CHAPTER 10

Pyrrhic Victory for the Patten Plotters

After the gazetting of Patten's Electoral Bill, members of the Legislative Council had to get down to the usual task of scrutinising it. The lines had already been drawn: it would be an outright struggle between those who realised that convergence with the Basic Law in 1997 would be in jeopardy, and those who also knew, but depended on foreign support to flout China's mini-constitution for Hong Kong. They insisted on living in the unreality that the international community would bully their country into submission. As Mr Ngai Shiu Kit had quoted from Sun Tzu, they did not know themselves, and they certainly did not recognise who their enemy was. In between these two major groups there was a small number who stood in neither of the two opposing camps, some of them being pushed by their constituents or by other loyalties. They were being threatened with a choice between supporting Patten, or just drawn by conscience into what Emily Lau stridently but untruthfully dubbed the "communist" camp. Emily had not caught up in Chinese history since the days of the Cultural Revolution twenty years earlier, and suffered from a one-track mind that only western democracy "one-man-one-vote" would solve all the problems of Hong Kong. Szeto Wah, like Emily, saw only two types of people: those who thought as he did, and "red pigs" as he called them.

I have frequently referred to the pro-Patten camp as the Martin Lee camp, so would like to explain why I do so. It is simply that the word "democrat" (which they adopted for their party) if used to describe Martin Lee and his all-male core members, sticks in my throat. I had never heard him utter a word about democracy even during the most corrupt period in Hong Kong's most recent history, that is, after World War II. I had never heard him complain about the colonial political system which was totally undemocratic and without a single elected seat on its legislature. I had never heard him speak up when people had been thrown into prison for holding an "unlawful assembly" of only three persons. I had never heard him criticise the existence of the Deportation and Detention rules by which whistle-blowers on corruption and drug-trafficking could be imprisoned without proper trial, without defence lawyer or witness but on the word of policemen only - rules that were not abolished until June 1995, apparently just in time to affect China but not Britain. How could one believe that such a person could suddenly become a champion for democracy with such dramatic passion?

Some of the younger members of Martin Lee's party are no doubt genuine idealists and do assist the people at the grassroots, though it appears to me that they are used as pawns in a power game, because the party's power rests in the districts where these young idealists work among the people and draw the votes for the party. One or two have already become disillusioned because there is no openness in the party and they may not know the real policy of the party, which to all intents and purposes would appear to be: confront China on every possible issue.
With the two main camps facing each other, scrutiny of the Bill was sure to be controversial. Among those whose views were uncertain was Jimmy McGregor. Known to be very "Britishy British" he had nevertheless ridiculed Patten's nine new functional constituencies. In fact, all members apart from the Martin Lee camp who thought in terms of how many seats the Patten reforms would add to the credit of their party, were opposed to the nine new functional constituencies. I suspect that Martin Lee had had a hand in working out these constituencies, but whether or not that was the case, the plan would double the votes of his supporters, increase the number of his party's seats by artificial means, in fact, it was gerrymandering. They would undoubtedly fight for the party's interests, whether or not that was fairplay.

Eventually, Allen Lee's party, the Liberal Party, along with some of the independents mainly from the "Breakfast Group" decided to move an amendment to the Election Bill. This latter group had originally been set up by me to enable the independents to get together to discuss Legislative Council issues, pick each others' brains, and where possible find a consensus for voting on those issues. There was no membership, no chairman, no "whip", and even after reaching a consensus there was no obligation to vote accordingly. It was, and is, independent in every sense of the word, because it left members free to follow their own consciences. I was no longer a member, having quit when I became House Committee Chairman, because I considered that I should not be seen to be partial to any group in the Council. Perhaps I was wrong in leaving the group because my successor as Chairman of the House Committee considers there is no conflict of interest and remains a member. The "Breakfast Group" is now known for its pragmatic approach unfettered by any party loyalty or interests.

When the Liberal Party intimated that it would move an amendment to Patten's political package, in the hope of saving the smooth transition that most people wanted, I merely acted as the go-between because among themselves there were differences of view on some issues or some parts of the package. I did not approach Martin Lee's party because cooperation with that party would have been impossible, and they did not wish to amend the package in the same areas. Nor did I approach Emily Lau because she had only one item on her agenda, "one-man (or woman)-one-vote", and she intended to introduce a private Bill for that purpose.

