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Alive and Well but Frustrated: Hong Kong's Civil Society

CHRISTINE LOH

Hong Kong's civil society is alive and well. As social awareness rises and citizen wealth grows, a greater number of residents give time to civil society activities and more private resources are put into community-building endeavours—the philanthropy sector is therefore growing. Yet, there is much frustration among civil society actors. The problem lies with the city's politics. The unique nature of the political system where elections do not return a government produces a very special kind of disarticulation and disconnection between power-holders and other political actors and non-governmental groups (NGOs). Moreover, the Chinese Community Party's "united front" activities to support preferred candidates at elections, as well as certain official positions, have the effect of distorting "public opinion" especially in matters relating to constitutional development, where Beijing plays a highly interventionist role. Yet, there seems to be something irrepressible about the people of Hong Kong as a whole, who have been willing to come out in very great numbers when they feel their way of life is threatened. The politicisation of Hong Kong people and their NGOs continue as the realisation grows that good governance requires active citizenship and institutions within a political system that allows for societal conflicts to be settled by means that have genuine public support. There is a tussle with Beijing over process, which ultimately determines whether the HKSAR's power-holders have the legitimacy to govern.

This article will first provide an overview of Hong Kong's NGOs before looking at how they function to fulfil their missions, and how they fit into the city's politics and Beijing's role, before coming to concluding observations.

Hong Kong's Third Sector

It is accepted in academic circles for NGOs to be categorised as part of a distinct organisational sector that has a unique identity and characteristic features. This sector is often referred to as the "Third Sector" to set it apart from the government and commercial sectors. Its vitality comes from shared values among the actors rather than a drive for direct political power or commercial gains, as is the case for the other two sectors respectively. In many societies people

come together to further collective values, perhaps through dedicating time and money to benevolent causes, civic and humanitarian need, religious and spiritual beliefs, or through new ideas for secular progress. Hong Kong is no different.

The most authoritative study of Hong Kong's civil society was commissioned by the HKSAR Government's Central Policy Unit in 2002 and published in 2004. *The Study of the Third Sector Landscape in Hong Kong* (Study) looked at the history and organisation of non-profit, voluntary and self-governing NGOs in their aims, structures and operations. The Study covered NGOs in many fields, including arts and culture, economy, environment, education, health, human rights, law, philanthropy, politics, sports and recreation, religion and welfare, and identified over 16,660 NGOs in Hong Kong as of 2002⁽¹⁾.

In its review of history of the Third Sector, the Study noted that over 85% of NGOs were formed after 1946—many between 1986 and 1997⁽²⁾. Indeed, there was a new phase of NGO evolution in the 1980s, as Hong Kong prepared for the transfer of sovereignty from British to Chinese rule, and as elections had to be introduced to fulfil the promise in the Sino-British Joint Declaration that the legislature would be elected. District Boards with a measure of election were introduced in 1982 as a laboratory for democratisation, and a number of legislators were elected by functional constituency (special interest groups, including corporate voting) in 1985 and 1988. The 1989 Tiananmen crackdown marked a turning point in popular attitude towards political participation and a belief that democracy would be the best guarantee for the city's liberal way of life. New NGOs to push for democracy were formed in response to the tumultuous events of the 1980s. In 1991, when Hong Kong held its first ever direct elections to the Legislative Council, pro-democracy groups and new political parties won all the 18 seats up for grabs although the majority of the seats were still appointed by the colonial administration.

1. Central Policy Unit, *The Study of the Third Sector Landscape in Hong Kong*, August 24th 2004, http://www.cpu.gov.hk/english/research_reports.htm. Chapter 15 noted a total of 16,662 organisations formed the population of the study, p. 419.
2. *Ibid.*, Chapter 15, Survey, p. 423.

