987): 46-47; see also Zeng Chongrong, "The Split of Views in the Church on Social Concern Issues," *Pai Shing Semi-monthly 153* (October 1987): 13.

14. See *The Development of Representative Government*, pp. 8-14.

15. Some of Xin's articles are collected in Xin Weisi, *Xin Weisi zhenglun ji* (*Collected Political Articles of Xin Weisi*) (Hong Kong: Ming Pao Publishers, 1987).

16. Reprinted in ibid., pp. 89-94. An English translation of this article can be found in *China News and Church Report 868* (2 January 1987).

17. In Xin, *Collected Political Articles*, pp. 121-133; summarized in English with commentary in *China News and Church Report 878* (6 February 1987).

18. Some churches along these lines have been established in Chai Wan and other squatter areas.

19. *The Basic Law of the Hong Kong Administrative Region of the People's Republic of China.* April, 1990.

20. Some papers presented in these seminars have been published in *From Eastern Europe to Hong Kong: The Communist Regime and the Church* (Hong Kong: Hong Kong Christian Institute, 1990).

21. "Towards a Bright Decade: The Future Pastoral Responsibilities of the Catholic Church in the Hong Kong Region." It is in the form of an open letter from the Catholic Bishop of Hong Kong, John Baptist Cardinal Wu, published by the Church on May 14, 1989.

22. This figure is compared with 42,000 people in 1989.

23. Rev. Kwok Nai-wong, "Hong Kong: Realities and Proposals," speech given to the delegation of the Basel Mission visiting Hong Kong on 8 October 1990.

24. *The Basic Law*, Art. 141.

25. Ibid., Art. 158.

26. *The Constitution of the People's Republic of China*, Art. 36.

27. *Central Committee Document* No. 19 (1982), "The Basic Policy of Our Party on the Religious Question in the Period of Socialism," in *Zhonggong dui Jidujiao de zhengce* (*Chinese Communist Policy Towards Christianity*), ed. Zhao Tianen (Jonathan Chao) (Taipei: China Evangelical Seminary Press, 1986).

28. "Summary of the Data Concerning Strengthening the Work of Administering Christianity," in ibid., pp. 451-54.

29. Jiang Ping, "Renzhen xuexi Makesi-zhuyi de zongjiao lilun he Dang de zongjiao zhengce" ("Conscientiously Study Marxist Religious Theory and the Party's Religious Policy"), *Hongqi* (*Red Flag*) 9 (May 1986).

30. This "Regulation" is published in *Zhongguo yu Jiaohui* (*China and the Church*) 67 (August-September 1988): 19-22.

31. Interview with Helena Wong, Hong Kong Christian Institute, Hong Kong, 10 December 1990. In addition to working for the Institute, Ms. Wong is a pro-democracy activist in Hong Kong society. In June 1990 she was prosecuted by the Hong Kong government for: 1) using a loud hailer in a public place without approval from the Commissioner of Police, and 2) collecting donations in a public place without approval from the Director of the Social Welfare Department.

Uncertain Refuge: Freedom of the Press Under the Hong Kong Bill of Rights

by Perry Keller

Among the many industries which have flourished in Hong Kong since the Second World War, the colony's commercial press has been particularly fortunate. Hong Kong has served as an oasis of vitality in a Chinese publishing world blighted by the doctrinal rigidities of the PRC and, until recently, Taiwan. It has also developed into a leading centre for regional reporting and publication. The city's print media is especially diverse, boasting fifty-five Chinese and five English language newspapers as well as a wide selection of magazines and other periodicals. The latter include respected international publications such as the *Far Eastern Economic Review* and *Asiaweek*. Although many of these newspapers are no more than newsheets specializing in business tips or horse racing and entertainment gossip, there are at least a dozen Chinese and two major English language dailies that offer full news coverage.

