

# 承 諾 的 違 背

## The Breaking of Promises

A broken promise feels like a kick in the groin no matter how much we prepare ourselves for it. It isn't so much about the disappointing outcome, but rather the embarrassment of naïvely believing in the sanctity of the written or spoken word. Call a Hong Konger a selfish bastard or a social climber and he will shrug it off – because he probably is. But call him a gullible fool? Now that really hurts.

OCLP was meant to be a pre-emptive move on the off-chance that Beijing went back on its word. There were times when the Occupy Trio were criticized for not having enough faith in their motherland that it would do the right thing. On August 31<sup>st</sup>, 2014, however, all the bickering ground to a sudden halt and pro-democracy groups were left in stunned silence. That day, the Standing Committee announced the first and the last word on the implementation of universal suffrage for the 2017 Chief Executive election. If the 2007 Decision gave the city a flame of hope, then the so-called **8/31 Framework** snuffed it out completely and conclusively.

### ***The warning shots***

Back in March 2013, the same month that the co-founders held a press conference to announce OCLP, Beijing dropped the first hint that things weren't going to be simple. Qiao Xiaoyang, Chairman of the Standing Committee's Legal Subcommittee, told the pro-Beijing camp at a meeting that any Chief Executive candidate must be someone who "loves China and loves Hong Kong." Never mind what that meant and who would get to decide if the requirement was met. Qiao's comment fueled already widespread speculation that Beijing had every intention of sabotaging our free vote by pre-screening candidates with highly subjective criteria.

On October 17<sup>th</sup>, 2013, C.Y. Leung announced the creation of an **Electoral Reform Taskforce** to be headed by Chief Secretary **Carrie Lam**. Two months later, the taskforce issued a consultation document titled "Methods for Selecting the Chief Executive in 2017" to kick start the first round of public consultation for the **2015 Reform Bill**. It was meant to be an open invitation for anyone to submit proposals on the implementation of Articles 45 and 68 of the Basic Law, including the central question of the size and composition of the Nominating Committee for the 2017 Chief Executive election.

The consultation process, under the banner "Let's Talk and Achieve Universal Suffrage," ended in May 2014. During the five-month period, the government received thousands of proposals from political parties, academics, advocacy organizations and special interest groups. A few weeks later, on July 15<sup>th</sup>, C.Y. Leung submitted a report to the Standing Committee summarizing the range of opinions expressed by members of the public. Everything appeared to be going by the book, even though it all seemed too good to be true.

And it was. On June 10<sup>th</sup>, 2014, while OCLP was still in the deliberation stage and a month before C.Y. Leung submitted his report to the Standing Committee, the **State Council of China** issued a 54-page document to clarify a few things on the "one country, two systems" framework in Hong Kong. The **6/10 White Paper** asserted China's total and complete jurisdiction over Hong Kong, stating that the high degree of autonomy enjoyed by the city came from the Chinese government and was therefore subject to its unquestioned authority. It was a not-so-subtle reminder to Hong Kongers that their way of life lay at the mercy of the CCP. More importantly, it was a stern warning to OCLP organizers not to test the party's patience. Far from achieving its intended goals, however, the 6/10 White Paper only added to the growing cross-border distrust and handed Benny Tai another talking point about Beijing's inclination to limit, as opposed to expand, Hong Kong's political freedom.

### **Bubble burst**

On August 31<sup>st</sup>, the Standing Committee issued its edict on electoral reform under Article 45 of the Basic Law. The 8/31 Framework stated, among other things, that:

*“When the selection of the Chief Executive of the Hong Kong Special Administrative Region is implemented by the method of universal suffrage:*

*1. A broadly representative Nominating Committee shall be formed. The provisions for the number of members, composition and formation method of the Nominating Committee shall be made in accordance with the number of members, composition and formation method of the **Election Committee**...;*

*2. The Nominating Committee shall nominate **two to three candidates** for the office of Chief Executive in accordance with democratic procedures. Each candidate must have the endorsement of **more than half** of all the members of the Nominating Committee...”* (emphasis added)

Under these new guidelines, citizens would have the right to choose their leader in 2017 by popular vote as promised. But the devil was in the details. The framework required that the Nominating Committee be modeled after the existing 1,200-member Election Committee. End of discussion. The intention was to allow the Communists to stuff the Nominating Committee with Beijing loyalists, just as they did with the Election Committee. The nomination process would function as a sieve to screen out any candidate that Beijing did not approve, thereby giving it effective control over the outcome of the election despite the one-person-one-vote concession. In other words, universal suffrage would exist in form but not in substance. It calls to mind the famous line by Henry Ford when he introduced the Model T in 1909: “Our customers can have any color they want as long as it is black.”