With the encouragement of the mainland authorities, “pro-China” forces also began more overt activities to organise and participate in elections to District Boards, the Municipal Councils and Legislative Council, culminating in the birth of the Democratic Alliance for the Betterment of Hong Kong (DAB) and the reinforcement of the Federation of Trade Unions (FTU) to run for election. At the same time, Hong Kong’s business establishment became concerned that both the “pro-democracy” and “pro-China” forces articulated “grassroots” interests, and in response formed the “pro-business” Liberal Party. Being pro-establishment in nature, the Liberal Party sided with the “pro-China” forces on constitutional reform issues, and ran for election in the functional constituencies to promote the interests of specific business sectors.

At the same time that it had to face imminent political change, Hong Kong also emerged as a more cosmopolitan society in the 1990s. More people concerned themselves with social issues, including welfare provision, quality education, pollution and a clean environment, animal rights and welfare, equal opportunities, minority rights and freedom of the press. NGOs also began to work on the mainland, with some serving needs across the border exclusively⁽³⁾. Moreover, international NGOs also have a significant presence in Hong Kong for fundraising and regional outreach. Today, many Hong Kong NGOs also hook into global discourse on poverty alleviation, climate change, and HIV/AIDS. An important trend since the late 1990s was the disappointment with corporate behaviour—the Enron malaise—and workplace burnout, which resulted in younger professionals leaving corporate life to seek gratification in NGOs. Worldwide interest in corporate social responsibility (CSR) has also resulted in new NGOs doing local and regional promotion for corporate governance, minority shareholder rights, workplace diversity and ethical-sustainable investment in Asia.

The Study acknowledged Hong Kong’s civil sector to be “highly dynamic, innovative and resourceful⁽⁴⁾”. Examining the date of establishment of the NGOs provides a good indication of the evolution of civil society in Hong Kong:

Before 1841, NGOs were religious or welfare provision organisations. Between 1841-1911, numerous community bodies were formed, including some business associations and trade unions. Between 1912 and 1975, 50% of religious bodies now found in Hong Kong were formed, and between 1946 and 1985, half the industry and business associations, educational and welfare bodies were formed.

Between 1986 and 1997, 62.5% of health organisations, almost 50% of the environmental groups, international

NGOs, civic and advocacy groups now in Hong Kong were formed. Between 1987 and 1997, 83% of the political organisations now in Hong Kong were formed. The earlier hesitation among many NGOs to remain “non-political” began to ease as social actors determined which issue they pursued—welfare, health or green—, and the city’s politics and political institutions began to matter as civil society activists generally wanted change and reform of policies, priorities and systems.

While the sector took on its importance between 1976 and 1985, in the period 1998 to 2002, 50% of philanthropic intermediaries now found in Hong Kong were formed⁽⁵⁾.

Overview – Snapshot of Hong Kong’s NGOs

The population size of different types of NGOs varies tremendously. At one end of the scale are the more than ten thousand district-based groups providing services in small localities, while at the other end are a handful of NGOs working in political areas. Over 70% of Hong Kong NGOs primarily serve their members, while the rest serve the public at large. The Study found that around 52% of NGOs serve neighbourhoods or districts within Hong Kong, while 44% serve the whole of Hong Kong.

As there is no legal form dedicated to NGOs in Hong Kong equivalent to the *économie sociale* in France, most NGOs in Hong Kong are formed as societies, companies or trusts. There is no government restriction on governance for most of the Third Sector in Hong Kong in terms of size or composition of its governing board. However, for those NGOs receiving substantial public funds for the provision of services, such as in welfare and health, provision is made for the appointment of certain government representatives to oversee their management. The largest source of operating income for NGOs came from government funding (28%), and not surprisingly since so many NGOs provide basic services to the community. Other major sources of income were membership fees (18%) and private donations and sponsorship (15%). The Study made a conservative estimate that at least 3.7 million people out of a population of about 6.8 million were members of NGOs, but numbers could in fact be

3. *Ibid.*, Chapter 15, Survey, p. 427. The survey showed about 4.5% of NGOs in Hong Kong serve a province or an area within a province, 2.6% serve two or more provinces or areas within provinces, and 8.2% serve the whole of China.
4. *Ibid.*, Content and Overview, p. 15.
5. *Ibid.*, Chapter 15, pp. 424-425.

