THE
HONG KONG
URBAN COUNCIL
THE CASE OF THE
ELECTED MEMBERS
FOREWORD

This small booklet has been written especially for presentation to Members of Parlia-
ment in Britain and others who may not be aware of the undemocratic system in Hong Kong.

The undersigned are all elected Urban Councillors, one being the Senior Elected Member of thirty years' standing, and several others having served for ten to twenty years.

Some are members of the Reform Club of Hong Kong, and others are independent of any party, but on the issues described in the booklet they are agreed: reforms in the Urban Council are necessary and cannot be longer delayed.

The undersigned represent the majority of the twelve elected Urban Councillors, and they have considerable public support. The remaining members, all members of the Civic Association of Hong Kong, appear to have, unfortunately, chosen to make an unofficial coalition with the twelve appointed side, and their leader, a Government-appointed Legislative Councillor, had strong support from appointed members when he was elected Vice-Chairman of the Council in April, 1979.

Signed:

B.A. Bernacchi, OBE, QC, JP (on behalf of himself and other Reform Club Members Dr. Henry Hu OBE, JP and Miss Cecilia Yeung)
Elsie Elliott, CBE
(Dr.) Denny M.H. Huang
Cecilia Yeung
Tsin Sai-nin
Maria W.C. Tam
Augustine S.K. Chung

September 1979
1. The Historical Background
(a) Review of the Membership of the Urban Council

In 1946, after the Second World War, the Urban Council consisted of five ex-officio members and six appointed unoficials. In 1952, two elected members were added. Later in 1952, the number of elected members was increased to four.

In 1956, two more appointed and four elected members were added, making a total of eight elected and eight appointed; the ex-officio members then numbered six. Since this date, the number of elected and appointed members has been increased equally, the final addition to date being in 1973, when the ex-officio members ceased to take part and the number of unoficials was increased to twenty-four, twelve being elected and twelve appointed.

(b) The Franchise

From time to time the franchise has expanded. It now covers a large number of privileged categories. No one knows how many persons are entitled to vote, because the number of eligible persons in each category is counted, though some may be duplicated or triplicated if they qualify in more than one category. In any case, the number is not likely to exceed 10% of the total population. Moreover, the cumbersome exercise of registration prevents many qualified residents from making application. The final electoral roll therefore seldom rises above 1% of the total population of Hong Kong.

From the list of categories, however, it is clear that most of Hong Kong’s enormous workforce, its housewives and small businessmen, are excluded from the franchise. Yet is is among the unenfranchised that injustices are likely to occur: when they do occur, the victims have no representation.
(c) Jurisdiction
The Urban Council has jurisdiction over public recreation and amenities, cultural affairs and some aspects of health. Excluded from its jurisdiction are education, public housing, social welfare, town planning, transport and fire services.

(d) Reforms of 1973
For twenty-five years efforts had been made and motions passed in the Council in an attempt to make it more representative of the people of Hong Kong.

In 1966 therefore, an Ad Hoc Committee consisting of two elected and two appointed members was set up to study what changes were possible. This committee recommended that a Greater Hong Kong Council or a Hong Kong Municipal Council should be set up with responsibility for internal matters of the community.

In the same year, a Working Party appointed by the Government recommended that local authorities be set up in various areas of the territory, having an elected to appointed membership ratio of 3 or 2 to 1; it recommended a wider and simpler franchise, and that the Council should have some say in matters of policing, fire and medical services, public housing and educational facilities.

These reports were studied by the Urban Council and in 1969 their final report was submitted to the Government. It recommended that the Council should be renamed "The Hong Kong City Council", that it should be responsible directly to the Government, and that elections should be held on a territorial basis. It proposed that elected members should number 20 against appointed members 10, and that it should freely elect its own Chairman. Under its jurisdiction
would be housing, licensing, street lighting, management of schools, health education, traffic and transport, as well as its usual responsibilities. It would also have representatives on the Town Planning Board; and it would have its own finance.

