Once the Basic Law had been finalised by the People's Republic of China, the issue of progress towards democracy appeared to have been decided. No one had in the past challenged the undemocratic British constitution for Hong Kong, the Letters Patent, and most people considered that the constitution enacted by China would be accepted as final. In the letters of exchange between the British and Chinese Foreign Ministers there was no evidence that Mr. Hurd had seriously attempted to press for the OMELECO consensus, and in fact he admitted he had no right to dictate China's law. Even if he had pressed the consensus, it is certain that China would not have accepted the proposal because it had taken China six years of consultation and law-drafting by hundreds of experienced people from China and Hong Kong to reach the conclusions of the Basic Law, and Britain had no right to dictate even though many of Mr. Hurd's proposals had been accepted and included. It was highly unlikely that an afternoon's debate in the Hong Kong Legislative Council would take precedence over so many years of study. The Basic Law was not to be changed at the drop of a hat.

While expressing disappointment, most members of the Legislative Council felt they could live with the Basic Law which had been greatly improved in the final draft. The conclusion was that twenty of the sixty seats were to be up for direct election, as Mr. Hurd had proposed. Four more of the sixty were to be directly elected in 1999, and a further six in 2003, as accepted by Douglas Hurd. Moreover, the Election Committee for electing these ten seats before 2003 would include business people, professionals, grassroots representatives and experienced politicians, almost exactly according to Mr Hurd's proposals. Only the nine new functional constituencies were not spelled out in detail, probably because such constituencies had already been in operation since 1985; there were already 21 of them in 1991, and the nine new ones were expected to follow the same pattern. This is an important point to notice because it was precisely this omission, accepted no doubt on trust in the Basic Law, that would lead to serious dispute in 1992 and thereafter.

The Basic Law made it quite clear that there would be no elections in 1997 if the 1995 elections were based on the same pattern as laid out in the Basic Law, and those elected in 1995 would, if they fulfilled certain conditions, continue in office until the 1999 elections. This transition for the Legislative Council was known as the "through-train".

The final wording of the Basic Law was made public on 4 April 1990, and on the same day Martin Lee moved his first ever motion in the Legislative Council, calling for immediate amendments to the newly published Basic Law, though he must, as a lawyer, have known that this was a stage show and could not possibly be accomplished. Compared with the bitterness of his later speeches, what he said on that day was relatively mild. He criticised the limit on foreign passport holders permitted to sit on the Legislature, and continued his complaint on the number of elected seats, calling again for the OMELECO consensus. He also called for the right to amend the Basic Law by the Hong Kong courts, though, strangely enough he had never made such proposals in respect of the colonial constitution. That day Martin gained about seven votes from
his own party members then known as the United Democrats. Almost all other members considered a smooth transition in 1997 more important than a few minor changes that would scarcely make any difference in an administrative-led Government.

I have mentioned the OMELECO consensus again in this chapter because it was used so many times later by Martin Lee's party in their criticism of other parties who had originally voted in favour of the consensus. It was also the forerunner of another movement aimed at reducing the sovereignty of China, namely, the Bill of Rights, which followed closely on the enactment of the Basic Law.

Most people felt that the Bill of Rights was Britain's sop for having removed their right to live in Britain should things go wrong in 1997. How Britain could imagine that, if China had any bad intentions on the people of Hong Kong, a Bill of Rights would make any difference, I cannot imagine. The Basic Law gave China the right to abolish any law in 1997 that was not compatible with the Basic Law, which makes it even clearer that Britain was treating the Hong Kong people as fools. In the event, China played wisely and changed only such laws as had been enacted in Hong Kong for the likely purpose of causing some instability and an undermining of law and order.

The Motion on the Bill of Rights was moved by Mrs. Selina Chow and was debated on 27 June 1990. Mrs. Chow, one of the Legislative Council's most capable chairpersons, spoke eloquently on the Bill, pointing out that there might be some conflict of opinion in the proposal to entrench the Bill in the Letters Patent, in order to give it supremacy over China's Basic Law in 1997. She explained that some members feared a possible weakening of law and order. Indeed, all the law-enforcement bodies in Hong Kong had expressed reservations and requested a freeze period to give them time to consider the impact on law and order.