Table 1. Areas served by Hong Kong's NGOs (2002)

Areas	% of NGOs
Neighbourhoods or districts in Hong Kong	51.9
Whole of Hong Kong	44.3
A province/region within a province in China	5.4
Two or more provinces in China	2.6
Whole of China	8.2
Asia-Pacific region	3.5
International	8.3
Others	0.3
Unspecified	2.0
Total	100

* Multiple responses were permitted.

very much greater⁽⁶⁾. However, only 47% of NGOs have tax exempt status⁽⁷⁾.

The Study found a total of between 150,000 and 372,000 people work in NGOs in Hong Kong, generating expenditures of HK\$18.59 billion and HK\$27.36 billion as of October 2002. That translated to 4.6% and 11.4% of total employment and 1.5% to 2.2% of GDP in 2002. Thus, in terms of size, the NGO sector is comparable to the manufacturing sector, construction industry or transport, storage and communications sector. Contributions made by volunteer labour in the Third Sector ranged from HK\$52.9 to HK\$83.3 million in 2002. Moreover, the Study estimated 550,000 to 710,000 Hong Kong residents participate in some sort of volunteer activity, which contributed greatly to Hong Kong's overall quality of life and opportunities for personal development. Even at the lower end of the estimate, the number of volunteers equated to about 15.7% of the total workforce⁽⁸⁾. The importance of the Third Sector in Hong Kong can also be seen from the services it provides to people. The Study estimated that each person living in the city received on average, 4.3 times a year, some service from NGOs in areas where the government and commercial sectors made no provision⁽⁹⁾.

The Public Opinion Tussle

What do Hong Kong people think? The longstanding stereotype has been a lack of interest in politics and an interest only in money. While the 1989 rallies in response to the Tiananmen crackdown showed that the people of Hong Kong had the capacity to react politically, it was not until 2003 that they came out in great numbers once more.

The most dramatic event of the past ten years was on July 1st 2003 when more than 500,000 people took to the streets to protest against what was referred to as Article 23 of the national security legislation⁽¹⁰⁾. The people who took to the streets on the sixth anniversary of the handover were mainly from middle class families (60%) and many were professionals or semi-professionals. According to survey find-

6. *Ibid.*, Chapter 15, p. 439. The estimated range was from 3.7 million to 8.3 million.

7. *Ibid.*, Chapter 15, pp. 425-426. NGOs have to apply separately to the Inland Revenue Department for tax exempt status after incorporation.

8. *Ibid.*, Chapter 15, pp. 443-444.

9. *Ibid.*, Chapter 15, p.442.

10. Article 23 of the Basic Law (Hong Kong's post-1997 constitution) requires that Hong Kong "shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies".

ings, less than one in twenty of the marchers went to the rally with NGOs that they belonged to, while only 34% regarded the mobilising power of social organisations as influential. Researchers concluded that the July 1st demonstration was mobilised by the people and not by associations⁽¹¹⁾. These bands of citizens were considered to be not those who would normally participate in street protests. Their participation also served to wake the authorities and NGOs up to the fact that the citizens they served had the capacity to be highly motivated and politicised.

The people felt strong enough to mobilise themselves to protest because they felt that their way of life was under threat by Article 23. This was despite the government's claim that it had consulted the public and the legislation had public support. The government packaged responses for its convenience rather than to analyse the respondents' views, attitudes and suggestions. The responses showed the united front machinery was hard at work. Scholars who subsequently ploughed through the responses noted:

... we also found that amongst the about 1,000 submissions from organizations, a number of letters came from organizations which differ greatly in nature and geographical location, yet shared very similar content or format, having no big difference from standard letters. Why did the government not doubt the independence of these submissions from organizations then⁽¹²⁾?

The draft bill was set to be passed in the Legislative Council on July 9th since the HKSAR Government had sufficient votes from the DAB, Liberal Party and their allies to get it through. Various pro-democracy, human rights and law NGOs came together to organise a march, the turnout for which surprised everyone. The rally caused the Liberal Party to break ranks from the government thus leading to Tung Chee Hwa having to withdraw the bill as the government no longer had enough votes in the legislature to ensure its passage.

