8 The Lull before a Further Storm?

This book has endeavoured to highlight the principal issues arising from the 15-year-old saga of Hong Kong and the asylum-seekers from Vietnam. The pace of the debate has quickened as the years have gone by. Discussion has become heated since mid-1988, with occasional lulls in the intensity of the verbal exchanges, in the media focus on the detention centres, in the level of international interest, and in the condemnation of the conditions under which the boat people have been forced to live. The arguments, and the defence of positions, have most often intensified at the time of regional or international meetings; in the wake of some major incident of violence; when groups of boat people were being moved from one place to another; following a particularly confrontational statement by a senior politician, in Hong Kong or abroad; when mandatory repatriation seemed imminent; on occasions when injury or death occurred; when a change in policy was announced; or when the impact on children of incarceration was brought to the fore.

The introduction of new policies within Hong Kong, the attempts at policy co-ordination within the region, and the often secret co-ordination of policies between the Hong Kong and British Governments have, in most instances – both at the time and retrospectively – come across to many people as clumsy, under-resourced, ill-prepared, punitive and lacking in humanitarian concern. There is a sense in which a single-mindedness of purpose in its efforts to rid the territory as swiftly as possible of its ‘unwelcome visitors’ has always been at the centre of Government thinking, and hence of its administration. Unfortunately, there has never been within the Hong Kong Government any one figure – or group of figures – with sufficient charisma or intellectual stature to grasp the political nettle in a way which gave the best hope of a solution through lateral thinking. Only such an endeavour could have been developed into policies appropriate to a resolution based on a concern for people in considerable distress.

The Government has lacked talent. The necessary degree of vision has never emerged. A satisfactory outcome could not be found in the stolid, unimaginative, punitive responses of the Hong Kong Government, alternately pushed into action or encouraged to prevaricate by
an embarrassed and equally impotent conservative administration on the other side of the world. The only exception to this lack of talent could possibly have been refugee co-ordinator Mike Hanson, who followed Ken Woodhouse and Nigel French. Regrettably, like his predecessors, Hanson had to remain in the shadow of lacklustre secretaries for security; and, just at the time when he might have been able to make a breakthrough in mid-1990 because of his personality and increasing experience in the task, he was transferred within Government service. Perhaps he was beginning to show too much understanding?

Against a backcloth of bureaucratic entrenchment, a political philosophy seemingly based on rejection of the Vietnamese asylum-seekers as people and the complementary preservation of Hong Kong’s self-interest, and stronger and stronger CSD and police muscle in matters of control (in what many would perceive as outside the judicial process), the task may have been impossible for anyone other than a ‘supremo’. Such a person, however, might have undermined Government thinking, and cost money.

The stated intentions in May and June 1990 to make improvements at Whitehead Detention Centre – and the actual improvements made at Hei Ling Chau slightly earlier – were many months, or even years, behind their time. In any rationally-based programme planning, such innovations would have been incorporated into the first operational blueprint. They never were, with subsequent almost irreparable damage on all fronts.

What is rapidly moving towards two decades of refugee drama is best viewed from five angles: legal, historical, political, humanitarian (in the broadest sense) and personal, the latter touching individuals – or not, as the case may be – at the deepest possible level.

COMMENT ON THE LAW

Observations from a legal standpoint were made in Chapter 4. It is clear that throughout the closed camp era, in respect of imprisonment in detention centres, and in regard to the screening and repatriation process, the ‘rule of law’ has been adapted to fit in with policy decisions and political expediency. Charges of ‘imprisonment without trial’, ‘imprisoning children’ and depriving children of their basic rights under the UN Convention on the Rights of the Child, have all