Radio broadcasting is divided between the public sector Radio Television Hong Kong network, which operates both Chinese and English language stations, and the private sector Commercial Radio network which has three stations. The government is considering the authorization of a third radio network. Two private companies, Asia Television Limited and Hong Kong Television Broadcasts Ltd., operate Chinese and English language television stations. Further competition in the form of a satellite-based television network is also under development. However, a government approved consortium, assembled to introduce cable television, collapsed in disarray in 1990.[1]

The image of vitality and diversity presented by the Hong Kong press, however, does create a misleading impression that the media, particularly the print media, is sustained by a local readership deeply committed to a broad spectrum of social and political opinion. While it is undeniable that there are deeply held differences of public opinion in the territory, outside factors have, in fact, played the major role in shaping the Hong Kong press. One examination of these outside influences divides the commercial print media into four general categories: the ultra-leftist dailies which operate as press organs of the Chinese government; the rightist and ultra-rightist dailies which are informally or formally linked

to the government in Taiwan; and the dominant centrist dailies which are market oriented, advertising supported newspapers that have attempted to stay neutral in Taiwan-PRC disputes.[2] The existence of papers that are allied to and often supported by the governments of the PRC and Taiwan has helped to foster a Chinese language press which is undoubtedly more prolific and diverse than might otherwise be expected in the colony. International media corporations which control leading publications, such as the *South China Morning Post* and *Asian Wall Street Journal*, have similarly played a major role in the development of the important English language press. The choice of Hong Kong as a base for regional reporting and publication has certainly boosted the territory's significance as an international press centre. However, this external dimension also tends to obscure the weaknesses of the local press.

The vulnerability of the Chinese press that lies behind its robust appearance can be seen in the self-censorship which the centrist Chinese language dailies have reportedly begun to practise in the face of Beijing's virulent attacks on its press opponents in Hong Kong.[3] This increase in editorial self-censorship may foreshadow the Chinese government's ability to stifle the critical spirit of the press after 1997. However, self-censorship and political bias in reporting are certainly not new phenomena in the centrist press. According to Chin-Chuan Lee, at least one major centrist daily, *Ming Pao*, maintained a pro-Beijing story line throughout the last decade.[4] Consequently, it is evident there is as much conformity to political pressure as there is apparent diversity of political opinion in the Chinese language press. The left and right-wing dailies have generally adhered to the views of Beijing and Taipei, while the centre has sought to avoid political controversy. The English language press has not been subject to the same degree of pressure from Beijing[15] Lacking comparable influence within the Chinese community, these publications are seemingly not perceived by the Chinese government as a significant internal threat. Nevertheless, with its external corporate ties and international readership, this sector remains a potentially powerful defender of liberal interests in Hong Kong after 1997.

It is plain that the return to Chinese sovereignty in 1997 presents an enormous threat to the survival of Hong Kong's currently enjoyed press freedoms. The Chinese government's antipathy towards liberal concepts of individual rights and freedoms is well known. Comprehensive control of the media is a well established feature of Chinese communist administration which dates back to the pre-1949 communist controlled base areas. In China today the publication of all newspapers, periodicals and

books, as well as the broadcasting of radio and television, is not only subject to multiple government regulatory controls, but is also enmeshed by the supervisory organs of the Communist Party. Despite periodic moderations in the intensity of control, the primary function of the press throughout the Communist era has been to foster support for party and state policies.[6] Confidence in China's commitments to the preservation of Hong Kong's civil liberties after 1997 has virtually disappeared following the suppression of the Tiananmen protests in 1989. The Chinese leadership has shown that it is not only prepared to interpret its civil liberties commitments in a restrictive manner, but is also prepared to disregard those commitments when vital interests appear to be threatened. Since June 1989 the Chinese government has also made known its restrictive view of freedom of the press in Hong Kong, rejecting any criticism, especially from the Chinese language press, that questions the legitimacy of Chinese Communist Party rule or its major policies.[7] According to the *Far Eastern Economic Review*, in late 1990 the Chinese leadership approved a long term strategy to deal with the press in Hong Kong. This strategy divides press publications into four groups: the Communist Party controlled press, the friendly centrist press, the pro-Taiwan centrist press, and finally the opposition press, which is to be "isolated and attacked."[8]

Following the Beijing massacre, the British and Hong Kong governments sought to stem the collapse of confidence in Hong Kong by announcing major projects designed to bolster the colony's economic and political systems. These included the massive new airport project and, in the area of civil liberties, the incorporation of the International Covenant on Civil and Political Rights (the ICCPR) into Hong Kong law in the form of a Bill of Rights.