The rally was a resounding public rejection of Tung Chee Hwa. It signalled a lack of confidence in his governance, a lack of trust in his administration, and a deep dissatisfaction with his performance. He had made a string of unpopular and controversial decisions since taking office⁽¹³⁾. Indeed, many of the protesters saw the Tung administration as a threat to Hong Kong's established way of life. Indeed, there had been an average of six protests a day every year since 1997 against government policies or policy demands⁽¹⁴⁾.

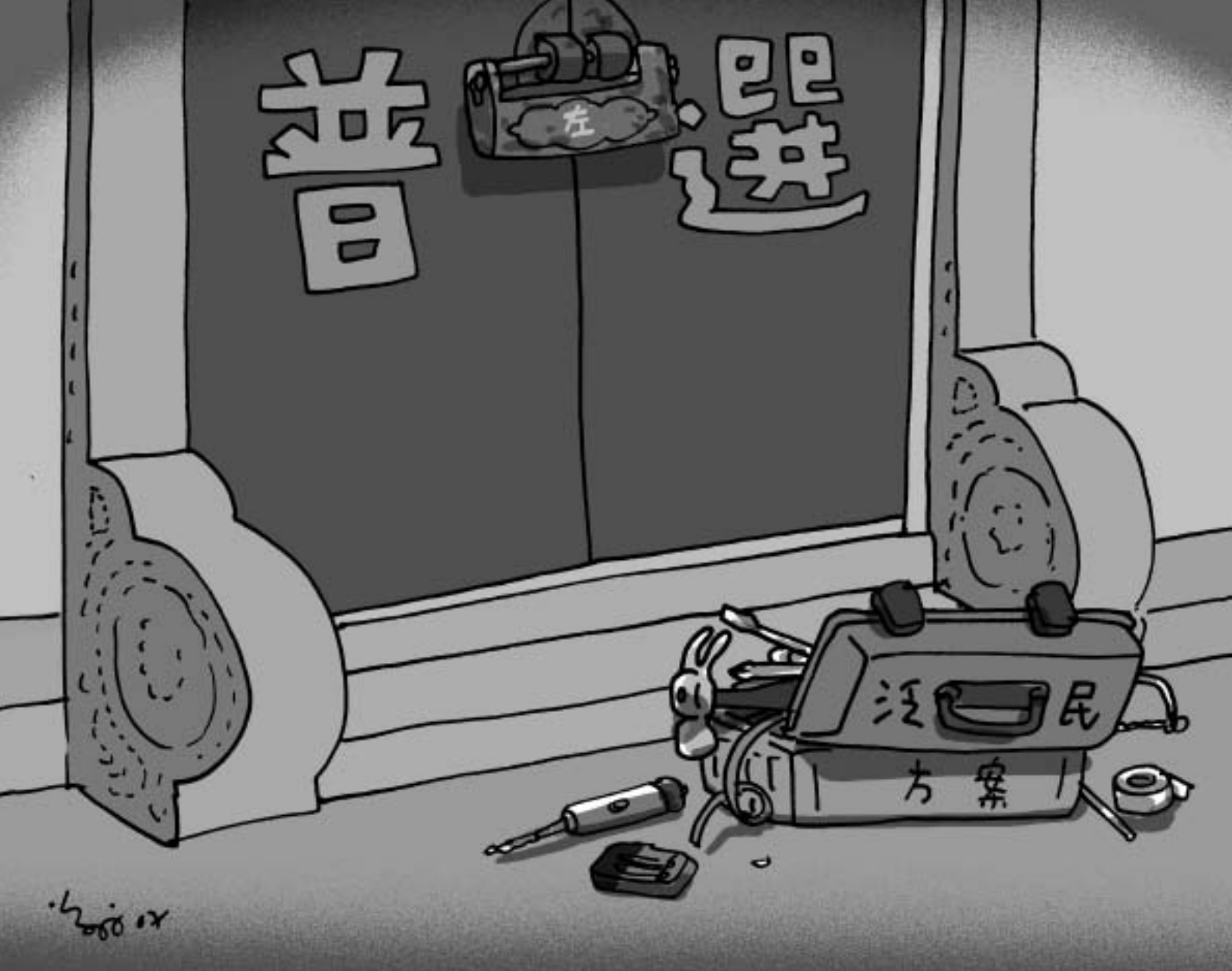
The legacy of the July 1st 2003 protest was to inject renewed energy into the democracy movement. It made

