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Arrest of 53 Activists: Hong Kong's Tightening Grip

By Dylan MH Loh

SYNOPSIS

On 6 January 2021, 53 political activists in Hong Kong were arrested for alleged subversion under Hong Kong's national security law. What does this portend for the pro-democracy camp?

COMMENTARY

SIX DAYS into the new year, on 6 January 2021, 53 political activists in Hong Kong were arrested for allegedly violating the national security laws as they were involved in an unofficial 'primary election' in Hong Kong in 2020. This was viewed as potential subversion by the authorities.

The incoming United States Secretary of State, Antony Blinken, condemned the arrests as "[an assault on those bravely advocating for universal rights](#)". Nevertheless, Washington seems to have exhausted its options on Hong Kong and cannot offer any good response with serious bite. What is the significance of the arrests of the 53 political activists?

Primaries in 2020: '35+ Strategy'

Unofficial primaries were held in Hong Kong in July 2020 with the goal of selecting the most viable pro-democracy candidates for the Legislative Council elections – to realise the so-called '35+ strategy'. The strategy's purpose, largely the brainchild of Benny Tai, the Hong Kong legal scholar and democracy activist, was to maximise the chances for an outright majority of democratic lawmakers in Hong Kong's 70-member legislative council.

It is worth bearing in mind that half of these seats are reserved for 'functional

constituencies' representing special interest groups such as 'financial services' and 'tourism'. Significantly, these tend to be filled by largely pro-establishment representatives and as such only 35 seats are directly contestable through elections.

Conducting the unofficial primaries has a couple of distinct advantages for the pro-democratic camp. First, it prevents a cannibalisation of votes as candidates are bound by a gentlemen's agreement not to contest in the Legislative Council, if they were not the winning candidates. Second, the primaries demonstrated that, despite their ideological differences, different pro-democratic candidates were willing to work together to achieve broader political goals.

The turnout for the primaries was relatively high, with over 600,000 Hong Kong residents voting, accounting for around 13% of the total registered voters. In response, Chinese state media – [the Global Times](#) – warned that the conduct of the primaries is likely to fall afoul of Hong Kong's national security law.

“10 Steps to Mutual Destruction”

There are at least four pertinent reasons for the arrests. Firstly, and perhaps most importantly, Benny Tai's '35+ strategy' secures an agreement from the candidates to leverage their majoritarian position to veto Hong Kong's budget. This gets to the heart of the arrests because the Legislative Council is tasked with passing the budget.

In the event that the Legislative Council does not pass the budget, the Chief Executive must resign. That is the end-goal of the '35+ strategy' – to take down Carrie Lam.

Under the national security laws, however, this falls under the 'subverting the state power' category and in the eyes of the authorities, seems to fulfil the criteria of “seriously interfering in, disrupting, or undermining the performance of duties and functions” of the Hong Kong and Central governments.

Secondly, and perhaps more incendiary from the Hong Kong and Chinese governments' perspective, is the '10 steps to mutual destruction' plan. In this proposal, Benny Tai outlined a progressive series of escalatory steps for political activists to take up to ensure the removal of the current government.

The proposed steps culminate in a large street protest “[leading Hong Kong society to a standstill](#)” and eventually, in the tenth step, causing world powers to enact economic and political sanctions on the Chinese Communist Party.

Upcoming Sept 2021 Legislative Elections

The other key motivating factor is the upcoming 2021 September Legislative Elections. By arresting and potentially disbarring these candidates in the upcoming elections, the authorities can essentially eviscerate the pro-democratic movement and their electoral chances in one fell swoop as every candidate that ran in the 2020 primaries were arrested.

It is also apt to note that the security laws carry a maximum of life imprisonment for 'principal' offenders.

Thirdly, the opportunity is ripe because the United States have almost exhausted all their possible foreign policy options over Hong Kong. The US has already sanctioned Chinese and Hong Kong officials – resulting in Carrie Lam’s inability to use credit cards – over purported human rights abuses in Hong Kong and there is not much more they can do in that regard.

In that way, beyond verbal opprobrium, there is little else the US and other Western countries can or are willing to do.

Finally, the arrests and the series of arrests leading up to 6 January send a strong domestic signal that the Central government is firmly in charge. It would not have escaped observers that President Xi Jinping’s annual new year greetings struck an almost triumphalist tone.

This is understandable given China’s relative success in containing COVID-19 as compared to its western counterparts. Nevertheless, the political leadership in Beijing is delivering on its promise to bring stability and security to Hong Kong through these highly visible securitising activities which demonstrate effective control over the island.

What Next?

The legislative election due in Hong Kong is months away but this was originally scheduled to be held in September 2020. It was postponed by the Hong Kong government when it invoked emergency laws due to the worsening coronavirus situation.

In any event, the latest arrests coupled with an increasingly propensity to wield the powerful national security laws will deal a heavy a blow to the electoral chances of the pro-democrats.

There are two other developments that bear watching.

The first is the normalisation of the national security law and the seemingly frequent exercise of the powers therein. Normally, such laws in other jurisdictions are only invoked in exceptional cases. Regularly wielding these powers may have the effect of wearing down resistance, turning it into quiet acceptance.

The second is how the pro-democratic camp reacts to this. Will this stifle the movement that was already under heavy pressure or will this galvanise them to adopt more extreme measures? In any event, the latest arrests portend a period of stronger, more visible and indeed more decisive control from the Central authorities in Hong Kong’s political and social spheres.

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