

The People's Public Sentiment Report

Main Abstracts

Civil Society Joint Action

3 March 2015

1. Reasons for Writing the Public Sentiment Report

The unprecedented Occupy Movement striving for universal suffrage occurred in Hong Kong between the end of September and mid-December in 2014. With the aim to resolve the crisis in the midst of the Movement, the Hong Kong SAR government met with representatives from the Hong Kong Federation of Students (HKFS), and proposed to set up a multi-party platform for the continued discussion of the constitutional reform and to produce a public sentiment report. The purpose of these two proposals is to reflect to the Central Government the problems associated with the election of the Chief Executive by universal suffrage and the changes in public sentiment after the Standing Committee of National People's Congress (NPCSC) made "*The Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016*" on 31st August 2014.

However, with the termination of dialogue between the SAR Government and HKFS, the Occupy Movement dragged on, and raised concerns over how the situation would develop, including whether various disputes over the constitutional reform can be resolved in a peaceful and proper way. As a result, several individuals and groups active in civil society initiated the Civil Society Joint Action (CSJA), with the objective to promote in-depth rational discussions and to sustain the democratic movement. Various actions taken by CSJA since then have secured the support of a number of civil society organizations. (Please refer to the full report in Chinese for the list of individual and group initiators of CSJA)

Through setting up a "civil society's multi-party platform" and holding public forums in Tamar Park and other venues, CSJA has provided a public arena for exchange of views, allowing the public to engage in the discussion on the constitutional reform. In addition, CSJA has decided to compile a non-governmental *People's Public Sentiment Report* so as to record and analyze the evolution of public sentiment regarding constitutional reform.

This decision made by CSJA to produce the *People's Public Sentiment Report* attracted media attention. In the face of continued enquiries by the media, the SAR Government announced its decision to write up the promised public sentiment report, but the date of release was yet to be confirmed. After the Occupy Movement ended in mid-December 2014, the pan-democrats were the first to release a public sentiment report entitled *Hong Kong's Most Recent Public Sentiment Report* on 30th December 2014. Subsequently, the SAR Government released a public sentiment report named *Report on the Recent Community and Political Situation in Hong Kong* (hereafter "the government's public sentiment report") on 6thth January 2015.

The government's public sentiment report contains information on the events related to constitutional development as well as the views expressed and petitions submitted by various sectors of the society during the period between 31st August and 15th December 2014. The report includes a chronology of events relevant to constitutional reform, statements by various civil society organizations, and findings of various public opinion polls conducted in the period.

However, the government's public sentiment report fails to meet public expectation, because the time frame of the report which ranges from 31st August to 15th December 2014 does not allow a sufficient coverage of events, making its content less comprehensive. Also, the SAR Government has not taken full advantage of its position to analyse in its report various contributing factors to the development of public sentiments and offer its views on how to deal with them. This being the case, CSJA continued to write and complete the *People's Public Sentiment Report*, in the hope that its report can record the development of all relevant public sentiments in a more comprehensive manner, and thus provide a basis for rational and in-depth discussions. The report is structured to include public sentiment from various aspects, including public opinion polls, civil referendum, signature campaigns, protests and rallies, and relevant court cases, with a time frame ranging from the end of the first round of consultation to the onset of the second round of consultation on constitutional reform (4th May 2014 and 7th January 2015, hereafter "the study period"). CSJA may later record the aspirations of both participants in the Occupy Movement and general public for democratic development in another report. The major points of the published *People's Public Sentiment Report* are summarized as follows:

2. Public Opinion Polls: Observations and Analysis

Hong Kong Society has been bipolarized and divided due to the Occupy Movement: While different public opinion polls have revealed that citizens opposing the Occupy Movement outnumbered supporters for most of the time after the start of the Occupy Movement, both camps of opponents and supporters make up significant percentages of the society. Coupled with the influence of social media during the Occupy Movement, these opposing views have bipolarized Hong Kong society. Many family members and friends have grown distant with one another due to differences in opinion on the Occupy Movement.

Citizens also consider political reality when fighting for democracy: Many polls have shown that Hong Kong citizens have always understood that the Chinese Central Government has a decisive say in the matter of constitutional reform. While it is not certain that the majority would support the NPCSC's Decision on 31st August 2014, a considerable number of citizens would accept "pocket it first" if "one person, one vote" can be eventually achieved for the election of Chief Executive.