The 8/31 Framework – and subsequent clarifications by party officials – also imposed or invented other limitations that had no legal basis under the Basic Law. For instance, there were new requirements that the total number of candidates on the ballot be capped at “two to three,” that each candidacy be backed by majority support (or 600 votes)<sup>17</sup> of the

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17 – In past chief executive elections, candidates only needed one-eighth of the total votes of the Election Committee to secure a nomination. The majority vote requirement in the 8/31 Framework was therefore considered a major step back. To produce more than one nominee, each Nominating Committee member would be given more than one vote.

Nominating Committee, and that the Chief Executive be someone who “loves China and loves Hong Kong.” These additional barriers to entry were as arbitrary as they were amateurish – classic Communist nonsense that would make a law student laugh and his professor cringe.

C.Y. Leung had to share a big part of the blame. Like a bad salesman who falsifies invoices to boost his month-end figures, Leung completely sanitized the findings of the public consultation. In former Governor Chris Patten’s words, Leung and the Electoral Reform Taskforce “told the emperor what they thought he wanted to hear, not what the situation really was.” The report they submitted to the Standing Committee on July 15<sup>th</sup> significantly downplayed the city’s profound concerns over the nomination process. Instead, it characterized the recycling of the much-hated Election Committee as part of the “mainstream consensus.” The looming threat of OCLP – the biggest political story in 2014 – received no mention at all. Although the airbrushed report was hardly the sole basis for the 8/31 Framework (CCP leaders are known to peruse Hong Kong newspapers every day), it did give Beijing the right to tell us that we got what we asked for.

Another glaring omission in Leung’s report was the so-called **civil nomination** option. It was a progressive interpretation of Article 45 that would allow individual citizens to nominate Chief Executive candidates, thereby circumventing the pre-screening Nominating Committee. Not surprisingly, the proposal received enormous public support and was incorporated into all the three proposals in an electronic poll jointly organized by OCLP and HKU on June 22<sup>nd</sup>, 2014. An estimated 800,000 citizens (or over 20% of the city’s 3.5 million registered voters) participated in the **6/22 Referendum** via the “PopVote” smart phone app<sup>18</sup>, which was intended to offer Beijing a true picture of public opinion in Hong Kong.

### ***Don’t spit on my face and call it rain***

The 8/31 Framework was a non-appealable ruling on the 2017 Chief Executive election. Carrie Lam even called it the “rap of a gavel” to signal its finality – so much for her “Let’s talk” slogan. The six-month public consultation turned out to be a sham, and the political monkey show was nothing short of fraud.

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18 – The smart phone app was hit by multiple cyber-attacks and was down for a number of days. In the interim, thousands of citizens lined up outside makeshift polling booths set up at HKU and Polytechnic University to cast their vote. The main reason for the large turnout was believed to be the 6/10 White Paper, which suffragists considered to be Beijing’s pre-emptive strike against OCLP and a confirmation that the CCP would renege on the 2007 Decision.

Outraged, all 27 pan-dem lawmakers signed a pledge on the same day to veto any electoral reform bill modeled after the 8/31 Framework. To those who had criticized the Occupy Trio for not having enough faith in their motherland, it was an “I told you so” moment. At a joint press conference with the pan-dems, Benny Tai called August 31<sup>st</sup> “the darkest day of Hong Kong’s democratic development.” His worst fear now confirmed, the law professor heaved a heavy sigh and said, “our dialogue [with Beijing] has reached the end of the road.”

You can’t blame Tai for being dramatic. In one broad stroke, the Standing Committee thwarted hopes for real democracy in Hong Kong. We couldn’t tell which was more frustrating: that Beijing had backed out of its promise, or that it didn’t think or know it had. Despite the uproar, Mainland and SAR officials continued to defend the election framework, insisting that China had kept its side of the bargain by granting one-person-one-vote to the citizens of Hong Kong. They maintained that democracy comes in all shapes and forms, and that even though Beijing’s brand might look different from what the pan-dems had expected, it was nonetheless the real thing. Think of it as “Chinese-style democracy,” like a Shenzhen-made “Hi-Phone” knock-off or the all-knowing “Goojje” search engine.

To drive home the point, Zhang Rongshun, Vice-chairman of the Standing Committee’s Legislative Affairs Commission, called the Nominating Committee a “brilliant invention” and a “contribution to democracy.” He told reporters that “the more I look at it, the lovelier it gets.” Liaison Office Director **Zhang Xiaoming** compared it to a “beautiful maiden yet to be discovered.”

