

**TORONTO ASSOCIATION FOR DEMOCRACY IN CHINA**  
**Briefing notes on the latest development in Hong Kong**  
**June 25, 2020**

*"Hong Kong is in a crisis. We are the new Chinese dissidents, the new political prisoners!"*

*Lee Cheuk-Yan*

Hong Kong is at a historic juncture and the courageous people of Hong Kong are bracing for their biggest political upheaval since the 1997 Handover. It is anticipated that the National Security Law will be passed this weekend (June 27-28) by the National People's Congress Standing Committee, China's top legislative body.

Once this new legislation takes effect, the Beijing government will have sweeping power and control over every facet of Hong Kong. Not only will this contravene the spirit and intent of the Sino-British Declaration of 1984, it will also signal the complete dismantling of the framework of "One Country, Two Systems."

If the arrests of over 9,000 protesters and the escalating police brutality over the protest movement last year are any indication of what is to come, the pressing situation in Hong Kong requires the immediate intervention from our Canadian government and the international community.

***Escalating Attacks on Labour and Civic Rights***

On the labour rights front, multi-pronged attacks and mounting pressure are placed on Hong Kong civil servants. Even without the new security law, they have been pressured to swear allegiance and loyalty to the CPP government. They have also been warned by management not to participate in a strike vote organized by unions and the civil society to protest against the new security law.

According to Lee Cheuk Yan, the General Secretary of the Hong Kong Confederation of Trade Unions (HKCTU), there is also special targeting on the more politically active and progressive unions, for example, the Hong Kong Professional Teachers' Union.

The special targeting also applies to Lee, who is a former Labour Party legislator and currently chair of the Hong Kong Alliance, which is responsible for organizing the annual June 4 candlelight vigil in Victoria Park.

Lee is currently facing seven criminal charges for violating the assembly ban order and inciting unrest. As well, all ten executive members of the Hong Kong Alliance have been charged for holding the June 4 vigil in Victoria Park this year, despite the ban order.

A number of labour activists, human rights defenders and lawyers, and student leaders like Joshua Wong will be at serious risk. The higher profile they are, the more at risk they are. They will be used to "set an example" for the lesser-known pro-democracy activists.

## *Consequences of the new National Security Law*

Under the National Security Law, acts of “separatism”, “subversion”, “terrorism” and “activities by foreign and overseas forces that interfere with state power” in Hong Kong will be outlawed. Of these, the most worrisome for the activists is the third one: collusion with foreign powers. The definition and interpretation of “collusion” is extremely arbitrary, and can lead to a complete dismantling of the civil society in Hong Kong as a way to silence dissent and stifle future pro-democracy protests and civil movements.

As soon as the law is passed, the authority will be targeting those activists who have spoken out or have garnered international attention. They will be arrested and extradited to China for show trial and sentencing.

Furthermore, the new security law will be a serious blow to rule of law and judicial independence. A new Office of the National Security Commission of the PRC will be set up in Hong Kong SAR. Joining force with the Hong Kong Police, they will have far-reaching powers to further suppress and erode the rights and freedoms of Hong Kong citizens.

## *Request for Immediate Actions*

In light of the imminent danger pro-democracy activists in Hong Kong are facing, international communities must act immediately to support and protect the people of Hong Kong.

During his bid to win Canada a seat on the UN Security Council, Prime Minister Justin Trudeau has said securing a seat is not an end in and of itself, but a way for Canada to “continue to be influential” around the world. He said that being on the UN Security Council could “make sure our voice and values are heard on the highest levels.” He also said that regardless of what happens in the campaign, Canada will continue to be more engaged on the world stage.

Taking a stand to support the people of Hong Kong will show Canada being engaged on the world stage and ensuring the values that Canadians hold dear—respect for basic human rights and freedoms and protection of rule of law—are heard.

On June 18, 2020, the EU Parliament adopted a very comprehensive motion on Hong Kong outlining a range of actions from denouncing to placing economic sanctions against China. Canada should consider taking a similar step and adopt a motion that will also take into account the latest spying charges of the two Michaels.

But Canada should go further. There are currently 300,000 Canadians residing in Hong Kong, and along with the tens and thousands of Hong Kong Canadian citizens across the country, Canada has a special and close relationship with Hong Kong.

We therefore recommend Canada to immediately take the following steps:

- The Canada- China Parliamentary Committee should immediately resume and hold a special Committee meeting on Hong Kong.