When the Government White Paper on these proposals appeared in 1971, it bore no relation to any of the recommendations in the Ad Hoc or the Working Party's reports. The White Paper gave a few additional licensing duties, but left housing undetermined and later removed it completely from Urban Council jurisdiction. This has been a sore point ever since, and public housing has in no way benefitted by this retraction of power from the Urban Council. Most other powers of the Council remained unchanged, but the Council was given financial autonomy, at least in name. The franchise remained unchanged.

Although the Council was given financial autonomy, and was allocated a portion of the rates for its work, its spending was still accountable to the Government, and in its budget it had to pay about 80% of all income in salaries to personnel of the Urban Services Department, its executive arm; these employees remained in the civil service, status and salaries being decided by the Government. The White Paper removed the officials from the Urban Council, but added two elected and two appointed members, leaving the same equality in number, a fact which has been the root cause of frustration among elected members. Since 1973, not only has housing been removed from its jurisdiction, but the Council's powers have been gradually eroded by removing from its jurisdiction the management of car parks, wholesale markets, and control of advertising signs on the pretext that the Council cannot dispose of dangerous signs.
The retrograde reforms of 1973 also introduced direct appointment by the Government, without consultation with other elected members, of two of their colleagues to the Legislative Council, having the effect of weakening the coherence of the elected side.

(e) Emasculation of the Elected Side

With six ex-officio members on the Council prior to 1973, the rift between the elected and appointed side had not been too obvious. Ambitious appointed members sometimes joined the elected members in what passed as a kind of opposition in favour of better policies for the people. However, with the officials removed, it soon became obvious that the outspokenness of leading members on the appointed side was a token of their ambition rather than a care for the people. The takeover by the appointed side, its senior member in particular, was complete from the outset. He has remained Chairman from 1973 to the present time. The elected side was split between the two main parties, the Reform Club and the Civic Association, with the independents seeking unity between them. The appointed side exploited this split to the full. They found that by making a secret agreement with an individual from the elected side to vote for their senior member as Chairman in exchange for the position of Vice Chairman, they could be assured of complete power over the Chairmanship of the Council and all the Committee Chairmanships. The same applies to policies: these too have been controlled by the appointed side since 1973.

The Urban Council public meetings had been the scene of lively debate in the pre-1973 era. But two motions ended debate. The first limited all debates to matters within Urban Council jurisdiction. This ruling has been carried
out literally so that even matters related to the Council, such as debating the expansion of Urban Council jurisdiction and the franchise, are ruthlessly ruled out of order. A second motion in which the powers of the Urban Council were delegated to the Standing Committee of the Whole Council, put all debates of any kind behind closed doors, since the Standing Committee meets in secret. The public can no longer see how their elected councillors vote on issues of concern to the electorate and to the ratepayer. Public debating, except for the conventional annual debate, has ceased and the public meeting has become a dull ritual.

It has been denied that the appointed side is told how to vote, but an observer at any meeting would not fail to notice the complete unanimity of the twelve appointed members on all important issues. No doubt they feel that as Government appointees they are expected to uphold Government proposals, led by their senior member.

A recent management consultants' study of the Urban Council made the following pertinent remarks:

"In any organisation, particularly one aiming at a rapid pace of change planned by the Council, too great reliance on one man is unreliable and could also lead to frustration on the part of other members. We feel that under such circumstances they will find it increasingly difficult to keep abreast of and thus contribute to the development of the activities of the Council in a meaningful and democratic manner."

We cannot do better than to express our frustrations in these quoted words, coming, as they do, from objective, neutral and experienced management observers (Peat Marwick, Mitchell & Co. "The Urban Council").
We have come to believe that it is the Government's intention that this situation should continue, that the powers of elected members should be depleted, and that the Council should eventually be just another Government advisory body without powers, but with the empty shell of an election. While retaining the elected element in the Urban Council as a veneer to appear like democracy, the Government has indicated utter contempt for any movement towards democratic representation of the people of Hong Kong.