Following that logic, Hong Kongers should have stopped complaining and shown a little gratitude toward their biggest benefactor. That explains why the words “greed” and “ingratitude” came up frequently in state rhetoric when referring to the city’s reaction to the 8/31 Framework. The cheaters turned the table around and accused the cheated of taking a mile when given an inch. They said it with so much conviction that less informed citizens began to wonder if they should just “pocket it first” – to use Carrie Lam’s own catch phrase. It bore out that old adage: if the Communists can’t convince you, they will try to confuse you.

Most educated Hong Kongers saw right through the smoke and mirrors. The twisted logic put forward by the Standing Committee – that free choice meant choosing from two to three pre-selected candidates who must embrace the CCP – defied common sense and fell far short of the “international standard” of universal suffrage demanded by the pan-dems. As one of the five permanent members of the United Nations Security Council, China would be well-served to consult the UN Human

Rights Committee on the International Covenant on Civil and Political Rights, to which both China and Hong Kong are signatories. The human rights committee would gladly explain to Beijing that “universal suffrage” includes the right to vote as well as the right to stand for office – one cannot go without the other<sup>19</sup>.

It would almost have been better if Beijing had just called the spade a spade. In other words, if the Chinese government were to renege on the 2007 Decision, then it should at least have the decency to say: “Sorry, folks, we thought better of what we said before and we changed our minds.” The restrictive election guidelines in the 8/31 Framework were as much an insult to Hong Kongers’ intelligence as they were an embarrassment for this so-called *qiang guo* (the Mandarin phrase for superpower). For all its economic achievements and outer space breakthroughs, China couldn’t seem to fulfill its commitment to a small island.

In the end, the city waited seven years for nothing. In our long and arduous struggle for democracy, every disappointment we begrudgingly swallowed and every concession we reluctantly made was all for naught. We began to think about what would happen to the *other* promise – universal suffrage for the 2020 Legco election – and wonder when the other shoe would drop. The likelihood that we would finally get rid of the functional constituencies and freely elect all 70 Legco members by 2020 appeared more remote than ever. If there was one thing we learned from all this, it was that the next time the Communists ask us to trust them, we should do what anyone would when they see a lunatic: smile and slowly walk away.

### ***The young and the fearless***

The first citizens to act on their outrage over the 8/31 Framework were, apropos, our students. They were the ones who fired the first shot in an anti-government protest that would change the course of our history.

On September 13<sup>th</sup>, 2014, two weeks after the Standing Committee bombshell, **Scholarism** organized a mass demonstration outside the **Tamar Government Headquarters**. Participants at this **9/13 Tamar Demonstration**, most of them secondary school students in their mid-teens, heeded the organizers’ call to wear a yellow ribbon as a show of solidarity. Although no one knew why they had picked that

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19 – After the Umbrella Movement erupted, UN Human Rights Committee rapporteur Konstantine Vardzelashvili weighed in on the controversy and reiterated the importance of the right to nominate. He flatly called Beijing’s election guidelines in the 8/31 Framework “unreasonable.”

particular color, yellow would forever be associated with the massive uprising that would soon follow.

Scholarism is a student activist group founded in 2011 by **Joshua Wong** when he was just 14. Sporting a bowl haircut and signature black-framed spectacles, Wong was a pint-sized force of nature to reckon with – he had a 12<sup>th</sup> grade education and a doctorate in charisma. While his teenage friends were still playing video games and reading comic books, Wong was already debunking political myths on radio talk shows and challenging the establishment on televised debates. The self-described “middle class kid” was a prodigy, a savant and a Hollywood child star wrapped into one.

Nicknamed G-phone<sup>20</sup>, Joshua Wong rose to political stardom in summer of 2012, when he mobilized scores of teenagers – none of them even old enough to vote – for a nine-day hunger strike outside the Government Headquarters to protest against a **Patriotic Education Plan**. The curriculum, officially called “Moral and National Education,” was to be introduced in every primary and secondary school in Hong Kong to inculcate a stronger Chinese identity and a sense of belonging to the motherland. Most citizens saw it as part of the Communists’ social engineering program to brainwash and indoctrinate young minds.

Wong seized on the growing anti-Communist sentiment, captured the imagination of his peers with his eloquence, and called on tens of thousands to join his mass rally. His campaign eventually forced C.Y. Leung to withdraw the curriculum. The watershed moment not only catapulted Wong to international fame, but it also jolted citizens out of their political jadedness. It taught them that grassroots campaigns, if properly run, could bring about real policy changes. Since the David-versus-Goliath story in 2012, Wong had been using his new celebrity status to fight an even bigger cause: dual universal suffrage.

