

## Hong Kong Taken Over by the National Security Law

*Gianni Criveller*

Sunday September 6, 2020, was another (yet again!) black day for Hong Kong. Three hundred arrests on the day of the postponed parliamentary elections. By means of the convenient alibi of contagion, which was clearly a pretext as fortunately the pandemic is definitely under control in Hong Kong, coronavirus provided the easy way out, functioning as a subsidiary for anti-democratic policies. It was evident, after the administrative elections of November 2019, that the democratic parties would win all the directly elected seats available to them. In the meantime, some particularly controversial candidates had been “disqualified” and could no longer be included in the electoral roll. Moreover, Beijing froze the current parliament for another year. The majority of the seats therefore remain with the pro-China coalition. One wonders whether Hong Kong will ever again have a parliament in which people can elect at least part of the seats; or even if there will again be fair elections ...

### **Hong Kong before July 1, 2020 ...**

In the last few years, Hong Kong has proven to be a civil society of the highest quality, pluralistic and free. For decades, Hong Kong has seen the most peaceful and educated political demonstrations of the entire planet. I was there, I can testify. The aspirations of the people of Hong Kong deserve respect and recognition. Maybe the pan-democrats have made political errors (as some say), but I do not see how errors in political strategies can justify the suppression of citizens' freedoms. The requests for the introduction of true democracy were in line with the Basic Law, the Hong Kong mini-constitution, and with the promises and assurances offered to the people of Hong Kong in the years prior to the Handover to China in 1997. It is a grave responsibility not to have listened to the peaceful voice of the people.

Some of the 2019 demonstrations had terrible episodes of violence and vandalism. Violence by some police agents; violence by mafia and political infiltrators, violence by a minority of protesters. The latter have perhaps acted out of desperation; perhaps out of youthful political incompetence; perhaps because they are simply and inexcusably violent. I repeat here what I have said and written whenever I could: violence is always wrong and

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is always to be condemned. Politically, violence is counterproductive. The violence by the few handed the justification on a silver platter to the opponents of democracy and freedom to suppress a popular and peaceful movement.

### ... and after National Security Law on July 1

Hong Kong, July 1, 2020: the very day when Hong Kong, as we have known and loved it, ceased to live. Hong Kong is now in new, unknown and, we fear, very dangerous territory. Elsewhere I wrote that we are in a situation of *nepantla*, an Aztec word I learned in Mexico: it means “being in the middle.” And not knowing where to go or what to do. Hong Kong is in transition from a familiar situation to an unknown and distressing one.

Last July 1, thousands of people took to the street. Since 1997, this has been a day dedicated to massive and peaceful marches in favor of democracy. This year it was not authorized and it may have been, I believe, the last popular and spontaneous march in Hong Kong. The National Security Law [Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region] had entered into effect at 11 pm of the previous night. Only very few people could have known the text of the law, yet dozens of people were arrested.

Differently from the Basic Law, the security legislation was written without any participation of Hong Kong’s political institutions or people. Neither the Parliament, nor even Chief Executive Carrie Lam, were aware of its content during the drafting process. Yet, the new law has now been inserted, as an annex, into Hong Kong Basic Law. In its 66 articles, the law introduces into Hong Kong the crimes of secession, subversion, terrorism, and collusion with foreign forces [to endanger national security].

Although these four crimes are penalized in most countries in the world, in China such accusations are instrumental in repressing all forms of dissent, even peaceful and legitimate ones. Will this happen in Hong Kong as well? According to the new law, the four crimes are punishable with harsh sentences, ranging from 10 years up to life imprisonment.

Only Beijing will interpret the law (i.e. not the local supreme court) and in case of conflict between local and national jurisdictions, the latter prevails. In any case of doubt, the Chinese original prevails over the English translation. Some “complicated cases” can be tried behind closed doors and the accused can be extradited and brought to court in China. Suspected people can be subjected to wiretapping and surveillance.

