

COMMENTHK

Foreign govts' furor over HK subversion verdict is unjust

Tony Kwok says Western attacks on Hong Kong court's ruling ignore logical reasoning and distort facts in attempt to mislead the world

I am not surprised by the angry reaction of some Western governments to the recent court result of the so-called "47 case" involving 47 defendants charged with conspiracy to subvert State power. Thirty-one defendants had earlier pleaded guilty, and on May 30, a three-judge panel of the High Court delivered its verdict in the trial of the remaining 16 defendants, with 14 convicted and two acquitted.

The best explanation for their angry reaction is the old Chinese saying, "Furious after being publicly shamed!" They are angry because they had spent so much time and resources on grooming many of these defendants as their proxies in Hong Kong, aiming to disrupt the special administrative region and turn it into a subversive base against China.

Most of these 47 defendants had indeed done a number of "good jobs", such as continuous filibustering in the Legislative Council (LegCo) delaying many government initiatives, blocking the HKSAR government's proposal to launch national education in schools, controlling the teachers' union to breed anti-China mentality among young children, abusing the judicial review process to block the construction of the Hong Kong-Macao-Zhuhai Bridge, thus wasting billions of dollars due to delayed construction, attempting to stall the "joint immigration clearance arrangement" at the High Speed Rail terminal in West Kowloon, and so on.

Finally, they masterminded the "Occupy Central" movement in 2014, paralyzing the city's central business district for 78 days, and worst of all, the 2019-20 "black-clad" insurrection featuring violence and anarchy, which almost succeeded in bringing down the Hong Kong Police Force and the HKSAR government.

The foreign consular representatives and media are well aware of the full facts of the case, having closely followed the open court trial. But the Western governments which attacked the verdict shamelessly ignored the logical reasoning for the verdict and distorted the facts in their responses, obviously attempting to mislead the world.

First, they emphasized that the defendants were convicted for merely engaging in the "primary elections". The UK's minister of state, Anne-Marie Trevelyan, claimed that these defendants were simply exercising "their right to freedom of speech, of assembly, and of political participation". Nothing could be further from the truth. The truth is that there could not be an offense in Hong Kong for anyone engaging in a "primary election", which is no different from any election law in a Western country.

The truth is that they were prosecuted for conspiring to subvert the HKSAR government. Those who wished to take part in the "primary" had to sign an undertaking that, in the event of their election as legislators, and if they succeeded in securing a majority in the LegCo, they would veto the annual budget irrespective of its merits.



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I emphasize the words "irrespective of merits" because legislators have the right to veto the budget, but it must not conflict with their oath under the Basic Law to fully discharge their role as legislators, including endorsing the government budget. Their plot intended that, according to the Basic Law, if the budget was voted down twice by the legislature, the chief executive had to resign, and a new election would be called. Hence, they would succeed in bringing down any chief executive, paralyze the government, and wreak havoc and anarchy. It would also create a constitutional crisis and likely confrontation with the central authorities, imperiling the "one country, two systems" policy.

The court's judgment made it clear that it would not convict anyone merely because they participated in the "primary elections" but only if they had the criminal intent to agree to this illegal plot. Hence, the court found two defendants not guilty because it was not satisfied beyond reasonable doubt of their intention (mens rea) in agreeing to this plot.

Second, they also chose to ignore the fact that there were 47 defendants in this case, and 31 had pleaded guilty before the start of the trial, including the mastermind of the plan, Benny Tai Yiu-ting, formerly an associate law professor at the University of Hong Kong. If they are actual "soldiers" to "protect democracy", they should fight to the bitter end and be prepared to be "martyrs".

They pleaded guilty simply because they were fully aware of the criminality of the "primary elections" plot and the overwhelming evidence against them. Under the circumstances, they had no chance of acquittal, hence they hoped to receive a discount on their potential imprisonment by pleading guilty. Of course, I would not rule out that some of them have now realized they had been misled by Tai. By pleading guilty and showing remorse, they should be given credit for this at the sentencing stage.