Jimmy McGregor was one of those consulted on the Liberal Party amendment, because he had been so much opposed to the nine new constituencies, because they were so far removed from the concept set up by the colonial Government in 1985 and by which he had gained a seat in 1988. Jimmy gave some input to the proposed amendment but some members felt they could never really trust him to vote against what had come from Britain, whose colonial service he had served all his life. One of the most active leaders of the group working on the amendment was Martin Barrow. I mention his name because of what happened later. He was an executive of Jardines, the original "kings" of Hong Kong who had brought the drug trade to China and who clearly did not want to give up sovereignty to China in 1997. I knew some of the company's Chinese colleagues, and they were fully in support of the amendment against Patten's package, though they had no vote, not being Legislative Councillors.

Another legislator who did not fit easily into any category was the
representative of the legal profession, Simon Ip, a member of the "Breakfast Group" but also responsible to his constituents, the legal profession. Martin Lee had previously been the representative of the legal profession, but he was a barrister and no doubt found it easy to speak for the Bar Council which had similar political views to his own. Simon Ip had problems because he was a solicitor and most of his constituents were solicitors. There were some conflicts of opinion between the two branches of the legal profession, and Simon's difficulties arose because the Bar Association was more radical in its views than the solicitors, members of the Law Society. I believe I am right in saying that the Law Society is more open-minded and would have preferred a smooth transition so were willing to make some compromises, while the Bar Association was more rigid. Its members were named in Chinese "big lawyer", which gave the public and some of the barristers the impression that they were in some way superior to solicitors. I have reasonable friends in both categories, but must admit that a few barristers set themselves up as the legal authorities and insist on their views being right every time.

So far as I can gather, Simon Ip found most of his constituency, in which solicitors vastly outnumbered barristers, would have been happy to support the amendment, and Simon himself certainly did, and intended to vote for it. Being in a sensitive position with the barristers, especially Martin Lee and the Bar Association, he took no part in the preparation of the amendment but made it clear that he would not support the Patten camp.

One of the most formidable barristers was Margaret Ng. I had known her for many years as an academic, but had to meet her again when she entered the Bar. She attended a meeting of the Legislative Council in a discussion on admitting lawyers into the Supreme Court as recorders. The Bar Association was putting the case for allowing only barristers to take up this position, which involved litigation. After putting forward their views the members of the Bar sat in the visitors' seats where they were then expected to listen but not speak as the other party, the solicitors, put their case. During the course of the discussion with the solicitors I asked a question, the gist of which was why were the two not treated equally since a solicitor may be good at litigation while there was no proof that all barristers would perform better than solicitors. The remark was quite innocently intended, but to my surprise, Margaret jumped up and shouted across the room, "What have you got against barristers?" In fact, the answer was "Nothing". I find such strong-minded persons rather intimidating, and I suspect that Simon also shrinks from aggressive people. He is a thinker, fairminded, and a person of high principle. He was to be put through the mill on the day that the Patten package was debated.

Another doubtful member expected to support the amendment was Hui Yin-fat, the representative for the Social Welfare functional constituency. He was also a member of the "Breakfast Group" but it was always difficult to know which way he would vote, and of course no one questioned his freedom to vote as he liked, except that he was said to have been put under pressure that day too.
By the time the Bill was to be given its second and final readings it was clear that the Patten plan would not have a majority, even counting the three compulsory votes he would get from the three officials, that is, the Chief Secretary, the Financial Secretary and the Attorney-General. The officials, whatever their private views are required to vote with the Government, and members had repeatedly requested that the three should be asked to abstain on the grounds that all members had freedom of choice except these three. Patten of course refused, backed up by those who claimed to be democrats. He knew he would be defeated without those compulsory votes and even probably with them. So much for his constant claims to be fair and open, and that his package was acceptable to the Hong Kong people. It was becoming more and more obvious that there was a conspiracy to keep some kind of control on Hong Kong, either by British administration (a plan that had already failed) or by putting in place a legislature that would control in Britain's place. In spite of all the manipulation, it seemed certain that the Liberal Party amendment would still pass by a majority of three. What the Liberal Party and their supporters had not counted on was the depths to which Patten and Martin Lee would stoop to get their way.