The ICCPR, one of the two principal United Nations treaties setting international human rights standards, was first applied to Hong Kong in 1976 when Britain ratified both treaties for itself and its dependent territories.[9] However, ratification had little effect on the Hong Kong legal system. Without domestic legislation, Britain's acceptance of the ICCPR only amounted to a virtually unenforceable international obligation. The protection of civil liberties in Hong Kong, including freedom of the press, therefore remained a matter of administrative discretion, largely excluded from judicial review.

The importance of the ICCPR to Hong Kong rose sharply in 1984 with the signing of the Sino-British Joint Declaration in which Britain agreed to return the colony to Chinese sovereignty in 1997. In this treaty the

government of the PRC also committed itself to the preservation of the ICCPR and its companion covenant, as applied to Hong Kong by Britain.[10] This commitment was later enlarged upon in the Hong Kong Basic Law, the fundamental Chinese statute enacted in April 1990. This law sets out the guidelines for the structure of the post-1997 Hong Kong Special Administrative Region (the "SAR") and the relationship of the SAR with the Central People's Government in Beijing.[11] Article 39 of the Basic Law states that the Covenants shall remain in force and shall be implemented through the laws of Hong Kong.

The Hong Kong Bill of Rights, which came into effect on 8 June 1991, effects a transfer of responsibility for the protection of civil liberties from the administration to the judiciary. It is also an attempt to anchor China's general commitments regarding the ICCPR to a body of case precedents to be issued by the Hong Kong courts under the Bill of Rights. The enactment of the Bill of Rights is, therefore, an unprecedented opportunity to entrench a liberal civil liberties regime into the legal fabric of Hong Kong. Yet, it also represents a heavy burden for a legal system that is entering the instability and uncertainty of decolonization. In these circumstances it is not at all clear that the system is capable of serving as the primary means of protecting civil liberties. For many Hong Kong publications which depend on an open pluralistic society for their survival, seeking legal protection under a Bill of Rights after 1997 is an option which raises more questions than it answers.

The cynical, but probably accurate, answer to these questions is that China, through its power of interpretation over the uncertain language of the Basic Law, can easily override legal constraints to silence its critics in the press. Yet, this response is also simplistic in its assumptions about the health of press freedoms in Hong Kong and ignores the complex colonial history that underlies the development of the media. The colony's long tradition of repressive press laws, curbed in application by liberal administration, has created a press system that is especially vulnerable to pressure from Beijing. This tradition, coupled with the larger problems of a colonial legal system ill-equipped to survive the pressures of decolonization, has grave implications for the future of press freedoms under the new Bill of Rights.

The Colonial Legacy

In 1844 when English law was formally introduced to the newly acquired Crown Colony of Hong Kong, the concept of freedom of the press was well established in Britain. As early as 1695, liberal arguments in favour of press freedoms, advanced by progressive thinkers such as Locke and Milton, brought about the abolition of government press licensing. In the United States, the adoption of the First Amendment of the Constitution, which prohibits the enactment of any law abridging freedom of speech or of the press, occurred fifty years before China's cession of the island of Hong Kong in the Treaty of Nanking. Liberal views on the importance of a free press were, however, not always consistent with the needs of colonial authorities in distant parts of the British empire. Constant vigilance against threats to British authority was a necessary and accepted part of colonial administration. While military force was available for emergencies, the legal system was expected to serve as the principal means of preventing the spread of subversion among the local population.

