

# INSIGHT

## The quest for trust

Robert Lawrence Kuhn says under Xi, China has set itself the tough challenge of winning over the people

The significance of the new "principal contradiction" in Chinese society, established at the 19th Communist Party congress in October and advocated vigorously by President Xi Jinping, is underappreciated. It's a surprisingly powerful lens for viewing China's domestic policies. Two recent events in Beijing which have shaken public trust highlight why.

The first was alleged child abuse at a kindergarten. When authorities claimed that the hard disk of the surveillance camera had broken and that the recovered data showed no evidence of abuse, netizens ridiculed the claim and suspected a cover-up. What's worse, they said, is that the police accused two parents of spreading rumours of the abuse. Angered netizens criticised authorities for enabling the alleged abuser to mask the truth. And when the online criticism was censored, anger escalated.

The second event was a fire in which 19 people died. All were migrant workers and, within days, many migrant workers were forced to leave their "illegal" apartments, literally, in some cases, thrown out into the cold, stoking more public anger. Again, social media, including WeChat, was cleansed of critical comments. The sense was that the local government was taking advantage of the fire by doing what it wanted to do anyway: reduce the number of migrant workers living in Beijing to create a beautiful Beijing of the future.

Even the Chinese state media criticised the local government, saying more "warmth" was needed in moving migrant workers. Sensitivities are so high that the Chinese media can no longer use the pejorative phrase "low-end population".

Some Chinese scholars warn that the government is at risk of falling into the so-called "Tacitus trap". The Roman historian Tacitus had observed that once a ruler became an object of hatred, the good and

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bad things he did only aroused people's dislike of him. The Chinese scholars draw the analogy: "When a government department or an organisation loses its credibility, whether it tells truth or lies, does good or bad, the public believes them to be lies and bad."

It may surprise Westerners that these two isolated incidents can trigger such heated emotions, even vitriol, towards the government. After all, such tragic or scandalous events are not uncommon in all countries. Why then have these caused such a stir in China, whereas in the US, for example, public interest would barely budge?

At the risk of oversimplifying, I suggest two interlocking reasons. First, people in China have unrealistic expectations that the government can do everything, and second, they believe that the media reports only that which the government approves. The result is that for every problem, the government is blamed, and no matter what the media says, people assume the

truth is worse. Recall the 2003 severe acute respiratory syndrome (Sars) epidemic. When the government tried to hide the actual facts to avoid panic, the cover-up engendered wild rumours that were far worse than the actual facts. People believed the wild rumours, causing greater panic. Only when the truth was told did the public relax. It was a good lesson.

How to improve public trust? The party, I believe, has taken a decisive step by redefining the principal contradiction in society.

"Contradiction" is a Marxist term describing a kind of political analysis – "dialectical materialism" – which identifies "dynamic opposing forces" in society, and seeks to resolve tensions by applying "correct" political theories.

In Deng Xiaoping's era, the principal contradiction was "the ever-growing material and cultural needs of the people versus backward social production" – a change most welcome from the prior contradiction of "proletariat versus

bourgeoisie", which catalysed severe, widespread and prolonged chaos and destruction during the political mass movements in the 1950s and 1960s, especially the

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ruinous Cultural Revolution. Now, even as China achieves its goal of becoming a moderately prosperous society, fulfilling basic needs through economic growth, there is growing dissatisfaction with social conditions. Thus, in Xi's "new era", the principal contradiction is "between unbalanced and inadequate

development and the people's ever-growing needs for a better life".

As Xi said: "The needs to be met for the people to live a better life are increasingly broad. Not only have their material and cultural needs grown; their demand for democracy, rule of law, fairness and justice, security, and a better environment are increasing."

This "new-era contradiction", replacing quantitative gross domestic product growth with qualitative quality-of-life improvement, is what will now drive policy. For example, it is not that people cannot afford medical care, it's that they must wait for hours at overcrowded hospitals and, even then, have only five minutes with a doctor. It's not that people do not have good homes; it's that they do not have clean air. Success will be measured more by the satisfaction of the people than by the growth rates of the economy.

Will "satisfaction" be harder to judge? Chinese people are not shy.

Implementing ways of thinking consistent with the new principal contradiction would mean trusting the people more. Here, the media plays a crucial role.

As with Sars, when truth about unpleasant events is censored, the cover-up engenders false rumours and fuels conspiracy theories. The media should be an ally, not an adversary, in the government's quest for public trust.

This need not mean adapting the Western media model. China needs to find its own media model for its own stage of development – which should encourage, in cases like child abuse or tenement fires, truth to be told.

I can appreciate the opposite view. China's leaders want the best for the Chinese people, of that I am sure, and there can be a perceived tension between, on the one hand, reporting bad news that could upset the public, and, on the other hand, restricting the reporting that could erode public trust. Given China's social disparities and stage of development, such decisions are challenging.