Third, they belabored the "Beijing-imposed" national security laws, ignoring the basic principle that any country's national security law is the central government's sole responsibility. So what is wrong with the Standing Committee of the National People's Congress passing the National Security Law for Hong Kong

(NSL), which quickly put a halt to the 2019-20 insurrection and restored peace and order in the city? What they are genuinely concerned about is that their espionage activities in Hong Kong, which had been ongoing since 1997 due to the absence of any national security laws, had to stop abruptly for fear of exposure after the enactment of the NSL and the creation of a police enforcement unit on national security.

It should be pointed out that the existing charge of subversion is not unique to Hong Kong. The United States introduced the Sedition Act in 1918, which criminalized inciting or advocating the overthrow of the government by force or violence, with a maximum prison term of 20 years. Any criticism of the NSL by the West exposes its hypocrisy and double standards.

Fourth, they claimed that the judges were "hand-picked by the chief executive". The fact is that all these three judges joined the bar before 1997, hence they are trained in British common law jurisprudence. Indeed one of the judges, Justice Andrew Chan Hing-wai, received his law degree from the University of London and qualified as a barrister at Gray's Inn. It should also be pointed out that the judges were not appointed from nowhere; they were nominated from within the existing pool of judges with a view to their perceived expertise. It is no different from the formation of a panel of judges hearing specific copyright cases. It should be pointed out that all judges in Hong Kong were appointed by the governor in the British era and, after the 1997 reunification, were appointed by the chief executive based on recommendations by the Judicial Officers Recommendation Commission. This case is no different.

Finally, it should be pointed out that this 118-day trial fully conforms with the British common law system, where the defendants are all fully represented by their selected lawyers and are given a chance to rebut any prosecution evidence and deliver their defense case. The 318-page explanation for the verdict is a testament to Hong Kong's commitment to judicial independence and transparency.

Should the defense disagree, they can exercise their right to appeal to a higher court, up to the Court of Final Appeal. Indeed, one of the acquitted, Lawrence Lau Wai-Chung, a barrister, said after the verdict: "If there is any star in this case, this judgment should be the star. It shows the jurisprudence, reasoning, logic, and perspectives of our judges. Please study it. It is more important than any single individual in this case. It is part of our rule of law."

The problem is that traditional Western media appear to be complicit with some Western governments' blatant bias and fail to honor their professional ethics and report truthfully. One way to overcome this is to make best use of social media by creating convincing short videos for circulation on social media such as Facebook, Instagram, X, and TikTok.

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Latest supportive measures to help China's property market stabilize

China has rolled out a spate of new measures to boost the property market. The sector has been in a downturn over the past several years with falling housing prices. The Western media have churned out a biased narrative highlighting that the bubble in China's property market has burst and plunged into a crisis, ignoring the fact that China has a solid financial and banking system and has exerted stringent controls on the finance and debt levels of property developers. An array of nationwide and city-specific policies has been initiated amid the property market's adjustment. The People's Bank of China (PBOC), the Ministry of Housing and Urban-Rural Development, and the Ministry of Natural Resources have introduced coordinated and supportive measures to stabilize the property market.

China has resorted to different tactics and approaches to address the current property downturn. In the latest round of measures, the PBOC will set up a 300 billion yuan (\$41.42 billion) fund to support State-owned enterprises to purchase some of the unsold homes from developers as affordable housing. The fund is expected to generate loans of over 500 billion yuan in the banking sector. Local governments are also encouraged to buy unsold homes and rent them out to residents as affordable housing, and buy back idle residential-land sites from developers at reasonable prices. After the buyback, the land sites can be utilized for building more affordable housing and developing public facilities to improve the local living environment. The measures have drawn positive responses from local governments.