2. Arguments against Reform of the Urban Council

(a) "China wouldn't like it"

This is what we are told by every visiting Member of Parliament who acts on his briefing from the colonial Government. The argument is not a new one. It has been used in one form or another for well over a century.

Throughout the history of Hong Kong as a colony, there have been promises of representative government made by the "Mother of Parliaments", but each promise has been broken on the excuse of the expediency of the time — the Taiping Rebellion, the Anglo-Chinese Wars, the Russo-Japanese War, the Sino-Japanese War — and now, that "China wouldn't like it".

In fact, "China" has not spoken on this subject. When Mr. Even Luard answered a question on this matter put by a Member under the last Labour Government, he admitted that China had made no representations to the British Government concerning Hong Kong. (Question by Frank Hooley, 9th May, 1977) All that China has said, and that publicly, is that she does not recognise Hong Kong as being a colony, that it is an integral part of China, and that it will be taken back "when the time is ripe".
In recent talks in Peking between high officials of the Chinese Government and some Hong Kong Urban Councillors, Mr. Liao Cheng-chee, Vice Chairman of a People's Congress was asked whether Peking had any objections to democratic progress in the Urban Council. Mr. Liao replied that Urban Council reform in Hong Kong was a question to be decided by the Hong Kong or by the United Kingdom Government.*
*Mr. R. Parry, MP., received a similar reply from Mr. Pang Kwong-Hon, Secretary to the Ministry for Overseas Affairs, during a recent visit to China, in respect of social progress.

That Hong Kong could never seek independence is obvious to everyone, and indeed no one has suggested such a possibility.

(b) Appointed Members have Special Ability

Another argument against reform of the Urban Council is that appointed members are chosen for their special ability and are needed to guide the Council. Some arrogant appointed members like to think that this is the truth. One might query who is the omniscient person who has the ability to choose those with special ability? If self-interest means special ability, we are not lacking in that kind of appointment. Appointments carry with them a great deal of prestige: and closeness to the Government can lead to power and wealth. The interests of the people, the silent majority, never enter into this argument. Yet there is a wide chasm between the thinking of the appointed members on Government bodies and the people they are supposed to serve, an appalling ignorance, in fact.

Hong Kong could be better served by an elected body responsible to the electorate, with expert advisers in fields such as town planning and finance, paid personnel who will give guidance and advice on a salaried rather than a self-interest basis. The present system gives rise to social ambition, social climbing, and a seeking after honours: in this sense the system is totally corrupt.
If these two arguments ((a) and (b) above) against reform are valid, then no doubt every country could opt out of its responsibility under the United Nations Charter which requires that the people be given the right of representation in Government. These arguments differ in no way from the arguments offered by dictatorships, bureaucracies and other undemocratic systems worldwide. They are a disgrace to the "Mother of Parliaments".

3. Arguments in Favour of Reform 
(a) Non-Representation Creates Injustices

It is often argued that the Hong Kong people are not clamouring for reform. This is ostensibly true. Maybe they have given up hope. In fact they have been so deprived of basic as well as political education that they do not know what to ask for. What they do clamour for is justice, fair policies, equal opportunities, and the right to be consulted before new policies are made and passed down as "faits accomplis." And surely this is what politics and democracy are all about: the right to representation to ensure justice in law, fairness in policy, and basic human rights.

(b) Growing Aspirations

Free primary education was introduced into Hong Kong in 1971, and free secondary education in 1978. With education come enlightenment, rising aspirations, and the demand for human rights. Already our young people are learning to struggle for just causes and to reject unfair policies. If they are to grow up as responsible citizens, this trend should be encouraged and given scope. In fact, the reverse is happening. Many young people who have taken up just causes have been convicted in the law courts under an emergency regulation introduced during riots in 1967, the Public Order Ordinance, which allows three or more persons to be arrested for unlawful assembly even when holding a peaceful meeting or presenting a petition. Other more recent laws against loitering no doubt have the same purpose in view, but are more stringent in
that a single person found "loitering" anywhere in any building or public place may be arrested and charged, after which it is his responsibility to prove his innocence. The result can only be a greater awareness among young people, and a move towards radicalism when they find that their reasonable requests meet with no peaceful solutions. Frustration leads to hatred and possibly violence. One cannot deny the trend of history towards self-determination without risking revolution instead of evolution. The fact that Britain has experienced fewer revolutionary movements than most other countries can only be attributed to the liberality of her laws and participation in government by the people.