Police-public relation have become very tense after the Occupy Movement: Public opinion polls have revealed that Hong Kong citizens do not agree to dispensing protesters with the magnitude of force used by the Hong Kong Police. Some polls have shown a drop in rating given by citizens to the Police after the Occupy Movement. Over decades, the Independent Commission Against Corruption (ICAC) and the Police have made tremendous efforts to replace the corrupt image of the Police with one as a trustworthy partner in maintaining public order and fighting against violence in the eyes of the public. However, during the Occupy Movement, the Police was seen by the public as the apparatus to solve political problem, and protesters engaging in civil disobedience were treated as simply mobsters. This has driven the police-public relation

to a record low level, and immediate reconciliation is desperately needed. The authorities should be held accountable for this as they turned the Police into a political grind. Nonetheless, the way in which some protesters treated policemen as political claws-and-teeth is also inappropriate. The involvement of triads as reported by the media has also raised concern.

Supporters of the Occupy Movement are mostly well-educated and employed: Many public opinion polls conducted during the Occupy Movement have shown that, although the Movement was initiated by the two student organizations, namely HKFS and Scholarism, most Occupiers are not students but young (20-40 years old) and well-educated (tertiary or above) working population. A significant portion of them are with professional background.

3. Processions and Rallies: Observations and Analysis

A large number of citizens are dissatisfied with NPCSC's Decision on 31st August 2014: As demonstrated by the July 1st March in 2014, the Class Boycott Rallies after the NPCSC's Decision on 31st August 2014, and various activities undertaken by a great number of citizens in support of the Occupy Movement, many citizens would like to see genuine universal suffrage implemented in 2017 so that the people of Hong Kong can elect their own Chief Executive and realize the goals of "Hong Kong people administering Hong Kong and a high degree of autonomy". These people are willing to spend time on and take part in protests and rallies. Some have even stayed in the occupied areas for many days in order to demonstrate their demand for genuine universal suffrage. These public sentiments are real and alive.

A large number of citizens are dissatisfied with the magnitude of force used by the Police in the dispersal of protesters who support the Occupy Movement: As a strategy to fight for universal suffrage, "Occupy Central" has been controversial ever since this concept was first proposed. The processions staged by the "Alliance for Peace and Democracy" provided evidence that a number of citizens do not want to see Occupy Central happen. However, shortly after the start of the Occupy Movement in the early hours of 28th September 2014, the Police deployed tear gas and displayed firearms in order to disperse protesters off the roads. Not only were these measures ineffective in dispersing protesters, they even provoked large numbers of citizens heading towards the occupied areas in support of the Movement in the following days.

Public opinion regarding the constitutional reform has become increasingly bipolarized: From the months and dates of which protests and rallies took place, it can be easily seen that immediately after a demonstration or rally held by supporters for genuine universal suffrage, protesters with opposing opinion would organize themselves to demonstrate and rally on the same day or shortly afterwards. While the expression of different opinions should not be faulted, many mass activities were undertaken simply for the sake of opposition, and they are extremely provocative in targeting the protesters of opposing views. The way in which protesters pit against each other can only serve to divide the society, aggravate conflicts, and lead to violent clashes.

This would only benefit those who take advantages of unnecessary conflicts, which is the last thing Hong Kong needs.

Ways of expressing public demands have become increasingly diversified: During the study period, citizens have begun to use various ways of expressing their demands for genuine universal suffrage, apart from the more traditional street demonstrations and rallies. For examples, they trail-walked in different parts of Hong Kong, gathered as “shoppers” and hold up yellow umbrellas, organised mini concerts in various venues across Hong Kong to promote genuine universal suffrage in the name of “music streaming”, and engaged in different art forms to support the Occupy/ Umbrella Movement.

Protest actions have become more spontaneous: past demonstrations, rallies and protests were often initiated by political organizations, but during and after the Occupy Movement, more and more demonstrations and protests such as the aforementioned “shoppers” are the spontaneous acts of citizens in response to calls on the internet.

4. Signature Campaigns: Observations and Analysis

The transparency of signature campaigns is not enough: unlike most co-signatory petitions, the Alliance for Peace and Democracy did not disclose publicly a full name list of all individual signatories, nor did it appoint an independent body to monitor or confirm the signing process and records in order to verify the actual number of signatories. Furthermore, there are reports by the media that some pro-establishment business companies asked coercively their employees to participate in the signature campaigns, which raises doubts over the authenticity of the will of signatories. If the Alliance could provide a better answer to the above queries, the credibility of their two signature campaigns would be greatly enhanced.

Government officials misunderstood their role when signing the petitions: Government officials, including Chief Executive CY Leung and several Principal Officials, openly gave support to the signature campaign organized by the Alliance for Peace and Democracy and signed the petitions. As a result, they failed to play the role of mediator in a time of deep divide in public sentiment, damaging the image of impartiality of government officials, which is not conducive towards reaching a consensus for the society.