Also, the central government has initiated more nationwide policies to unleash homebuyers' pent-up demand and ease the burden on buying flats. The latest policies include cutting down payment ratios for first- and second-time homebuyers to 15 percent and 25 percent respectively, from 20 percent and 30 percent. The floor level on mortgage rates has also been scrapped. At the same time, many cities have launched housing trade-in programs to encourage households to sell their old flats and buy new and bigger houses. Apparently, the central government has resorted to versatile means to stimulate demand for housing and ease homebuyers' burden on mortgage and interest payments.

Meanwhile, local governments in some big cities have scrapped stringent restrictions on the purchase of properties. Earlier, the authorities in Hangzhou, Zhejiang province, and Xi'an, Shaanxi province, have removed stringent restrictions on home purchases. In Hangzhou and Xi'an, homebuyers no longer need to meet preexisting conditions, such as social security contributions, to purchase flats there. There is no longer a limit on the number of flats each homebuyer is allowed to purchase. Homebuyers in Hangzhou can also apply for residence permits, and their applications are subject to official approval. Even so, authorities in some first-tier cities, such as Beijing, have retained specific countervailing policies tailored to the situation of the local property market. The measures on eliminating stringent restrictions on the purchases of flats will help revive momentum in the property market.

At present, most flats can be completed and delivered to Chinese homebuyers. The central government has made the utmost effort to ensure delivery of flats, though a number of residential projects might not be completed by beleaguered developers such as China Evergrande Group. The initiative has safeguarded the interests of homebuyers and ensured social stability. To ensure the delivery of housing projects by developers, a whitelist mechanism was established in January. Under the mechanism, local governments have selected real estate projects that are eligible for financial support from banks. Based on the National Financial Regulatory Administration's figures, banks had approved about 935 billion yuan in loans to support construction of housing projects in over 290 cities as of mid-May.

In addition, China's current property downturn is entirely different from the US financial crisis in 2008. The Western media have stated that the US financial crisis could possibly play out in China, but have overlooked the fact that China's banking and finance systems have remained solid. In the US, the financial crisis was widely blamed on the subprime mortgage woes when American housing prices slumped after the property bubble burst and many borrowers failed to pay their mortgage loans. The increase in foreclosures caused some financial institutions to collapse, and the American government was forced to bail out banks and other giant business enterprises. In China, State-owned and commercial banks continue to operate in a stable condition with low nonperforming-loan ratios. Chinese banks remain well-capitalized to support developers to complete residential projects. Chinese homebuyers are also making mortgage payments normally without foreclosure risks.

Compared to other countries, China has many innovative policy tools to tackle the property market's downturn. It just needs more time for the market to stabilize. If the latest round of supportive policy measures are well-implemented, it will boost homebuyers' confidence and revive market vitality. The real estate sector is expected to gradually recover and move toward healthy development.

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SAR should learn from Shanghai on cultural policies

John Lee Ka-chiu, chief executive of the Hong Kong Special Administrative Region, and Gong Zheng, the mayor of Shanghai, agreed to deepen cooperation in various areas in April, marking the closer ties between the two star cities in the nation.

The Big Duo's cooperation will be all-inclusive, including but not limited to innovation and technology, the digital economy, finance, aviation, shipping and logistics, culture and creative industries (CCIs), education, and talent development.

Despite the enhanced cooperation, Shanghai, the leading city in the Yangtze River Delta urban agglomeration, distinguishes itself from Hong Kong by its strength in manufacturing, technology, and service industries, whereas the HKSAR, as the core city in the Guangdong-Hong Kong-Macao Greater Bay Area, is outrun for the lack of a manufacturing sector.

Cultural policies and utilization of cultural spaces are the main determinants of CCI development. "50 Opinions on Accelerating the Innovative Development of the CCI in Shanghai" ("50 Opinions") was released in 2017 to enhance the quality and quantity of cultural spaces in the city. Then in 2021, the nation's 14th Five-Year Plan (2021-25) reinforced Hong Kong's role as the East-meets-West center for international cultural exchanges.