Throughout its existence, the government of Hong Kong has dealt with threats to colonial security and public order by means of criminal prosecution, either under English statute or common law or local ordinance. Through several decades of piecemeal legislation, the government accumulated a formidable armoury of legal powers. These laws enabled it not only to punish anyone seeking to overthrow or unlawfully alter the colonial form of government, but also to prevent the publication of any ideas or opinions which might instigate such subversion. Although the postwar liberalization of government policy has led to a reduction in this armoury in recent years, press and publication legislation in Hong Kong remains more restrictive than in Britain.

Aside from its broad emergency powers,[12] the government's principal legal instrument for the control of subversive publications is the law of sedition. Under this law it is a criminal offence to engage in any activities intended to undermine the authority of the British or Hong Kong governments. These activities include publication of anything intended to bring into hatred or contempt, or excite disaffection against, the administration of justice; to raise discontent or disaffection amongst the inhabitants of Hong Kong; to promote feelings of ill will or enmity between different classes; or to incite persons to violence or to counsel disobedience to law.[13]

In the early decades of this century, as an English and Chinese press developed in the colony, the government also enacted legislation which created specific press-related criminal offenses and established a statutory basis for extensive regulatory control over newspaper publication.[14] In 1951 these ordinances were collected into a single statute entitled the Control of Publications (Consolidation) Ordinance (the CPCO).[15] It was

not until 1987 that this extraordinary collection of press control related offenses and administrative powers was the subject of major legislative reform. The CPCO prohibited any publication calculated to persuade anyone to commit any offence or to join any prohibited political group, as well as the publication of "false news likely to alarm public opinion or disturb public order."[16] Under the CPCO the government held the power to prohibit the import of any publication prejudicial to the security of the colony and the power to suppress or suspend for six months any newspaper for press related offenses.[17] This law also provided a consolidated statutory basis for regulatory powers over, among other things, the registration of news agencies, newspaper proprietors, printers, publishers, editors and distributors, as well the licensing of printing presses.[18]

The government effectively rescinded the CPCO in 1987 through an amendment which renamed the ordinance the Registration of Local Newspapers Ordinance and stripped it of much of its content.[19] The retention of newspaper and news agency registration attracted little public attention as compared to the outcry which greeted the government's attempt to preserve the offence of publishing false news, through an amendment to the Public Order Ordinance.[20] In 1989, after suffering a barrage of criticism from the Hong Kong press, legal and academic communities, and further criticism from the Human Rights Committee (established under the International Covenant on Civil and Political Rights), this offence was repealed.[21]

The electronic media of Hong Kong, like most electronic media in the world, are subject to a more restrictive regulatory regime than applies to the print media. This distinction is often justified on the grounds that the influence of these media is much greater than that of newspapers and periodicals. In addition, the relatively small number of frequencies available for broadcasting creates a natural limitation on competition that requires government intervention.[22] Whether the latter concern has retained its validity is open to question, given the opportunities for competitive programming that have resulted from technological advances in satellite and cable communications. However, for governments that are concerned by the consequences of spontaneous action by their citizens, the powerful effect of television on the attitudes and opinions of viewers remains a sensitive political issue. The sense of personal involvement in the 1989 Tiananmen protests in Beijing felt by the several hundred thousand Hong Kong residents, who demonstrated their support in the streets, was a remarkable display of television's power to affect public opinion. This effect no doubt made a deep impression on

China's leadership.

Television broadcasting in Hong Kong is licensed under the Television Ordinance which subjects all licensees to an extensive range of detailed programming and service obligations.[23] As a condition of every license, no television programme may include any material likely to mislead or alarm; encourage or incite crime, civil disorder, or civil disobedience; discredit the law or social institutions or serve the interests of any foreign political party.[24] Under the Television Ordinance, the government's Broadcasting Authority also holds a residual power to prohibit the broadcast of any programme which threatens the peace or good order of Hong Kong.