We were all aware of the goings-on at Government House, that in the week before the Bill was to be read, some members were being called to Government House. One of these was Jimmy McGregor, and it was not difficult to guess why, or for that matter, the likely outcome of those visits. The story of what went on there is better told, if not always accurately, by Patten's biographer Jonathan Dimbleby who was a guest at Government House. Chapter 14 of his book does no credit to the subject of his record, Patten. The title, "Inside I am Crowing Like Mad" reveals the kind of brash person the Governor is, and how unfit he was to undertake the delicate diplomatic mission that the change of sovereignty demanded. Patten, as Governor, is supposed to represent the British Crown, and any British person knows that as a constitutional monarch, the Queen takes no part in politics, and indeed is not permitted to do so. All previous Governors I have known fulfilled that job according to the Royal Instructions. Patten played the politician throughout his governorship, and finally turned Government House into a political party headquarters rooting for himself and the Martin Lee party. I am not convinced even now that he should not be impeached;" for he demeaned his office and put international relations with Britain in jeopardy. Dimbleby reports that even the Governor's righthand man, Edward Llewellyn "acknowledged that Government House had been like a whip's office." One wonders how Her Majesty would have reacted if she had known what her "representative" in Hong Kong was doing.

Dimbleby began Chapter 14 of his book by saying that the outcome of the vote on Patten's political package lay in the balance and that the mood in Government House was gloomy. Patten believed that his governorship would not survive if the Bill was defeated. Obviously he was concerned about his own position, his own future. We in the Legislative Council were concerned, as he should have been, about the future of Hong Kong, and that was the big difference between us and the so-called democrats. Dimbleby says that Martin Lee was almost in despair, and blamed the Governor for not giving sufficient support, while the Governor blamed Lee for the same reason. Lee had calculated
that even with the three compulsory votes in his favour (don't forget that Lee was claiming to be fighting for democracy but depending for success on compulsory votes from civil servants), the amendment would have 31 votes to Patten's 28. This is a clear admission that the Patten plan was not acceptable, but rather than accept defeat they were prepared to stoop to using pressure and moral intimidation. They had then decided to concentrate on the "waverers" to make an all-out moral and psychological attack to gain their ends.

Lee, so we are told and the facts prove, this to be correct, promised to work on Lau Wong-fat, using what I would call a mal-practice. Originally Lee's party had intended to make an amendment to cancel the three Legislative Council seats allocated to the Heung Yee Kuk, a rural organisation in the New Territories which Lee had long wanted to strip of its powers. He now promised Patten that he would make a bargain with Lau by cancelling the proposed amendment on condition that Lau in return would support Patten. To his credit, Lau refused. He had no reason to feel under any obligation to Martin Lee.

Lee also promised to put some pressure on Simon Ip, his successor as representative of the legal profession. Simon himself told me of the awful experience of the pressure put on him by Martin Lee. Dimbleby, however, revealed that Margaret Ng was even more pressing than Lee. To say the least, she had forgotten that democracy is supposed to allow freedom of thought and speech, and in any case, even if Simon was expected to follow the guidance of his constituency, her views were not necessarily those of the majority of his constituency, and according to information given to me, they were not.

Dimbleby reports that Patten was "in something of a frenzy" and the night before the debate he had to take a large dose of sleeping pills. I would like to think that he was worried by his conscience at the unconstitutional methods he was using to win his case, but fear that he was concerned only about his own future. He was behaving like a political party whip instead of a representative of a constitutional monarchy and he knew it. Moreover, he knew that he did not by any means have the support of the majority of the population, though his efficient one-sided propaganda machine always claimed otherwise, and he had told the world that he had the support of the people.