Co-signatory petitions demonstrate greater variety: Around the time of the Occupy Movement, many professionals initiated co-signatory petitions, and many secondary school students and alumni were quite active as well. Several civil servant unions petitioned against Occupy Movement, but this in turn caused some civil servants, signing as individuals, to challenge the representativeness of their unions. The Hong Kong society should respect the variety of opinions, regardless of self-initiated or mobilized, as long as the signatories’ names are traceable, and their views are honestly expressed.

5. Civil Referendums: Observations and Analysis

The authorities will not organize referendum: It can be inferred from the attitude of both the Central Government and the SAR Government towards referendums that a government-held referendum, even one that is not legally binding and for reference only, will not happen because of political concerns. However, the SAR Government has neither the justification nor the authority to stop a civilized, rational and privacy-protected civil referendum organized by civil society organizations.

Introducing civil referendums to solve social conflicts: Back in 1992, Hong Kong society has already begun to study and test the concept of civil referendum. In February 2005, the Research Team on the Study of Referendums, which was composed of a group of scholars, began to study the development of civil referendums in Hong Kong. Their study results confirmed the feasibility of holding a civil referendum in Hong Kong. Quoting from the original article, “Referendum can fill the gap of the city’s current political system and be conducive to the development of democracy. Although the government is reluctant to initiate legally binding referendum because of political concerns, it is still worthwhile to encourage civil referendums in the society.” In fact, after the return of Hong Kong to China, citizens have also participated in large-scale movements in the form of civil referendum. Even without an ordinance specific for referendum in the city, Hong Kong citizens are no longer strangers to the concept and mechanism of civil referendums. The Central Government and the SAR Government do not need to treat civil referendums as if they were biting animals. A civil referendum itself is an extremely flexible and malleable system. The concerns of the government can be addressed in the design of the referendum mechanism.

Civil referendum is not equivalent to a challenge to sovereignty: Although civil referendum has no legal effect, it allows citizens to express their opinions in a peaceful and rational way, making it no difference from ordinary public opinion mechanisms. The concept of civil referendum should not become a social taboo, nor do we need to equate it to a challenge to sovereignty. In the practices worldwide, not just sovereign states have used civil referendum as a means of policy consultation. For example, many states in the United States have mechanisms that allow citizens to invoke referendums when a decision important to the region is to be made. None of these states or cities became independent after completion of voting.

Civil referendum helps improve the quality of civil discussion over constitutional reform: At present, there are substantial divide in Hong Kong society in the discussion of constitutional reform issues, and governance is becoming more and more difficult. If the SAR Government can adopt a friendlier and more open approach to the experience gained from the 6.20-6.29 Civil Referendum held in 2014, it can treat civil referendum voting system as a means of peaceful expression of public opinion, and thus add an element of deliberative democracy to the constitutional reform process. This would facilitate citizens from all walks of life to engage in an in-depth discussion over the issue of constitutional reform before they cast their votes in the civil referendum, thus ensuring that their decisions are made with prudence. This method would help

resolve conflicts within the society, improve the quality of civil discussion on political issues, and contribute to the long-term development of Hong Kong.

6. Court Cases: Observations and Analysis

Public law: Judicial reviews

One relevant judicial review application has reminded us that the SAR Government has never set up a complete, fair, and open set of consultative methods and procedures, and there was no fixed mode of consultation. Under these conditions, the government's consultative work has been easily challenged, especially over issues with great divisions in society or those involving major public interests. For this reason, if the SAR Government can lay down the criteria it would use to analyse public opinion during the second round of consultations for constitutional reform, and make it transparent rather than concealed, it can restore public confidence in the government, and enhance the credibility and legitimacy of the eventual consultation report. In handling this extremely contentious issue, the SAR Government must be fair and sincere in acknowledging differences in views and make additional efforts in promoting open and rational dialogue, with the view of seeking consensus in the society, as well as ensuring that the views of different stakeholders have been fully taken into account.

Private law: Injunctions

Injunctions and small claims cases reflect the fact that citizens begin to rely on legal procedures to deal with political issues. As it is the duty of the executive arm of government to deal with political issues, the fact that citizens are bringing political arguments into the court demonstrates the failure of the executive authority in discharging its rightful duty. If the government continues to exploit the strong and opposing views between citizens in order to manipulate public opinion for political purposes, social division will be exacerbated and governance will become more difficult.