In addition to regular broadcasting license revocation procedures under the ordinance, which include rights of notice and appeal, the Governor may revoke a license summarily when in his opinion it is necessary to do so for the security of Hong Kong. Radio broadcasting is subject to the licensing and regulatory requirements of the Telecommunications Ordinance.[25] This long standing ordinance makes it an offence for any person to transmit a telecommunications message which he knows to be false and also grants the Governor the power to prohibit the transmission of any telecommunications message when necessary in the public interest.[26]

In spite of its history of restrictive press and publication legislation, Hong Kong has a justifiable reputation for enjoying one of the most liberal press regimes in Asia. In recent decades the government has combined its legislative powers with a generally tolerant attitude towards the press, permitting a broad spectrum of opinion and criticism to appear in the media. The influence of post-Second World War concerns in Britain and elsewhere regarding civil liberties has played an important role in the development of this policy. In addition, the antipathy felt by many Hong Kong Chinese towards the Communist government in China and their consequent willingness to live under British rule has also encouraged a liberalization of government press policy.[27] The authorities have acted with restraint in bringing prosecutions for political offenses involving the press; the last reported prosecution for seditious publication occurred in 1952. Ironically, this case was against the editors of a mainland controlled newspaper, the *Ta Kung Pao*, for publishing allegations that the government had persecuted the Hong Kong people.[28] The government's policy of tolerance is also reflected in minor legal reforms that occurred before the clean-up of press and publication laws in 1987, such as the revocation of regulations requiring the licensing of

all commercial printing presses.[29]

The principle of freedom of speech has not always outweighed colonial security and public order concerns. In 1987 the government sought to replace the legally defective Film Censorship Regulations with an ordinance permitting the censorship of films whenever it is likely that exhibition of the film would "seriously damage good relations with other territories."[30] Although the government was prepared to compromise with its critics by including a reference within the ordinance to the freedom of expression provisions of the ICCPR, it refused to delete the provision.[31] Official censors subsequently relied on this ground to cut sixteen minutes from a documentary film concerning the 1989 Tiananmen protests in Beijing.[32]

Until its decision in 1989 to enact a bill of rights, the Hong Kong government had maintained a British approach towards the issue of civil liberties protection. It asserted that the individual is best protected by an administration based on a liberal philosophy of government and a judiciary which operates according to the principles of natural justice and personal liberty embodied in the common law.[33] The government's position was well exemplified by the Attorney General's statement to the Legislative Council during the "false news" controversy that the public could trust that the prosecution for the publication of false news would only be used as a measure of last resort.[34]

The historical combination of repressive press laws and liberal administrative policy presents a difficult legacy for Hong Kong after 1997. Should the Central People's Government in Beijing or its supporters within the government of the future Hong Kong SAR order the enactment of laws restricting currently enjoyed press freedoms, colonial legislation is filled with useful precedents. Many restrictive laws have only recently been revoked, and others lie dormant on the statute books.[35] It can be argued that the Bill of Rights offers an opportunity to turn the page on the troublesome colonial past and entrench a liberal civil liberties regime in Hong Kong that is up to international human rights standards. However, even if the Chinese government accepts the entrenchment of such a regime, it is not clear whether the colonial legal system is capable of effectively carrying out this responsibility.

The Pressure of Decolonization

Hong Kong's legal system is often described as one of the major accomplishments of British rule, the successful creation of the "rule of law" on alien soil. Yet, however much English law is accepted, or at least tolerated, by a majority of the population,[36] the legal system remains both alien in its origin and colonial in its form. Its very success may well be bound to the British colonial relationship. Consequently, it is open to question whether this system will have sufficient resilience and legitimacy to survive the transition to Chinese sovereignty and serve as a basis for the protection of civil liberties.

The law of Hong Kong, which rests on a doctrine of English law supremacy over Chinese customary law, has developed in most areas by following the statutory and case law precedents of Britain. While there are many specific divergences, the colony has remained closely tied to the British model. It is a system that has benefited the territory and resulted in a sophisticated legal system far exceeding the capabilities of the colony's own limited legal resources. However, the most efficient elements of the colonial system are not necessarily those which will most easily survive the transition to Chinese sovereignty and continue to play a positive role in the administration of the Hong Kong SAR.

