

## **The 32<sup>nd</sup> Tembusu Forum**

**Monday, 7 October 2019**

**Topic: The Crisis In Hong Kong – The Way Forward?**

### **Professor Tommy Koh's Introductory Remarks**

#### **Salutations**

Dr Kelvin Pang, Ms Li Xueying, Professor Donald Low, Professor Alfred Wu, Fellow Tembusians.

#### **Ground Rule**

Because of the sensitivity of the topic, we have decided to make this a closed door forum. In other words, this forum is not open to the old media, new media and social media. We will not be podcasting the forum. However, if any of the speakers is willing to allow the college to post his or her statement on the college's Website or Facebook, we would be happy to do so. I would like my opening statement to be made available.

## **Some Basic Facts**

In order to help the students understand the crisis better, I will give you 10 important facts about Hong Kong.

### **Fact No. 1**

First, the British defeated China in the Opium War of 1839 to 1842. Under the 1842 Treaty of Nanjing, the island of Hong Kong was ceded to the UK in perpetuity. After the second Opium War of 1856 to 1860, China ceded the Kowloon Peninsular to the British, in perpetuity, under the Convention of Peking.

### **Fact No. 2**

Second, China was defeated by Japan in the Sino-Japanese War of 1894-1895. A weakened China was forced to lease the New Territories to the British for 99 years. The lease expired in 1997.

### **Fact No. 3**

Third, in 1984, the governments of China and the UK reached an agreement on the future of Hong Kong. The British agreed to return Hong Kong to China in 1997. The Chinese Government agreed that the people of Hong Kong would enjoy the rights contained in the UN's International Covenant on Civil and Political Rights. The text of the covenant is part of the domestic law of Hong Kong. Hong Kong would enjoy autonomy for 50 years under the policy of one country, two systems. The agreement between China and UK is contained in the 1984 China-UK Joint Declaration. The two principal architects of the agreement were Deng Xiaoping and Margaret Thatcher.

### **Fact No. 4**

Fourth, the political system in Hong Kong is contained in the Hong Kong Basic Law, which is the equivalent of Hong Kong's Constitution. The Legislative Council of Hong Kong consists of two types of members. Fifty percent of the members, 35 of them, are popularly elected. The other half, another 35, are elected by functional

constituencies, such as, bankers, lawyers, manufacturers, educationists, etc. The Chief Executive is elected by an election committee consisting of 1,200 persons. Critics claim that the election committee consists mainly of pro-China individuals.

### **Fact No. 5**

Fifth, under Article 31 of the Constitution of the People's Republic of China, Hong Kong is a Special Administrative Region (SAR), a status which provides constitutional guarantees for implementing the policy of "one country, two systems". Hong Kong's Basic Law was approved by the National People's Congress, in March 1990, and entered into force on 1 July 1997.

### **Fact No. 6**

Sixth, in 2003, the HKSAR government proposed to implement Article 23 of the Basic Law, by enacting a law against acts such as treason, subversion, secession and sedition. About 500,000 Hongkongers protested against the proposal. As a result, the Chief Executive, C H Tung, abandoned the proposal. He resigned as Chief Executive.

### **Fact No. 7**

Seventh, in 2005, the second Chief Executive, Donald Tsang, proposed that the 2017 election of the Chief Executive, and the 2020 Legislative Council Elections would be based upon universal suffrage. The proposal was, however, not accepted because of the public's concern that the candidates for the post of Chief Executive, would have to go through a screening process controlled by Beijing.

### **Fact No. 8**

Eighth, in 2012, the Hong Kong Government tried to push through a patriotic national education programme. The proposal was withdrawn due to strong opposition.

In September 2014, the so-called Yellow Umbrella Revolution led by students, erupted against a decision by the Standing Committee of the National People's Congress, on proposed electoral reform. The

students demanded for universal suffrage and genuinely free elections. The movement ended peacefully, after occupying Central Hong Kong for 79 days, but with no result.

### **Fact No. 9**

Ninth, in February 2019, the Legislative Council proposed a bill to amend extradition rights between Hong Kong and other countries. On 9 June and on 16 June, an estimated movement of one million and two million, respectively, protested peacefully against the bill. On 15 June 2019, Carrie Lam announced that the bill had been suspended. On 4 September 2019, she announced that the bill would be withdrawn. The protest movement has demanded her acceptance of their other 4 demands. She has refused to budge. The movement has been split between the majority, which is peaceful, and a minority, which is increasingly violent.

### **Fact No. 10**

Tenth, on 5 October 2019, Carrie Lam invoked a colonial-era law and banned the use of face masks in public gatherings. The result has been defiance and more violence.

## **Three Questions**

I would like to pose three questions to our speakers. First, is there still room for compromise? Second, is there a way forward? Third, if the answers to the first and second questions are in the negative, how is this crisis likely to be resolved?

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