The following day, the day of the big debate on the Bill, began badly for me. At seven in the morning I had a phone call from Britain to say that my brother-in-law had died suddenly and my sister was deeply depressed. But there was nothing I could do except wait until opportunity came to phone her later in the day. The matter of Hong Kong's smooth transition was the most crucial matter for everyone, so I had to smother my tears and go on with the job in hand. In the press I read that Martin Barrow had been pressed, by the Prime Minister to drop his support for the amendment. I did not believe it because I had seen him the previous day and he was just as strongly as ever against the Patten package which he had assisted in opposing through the amendment. I arrived early at the Legislative Council Building and found Martin looking for me to say he would abstain from voting. I had never seen the usually cheerful Martin looking so unkempt and distraught. Apparently he had not slept. I asked him if it was true, as the press said, that he had agreed with the prime Minister to change his stance. He did not admit
that the Prime Minister was involved but did admit that he had received a call from London, that he had thought about the matter all night, and made his "own decision" to abstain. It was impossible to believe that it was his own decision, but the question is, what made him change his mind so suddenly? It emerged that several persons were involved in this plot: the Jardines, the Prime Minister and Patten. The nearest guess would be that Patten had approached his friend, the Prime Minister, who had approached his friend, one of the Jardine (Keswick) family, who had then approached their employee, Martin Barrow. But what kind of pressure caused one of the drafters of the amendment to give up the cause to which he had been so dedicated. Could his job have been threatened? Perhaps we shall never know, but the fact that Barrow abstained from voting at all would show that he had not actually changed his mind. Dimbleby reveals that the Government House plotters were aiming at persuading as many as possible to change their stance, abstain, or just "go to the toilet" while the vote was being taken, all in the noble cause of democracy.

The attack on Simon Ip was just as undemocratic and merciless, likewise Vincent Cheng. Even now, four years later, Vincent groans at the thought of what he underwent. He was in a worse position than anyone. He had been appointed to the Legislative Council and could therefore be targeted by Patten to support the Governor. Vincent was not one to yield to such pressures. At the same time, he could be pressured by his boss at the Hong Kong Bank where he held a high position. Patten and his boggs were at loggerheads on the Patten package so Vincent was being pulled by both sides, and he yielded to neither. Dimbleby claims that the boss, William Purves, threatened to fire him unless he opposed Patten and voted for the amendment, but I find that difficult to believe. Vincent would not have yielded to reward or threat: he had not served in the Independent Commission Against Corruption for nothing. But I do not doubt that Purves would try to persuade Vincent, if it were not for the fact that Vincent was one of the prime supporters of the amendment anyhow. Dimbleby reports, when news reached Government House that Purves opposed the package, Mrs. Patten called him a "bloody traitor". I had always thought Mrs. Patten a gracious lady and did not expect her to use the kind of language one might have imagined her husband would use. I had met Purves a few times, and knew of his disdain, shared by many others, for Patten, though I cannot see how that would make him a traitor, since Patten was no king!

Vincent, so it was reported, may have had other pressures to face. According to Dimbleby, who may have assimilated the prejudices of his friend the Governor, claims that when Lu Ping learned of the pressures being used by the Governor, he too joined in on the side of Beijing. So far China had apparently avoided using that kind of pressure. In fact it was not necessary to use pressure because Hong Kong would in any case return to China in 1997 and the Basic Law would come into operation. Vincent had always been on good terms with the leaders in Beijing, though he avoided politics and was totally pragmatic in pushing only for what he considered good for Hong Kong's future. Nevertheless, he seemed to be pressured on all sides. But he was not to be pushed and stuck to his guns. He voted for the amendment, while deeply resenting all
the pressures being exerted on him.

Pang Chung Hoi was another Member who appeared to be undecided and therefore became a target. He was the representative of what are known as the Taiwan oriented trade unions that support the ruling Nationalist Party in Taiwan, the Kuomintang. In spite of his political connections it seemed that he might support the amendment, and although I had not talked to him personally, I was told that he would not support Patten. Whoever eventually pressed him to vote against the amendment I do not know, but no one could accuse him of being a colonial.