Perhaps the most troubling problem created by Hong Kong's dependency on British legal and administrative models is the language of the law itself. While the exclusive use of English may have seemed unremarkable in a British colony, it is certain to be a contentious issue in a post colonial setting. Yet, while many Hong Kong Chinese already find it unsatisfactory that the law should be expressed in a language barely comprehensible to most of the population,[37] few solutions lie in sight. The entire body of English common law plainly cannot be translated into Chinese. Apart from its many specialized terms that lack Chinese equivalents, the translation of a sufficient corpus of case law is an inconceivable task. Beyond these technical concerns, Tomasz Ujejski has singled out a deeper and more complex issue regarding the translation of Hong Kong law. He questions whether the philosophical and ethical basis of the common law is so inextricably bound to the linguistic structures of the English language that full translation is a true impossibility.[38] The government has recently introduced measures to address the language problem, such as the planned translation of all Hong Kong statute law into Chinese and the introduction of spoken Cantonese, as well as Chinese documents, in the Magistrates' courts. However, as the government concedes that English must remain the principal language of the law, the ability of these measures to address the problem of legitimacy is doubtful. In the long term, the perception of many Hong Kong Chinese that a foreign language legal system is an anachronism is likely to seriously undermine the authority of the law. For those who attempt to use the Bill

of Rights to protect press freedoms after 1997, the ease with which the law can be made to appear remote and irrelevant to the life of the Chinese community presents a serious obstacle. The authority of a court order can be easily deflected if the authority of the law itself is in question.

The protection of civil liberties under the Bill of Rights also faces difficulties that arise out of the current state of the administration of justice. The structure of government in Hong Kong has remained virtually unchanged since its establishment. In spite of recent efforts to remove its colonial image,[39] the territory remains a colony under British law, subject to the direct authority of the Crown. Supreme executive and legislative power continues to rest in the position of Governor, who is assisted by the Executive Council, which advises on executive matters, and the Legislative Council, which advises on and consents to legislation under the presidency of the Governor.[40] Hong Kong is, therefore, a colony in which the Westminster model of decolonization, the development of cabinet government responsible to the legislature, has been stillborn.

The colony has traditionally depended on a highly centralized and executive-dominated bureaucracy that has provided both political leadership and government administration. British government supervision and guidance have been directed through the Foreign and Commonwealth Office since its amalgamation with the Colonial Office. In the absence of democracy, the government has sought to establish greater legitimacy in the local Chinese community through the use of formal and informal channels of consultation with community groups and individuals. The domination of the senior levels of government by British and other foreign expatriates has historically been a sensitive issue. However, the government of Hong Kong has successfully reduced its reliance on expatriate officers as a result of civil service reforms initiated in the late 1960s.[41] The Legal Department, which is responsible for most aspects of the administration of justice, has been an exception to this trend. British and other Commonwealth lawyers continue to dominate middle as well as senior ranks of the Department, constituting three fifths of all government legal officers.[42] Efforts to increase the number of local lawyers in the Department have not been markedly successful. While many Hong Kong Chinese have entered the legal profession in recent years, most have preferred to practice in the private sector. Moreover, according to a Hong Kong Institute of Personnel Management survey, a majority of local lawyers expect to emigrate before 1997.[43] Efforts to "localize" the Legal Department have

until recently foundered on the lack of experienced local lawyers willing to accept the political risks and reduced circumstances of government service.[44] The Department has now embarked on a programme of intensive grooming of selected local lawyers within the Department for senior positions and the phased reduction of expatriate staff.

In the past expatriate lawyers have played an important role in maintaining the essential compatibility of the local legal system with that of Britain. The shared social, cultural, and educational background of legal officers in Hong Kong and London has no doubt contributed to the considerable autonomy the colony has enjoyed in legal affairs. Nevertheless, the dominance of non-Chinese speakers, largely without ties to the local community, has also perpetuated a gap between the highly British character of the legal administration and the Chinese character of the community. The government's current efforts to change the personnel within the legal Department are not intended to alter the character of legal administration. Consequently, the transition to Chinese authority will be especially difficult for legal administration in Hong Kong, as it attempts to find its identity as an independent common law jurisdiction and at the same time suffers a loss of experienced personnel with the departure of expatriate government officers.