When Xi first announced the new principal contradiction, some dismissed it as arcane party-speak. Public reaction to the child abuse and to the fire, albeit "minor" incidents among many, reveal its prescient and perspicacious wisdom.

Robert Lawrence Kuhn is a public intellectual, political/economics commentator, and an international corporate strategist. He is the host of Closer to China with R. L. Kuhn, a weekly show on CGTN, and the author of How China's Leaders Think

## Reform tunnel tolls before city grinds to a halt

Bernard Chan says policymakers must overcome the objections of interest groups, and change the pricing system before the whole tunnel system is overwhelmed

Anyone travelling through the Cross-Harbour Tunnel – from Causeway Bay to Hung Hom – at peak hours knows it is terribly congested. A recent Transport Department study showed southbound traffic backed up as far as Mong Kok in the morning. In the evening rush hour, queues on Hong Kong side go as far as Exchange Square in Central.

These jams are about 3km long. The result is that a trip, taking maybe 10 minutes if the route were clear, takes more than 30 minutes. Meanwhile, the Western Harbour Tunnel, from Western to West Kowloon, has no queues and no delays.

Further north, in Kowloon, there is a similar discrepancy. The Lion Rock Tunnel linking Sha Tin to Wong Tai Sin has a 1.8km queue, on average, in the morning, taking up to 17 minutes to clear. The Route 8 tunnel, from Sha Tin to Cheung Sha Wan, has no queues or delays. Part of the problem is that the most popular tunnels are the most centrally located, and therefore most convenient for many commuters.

The problem is made worse by pricing. Logically, the links with the highest demand should have higher tolls than the others (or at least the same). Instead, the most popular, crowded tunnels are the cheapest. Even motorists who would have a quicker journey using the other tunnels use them.

At some point, this has to change. The whole tunnel system will be overloaded by 2021 unless the pricing structure changes.

The Transport Department's toll rationalisation study is impressively detailed and examines traffic flows and pricing at all six cross-harbour and Kowloon tunnels. Not surprisingly, it calls for changes in the tolls. The report goes over assorted options – some of which have been proposed in the past. These include a variety of combinations of decreasing and increasing different tunnels' tolls. They also include ideas like full

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electronic toll payment and even waiving all tolls. The situation is complicated by the ownership structure of the tunnels. However, the report assumes that public subsidy of a franchisee would be feasible in principle. The recommendation is that tolls be adjusted so private cars and taxis have a greater incentive to use the less-crowded tunnels. This is about changing the relative charges – so, in theory, it could mean toll reductions rather than just increases. The key would be having a situation where it is cheaper to use the less-crowded options.

The report mentions some other possibilities, such as peak charging for rush hours, or different charges on Sundays. But the core guideline is to match toll adjustments with objective measurements, like journey times. The ideas still require consultation and legislative action.

The big question is: will politicians and the public accept them? Interest groups will create a huge fuss. However, the proposals will not affect tolls for buses or minibuses, or for vehicles transporting goods. Most of the travelling public will benefit from less congestion, even if certain interest groups oppose the changes. Judging by past attempts to sort out this problem, it will fail. Yet it can't, because these key routes will otherwise face gridlock at some point. The tunnels are not the only choke points. They feed into areas where the roads and intersections approach full capacity. Road network expansion, like the opening of the Central-Wan Chai bypass in about a year's time, can ease congestion in specific areas. So the traffic moves more quickly through that area – but where does it end up?

Look around most of our inner urban areas, and you will see more office, hotel and residential towers going up, replacing the smaller developments that were there previously. Each bigger tower means more cars, more trucks and more pedestrians. Yet, in most cases, the road and pavement space for the vehicles and people is fixed. This is not sustainable. The good news is that, even at peak times, our traffic mostly still flows (provided there isn't an accident or some other blockage). Unlike some Southeast Asian cities, we have time to start managing traffic volume.

The response to the Transport Department's proposals will show whether we as a community can face the challenge and do it.

Bernard Chan is convener of Hong Kong's Executive Council



A view of Eastern Harbour Tunnel at Lam Tin. Traffic problems are made worse by pricing. Photo: Dickson Lee

## Hong Kong should waive the debt of disqualified lawmakers

Grenville Cross says the practice in Australia of not pursuing the debt of ejected parliamentarians – provided they have discharged their duties 'in good faith' – offers Hong Kong a way forward

Although the president of Hong Kong's legislature, Andrew Leung Kwan-yuen, says the Legislative Council Commission acted on legal advice in seeking the full repayment of salaries and allowances from four disqualified lawmakers, the advice has been queried in some quarters.