A political security agency sent by Beijing, higher than local jurisdiction, has the power to implement the new law. This is indeed a worrisome development. Officials from security agencies were already operating in the city, but not in an open and authorized fashion. Now they are.

### A New Political, Social and Cultural Atmosphere ...

Since July 1, the character of Hong Kong has changed: the city is simply no longer the same. It used to be a free city, now it is not. Hong Kong is less and less an autonomous,

special and international city, and ever more a city among other Chinese cities. If Hong Kong is not Hong Kong, it will die.

The law on security looms like a boulder over many crucial areas of social, associative and cultural life, in schools and universities. Benny Tai, one of the promoters of Occupy Central movement in 2014, was fired by the University of Hong Kong. Many believe the University authority was under pressure, as the University Senate recommended against dismissal. In fact, Hong Kong Liaison Office [of Beijing government] emphatically defined Tai's dismissal as a victory of virtue and a defeat of evil. The Liaison Office was once called *de facto* China embassy in Hong Kong, now it would be better defined as the *de facto* shadow government in Hong Kong.

The political climate in Hong Kong is increasingly similar to that of China: criticizing the authorities becomes a crime. Many people have deleted from their social media what they have written in the recent past. Many journalists wonder if they can continue to do their jobs as before. I am afraid not. Quite obviously there is no longer room for the free expression of different or dissenting thinking. Many people have adopted self-censorship: the “political” topics are avoided in public conversations and in social networks. “We no longer say what we think” – a friend of mine told me – “we have to learn to shut up.”

Anson Chan, Hong Kong's popular number two politician for many years, retreated into private life just a few days before July 1. In summer 2019 China media labeled her, together with Martin Lee, Jimmy Lai and Albert Ho (more on them below), as “a gang of four” inciting revolution in Hong Kong.

Joshua Wong, leader of the 2014 umbrella movement, closed his political party. Many other grassroots social or political organizations have disappeared.

### ... and High Profile Arrests

Even more distressingly, since the law came into force, journalists, political activists, and businessmen have been arrested on charges related to the Security Law. Agnes Chow, the young woman number two in the 2014 Umbrella movement, a former altar girl from a Catholic parish, was (again) arrested on August 10, accused of “colluding with foreign forces,” a crime that, if convicted, can be punished by up to life imprisonment. She has been hailed as the “new real Mulan” by her supporters in Hong Kong (Mulan is a legendary Chinese heroine who fought to save her family and country).

Jimmy Lai, the media mogul founder of opposition newspaper *Apple Daily*, was arrested with several other persons, including his son, on August 10, accused of collusion with foreign forces. Lai was already arrested along with another 14 of the most visible leaders of the democratic opposition on April 18.

The most well known among them is 81-year-old lawyer Martin Lee, the popular “father of democracy” in Hong Kong. Lee, founder of the Democratic Party, participated in the drafting of the Basic Law, Hong Kong's constitutional charter. I remember him addressing the people of Hong Kong from the balcony of the Parliament, asking for democracy on the fateful night of the handover on July 1, 1997.

Also arrested on April 18 was Lee Cheuk-yan, co-founder of the Labour Party and former chairman of the Hong Kong Alliance in Support of Patriotic Democratic Movements in China. He is considered a hero in Hong Kong for bringing help to the protesting youth in Tian'anmen Square in June 1989. He has already been arrested on an earlier date as well: February 28, 2020. Last November 2019 Lee Cheuk-yan spoke at various venues in Milan about Hong Kong. Originally, it was Albert Ho, also among the arrested, who was invited to Italy. But Ho was mysteriously assaulted just before the trip to Italy; consequently he could not travel. In a theater of Milan packed with 700 hundred attentive people, Lee and I spoke about Hong Kong's struggle for democracy.

Among the others arrested in April were some notable local parliamentarians such as Margaret Ng, Leung Kwok-hung (known by all as "Long Hair"), and Cyd Ho. They are now out on bail, awaiting trial.