The amendment majority seemed to be dwindling under these pressures, and only Simon Ip's vote stood between Patten and the Liberal Party amendment. According to Dimbleby, Margaret Ng then went into action to "get at him" again. She called for assistance from Denis Chang, another barrister, who called for help to Government House, to try to "engineer a meeting between Simon Ip and C.M. Leung (a Government official), in the hope that the latter might be able to stiffen the lawyer's resolve". Dimbleby continues, "I've got C.M. to lay a trap", said Dinham, the Governor's private secretary whom the Governor had brought with him from Britain and who knew nothing about Chinese affairs. The trap was for Denis Chang to waylay Simon Ip and lead the unsuspecting lawyer to a room where C.M. Leung would continue the pressure. Leung was the Secretary for Constitutional Affairs and his job on that day was to put pressure on anyone who might be wavering. Meanwhile, Margaret Ng was to join in the trap by sitting in the visitors' gallery staring down with her fierce scowl on Simon just as the vote was taken. It was sheer psychological pressure on a man already under heavy pressure.

To make matters worse, one of the Liberal Party members read out a list of the members who had promised to support the amendment. He had asked all of us for permission to read out our names, but had apparently unintentionally overlooked asking Simon Ip if his name could be used as a participant in the making of the amendment. Naturally Simon was angry that his names was included, especially while he was already under heavy pressure. To put the final cap on the matter, apparently Martin Barrow advised him to follow his own way by abstaining from the vote. Simon abstained, and the amendment was defeated by a single vote. Everyone knew that neither Martin Barrow nor Simon supported Patten's plan. The voting on the amendment showed 28 in favour, 29 against, with two abstentions. Patten had actually been defeated because three of those votes in his favour were compulsory, and the two were induced by trickery and pressure from two persons who actually were on the other side, in favour of the amendment.

Martin Barrow had excused his abstention on the flimsy excuse that, being British, he considered that he should not take part in a decision of such importance for 1997. The fact is, that he had not only taken part, but by his abstention he had handed the victory over to the colonials. As for Simon, I saw him soon after the voting and he was totally dejected. He told me about the pressures Martin Lee had put on him and the fact that announcing his name as a supporter of the amendment had been the final straw. Simon was one who should have been
encouraged into politics as a gentleman, a natural democrat, a person of utter integrity, a clear and logical thinker as well as a first-class speaker. But he was not destined to stay in the politics of dirty tricks and vowed he would drop out when his term of office ended the following year. Margaret Ng is reported to have said she felt sorry about having to put such pressures on Simon. The point is that she should not have put any pressures on anyone if she was, as she claims, a democrat, unless she means "democrat, Martin Lee style" which had no qualms about using any way to win for the party.

The next day after the voting, the press completed the slaughter of Martin Barrow and Simon Ip by challenging them as to why they remained on the Legislative Council if they would opt out of voting on a matter of crucial importance to Hong Kong. It was a fair question, but the press may not have known the sorrow of those two who had been forced into a position by dirty tactics. The press, almost always in those days on one side, failed to criticise the ones who had perpetrated the situation, people who claimed to be democrats but behaved like autocrats or dictators.

One member remains to be mentioned in this dirty saga. Everyone was aware that Jimmy had been called repeatedly to Government House, no doubt because of his strong criticism of the plans for the functional constituencies and his contribution to the amendment moved by the Liberal Party. We expected that at least he would support some of the amendments to the Bill. When he supported the Government on clause after clause of the Bill, I said to him (because he sat next to me), "Jimmy, why do you do that?" I have never seen Jimmy look so sheepish as he replied, "I feel I have to," or something to that effect. Of course it was not too much of a surprise because Jimmy never seemed to escape from his colonial career though he claimed he had always stood against Government corruption. In fact, by supporting Patten he was voting against his own constituency, the Chamber of Commerce, which had told him they supported the amendment. He said he would not be elected next time as his supporters were disappointed in his stand. He had no need to worry on that score: as soon as his term of office in the Legislative Council ended, Patten appointed him to the higher office of Executive Council, after which his voice was scarcely ever heard. He had declared repeatedly his intention to remain in Hong Kong for the rest of his life, but in 1997 he left Hong Kong for good. I believe Jimmy McGregor had lost all credibility by this time.