NGOs realise they had underestimated public support for reform. The protesters explicitly demanded rapid democratisation? a sign that the public's trust in the existing political order was weak. People had made an explicit link between the lack of democracy and poor governance. Polls at the time showed an overwhelming majority of respondents supported the direct election of the Chief Executive and the Legislative Council (81% and 77% respectively) in principle, and large majorities (70% and 69% respectively) wanted direct elections by 2007 and 2008⁽¹⁵⁾. There was also a burst of activism aimed at asserting beliefs that people felt the government did not share with them. The aftermath of the protest saw the coming together of opinion-leaders and -shapers to call for the upholding of Hong Kong's liberal "core values"⁽¹⁶⁾.

At the same time, Tung Chee Hwa had to assuage public anger. He said he would pay more attention to public opinion, specifically of the "middle class". He said he would increase funding for district and community activities and his administration would engage the public more in developing its policies⁽¹⁷⁾.

The political fallout from Article 23 continued with the District Council elections in November 2003, where DAB candidates did badly compared with the pro-democracy candidates, even though united front efforts worked hard to help preferred candidates⁽¹⁸⁾. Beijing became alarmed at the growing demands for democracy. In April 2004, the Standing

11. Robert Chung and Joseph Man Chan, *A Revelation of 1 July: Internet Mobilization Gives New Life to Democracy*, <http://hkupop.hku.hk/english/columns/columns24.html>.
12. Jennifer So-Kuen Chan, *Let Figures Speak For Themselves – Reanalysis on the Public Opinion Towards Article 23 Consultation Document*, <http://hkupop.hku.hk/english/columns/columns19.html>
13. The problems of Tung Chee Hwa and his administration have been well-documented by many scholars. See Lau Siu-kai (edited), *The First Tung Chee-hwa Administration: The First Five Years of the Hong Kong Special Administrative Region*, Chinese University Press, Hong Kong (2002); and Joseph YS Cheng (edited), *The July 1 Protest Rally: Interpreting a Historic Event*, City University of Hong Kong Press, Hong Kong, (2005).
14. Ma Ngok, *Political Development in Hong Kong: State, Political Society, and Civil Society*, Hong Kong University Press, 2007, 0.181.
15. Michael DeGolyer, *Listening to the Wisdom of the Masses*, Hong Kong: Hong Kong Transition Project, HK Baptist University, January 2004.
16. See www.hkcorevalues.net.
17. *Doing Justice to Public Opinion and Public Consultations: What to Do and What Not to Do: A Case Study of the Government Consultation Exercise on its Proposals to Implement Article 23 of the Basic Law*, Public Opinion Programme, University of Hong Kong, <http://hkupop.hku.hk/english/resources/bl23/bl23gp/report/index.html>.
18. The united front machinery, co-ordinated in Hong Kong by Beijing's Liaison Office in the HKSAR, has a long history of assisting pro-China and post-1997 pro-government forces in winning elections. This included Tung Chee Hwa's selection in 1996 and 2002, the Legislative Council elections in 1998, 2000 and 2004, and Donald Tsang's selection in 2005 and 2007. For an analysis of how the machinery works, see Lo Shiu-hing, "“Legitimising” the Selection of the Second HKSAR Chief Executive: From the Election Committee to the Chief Executive Election Bill", *China Perspectives*, Number 38, November-December 2001, pp.44-59.



In 2007, democrats have put forward various blueprints for universal suffrage

Committee of the National People's Congress handed down a "decision" that Hong Kong would not be able to elect its chief executive in 2007 and legislature in 2008 by universal suffrage. Hong Kong people were considered to not be ready and reform had to be more gradual. Hong Kong people had not expected such aggressive action from Beijing⁽¹⁹⁾.