At the end of August, a dozen activists who tried to reach Taiwan by sea were arrested: they ended up directly in the hands of the police of the People's Republic of China. Up to now they could not obtain legal assistance.

## World Reactions?

The national security law is extremely far reaching. Article 38 gives jurisdiction over people of any nationality anywhere in the world. Hong Kong police have issued warrants for people currently in England and the United States. Among them Nathan Law, an activist and disqualified former lawmaker; Simon Cheng, former staff member of the British consulate general in Hong Kong, now in asylum in London; and Samuel Chu. The latter is an American citizen who has lived in the United States for more than 20 years, leader of the Hong Kong Democracy Council in Washington, which supports Hong Kong's basic freedoms, the rule of law, and autonomy.

Some commentators consider the Hong Kong issue an episode of the struggle for world supremacy between China and the United States; or of the trade war between the two superpowers. I find this utterly unfair. Only those who do not know Hong Kong can assert something like that. The Hong Kong popular demonstrations and massive elections of last November were the rightful aspiration of a city and its people. Hong Kong has only to lose in being considered a pawn in the complicated chessboard of the clash between Beijing and Washington.

After the Security Law came into effect, Great Britain promised hospitality to Hong Kong residents with a British National Overseas (BNO) passport. However, if and to what extent the promise will be kept by the former colonizers, who signed an international agreement with China in 1984, has to be seen.

Canada, Australia, New Zealand, Britain, and other English speaking countries plus Germany have suspended extradition treaties with Hong Kong. These countries fear that Hong Kong's criminal justice system is no longer independent of China and that anyone extradited to Hong Kong may end up in Mainland China.

Overall, diplomatic reactions to Hong Kong falling into the National Security policy have been quite weak. The Vatican was silent as well. Apparently, the Pope was ready to

mention Hong Kong on Sunday July 5. For some unknown reason, during the Angelus prayer the Pope did not pronounce the short speech already released, under embargo, to the authorized media. I have to say that many Hong Kong faithful feel as if the Holy See has abandoned them. No wonder the Catholic Church finds herself in much distress.

## Catholic Church in Dire Difficulty

The Catholic Church then. The Catholic community is experiencing a moment of extraordinary difficulty. While I am writing this, churches are still closed due to the coronavirus. This prolonged suspension of liturgical and ecclesial life can only increase distrust, demoralization and a sense of powerlessness. And the division within the Catholic community might become ever more grave. I believe that most Catholics, and certainly more or less all young Catholics, full-heartedly support the aspirations for freedom and democracy. They relate for leadership to outspoken Cardinal Joseph Zen and Auxiliary Bishop Joseph Ha.

The Justice and Peace Commission of Hong Kong Diocese was also active, always peacefully, in the front line of the movement for democracy. Most leaders of the pro-democracy camp (including those mentioned above) are Catholic (Martin Lee, Anson Chan, Agnes Chow, Jimmy Lai among others ...). Others, including Lee Cheuk-yan, Joshua Wong, Baptist Pastor Chu Yiu-ming, and the academician-theologian Benny Tai, belong to Evangelical communities. But not all Catholic faithful nor all priests and deacons support the movement. Some are on the pro-government side and blame the movement for bringing disorder and disaster to Hong Kong.

Since January 3, 2019 the Catholic diocese is without an ordinary bishop, as nearly two years have passed since the death of Bishop Michael Yeung. Hong Kong found itself without a strong, authoritative leadership, with full powers, at its most difficult moment in its recent history (I believe since Lorenzo Bianchi became bishop while under arrest in China, in 1951). There is a risk – God forbid – of further polarization of sentiments and positions. According to shared knowledge, there were two obvious candidates for leadership of the most important Chinese diocese in the world: Auxiliary bishop Joseph Ha, a Franciscan sympathetic to the democratic movement; and Vicar General Peter Choy, considered by some as the preferred choice by both Vatican and China. News of imminent announcement was never followed by actual appointment. And maybe, just maybe, the process for the selection of the Bishop has started from scratch.