- Canada should take the lead in facilitating a global coalition to monitor and act as a strong advocate for Hong Kong.
- Follow the footsteps of the United States, which is moving on a bill with bipartisan support to place Hong Kong as Priority 2 country for refugees, Canada should also create a special and expedited refugee program for Hong Kong activists involved in the pro-democracy movement last year, including those protesters facing criminal charges and a long jail sentence. Open up temporary and permanent residency programs to Hong Kong people—especially those who have family ties in Canada—to work, study and live in Canada.
- Apply the Sergei Magnitsky Act to officials from Hong Kong and China who have played a lead role in the continued suppression of human rights activists and defenders in Hong Kong and China.
- We urge our government to facilitate an immediate consultation process with concerned groups across the country that have advocated for human rights and democracy in Hong Kong and China.

The sentiments expressed in the quote above by Lee Cheuk Yan underscores the urgency of the crisis in Hong Kong. It is incumbent upon our government to take immediate action and extend our full support.

For a deeper analysis on the circumstances in Beijing leading to the crisis in Hong Kong, please refer to the Commentary by Gao Wenqian *The Crisis in Hong Kong: Xi Jinping Loots a Burning House* published by Human Rights in China. This article is included in the appendix.

Below are recently published articles in Guardian and in Apple Daily (the only truly independent newspapers left in Hong Kong) with regard to the National Security Law and impact on Hong Kong democracy:

<https://www.theguardian.pe.ca/news/world/eu-should-take-china-to-un-court-over-hong-kong-lawmakers-say-464425/>

EU should take China to UN court over Hong Kong, lawmakers say 2020-06-20

<https://hk.appledaily.com/us/20200618/M7TZVAIASUJOQEJWE47GI603WA/>

Beijing to pass Hong Kong security law despite international opposition 2020-06-19

<https://hk.appledaily.com/us/20200617/K2LH43QGZVQGPQDOAALSQGTBXQ/>

Hong Kongers may be extradited to mainland China under national security law, says Beijing loyalist 2020-06-17

<https://hk.appledaily.com/us/20200619/NMAIPZYIJN3VJNERQ6SFINBRWE/>

Election candidates might be disqualified for absence of non-mandatory form 2020-06-18

## Appendix

### The Crisis in Hong Kong: Xi Jinping Loots a Burning House

Commentary by Gao Wenqian

June 25, 2020

<https://www.hrichina.org/en/press-work/hric-commentary/crisis-hong-kong-xi-jinping-loots-burning-house>



At precisely the moment when countries around the world are still focusing their energies on combating the pandemic of the century, and the situation in Hong Kong deteriorates by the hour, the Chinese authorities have seized the opportunity to announce a “Hong Kong National Security Law” at this year’s Two Congresses—the National People’s Congress (NPC) and Chinese People’s Political Consultative Conference (CPPCC). Prior to this, authorities had already delivered a one-two punch to remove possible obstacles to the law.

First was the pronouncement from the Director of the Liaison Office of the Central People’s Government in Hong Kong, [Luo Huining](#), that Hong Kong has always been a national security weak spot for China, that “[Hong Kong must not be allowed to become the breach for national security risks](#).” The statement was followed by the arrest of 15 pro-democracy activists, including eminent barrister Martin Lee and *Apple Daily* founder Jimmy Lai, by the Hong Kong police on accusations of participating in anti-extradition protests last year. Then, in mid-May, pro-democracy members of Hong Kong’s Legislative Council were ejected from the meeting of the House Committee, clearing the way for the reelection of pro-establishment legislator Starry Lee Wai-king as the chairperson of the Committee. At that point, Hong Kong fell into enemy hands completely, and “one country, two systems” was dead.

China’s shameless and brazen trampling on Hong Kong’s system of rule of law to force through the Hong Kong National Security Law is far from an impulsive act. Rather, it is part of a meticulous and careful plan. China intentionally concealed the facts of the coronavirus epidemic, causing a worldwide pandemic, incurring the wrath of the international community, and prompting a spate of international calls to hold China to account. Under siege at home and abroad, Xi Jinping, the helmsman of the Communist Party of China, decided he may as well go all out, wage a war against whatever may come while other countries are preoccupied, and settle the Hong Kong question once and for all. Since the return of Hong Kong, the region has been a major source of concern for Beijing, that it will become the bridgehead for toppling the one-party system on the mainland. Ever since the blowback from the cross-border kidnapping of the Causeway Bay booksellers a few years back, Beijing has felt that Hong Kong’s rule of law under the “one country, two systems” framework has been a nuisance that must be gotten rid of. The fact that the anti-extradition movement waged so fearlessly by the Hong Kong people last year has not yet been quelled, coupled with, in particular, the big win by democrats in the district council elections last November, has been a source of great humiliation for Xi Jinping, bankrupting his “political strongman” image. In addition, if the upcoming Hong Kong Legislative Council elections turn out the wrong way, he could be held to account within the CPC. To

be sure, the label of being the man who “lost” Hong Kong is not something Xi Jinping can bear.