Scholarism is a club for high school activists. Its university counterpart is the Hong Kong Federation of Students (**HKFS**), an organization formed by the student unions of the city’s eight accredited universities. At the time of the occupy movement, the federation was led by secretary general **Alex Chow** of HKU and his deputy **Lester Shum** of CUHK. The HKFS and Scholarism are so-called “non-incorporated” political forces – neither of them is an official political party or holds any Legco seats. When it comes to making or breaking government policies, these groups choose the streets over the Legco floor or the ballot box. Why vote for someone else to do what you can do yourself?

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20 – Wong’s Cantonese name, Chi-fung, sounds like “G-phone.” In addition, the hyperactive teenager is always seen texting on his iPhone, which gives the nickname a double meaning.



*The incomparable Joshua Wong*

On September 22<sup>nd</sup>, 2014, the HKFS organized a five-day citywide **9/22 Class Boycott**. They staged a student protest at CUHK, long considered the most politically progressive university in the city. Instead of attending classes, 13,000 students assembled on University Mall, the main pedestrian thoroughfare on the CUHK campus in Shatin, to listen to Alex Chow address a cheering crowd. The HKFS also invited professors and well-known commentators to take turns giving speeches to the assembly. The campaign, and the impassioned response it received from both teachers and students, bore the hallmarks of the class boycott organized by Beijing University students in 1989.

The following day, the HKFS moved their protest to Tamar, where they joined supporters of Scholarism who had been demonstrating against the 8/31 Framework for over a week. The merger of the two operations – the 9/13 Tamar Demonstration and the 9/22 Class Boycott – gave the student leaders a big shot in the arm. The Scholarism-HKFS coalition would continue over the course of the occupy movement, and would propel the three musketeers – Alex Chow, Lester Shum and Joshua Wong – to pop-star status.



On September 26<sup>th</sup>, Scholarism extended the 9/22 Class Boycott from universities to secondary schools across the city. That evening, Joshua Wong announced that he would escalate the Tamar sit-in and called on his followers to climb over a 10-foot-high fence to reclaim a public space – the courtyard outside the east wing of the Government Headquarters that protesters dubbed “Civic Square” – that had been walled off by the authorities and turned into a fortress. Law enforcement responded with pepper spray and arrested Chow, Shum and Wong the following afternoon, which drew even more students to the demonstration calling for their release. Within 24 hours, the number of protesters at Tamar grew from mere hundreds to 80,000.

### ***When Benny met nerdy***

By then, a full 21 months had passed since Benny Tai penned his lofty newspaper article about civil disobedience. The Occupy Trio had been dragging their feet, not for a lack of conviction but a result of their risk aversion and the interminable wait for the “right moment” to arrive. Their constant assessment and reassessment of the situation was a textbook case of Hamletism – paralysis by analysis. It came to a point when the HKFS and Scholarism felt they could no longer depend on the adults and had to take matters into their own hands.

The arrest of the student leaders on September 26<sup>th</sup>, and the subsequent surge in student turnout at Tamar gave the Occupy Trio a “YOLO” (you only live once) moment. It was the jolt they needed to finally initiate the launch sequence to fire up their civil disobedience campaign. Shortly after midnight on September 28<sup>th</sup>, Benny Tai took to the stage set up outside the Legco Building and announced the “activation” of OCLP<sup>21</sup>, three days ahead of its original October 1<sup>st</sup> start date.

After dawn, citizens began showing up in Admiralty in droves. By noon, the crowds had overwhelmed the Admiralty subway station and spilled onto Harcourt Road. Like the Occupy Trio, concerned citizens couldn’t sit at home in front of their television sets and watch unarmed teenagers get pepper sprayed by police like an intrusion of cockroaches and hauled away like captured animals.

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21 – The Occupy Trio were not welcome by everyone at Tamar. Many student protesters feared that OCLP would “pollute” the purity of the 9/22 Class Boycott and “hijack” the campaign. Nearly half of the protesters at Tamar threatened to quit the protest that night, which promoted Long Hair to get on his knees in public and beg the outgoing students to stay, saying “Win or lose, we are all in it together!”

## *The Breaking of Promises*

The convergence of Benny Tai's OCLP, Scholarism's 9/13 Tamar Demonstration and the HKFS's 9/22 Class Boycott turned out to be much more than the sum of its parts. The three worlds collided at the intersection of idealism and courage, and created a perfect political firestorm that would catch both the SAR government and Beijing off guard. Nearly two years in the planning, OCLP technically lasted only 16.5 hours<sup>22</sup> – from 1:40am on September 28<sup>th</sup>, when Benny Tai launched OCLP, to 6:00pm that same day when riot police fired the first shot of tear gas and turned it into the 79-day Umbrella Movement.

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22 – Some may disagree with this statement and argue that OCLP lasted 67 days, from September 28<sup>th</sup> through December 3<sup>rd</sup> when the Occupy Trio turned themselves in to police, thereby completing the final stage of their civil disobedience campaign.