During the debate Mr. Ho Sai-chu said, 'To date no country or territory in the world has ever adopted an international covenant as its highest law unless it is a trust territory governed by the international community.' Most members favoured fixing a freeze period to give the law-enforcement bodies, especially the Independent Commission Against Corruption, time to readjust their policies. Actually, I think Mr. Ho was wrong, in that Canada has incorporated a Bill of Rights into law, but has faced problems. Only recently I notice that in Canada there are even rules in Quebec requiring all businesses to put their name in enlarged French letters while English must be below and smaller. That does not sound as though their Bill of Rights is being fairly implemented. As to the point about the Independent Commission Against Corruption, I had spent more than twenty years of my life fighting the curse of corruption and I did not want to see a return to that curse.

Martin Lee, with his usual eloquence aimed at winning an argument rather than considering the security of the community from crime, called for the immediate implementation of all human rights, without freeze, and without exception. "If one right is taken away today," he harangued the Council, "then tomorrow no right is safe." And if the least of my brethren loses his rights
today, then tomorrow I will lose mine." Dramatic words for posterity! But how sincere were they? Lee had not spoken up in the days when young school students had been imprisoned in 1967 for "unlawful assembly" consisting of three persons. He had not spoken up in the early 1980s when one of the least of his brethren, children as young as seven years old, had been hauled before the court on charges of "unlawful assembly" for going with their parents on a trip to Government House to present a petition on housing. He had never spoken up on human rights under colonial rule, nor had he criticised Britain for signing the International Covenant on Human Rights fourteen years earlier but took not one step towards democracy. It was only when his "bete noire", China, announced that she would take back Hong Kong in 1997 that he cosied up with the west and mimicked the sayings of the United States' politicians of the extreme right who demoralise any country that does not bow down to United States' political systems and politics.

At the debate on that day, Szeto Wah said, "Please take a look at the real life tragic example (sic) all over the world. Countries where human rights are most relentlessly ignored are more often the most corrupt and unstable, and countries where human rights have been given greater protection are always better in maintaining stability and a clean administration." Yes, do take a look to see if that is entirely true. He did not name a single country to prove his theory, because even countries that offer human rights can be just as corrupt, and upholding human rights in theory is different from practising human rights, as I am sure many black Americans, for example, can testify.

Kingsley Sitt was more to the point when he said during that debate, "These eighty signatories (to the International Covenants) agree in principle to a bill of rights, but because of different circumstances a great majority of them would rather adopt it in the form of an unwritten code than make it a superior law with overriding authority." He pointed out that of the eighty countries that had signed the covenants, only Canada had those rights incorporated into domestic law.

Mr. Tai Chin-wah in his speech warned against entering uncharted waters and proposed handling the matter at the right time, according to Article 38 of the Basic Law, to enable the Basic Law to survive after 1997. It was an appropriate warning in the light of what happened later.

David Cheung Chi-kong, a school master and now a pastor in Britain, pointed out the conflict in a bill which might enhance the freedom of some to the detriment of the victims of crime, saying, "I dread to see the day when people can do as they wish, claiming immunity behind the Bill of Rights. Such abuse will upset the value system, break the moral fibre of society and destroy civil order .... I cannot accept condoning or accommodating wrong-doings in the name of human rights."

Mrs. Nellie Fong seemed to anticipate the future accurately when she said, "In view of the negative comments from the Chinese authorities, should I assume that China has been consulted and for some reason objects? I am concerned about this, as I believe it would be exceptionally damaging if a major piece of legislation like this is introduced now on a unilateral basis in a climate of mistrust, and was reversed in 1997. Has enough thought been
given to this?" And indeed she was right, as we saw in 1997.

For myself, I pointed out that the Basic Law actually offered a better deal than the Bill of Rights. For example, Article 68 of the Basic Law makes a commitment that "the ultimate aim is the election of all members of the Legislative Council by universal suffrage" while Article 21 of the Hong Kong Bill of Rights deviously states, "Every citizen shall have the right and the opportunity ... and without reasonable restriction, to vote and to be elected at genuine periodic elections which shall be held by secret ballot." This article is followed in Part III among the Exceptions and savings of the Bill of Rights stating "Article 21 does not require the establishment of an elected Executive or Legislative Council in Hong Kong."

In fact, for 150 years the colonial government had been coy about democracy. I ended by saying that as the Basic Law was based on an international declaration made before the whole world, it might be the best hope for the future.

I abstained from voting on the Bill.