Once the door was shut for 2007 and 2008, "consultations" were rolled out. In January 2005, Tung Chee Hwa announced the formation of the Constitutional Development Task Force to hold the line and remind people of Beijing's ultimate power in determining the pace and direction of reform in Hong Kong. With Tung's resignation in March 2005 and Donald Tsang succeeding him, the first two years of the Tsang administration was spent giving people a chance to make reform suggestions within the set restrictions. However, the government analysis of consultation responses had a not dissimilar ap-

proach to that for Article 23. The way responses were categorised was not designed to seek meaningful understanding but merely to conclude that there was no consensus on how to proceed and to exclude responses that fell outside the parameters set by the Standing Committee⁽²⁰⁾. In October 2005, Tsang put forward a set of reform proposals that allowed a small measure of reform without altering the political structure that did not win the required two-thirds majority support in the Legislative Coun-

19. *The Interpretation by the SCNPC of Article 7 of Annex I and Article III of Annex III to the Basic Law*, adopted at the tenth NPC at its 8th Session, April 6th 2004, www.cab.gov.hk/cd/eng/basic/pdf/es22004080554.pdf.

20. Constitutional Development Task Force's Fourth Report noted that the government had received a total of 488 valid written submissions from individuals and organisations, relating to the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. Among them, 118 submissions were put forward by organisations. Its Fifth Report noted that 460 written submissions were received with 191 from organisations.

cil⁽²¹⁾.

Concluding observations

As Hong Kong comes to the end of its first decade as a Special Administrative Region, the people's public and political consciousness have continued to evolve. There are new NGOs being formed and NGO alliances constantly being built⁽²²⁾. Besides democracy, two other major themes have emerged—better planning and environmental protection; and preserving Hong Kong identity, values and heritage. NGOs are now less shy about using the courts to challenge government decisions⁽²³⁾, and engaging politicians and the political process, such as briefing legislators at Legislative Council meetings and serving on government advisory bodies. There is however still a high level of frustration that they have limited influence in the government's policy formulation⁽²⁴⁾. The frustration is leading NGO activists to work closer with politicians' offices and political parties, and in some case even stand for election⁽²⁵⁾.

There is a realisation that many of the NGOs' tussles with

the HKSAR Government go to the heart of fundamental differences in values, priorities and solutions. The political system does not provide mechanisms for change to enable those who hold alternative visions to those of the established political and economic elites have a chance to hold political office. The political system is not about to change any time soon in view of Beijing's reservations. While there are "consultations" about reform possibilities, they are both limited in scope and infused with "united front" narratives that are designed to hold the line rather than to find a new system that will enable alternative visions to compete for political support. Like his predecessor, chief executive Donald Tsang, is also saying his policies will reflect public opinion. But that is quite different from encouraging competing ideas. Thus, on the one hand, NGOs are becoming better able and even better funded to challenge official decisions, while on the other, those with competing ideas are likely to be branded as "anti-government" elements, which will deepen their frustration, leading to further politicisation of Hong Kong's

21. Constitutional Development Task Force's Fifth Report, http://www.cab.gov.hk/cd/eng/report5/pdf/5th_Report/English.pdf
22. There has been significant collaboration and alliances that have been continuing for the past few years linking harbour reclamation, urban planning, city design, heritage preservation and environment among NGOs. They have used the Town Planning process.
23. The Society for Protection of the Harbour has fought seven legal challenges against the government and the Town Planning Board over reclamation decisions, and won six of them, including obtaining a Court of Final Appeal decision on reclamation, and obtaining indemnity costs for fighting a public interest case, which set a precedent in Hong Kong.
24. Central Policy Unit, "Overview of the Third Sector in Hong Kong", *The Study of the Third Sector Landscape in Hong Kong*, p.22.
25. A recent example is the formation of the Professional Commons, a group of professionals who fought for seats in 2006 on the 800-member Election Committee to select the Chief Executive in 2007, in order that they can monitor the Chief Executive and government policies more effectively.