The judiciary has also been a traditional bastion of expatriate service, containing many members who previously served in the ranks of the Legal Department. In 1989, apart from Chief Justice Sir T.L. Yang, only two Hong Kong Chinese judges sat among the thirty-one judges of the High Court and Court of Appeal.[45] Although the recruitment of local judges is a government priority, expatriate judges are expected to play a significant part in the judiciary for at least another decade. The lingering presence of non-Chinese faces on the senior bench, until now an accepted part of colonial life, has already begun to provide an easy target for critics of the legal system.[46] As Hong Kong shifts responsibility for the protection of civil liberties from the administration to the judiciary, the dominance of expatriate judges, however experienced, will inevitably detract from the authority and legitimacy of judicial decisions among the local community.

The enactment of the Bill of Rights is a heartening development for the protection of freedom of the press in Hong Kong. If the liberal doctrines present in international human rights law can be successfully incorporated into local law, the government will have created a barrier to the abuse of individual rights that did not previously exist in the colony. Yet, as it is clear to everyone concerned with this project, making

the Bill of Rights effective will be a formidable task.

The commercial press may well be sceptical of the guarantees it has been offered under the Bill. It remains dogged by restrictive media laws which, despite government restraint in application, remain available for the future SAR administrations. Moreover, in turning to the Bill for protection, the press is faced with a legal system that has yet to overcome its own colonial past. In a state of weakened legitimacy, the law will clearly require the energetic support of the government of the SAR if it is to survive decolonization with its authority intact. Therefore, it seems unlikely that a legal system which is dependent on the goodwill of the executive can also serve as an effective base for the protection of individual rights against abuses of state power.

Notes

1. Jesse Wong, "Hong Kong Cables's Collapse Tells a Story of a Battle of Wills Among Partners," *Asian Wall Street Journal Weekly*, 18 March 1991, p. 1.

2. Chin-Chuan Lee and Joseph Man Chan, "Hong Kong's Press in China's Orbit: Thunder of Tiananmen" in *Voices of China: The Interplay of Politics and Journalism*, ed. Chin-Chuan Lee (New York: Guilford Press, 1990), p. 142.

3. Cheryl Wu-Dunn, "For Hong Kong Journalists, A Hampering Deadline: 1991," *New York Times*, 14 November 1990, p. 5.

4. Lee and Chan, "Hong Kong's Press in China's Orbit," p. 151.

5. A sign of Beijing's apparent indifference to English language press criticisms can be seen in its willingness to allow the sale of these publications within China while banning the distribution of several Chinese language publications.

6. J. Polumbaum, "The Tribulations of China's Journalists after a Decade of Reform" in *Voices of China*, p. 49.

7. "Big Brother's Blacklist," *Far Eastern Economic Review*, September 1990, p. 24. See also Li Demin, "Rumours are Rumours," *People's Daily* (Overseas Edition), 11 November 1990, p. 3.

8. Ibid.

9. The ICCPR and its companion covenant, the International Covenant on Economic, Social and Cultural Rights, were adopted by the UN General Assembly in 1966 and came into effect ten years later following ratification by a sufficient number of member states.

10. *Sino-British Joint Declaration on the Question of Hong Kong* (1985), Annex I, pt. XIII.

11. *The Basic Law of the Hong Kong Special Administrative Region of the P.R.C.*, April 1990, 3rd sess. of the 7th National People's Congress.

12. Emergency Regulations Ordinance (1964), Cap. 241 *Laws of Hong Kong* [LHK].

13. Crimes Ordinance (1970), Cap. 200 LHK, s.10 (i).

14. These included the Chinese Publications (Prevention) Ordinance (1907), the Printers and Publishers Ordinance (1927), and the Prohibited Publications Ordinance (1938).