When the amendment failed by trickery, Patten is reported to have said, "Inside I'm Crowing Like Mad." But in fact he had not won. As Allen Lee said next day, "He bulldozed it through. He won by one vote. He didn't let the Hong Kong people decide. He now has a system for 1995 which has no future after 1997..." In fact the decision was based on a colonial majority. The Financial Secretary, the Attorney-General and Jimmy McGregor were all colonials, while Martin Barrow, the one who had caused the amendment to be defeated by his abstention, was also British. On the other side there was only one ethnic British person, myself, but I had voted against the colonials. Moreover, three of Patten's votes
were compulsory, and therefore colonial.

At this point I must correct an error in Dimbleby's book. He claims that after the amendment was "defeated" (which we do not accept), "A number of jittery legislators finally screwed up enough courage to bow to the sentiments of Legco's elected members". To begin with, most members were elected one way or another. I personally, for example, was doubly elected, first by direct election at the grassroots level and second, indirectly elected by a mainly elected Urban Council to which I had been directly elected with the highest vote for over thirty years. Patten played upon the "elected members" argument to cover up his actual defeat. As only about 10 percent of the potential voters ever voted in fact, no one knew the views of the rest of the population. Many did not care, but if taxi-drivers are anything to go by (and they are usually well-informed through talking to their passengers or listening to their car radios), many people thought "these politicians are all alike, only looking after themselves" - and they were talking about candidates standing for election. I think that view is now shared worldwide. Patten had instructed his propagandists to play on the elected argument probably because that would go over well to the more academic members of the population, and even more to the American politicians whose support he had courted.

Another mistake Dimbleby made was in calling the "waverers" "jittery". It was the Patten supporters that had made members jittery. What Dimbleby did not know is that some of the members supporting the amendment had already decided what to do in the unlikely event that the amendment was defeated. Some, like myself, objected under any conditions to supporting the Bill that was to be debated after the amendment was "defeated". Others feared that if the Bill was also defeated, the status quo would have to be maintained. Whenever a Bill was defeated, that must be the outcome, and if the status quo were to be maintained it would mean that in 1995 the elections would follow those in 1991, and these had allowed for 17 members of the Council to be appointed by the Governor. If that should happen Patten would get rid of most if not all of his appointed members, as he had done on the Executive Council, and appoint a large number of his supporters to push through any bill he wished. It was for that reason that a few voted for the package after the amendment was voted down. Elected members, by whatever system, they felt, would be better than Patten appointments. Let Chris Patten and Dimbleby make no mistake about it: Eric Li and Vincent Cheng were no waverers, but they were smart enough to see the consequences if the Bill, as well as the amendment, were defeated and Patten would have a free hand to appoint at will under the status quo. However, Patten also was smart, and knew how to distort any word or action to his own advantage.

Patten's "glorious victory" was indeed a Pyrrhic one. It meant that Hong Kong's progress towards democracy was slowed down by one year, because China then had to set up an interim legislature to arrange for elections and revert to the Basic Law. Nor did it do anything for the Patten friends who had hoped to gain more seats for their party under his gerrymandered arrangements for the 1995 elections. Instead of a "through train" for
1997 there would be new elections in 1998. The party's little plan to grab more seats was also thwarted, not only by reversion to the proper interpretation of the functional constituencies but also because the system introduced in 1998 was a proportional direct election voting system, which meant that each party would be allocated seats only in proportion to the number of votes cast in their favour, a very much more fair system than the previous first-past-the-post system. The fairness of the proportional system is obvious in the 1998 results: Martin Lee's party in 1995 had obtained over 60 percent of the directly elected seats with only 40 percent of the votes, while the rival DAB party had gained only 10 percent of the seats with 30 percent of the votes. In the 1998 elections, each party received the same proportion of seats as votes, proving that it is a fairer system. Naturally that does not please those who were getting more than their real share of the seats, but therein lies their Pyrrhic victory, self-induced.

Patten may have won a Pyrrhic victory by dirty tricks, but from that time on he was sidelined, not only by China, but by many in Hong Kong who realised that he was no democratic hero but one who had found undeserved fame and tax-free wealth in Hong Kong. His name may well go down in history as the last and least liked of all colonial governors in post-war years.