From the very day that the Basic Law came into being, it seemed that Martin Lee was bent on splitting the community, trying to force people to support his views and denigrate everyone who would not. He proclaimed that he had the support of the west, as if that was our goal, though obviously it was his. The press were also under pressure and were soon dubbed "pro" or "anti" China. Members of the Legislative Council found themselves in an intimidating position. Every word they said was used against them unless they toed his party line. The party was well-organised, well prepared and always had a secretary from the United States who claimed to have constant contacts with Washington, all inimical to China. No one could compete with their brilliant propaganda which was ready to take up all social issues to make it appear that they were working for the welfare of the people. Above all, they had members or supporters in the media which recorded their every action favourably but ignored those who did not follow the same line of thought. In my over thirty years of political life, I had never felt so much under pressure, so much hampered in making my views known on any subject unless they coincided with those of that party.

The Bill of Rights was eventually passed, but it was not long before it created problems, especially for the courts. Judges had to make decisions on unwritten rights for which there were no laws, so they could no longer look into law books or for precedents on those issues. Having to make judgments on the spur of the moment because legislation did not exist, some amazing judgments transpired. One judge, faced with an appeal by a prisoner seeking his right to read the racing news while in prison, made the most ludicrous decision. "I enjoy reading the racing news myself," he said, "so why shouldn't he?" The answer to the judge's question of course was that the prisoner was in prison while the judge was a free man. The rule had been made in prison that the racing news should be excluded because many prisoners were in prison as a result of gambling, and some of them continued to gamble in prison which often led to violence. On an appeal by the Attorney General, the judge's decision was set aside. If the case had not been serious it would have been hilarious. What do judges know about life at the grassroots or in the prisons that they have to make policy judgments?
In another case, an accused wanted for debt was attempting to escape from Hong Kong. Under the law he should have been stopped at the airport, but because of the Bill of Rights he could not have his movements restricted, so he escaped. The debtor's freedom under the Bill of Rights removes the victim's rights. In this way, many criminals have escaped and many of their victims have had to suffer. The Bill of Rights offers many loopholes for criminals, and a great deal of business for lawyers who know how to find the loopholes. But where are the rights of the victims?

The strongest opposition to the Hong Kong Bill of Rights came from China, not because of human rights but because it was given supremacy over China's Basic Law for Hong Kong. All the hard work put into the Basic Law had been overruled by one afternoons debate in Hong Kong, making it subordinate to a Hong Kong Bill. China had no alternative to removing the clause giving it that supremacy immediately after regaining sovereignty in 1997.

By sleight of hand, Martin Lee and his supporters then told the world that China had taken away Hong Kong's human rights, which was totally untrue, because all China did was to remove the Bill's superiority, while all other articles remained unchanged. Western countries swallow all this so-called democrat propaganda because they are told only a fraction of the truth, and because some of them want to believe the lie. These lies have been carried around the western world by people like Martin Lee and Emily Lau, and no one can gauge the damage they have done to Hong Kong by frightening away capital investment, tourists and goodwill. It could well be that those who are trying to destroy our economy at this time may have been influenced to damage Hong Kong, though information on who the blackhands are has not been published. Certainly the gloom and doom message has done irreparable damage to Hong Kong's reputation. If that is how they show their care for Hong Kong, could an enemy do worse? I found that the most disappointed visitors at the handover ceremony on 30 June 1997 were foreign journalists, one of whom told me that their assignment was to film only disturbances against the change of sovereignty and not the celebrations. They had expected a huge show of anger against China but found only a handful of about a dozen. They had been told to film the menacing tanks entering Hong Kong, but when the tanks entered they saw only singing and dancing as the people welcomed their arrival. I had seen the same thing happen in China in 1949 when the People's Liberation Army entered the city where I was living then. We had been warned of violence, pillage and rape, but none of it happened.

