

## **CIVIL UNREST IN HONG KONG CONFERENCE 21 JANUARY 2020**

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Since June 2019, Hong Kong has been rocked by months of civil unrest. The protests originally arose in opposition to the Hong Kong government's attempt to pass an extradition law that would allow for Hong Kong residents to be extradited to China to face trial for alleged offences committed on the Mainland. Even though the Bill was eventually withdrawn, the unrest continued as protestors pressed on for other demands, including universal suffrage in the city that has been governed by Beijing under a 'One Country, Two Systems' constitutional framework.

On 21 January 2020, the Centre for Comparative and Public Law at the University of Hong Kong's Faculty of Law, convened a one-day conference that brought together historians, sociologists, political scientists, lawyers and law students to discuss different facets of this unrest, and explore ways in which Hong Kong might move forward and heal as a community.

The first panel examined the historical and sociological aspects of this unrest. It analysed three significant protest movements in Hong Kong's recent history, namely, the 1967 riots, the Umbrella Movement of 2014 and the current crisis, and compared and contrasted the connections between them. Historian Gary Cheung began the conference by explaining that, while the 1967 riots were influenced primarily by the Cultural Revolution in China, the riots exposed deeper social issues neglected by the British colonial government. In the next presentation, Associate Professor John Wong, also a historian, argued that the colonial government's legitimacy was strengthened after it had addressed these issues following the riots, but this narrative of 'prosperity and stability' no longer rings true in Hong Kong today as economic mobility has decreased and the gap between rich and poor in Hong Kong has grown. Professor Laikwan Pang examined the Umbrella Movement of 2014. She

argued that protest is not just a message, but a process of people coming together, and explained how the law is not only abstract rules to be obeyed, but actively created by citizens in a democracy. Professor Ching Kwan Lee explained that the critical difference between the Umbrella Movement and the current protests pertains to the scope of protesters' demands. The Umbrella Movement focused on universal suffrage, where protestors sought reforms within Hong Kong's existing constitutional structure. The ongoing movement, however, questions the very meaning of the rule of law and justice, and the identity of Hong Kong as a community. Associate Professor Agnes Ku explored how the 'decentralization' of human agency in the ongoing protest—especially among young people—has placed ethical questions about non-violence and militancy at the front and centre of the current social movement. Professor Eliza Lee concluded the panel with her observations about the political dimensions of the civil unrest, arguing that Beijing's strategy of 'indirect rule' through pro-government elites has resulted in a significant rift between the Hong Kong leadership and society at large.

The second panel centred on matters relating to young people, policing, and transitional justice. Professor Eric Chui began by delving into his ongoing empirical research on youth activism and radicalization in Hong Kong. Professor Chui presented quantitative evidence suggesting a correlation between young people who are most engaged in legal forms of civic activism and those who engage in 'radical' extra-legal forms of protests. Professor Tim Newburn then spoke about his role in a study of the 2011 riots in England, produced in collaboration with *The Guardian* newspaper. Professor Newburn highlighted the potential for academics and journalists to work together to produce timely research in the context of social unrest, and he went on to summarize some of the key findings of his research, including the role that poor police–community relations played in England's riots. He also highlighted the need to study social unrest more 'in the round', focusing not only on questions of aetiology but also on the dynamics and aftermath of unrest. Professor Kieran McEvoy then spoke about the various types of transitional justice mechanisms that can be used to help a society move on from conflict or unrest. Drawing in particular on his expertise of the Northern Ireland context, Professor McEvoy highlighted examples of both good and bad practice in truth recovery, amnesties, institutional reform, and apologies/acknowledgment. He further stressed the importance of leadership and careful choreography in delivering meaningful transitional justice. Professor Maggy Lee concluded with commentary and questions on the issues raised by the speakers. In particular, Professor Lee suggested that

social scientists might do better if they were to pay more attention to understanding the conditions of social order and why social unrest is not more frequent than it is.

In the third and final panel of the day, the legal profession, the legal academy, and law students came together to dialogue on the legal dimensions relating to the current unrest. The panel was moderated by Professor Fu Hualing, Dean of Law Faculty, and the participants included: Anna Wu, Chair of the Competition Commission of Hong Kong; Jat Sew-Tong, a Senior Counsel; Professors Po Jen Yap and Simon Young; and four law students (Adrienne Lam, Luo Jiajun, Joanna Wong and Aaron Yam). The panellists addressed questions raised by the students on the justification for the civil disobedience of perceived unjust laws, the constitutionality of the measures passed by the government to prohibit face-covering at public protests, the role of the courts in the ongoing crisis, and what part the legal profession and law students can play to heal this rift in society.

In sum, this event highlighted several issues that are likely to attract further debate going forward, particularly with respect to the modalities of amnesties for criminal offences and the establishment of an independent inquiry into the unrest. The Centre for Comparative and Public Law will continue to organize events to foster dialogue on these and other related issues.