The government may consider setting up a multi-party platform in order to collate different views and search for a community-wide consensus through rational discussion. Certainly, the government should also review its current consultation mechanism, and establish a professional and fair consultation method so that it can develop policies more attuned to public opinion.

7. Conclusion

The Occupy Movement that occurred between the end of September and mid-December 2014 highlighted deep-rooted conflicts in the society of Hong Kong. These conflicts stem from different interpretations of “One Country, Two Systems” by the Central Government officials and Hong Kong citizens respectively, revealing long-existing cultural differences between Mainland China and Hong Kong. The people of Hong Kong wish to maintain their long cherished way of life and core values under “One Country, Two Systems”, and aspire for greater democracy. Many people of Hong Kong, in particular the younger generation, have long been dissatisfied with the current governance, and these emotions were further aggravated by the escalated use of force, such as tear gas in dealing with the protesters. The government’s interpretation of the Occupy Movement as manipulation by foreign powers is a complete failure to acknowledge the citizens’ fair demands for constitutional reform and their aspiration for universal values.

The report on the first round of consultations submitted by the SAR Government to NPCSC in July 2014 did not provide an analysis of the deep-rooted conflicts in Hong Kong society and did not offer a solution, which consequently caused greater public resentment against the government and the current political institution. In the past, the SAR Government has never set up a complete set of consultative methods and procedures, subjecting the government’s consultative work to easy challenge. The problem is particularly serious when it comes to major issues. If the SAR Government is able to explain in advance what methods it will use to analyse public opinion in the second round of consultations, it can restore public confidence and increase the credibility and legitimacy of the eventual consultation report.

From the many public opinion polls included in the *People’s Public Sentiment Report*, citizens have shown tremendous differences in opinions towards the pace of constitutional reform. The government’s existing consultative methods and procedures not only fail to bridge the gaps between citizens of different views, but they also exacerbated the conflicts, making the two sides more confrontational. We believe that the government should deploy a more effective method to listen to public opinion in search of a consensus. Multi-party discussion platforms could be a good place to start, and social participation along with openness and transparency must also be greatly increased.

Moreover, the way the government dealt with demonstrations and protests was ineffective in easing dissatisfaction in society. In contrast, it led to increased tension between certain groups of people, which created more heated confrontations. The authorities must be held accountable for the Police being turned into a political grind. It is certainly not appropriate for some protesters to regard policemen as political claw-and-teeth either. We urge participants in future demonstrations and protests to act peacefully, rationally and non-violently. At the same time, the Police must remain politically neutral, abide strictly by the regulations stipulated in the *Police General Orders*, forbid any policeman from participating in “any activity which is likely to interfere with the impartial discharge of his/her duties, or which is likely to give rise to the impression amongst members of the public that it may so interfere”, or carry out his/her duties with a hostile attitude towards protesters. Police management should be effective and resolve any

emotional problems of individual officers that may affect professionalism in carrying out their law-enforcement duties.

Another mistake of the SAR Government lies in the high-profile participation of government officials, including Chief Executive CY Leung and several Principal Officials, in signature campaigns with strong political affiliation. They failed to play the role of mediator in a time of deep divide in public sentiment, which is not constructive towards reaching a consensus in society.

Many recent activities in Hong Kong appeared that protesters of opposing views pit against each other, which is the last thing Hong Kong needs. While the expression of different opinions should not be faulted, many mass activities were undertaken simply for the sake of opposition, and they are extremely provocative in targeting the protesters of opposing views. If the situation persists, it will only serve to divide the society, aggravate conflicts, lead to violent clashes, and benefit those who take advantages of unnecessary conflicts.

At present, severe divides exist in Hong Kong society in the discussion of constitutional reform, and governance become more and more difficult. Recently, deliberative polls and civil referendums have been used as tools for seeking a deeper understanding of public opinion. These activities not only provide channels through which opinion can be expressed in rational and peaceful manners, but also improve the quality of citizens in discussion over political issues, which is believed to be conducive to the long-term development of Hong Kong. The SAR Government as well as the Legislative Council should positively take reference to the outcome of these activities with a view of resolving conflicts in the society.

Civil society has made great contributions to the societal development of Hong Kong, but for a long time it has not participated actively in politics, and in the discussion of constitutional development. In order to make government policies more responsive to public concerns, civil society organizations should be more active in offering suggestions on governance. They should also make their internal organizations more democratic so that their members have more opportunities of participation. The government and political parties should also strengthen their cooperation with civil society organizations. The government can appoint members from representative civil society organizations to various government consultative bodies, so that these appointed members can jointly devise people-based social policies.

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