(c) Lack of Channels of Communication

The Riot Enquiry of 1966 found a serious gap in communication between the Government and the people. The same gap was obvious in the riots of 1967. Yet strange to say, the Government proceeded to "bridge the gap" by stifling all movements towards reform, as in the Urban Council's reform case. Instead, it set up a so-called "Ombudsman", UMELECO (Unofficial Members of the Executive and Legislative Councils). It is highly unlikely that people with complaints against the Government system will be able to find a solution by going to that same Government with their complaints. In some minor matters such as changing names on identity cards, checking on immigration delays, and directing people to relevant Government departments, UMELECO may have had some successes. These much-publicised successes are just routine matters which can be settled without fanfare at any elected Urban Councillor's ward office. A recent report by UMELECO suggests that the reduction in the number of cases last year from 3462 to 3169 may have resulted from more effective response by Government Department to public complaints. The ward offices of elected Urban Councillors showed no such downward trend.
As a result of the same riots in 1966-7, the Government set up the City District Officer (C.D.O.) scheme. In theory, the CDO explains Government policies to the people, and conveys the people's complaints to the Government. But CDOs are Government servants and are scarcely likely, if they want to keep their jobs, to support the people against the Government. The scheme has become virtually a one-way street, with the frustrated people figuratively kicking against closed doors.

The ward offices of the Urban Council, run on a shoe-string, dealt with far more cases of public complaint in 1979 than the properly manned office of Umelco. Yet, while the work of UMELCO gained mention in the Government's Annual Report for that year, not a word was mentioned about the role of the Urban Council Ward Offices, which play an important part in linking policy and people. There is now a well-founded rumour that the Appointed Members hope to discontinue the ward office work; this would not be surprising since they have shown no interest in attending their ward offices to make links with the people for whom they formulate policies. The Elected Members to whom the people go with their problems because they are trusted, would strongly oppose any attempt to eliminate this one strong link with the Hong Kong residents.

4. Proposals

It remains now to make proposals on what reforms are necessary, without disturbing the delicate balance of a colony that is not a colony, an entity that is not an entity, a province of China that is not a province of China at present, but a bit of all these things and yet an integral part of China. Steps should now be taken towards:

(1) a fully elected Urban Council, by phasing out the appointed members four at a time and replacing them by elected members;
(2) universal franchise before the next election in March 1981, so as to prevent control of the polls by pressure groups, and to give every adult identity card holder a citizen's right to choose his/her own representative on this one public body which holds elections for office;

(3) extending the jurisdiction of the Urban Council into such areas as housing and other matters related to the everyday life of the people;

(4) election of members to the Legislative Council to replace the present appointees who in no way represent the people; the officials should for the time being remain members; alternatively, a fully elected municipal council should be introduced, as proposed by Britain after World War II and sabotaged by some families or firms which now hold most of the power of the Legislative Council.

Frustration since 1973 has gripped the Urban Council, and killed public interest in it. In its present form the Urban Council is completely ineffective and its work could be carried out by the Urban Services Department without in any way changing its ineffective performance. Unless the Urban Council is reformed, and that urgently, this only public body with elected representatives of some of the people will die a natural death. The bureaucracy will then take over, policies will be passed and put into effect without opposition of any kind, and the stage will be set for the next round of disturbances caused by frustration. The people are being blatantly exploited by Government business-policy-makers and big business and monopoly concerns of private origin. No community can continue indefinitely if it ignores the interests of the silent majority of its citizens.