From the time that the Basic Law was passed, Martin Lee seldom made a speech on any subject unless he could bring in some gloom about 1997. The issue of the new airport offered another opportunity. Many Hong Kong people, as well as China's leaders, opposed the expensive venture and believed that Britain was trying to grab lucrative contracts for British firms at Hong Kong's expense. Some of us felt that representation by China on the project would safeguard Hong Kong's interests which coincided with China's. Martin Lee and his associates however opposed China's participation, especially the power of veto by which China was to protect exploitation of Hong Kong. They also objected when China demanded that a substantial amount of reserve funds be set aside in the trust of the People's Republic of China,
to safeguard them for Hong Kong's future. In fact, all the funds were handed back to Hong Kong immediately after reunification. Again, Martin Lee was shown to be wrong, as he has been time and time again, but he still continues his tale of woe. During a debate on that issue, the late Stephen Cheong, a bitter opponent of Martin Lee, said, "For the past few years the self-proclaimed democrats of Hong Kong, of whom Martin Lee is their star leader, have embarked on a role of pushing their own Utopian interpretation of a high degree of autonomy in Hong Kong to mean quasi-independence from the sovereign state of China. The United Democrats have continued to play on the deep-seated fear of past history of communist China; as such they continue to preach the message of gloom and doom, especially in the international forums.... I therefore plead earnestly that Mr. Lee and his colleagues of the United Democrats of Hong Kong should climb down from their egoistic ladder and learn how to be seasoned and effective leaders of Hong Kong working for the overall and long-term interests of Hong Kong, and not just for the short-term election results of the 1991 elections." In this debate only seven members supported Martin Lee's views, while 37 voted against him. That defeat would not, of course, prevent Martin from speaking abroad "for all the Hong Kong people". In fact, that very night he left for London to propagate his views to the British Members of Parliament, most of whom knew nothing about Hong Kong and swallowed whatever they were told.

The confrontation continued, and on 26 June Martin Lee referred to charges that had been laid against five of his party members for raising funds for the party without the necessary permit. As a lawyer he must have known that, even if we believe the law is wrong that does not give us the right to break it. Needless to say he did not succeed in convincing members that his party should be exempt from the law.

Martin's call for human rights always seemed hollow to me because it was such a new-found virtue. Besides, he did not practice human rights himself. He had never put up a single woman candidate for election either to the Legislative Council or the Urban Council, and it was probably because of criticism on this point that finally in 1998 he put up women candidates in two areas, but because the voting was by proportional representation, it was only a gesture. They were at the bottom of their lists and had no hope of winning a seat. Apparently his human rights do not extend to equal rights for women, though he always speaks and votes for equal rights. Seeing is believing and we have yet to see a woman of his party on the legislature.

On 26 June 1991, in a debate on the death penalty, Martin Lee said: "As to public opinion, we as legislators should no doubt pay heed to the wishes of the public, but it does not mean that we should simply follow public opinion polls in everything." Stephen Cheong quickly picked him up on that, congratulating him for "really coming of age because for once in this Council Chamber he has said 'let us not listen to the views of the people'." It was well-deserved criticism because Martin has all along claimed that he speaks only the views of the people.

In December 1991, the White Bill on Organised Crime was debated in the Council. Smuggling, kidnapping and murder were creating fear among the public. Criminals elements were treated much
more severely in China than in Hong Kong, and that was attracting criminals to hide out in Hong Kong. Fear of an increase in crime had already been expressed in connection with the Bill of Rights, and on this occasion I said, "No one can accuse me of opposition to human rights. But my demand for human rights extends not only to an accused person who is not guilty as charged, but also to the victims whom the law seldom seems to address." When the Bill of Rights came before the Council, I did not support it because I could see that it would open a can of worms, which in fact it did. Drug traffickers can now evade charges; debtors can escape their debts by going abroad, gangsters can be let loose on bail. It is the victims and the public who have to suffer. Instead of an open-ended Bill of Rights I would have preferred, and actually proposed, an orderly revision of existing laws rather than a sudden opening of the flood-gates to crime. I supported the Bill to fight organised crime, and for more effective action against crime. However the organised crime bill, when finally passed was very much watered down in the name of human rights.

Lawyers like Martin Lee appear to view the world from the aspect of the criminal, which of course is what they are paid to do in a criminal defence case. Unfortunately they all too often become tied to the niceties of the law and cease to see the justice of the case and its effects upon the victim. The consequence is that human rights may become licence to commit crime. We all know how far the cry for human rights has gone in the United States, which is the model for people like Martin Lee. In the United States the right to hold a gun has removed the right of others to live in safety, even the right of children to go to school without the possibility of becoming the victims of gun-toting madmen.

Why should we wish to follow the United States where the crime rate, especially homicide, is said to be the highest in the world?

China was more than tolerant after reunification to remove only the clause which gave the Hong Kong Bill of Rights supremacy over the Basic Law, Hong Kong's Constitution. Article 39 of the Basic Law can now be implemented as stated in that Article, "through the laws of the Hong Kong Special Administrative Region".