

CSCC Podcast Ep. 21: “The Rule of Law in Hong Kong (Part Two) – Johannes Chan”

Introduction:

Welcome to the podcast of the University of Pennsylvania’s Center for the Study of Contemporary China. I’m your host, Neysun Mahboubi, and in today’s episode you’ll finally hear the *second part* of my extensive conversation with Johannes Chan, professor and formerly Dean of the Faculty of Law at Hong Kong University, on the ever more timely subject of “The Rule of Law in Hong Kong”.

Since I posted part one of this interview, the so-called “Summer of Discontent” has gripped Hong Kong for almost 4 months—now well into the Fall—longer than the Umbrella Movement lasted in the Fall of 2014, and thoroughly capturing the world’s attention. Practically every weekend has brought fresh news of some demonstration or related protest, originally triggered by popular opposition to the draft law that would permit extraditions to mainland China, but now extending to a broader range of demands—that ultimately drive to the core of what the principle of “One Country, Two Systems” is really to mean, some twenty years into the fifty year time frame stipulated in Hong Kong’s Basic Law. Indeed, Chief Executive Carrie Lam’s eventual, grudging decision to formally withdraw the draft extradition bill, in early September, appears to have come too late to put a major dent in protest sentiment in Hong Kong, which has moved on to more explicitly reference those broader issues and grievances that were likely underlying this social mobilization all along.

As I record this introduction in early October, Hong Kong has just experienced its most violent unrest since the 1967 anti-British riots, and the Hong Kong government has invoked a colonial-era emergency powers law to ban the face masks which have become one of the defining features of recent protests (including as a defense against the use of tear gas). It remains difficult to predict what the coming weeks and even months will bring for Hong Kong, but surely I am not alone in sensing that the dramatic images of the past few months, some uplifting and others not, may be supplanted by even more dramatic images yet to come. As we all take stock of what appears to be an increasingly volatile situation, praying that the crisis may be resolved peacefully, it may be an especially appropriate time to reflect upon the trends and circumstances that have brought Hong Kong and its people to this brink.

To that end, I am pleased to share with you now this *second part* of my April conversation with Professor Chan. You may recall in the first part of our conversation, we covered the background and consequences of the 1997 handover of Hong Kong to the People’s Republic of China, and how Hong Kong’s legal system adapted to this new reality in the subsequent 10 or so years. In this second part, Johannes and I delved into the gathering clouds of the next few years, leading up to the Umbrella Movement of 2014, and then how its aftermath and legacy have shaped Hong Kong’s politics since. In short, you will hear us discuss, with a clear sense of foreboding, the kindling for the spark which brought millions to the streets of Hong Kong in mid June, and has otherwise so disrupted the city’s daily rhythms over the subsequent weeks and months.

In this episode, you will also hear Johannes’ considered account of his own experience following the Umbrella Movement—a personal story which I’m sure you will find not only moving, but

also quite illuminating of the fraught dynamics that were set in motion by that event. And in listening to our discussion of the case of HKU Law Professor Benny Tai, who later was indeed convicted of various charges related to his leading role in the Umbrella Movement, please bear in mind that Johannes is right now representing his colleague in the appeal of that verdict.

Let me just add that I know many of you enjoyed the first part of this conversation, and have been awaiting the second part with various degrees of patience. I am sorry for the delay. To be honest, I was hoping to share this episode with you once the environment in Hong Kong had become somewhat less fraught, and the setting perhaps more conducive to thoughtful reflection. But now I don't think we can expect such cooling off anytime soon ... and as difficult choices are increasingly brought to the fore, on all sides, perhaps this is the best time for reflection after all. So, in that spirit, stepping back for a moment from the rush of headlines, the rhetorical escalations, the painful images ... looking for clues from the lead-up to the current moment in Hong Kong about possible ways forward, beyond it ... let's turn now to part two of my conversation with Professor Johannes Chan.