The apostolic administrator Cardinal John Tong, a moderate and decent man, inclined to dialogue and to “low profile,” was reluctantly called back into the limelight from his retirement. His initiatives, although undertaken (I am sure) in good faith and in view of what he believes to be the good of the Church in a difficult moment, arouse perplexity and even regret or opposition in large areas of the ecclesial community.

## Three Controversial Initiatives

On August 11, the diocesan authority wrote to principals and supervisors of Catholic primary and secondary schools (the about 300 schools are a flagship of the city's Catholi-

cism) inviting them to enhance students' awareness of the new security legislation. The letter suggests that teachers are to "foster the correct values of national identity" and to encourage patriotic "values." Schools are also invited to avoid politicization and "unilateral promotion of political messages, positions or views."

In late August, the diocese called on the Justice and Peace Commission, always committed in the social and political field with courageous positions, to suspend the fundraising campaign for publishing a prayer in local newspapers. The diocese disapproved of both the petition method and the content of the prayer, deemed too explicit in the current political climate.

On August 28, Cardinal Tong took the initiative to send a "fraternal warning" to the priests and deacons of the diocese about their homilies. Most commentators interpreted it as a signal of compliance to local and national governments. To his credit, John Tong wrote an articulate letter in which he reaffirms the prophetic role of the Church and of the right to intervene in public affairs.

*Our homilies must not lose touch with our daily life and the concrete situation of society. A reference to or brief analysis of current social issues would often be helpful and sometimes even necessary for a homily, [...] which aims at encouraging the faithful to bear Christian witness in social life and in social transformation.*

Tong then invites preachers not to use violent, provocative and offensive phrases, not to put their own political ideas in homilies, and not to transform the liturgy into a political message. "Slandering and offensive expressions insinuating or instigating hatred and social disorder are unchristian and inappropriate for the liturgy." I see that these admonitions can make sense.

What remains perplexing is the timing. Never in the past had a bishop intervened to discipline the excesses of priests and deacons; doing so under the current political atmosphere seems like interfering with the freedom of priests and deacons. Perhaps it would have been enough to address directly those very few who occasionally are intemperate in their homilies. Some fear that the Church is losing her freedom and credibility.

Yet, when I think of Cardinal Tong, with whom I have worked daily and happily for twenty years, a sense of respect, loyalty, and friendship prevails in me. I know his righteousness and love for the Church very well, and I sympathize with him, who finds himself in an impossible situation.

At the end of the day, the assessment of what is happening does not change. Hong Kong, as we have been saying for some time, has been turned upside down from the inside. The erosion of the freedom of educational agencies such as schools and universities is progressively and inexorably increasing. Articles 9 and 10 of the law impose the promotion of national security in schools and universities, under governmental guidance, supervision, and regulation.

I believe ecclesial communities (Catholic and Evangelical) and religions will come into direct focus at a later time, after Beijing has secured control of the nerve centers of the city. I also suppose that foreign missionaries will not, as such, experience immediate consequences. For how long? International organizations incorporated into Hong Kong (and missionary societies are incorporated) can also be prosecuted as such. Moreover, what is

meant by “collusion with foreign forces,” a crime spelled out in the Security Law? Is the Catholic Church a “foreign power” to China, given that missionaries are not admitted in the Mainland, and contacts with the Vatican are governed by a secret and provisional agreement?

### Heartbroken ...

What is happening in Hong Kong is a real shame, the (much-loved) city where I lived for 27 years and where I intend to return to spend the rest of my life. I am heartbroken. They put an end to an experiment that had an extraordinary significance. A Chinese city that, even if under the authority of Beijing, lived in freedom and progressively enlarged spaces for citizens’ participation into public affairs. An experiment that was meaningful not only for Hong Kong, but for China as well. It is likely that this was the mind of Deng Xiaoping when he invented the formula “one country – two systems” and indicated 50 years of continuity for Hong Kong. Sadly ... tragically ... this project is over. And after only 23 years.

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