Just as Xi Jinping was facing his political Waterloo in Hong Kong, he also made a mess in handling the new coronavirus outbreak in Wuhan. Both disasters stemmed from the imperative of maintaining stability—in order to “hold on to the CPC family legacy.” That imperative caused him to miss the window at the beginning of the outbreak to contain the spread, resulting in an epidemic ravaging the whole country, and then the rest of the world. Countries all over the world have suffered greatly. On May 18, 2020, at the World Health Assembly, the entire membership of the WHO, 194 countries—including China’s ally, Russia—passed a [resolution](#) to conduct an independent investigation into WHO’s handling of information of the epidemic in the early stages, a move prompted by the belief that WHO had helped China downplay the seriousness of the outbreak. Prior to this, China had steadfastly resisted the call for an investigation; but against overwhelming pressure, it had no choice but to sign on, while also trying to stall the efforts at the same time.

China has not been this isolated on the international stage since facing global opprobrium in the wake of the June Fourth crackdown on the 1989 Democracy Movement. This current problem has come to overwhelm all other issues at home, intensifying every other kind of domestic conflict, and severely straining social stability. To break through the diplomatic quandary, Xi Jinping, aside from continuing his two-fisted strategy of deploying both the hard “wolf warrior” diplomacy and the soft “checkbook” diplomacy—as means of dividing the international community and diffusing the pressure of accountability—is repurposing Mao Zedong’s old trick by adopting the “you fight your battle, I fight mine” strategy of preemptive strike. This is precisely his thinking in launching the offensive on Hong Kong. As he is outmatched, Xi seeks to avoid the enemy’s main forces by opening another front and moving to a new battleground of his own choosing.

Xi Jinping is likely to have assessed the consequences of this strategy: having already wronged the international community, there’s nothing left to lose, just like smashing an already broken jar, or getting one more bite when you’re already covered in fleas. But it is a gamble. If he manages in one fell swoop to solve the Hong Kong problem, then this victory would overshadow his hundred failures. And with this, he could transform his passivity into proactivity, and relieve the internal pressure he faces within the Party calling for accountability. China has always feared the U.S. response the most. That Xi dares to make such a reckless move obviously stems from his brash, combative, and hot-tempered nature. More important, Xi sees an opportunity to take advantage of the leaderless state of the international community. Since Donald Trump assumed the U.S. presidency, he has pursued a policy of isolationism and more or less completely done away with U.S. leadership on the world stage, to China’s great benefit. Xi’s wishful thinking here is that so long as he agrees to import U.S. agricultural products, he can pacify Trump. Even if he lets loose on Hong Kong and incurs strong repercussion from the international community, that repercussion would be more like thunder with little rain, not amounting to much. And in the end, it would be just like Russia annexing Crimea: it just happened.

On the question of national security legislation, although Xi Jinping wants to ram it through Hong Kong, violating the wishes of the people, he also knows he is in the wrong. That is

why he does not dare to do it properly and let Hong Kong itself formulate the legislation in accordance with the requirement of Hong Kong's *Basic Law*. Instead, in order to go around the Hong Kong Legislative Council, he had the Two Congresses authorize the National People's Congress Standing Committee (NPCSC) to formulate the legislation, implementing regulations, and enforcement mechanisms, and have the Special Administrative Region government simply announce it and put it into effect. Mainland officials took care to argue that this is not legislation mandated by [Article 23](#) of the *Basic Law* (a law that the "Hong Kong Special Administrative Region shall enact"), but legislation to be inserted into Annex III as provided in [Article 18](#) of the *Basic Law*. Immediately afterwards, Hong Kong Chief Executive Carrie Lam expressed her support, saying that "[it is the authority of the country to legislate on its own national security.](#)" One can anticipate that before the Legislative Council elections in September this year, the authorities will vigorously promulgate implementing regulations of the national security law, which they will use to condemn pro-democracy representatives, and thereby intimidate the Hong Kong people and ensure the wished-for results of the elections.

This is a life-and-death contest. The Hong Kong people have already been pushed to the brink, left with no place of retreat, and are fighting the final battle. Just recently, the people of Hong Kong held their largest public demonstration since the outbreak of the coronavirus pandemic in a stirring demonstration of their will. The people of Hong Kong are suffering. The international community cannot just stand by and let China do as it wishes. China has torn up the 1984 Sino-British Joint Declaration and betrayed the promise of "one country, two systems." Exploiting the ravage of the global pandemic, Xi Jinping is in effect looting a burning house, killing Hong Kong. What he is doing is nothing less than openly declaring war on the international community and making himself enemy of the world. As the saying goes, "A just cause finds abundant support, an unjust one finds little." The international community should abandon its long-held policy of appeasement towards China, and firmly support the people of Hong Kong. The time for action has come.

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