

# Let's accept NPC interpretation and move on



## HONG KONG FORUM

By David Lau

secretariat@ncforum.org.hk

The announcement last Friday that the Standing Committee of the National People's Congress (NPCSC) will meet this weekend to interpret the Basic Law annexes governing electoral methods for the chief executive and the Legislative Council "subsequent to the year 2007" has caught the attention of the public and caused mixed feelings in Hong Kong. Professor Wang Zhenmin, deputy dean of Tsinghua University Law School, said that the interpretation would have "the same powers as the Basic Law and should be abided by various parties".

He also said that interpretation was "extremely necessary to clarify some major issues of principles".

Article 158 of the Basic Law clearly stipulates that "the powers of interpretation shall be vested in the NPCSC."

Chief Executive Tung Chee-hwa also gave assurances that "the interpretation is a good thing for Hong Kong, as it would put an end to the wrangling, so that the political debate could progress".

Yet feelings in Hong Kong are still very mixed.

Many critics said that the interpretation would undermine Hong Kong's autonomy under "One Country, Two Systems" and preempt discussions on universal suffrage.

Furthermore, they felt that "the more the Basic Law is interpreted, the more Hong Kong's high degree of autonomy is weakened and the rule of law threatened".

From media reports that followed, we noticed that some sectors of the community, including some political leaders, were planning to stage a series of actions against the NPCSC plan. These activities include joint press conferences, inviting the chief executive to attend a specially convened Legislative Council meeting to discuss the subject, candlelight vigils and a repetition of the July 1st mass rally.

"I think Hong Kong would accept the NPCSC interpretation as an effective way to get on with real business, instead of spending time on unproductive arguments that lead us nowhere."

Whether these plans will proceed as scheduled or are merely suggested proposals, of course, remains to be seen.

At this stage it seems appropriate to take a critical look in a calm manner at the overall issue. I wish to take the opportunity to share some of my personal observations.

a) We all remember the trauma Hong Kong went through in the interpretation of the Basic Law in 1999. The action was initiated by the Hong Kong SAR government through the chief executive on the right of abode issue which was basically a Hong Kong matter within "two systems".

This time the contentious issue is certainly not a purely Hong Kong matter as it falls squarely within the "one-country" boundary. After all, any proposed changes to be made in choosing the chief executive have ultimately to be approved by the NPCSC. The central government has therefore taken the initiative to seek interpretation to clarify any doubts in future discussions by exercising its rights as enshrined in Article 158 of the Basic Law.

Some people may dislike it, but Hong Kong has to abide by the Basic Law as a total entity, which gives us "One Country, Two Systems." As Secretary for Justice Elsie Leung pointed out, "you cannot just pick the bits you like and disregard the ones you dislike".

b) Whilst many wish to see interpretation of the Basic Law used only sparingly, many Hong Kong people fully accept the central government's logic that there is a genuine need to seek interpretation on this occasion. I expect overall reactions this time in Hong Kong, if any, to be relatively mild compared to 1999.

c) I believe many will agree that the July 1st rally was very much a demonstration of Hong Kong people's anger and

dissatisfaction over a vast number of different and perhaps unrelated subjects. They include angry owners purchasing their homes at the peak of the property market then suffering from negative equities, high unemployment, the economic downturn, the handling of the SARS outbreak in addition to legislation of Article 23 of the Basic Law.

The then target was the chief executive and the SAR government. If a rally is to be organized on this occasion, it will target the central government, which has up till now owed Hong Kong nothing. It has given the SAR great support economically and politically. The latest example is the effort to help Hong Kong boost its economy through the Closer Economic Partnership Arrangement and the Individual Travellers Scheme. I have my serious doubts that a rally against the central government, if organized now, will attract a huge crowd.

d) Most Hong Kong people are practical-minded. There are of course many problems confronting Hong Kong and the people's sentiments today have greatly improved and are quite different from that of July last year.

In conclusion, I think Hong Kong would

accept the NPCSC interpretation as an effective way to get on with real business, instead of spending time on unproductive arguments that lead us nowhere. The meetings of the NPC Standing Committee will take place soon and let us look at the results.

May I take the opportunity here to point out that Hong Kong, being an integral part of China, enjoys a high degree of autonomy through powers delegated by the NPC in accordance with the Basic Law.

To a great extent, Hong Kong enjoys a higher degree of autonomy than many US states such as California or New York State. For example, Hong Kong is a full member of APEC, the WTO and the International Olympic Committee, etc, while no state or province of a country normally enjoys such privileges. If Hong Kong wants to have better things, including better constitutional development, let us work together diligently and in harmony.

The author is deputy convener of New Century Forum and former secretary for home affairs of Hong Kong. He is also a delegate of the Chinese People's Political Consultative Conference