15. Control of Publications (Consolidation) Ordinance (1951), Cap. 268 LHK.

16. Ibid., s.3 and s.6.

17. Ibid., s.7 and s.8.

18. See the Newspapers Registration and Distribution Regulations (1951), Cap. 268 LHK, s.18; the News Agencies Registration Regulations (1951), Cap. 268 LHK, s.18; Printing Presses (Licensing) Regulations (1951), Cap. 268 LHK, s.18; and the Printed Documents (Control) Regulations (1951), Cap. 268 LHK, s.18.

19. Control of Publications Consolidation (Amendment) Ordinance (No. 15 of 1987).

20. Public Order (Amendment) Ordinance (No. 16 of 1987).

21. For more detail see Article 19, International Centre on Censorship, *Freedom of Information and Expression in Hong Kong* (London, 1988), p. 8.

22. Consultative Committee for the Basic Law, *Final Report on Freedom of the Press*, (14 March 1987).

23. Television Ordinance (1988), Cap. 52 LHK.

24. Television (Standards of Programmes) Regulations (1987), Cap. 52 LHK, s.27.

25. Telecommunications Ordinance (1983), Cap. 106 LHK; *Radio Programme Code of Practice* (Hong Kong Government Printer, 1985).

26. Telecommunications Ordinance, s.33.

27. Liu Siu-Kai and Kuan Hsin-chi, *The Ethos of the Hong Kong Chinese* (Hong Kong, 1990), p. 19.

28. *Fei Yi Ming and Lee Tsung Ying v. The Crown* (1952) 36 *Hong Kong Law Report* [HKLR] 133.

29. Printing Presses (Licensing) Regulations (1951), Cap. 268 LHK, s. 18.

30. Film Censorship Ordinance (1988).

31. For more detail see Johannes Chan, "Freedom of Expression: Censorship and Obscenity in Hong Kong" in *Civil Liberties in Hong Kong*, ed. Raymond Wacks (Hong Kong: Oxford University Press, 1988), p. 210.

32. Jill McGivering, "Censorship in the Spotlight," *South China Morning Post,* 24 May 1990, p. 8.

33. K. Chan and K. Lau, "Some reflections on the Human Rights Committee's Hearing of the United Kingdom Second Report on Dependant Territories, held November 4-5, 1988 in Geneva," (1990) 20 *Hong Kong Law Journal* 156.

34. Emily Lau, "Alarming the Press," *Far Eastern Economic Review,* 26 March 1987, p. 10.

35. The government of the PRC has frequently demonstrated a knowledge of colonial history and a willingness to use past practices against Britain in furtherance of Chinese policies. For example, in recent disputes over financial plans for a new Hong Kong airport, the Chinese government has relied on decade-old Hong Kong government policy statements regarding the need for fiscal conservation, to oppose Hong Kong's current plans. *Financial Times,* 23 April 1991, p. 4.

36. Liu and Kuan, *The Ethos of the Hong Kong Chinese,* p. 127.

37. Tomasz Ujejski, "The Future of the English Language in Hong Kong Law" in *The Future of the Law in Hong Kong,* ed. Raymond Wacks (Hong Kong: Oxford University Press, 1989), p. 165.

38. Ibid., p. 183.

39. In recent years, for example, the Hong Kong government has routinely made use of legislative amendments to replace the word "colony", where it appears in local ordinances, with the name "Hong Kong."

40. P. Wesley-Smith, *Constitutional and Administrative Law in Hong Kong,* 2 vols. (Hong Kong: China and Hong Kong Law Studies, 1987), 1:151.

41. Ian Scott, "The Supply of Professionals in the Hong Kong Civil Service" in *The Hong Kong Civil Service and its Future,* eds. Ian Scott and John P. Burns (Hong Kong: Oxford University Press, 1988), p. 65.

42. Ibid.

43. Steve Glain, "Impasse in Appeals Court May Jeopardize Hong Kong's Tenuous Independent Legal System," *Asian Wall Street Journal Weekly,* 13 May 1991, p. 2.

44. Scott, "Supply of Professionals," p. 65.

45. *Hong Kong Judiciary Report* (Hong Kong: Government Printer, 1989), p. 12.

46. *Asian Wall Street Journal Weekly,* 13 May 1991, p. 2.