The fact remains that the disqualification of Nathan Law Kwun-chung, Leung Kwok-hung, Lau Siu-lai and Edward Yiu Chung-yim meant that their original election was void. As such, they were disentitled to the sums paid, and the commission is within its rights in seeking their return, however imprudent that course may be.

But this is not its only course. In October, several lawmakers in Australia, including deputy prime minister Barnaby Joyce, also lost their seats. The Australian High Court decided they were ineligible because they were dual nationals, which is constitutionally prohibited. As the ejected lawmakers had already taken part in proceedings for over a year, the repayment of salaries and entitlements would, if enforced, be a significant burden for them.

A similar situation also arose in April, when the High Court – for

constitutional reasons unrelated to citizenship – found that Senator Bob Day had not been validly elected in 2016. Although the question of repayment arose, the responsible minister, Scott Ryan, said it would be unfair of the government to pursue the debt, given that Day had discharged his senatorial duties "in good faith".

In Australia, the convention is to waive such debt. Ousted parliamentarians are given two options: pay up or apply for a waiver from the government. Provided there is no evidence of bad faith, the application of a waiver will normally be granted.

In Hong Kong, the four lawmakers seemingly acted in good faith in the Legislative Council after they were sworn in. Although they took their oaths in an irregular fashion, with two being required to retake them, they were all nonetheless ultimately seated. By contrast, the extreme antics of two other lawmakers, Sixtus Baggio Leung Chung-hang and Yau Wai-ching, at their oath-taking resulted in them being excluded altogether.

The four seated legislators would have assumed that they had been accepted as Legco members.

In these circumstances, the Australian approach provides

valuable guidance for the Legco commission, which should now reconsider its demands in light of it. This, after all, was not a case in which someone tricked their way into Legco, as happened in 1985, when Tai Chin-wah, having falsely represented himself to be a solicitor, was elected to the chamber. He was unmasked six years later.

There can be no possible objection to the commission enforcing repayment of the debts owed by Sixtus Baggio Leung and Yau, whose abusive conduct violated basic norms. Their four colleagues, however, were not in that category, as the Legco president himself accepted. Ejection from Legco is itself a severe sanction, and basic fairness requires the waiver of the debts.

If, however, this does not happen, it is fanciful for people to suggest that Legco proceedings in which the four participated should be retroactively undone. Even if feasible, this would produce chaos.

In 1907, the Australian High Court resolved this very issue when it ruled that votes on legislation remain valid, even if a parliamentarian is subsequently deemed to have been invalidly elected, and this remains good law. As the judgment put it, "the proceedings of the Senate as a House of Parliament are not invalidated by the presence of a senator without title".

Grenville Cross SC is a criminal justice analyst

## Guard diversity in education

Ho Lok Sang says a coming decline in student numbers in Hong Kong may kill off private tertiary institutions unable to vie with state-funded ones

The rapid expansion in Hong Kong of degree placements by self-financing institutions and self-financing arms of subsidised institutions has led to notable "achievements", according to the government. One document says: "There are now about 150 and 300 self-financing post-secondary programmes at undergraduate level and sub-degree level... vis-à-vis around 40 and 230 such programmes respectively in 2005-06".

But there is an excessive orientation towards academic degrees and inadequate attention placed on vocational development. Even the Vocational Training Council (VTC) is increasing its emphasis on degree programmes.

A healthy tertiary education sector should offer diversity, innovative pedagogy, plus strong links to industry and other sectors of society. The council is a massive organisation, and by offering degree programmes, it threatens the existence of courses run by private institutions without government funding.

If diversity is to prevail, we need a policy to ensure a level playing field. VTC-run degree programmes enjoy an unfair advantage, and government-funded institutions enjoy an unfair advantage due to branding and better infrastructure like libraries and IT facilities. If they run certain programmes, it would make sense to focus on niche areas that don't overlap with those run by private institutions. If they run

similar programmes, there should be quotas. The winner-takes-all problem will become more acute in the next few years, as the number of secondary education graduates dwindles, leaving too few candidates to sustain all the current suppliers.

One may say: why not let competition eliminate those that cannot compete? This is based on the assumptions that the competition is fair and having far fewer players is desirable. Both are misplaced.

Both the VTC and University Grants Committee-funded universities are government funded to perform designated functions, but have ventured into areas beyond their original missions and enjoy significant advantages. The competition for survival could eliminate worthy players offering unique programmes. They could fail not because their programmes are not good enough, but because of the psychology to opt for stronger market players.

Even if eliminating some players is necessary, without a policy mitigating the winner-takes-all tendency, there will be too few players. We would lose the diversity driving innovation and offering students more choice in terms of programme design, pedagogy, location of classes, institutional culture and connectivity.

Ho Lok Sang is dean of business at Chu Hai College of Higher Education