In addition to the "50 Opinions", the Shanghai municipal government has hammered out a series of policies and plans to promote its cultural development. In addition, Shanghai's "Procedures on Art Museum Administration" became the country's first municipal-level regulations for art museums. The legislative plan of the 16th Shanghai Municipal People's Congress (2023-27) also includes regulations for public libraries and museums.

In 2023, on the other hand, the HKSAR government established the Culture Commission, which is mapping out the "Blueprint for Arts and Culture and Creative Industries Development and a 10-Year Development" for sports and recreation facilities with the aim of increasing the number of the museums under the Leisure and Cultural Services Department (LCSD) from the current 15 to 19, and increasing the number of seats in performance venues by about 50 percent. The



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government will "continue to implement the 10-year Development Plan" as outlined in the chief executive's 2023 Policy Address.

Hong Kong's major cultural venues, including theaters, concert halls, art museums, and public libraries, are managed by the LCSD and run on government grants. The West Kowloon Cultural District (WKCD), the largest cultural infrastructure project, whose planning began in the 2000s, is also seen as a key cultural space. The WKCD's plan includes the Xiqu Centre, which opened in 2019. In addition, there are the Art Park, Freespace, M+, and the Hong Kong Palace Museum.

Certain cultural spaces, utilizing government land, receive support from charitable grants. Construction is funded by nongovernmental investments, while leasing and commercial activities cover operation and management costs. Examples include the Jockey Club Creative Arts Centre and Tai Kwun, funded by the Hong Kong Jockey Club.

Shanghai's endeavor to promote the development of the CCIs and tourism provides a valuable reference for Hong Kong. It has made significant progress in constructing cultural spaces, including theaters, libraries, and museums.

Hong Kong has 15 museums, while Shanghai boasts 162 museums, more than 10 times that of the HKSAR. The combined floor area of Hong Kong's museums is around 160,000 square meters, whereas Shanghai's seven national-level museums alone cover 210,000 sq m.

Hong Kong has six art museums, while Shanghai has 96. In terms of performing arts venues, Shanghai

has 112. For Hong Kong, the list of performing arts venues in 2020-21 by the Hong Kong Arts Development Council shows various performing arts venues, comprising 26 facilities, have a total seating capacity of approximately 28,000. In contrast, available data for 65 out of Shanghai's 112 venues reveals a seating capacity of 69,400.

Hong Kong has 84 libraries, compared to Shanghai's 239 libraries. The Hong Kong Public Libraries hold 15.38 million library items, while Shanghai's 19 national-level libraries collectively house 70.09 million items.

Since 2019, the number of museums has not been increasing annually in Shanghai, which not only showcases the city's cultural resources, but also highlights its own unique culture, such as the *haipai* (literally "Shanghai style"), Jiangnan, and Wuyue cultures, preserving the city's history. Moreover, Shanghai has 241 community cultural activity centers across its districts. These centers provide spaces for exhibitions, performances, screenings, sports, and other events, enhancing the cultural and recreational life of Shanghai residents.

Strategic development of arts and culture requires informed decision-making. New York, London, Tokyo, and Shanghai have already organized their cultural data. Data such as types of venues, hardware, software, etc, help reflect a city's capacity for cultural innovation. To further Shanghai-Hong Kong collaboration, regular evaluations, policy research, and think tanks should be established. The HKSAR government should also focus on understanding local cultural space, analyzing current situations, and assessing the adequacy of existing facilities through cultural big data.

It will take long-term planning and design to maintain Hong Kong's competitiveness among other areas and transform Hong Kong into an international hub for cultural exchange. Therefore, the government should organize district-specific data, prioritize citywide training programs for talents, and implement indicators for systematic planning. These measures will provide valuable insights into the growth and enhancement of cultural spaces and help nurture creativity in the HKSAR.

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