

# Hong Kong-Canadians say changes allowing extradition to China a ‘knife hanging over their heads’

By [Lenny Peng](#) Star Vancouver  
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VANCOUVER—Chak Fun Lai is ready to abandon his trips home, if he must.

The current-affairs radio host was born and raised in Hong Kong and is spending his retirement in Vancouver. He’s already flown to Hong Kong twice this year to see family and friends.

Activists attend a protest in Hong Kong on April 28 against a controversial move by the government to allow extraditions to the Chinese mainland. (ANTHONY WALLACE / AFP/GETTY IMAGES)

But Lai and other members of the diaspora are watching changes in Hong Kong with alarm. Proposed reforms would enable Hong Kong authorities to extradite people to face charges in China — a prospect that’s “created a climate of panic,” he said.

“Everybody is fighting, because it seems like there’s a knife hanging over their heads,” Lai said.

Hong Kong has thus far excluded China from its extradition agreements for its record on legal independence and human rights. But the leader of Hong Kong’s government, Chief Executive Carrie Lam, was quoted by the [Hong Kong Free Press](#) as saying she hopes the Legislative Council can pass amendments in the summer.

The amendments could affect a significant number of Canadians. A 2011 survey by the Asia Pacific Foundation of Canada found that there were roughly 300,000 Canadians living in Hong Kong. The Chinese embassy in Canada did not respond to interview requests.

In recent weeks, the proposed changes have been the focus of [massive protests](#) among Hong Kongers, with many carrying yellow umbrellas — the symbol of Hong Kong’s 2014 pro-democracy protests. The leaders of the Umbrella Movement were [sentenced to as long as 16 months in prison](#).

“Everybody living in Hong Kong knows that the law system is fundamentally different between Hong Kong and China,” Lai said.

Hong Kong's government has recently announced plans to overhaul its extradition rules, allowing the transfer of fugitives with Taiwan, Macau and mainland China on a "case-by-case basis" for the first time. (ANTHONY WALLACE / AFP/ GETTY IMAGES)

As a radio host, Lai relied on freedom of speech, which is protected by the Basic Law in Hong Kong — the constitutional document that enshrines a degree of autonomy under the “one country, two systems” principle. That framework was meant to allow the region to retain its own social, legal and political systems for 50 years following its handover from British to Chinese rule in 1997.

The changes, critics fear, would allow the Chinese regime to take more political prisoners.

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Fenella Sung immigrated to Canada from Hong Kong in 1991. She pointed to [Canadians who have been detained](#) in China, such as diplomat-on-leave Michael Kovrig and businessman Michael Spavor, or sentenced to death. Such cases, she said, show the “arbitrary” and “retaliating nature of the CCP (Communist Party of China) regime.”

“Their law enforcement is not really for justice or for carrying out the rule of law that is for law and order for society, for everyone. It’s just a tool for the regime or for the authority to punish those people who dare to dissent,” said Sung, a former journalist who fled her homeland after covering the 1989 [Tiananmen Square protests in Beijing](#).

Sung, who last visited Hong Kong 21 years ago, said it’s unlikely she will ever return unless the amendments are repealed. She is urging the Canadian government to express concern over the potential impact on Canadians.

Nine organizations in Vancouver, Toronto, Calgary, New York, Los Angeles and Boston representing overseas Hong Kongers released a joint letter last month to the Hong Kong government, saying that the passing of the amendment would “diminish the freedoms of speech, publication (and) academic pursuits” and threaten Hong Kong’s “autonomy, prosperity and political stability.”

The former editor-in-chief of the Singtao Daily, Victor Ho, said the amendments represent “the end of the ‘one country, two system’” principle and would erode press freedoms, among other freedoms Hong Kongers have.

An activist holds a placard during a protest in Hong Kong on April 28. Hong Kong has thus far excluded China from its extradition agreements for its record on legal independence and human rights. (ANTHONY WALLACE / AFP / GETTY IMAGES)

Ho, who’s worked for various media outlets for 40 years in Hong Kong, explained that journalists could find themselves at risk of extradition if they interview someone linked

with Mainland officials. If a journalist produces something that the subject disagrees with, they could be accused of producing false news or other crimes in China.

He said the law could also impact anyone who visits Hong Kong.

Ho's friend Bill Chu, a Canadian citizen and retired structural engineer, explained that "one country, two systems" includes separate legal systems.

"Passing such a law, it actually undermines that," said Chu.

For 14 years, Canadian litigation lawyer Clive Ansley practised civil law in China, representing foreign companies.

He said the extradition amendments are "dangerous" because it would be difficult to determine whether suspects are actual criminals or people wanted for political reasons. In politically motivated cases, the charges against them "may be completely fraudulent," he added.

"When somebody is arrested in China and charged with something, from the moment that they go into a detention centre until the time they're sentenced after a so-called trial, there isn't a single solitary step in the juridical process that is fair to the accused, and it's totally, utterly lacking due process."

Guy Saint-Jacques, a former Canadian ambassador to China who has spent much of his time trying to help incarcerated Canadians, said even when political retaliation isn't in question, China still needs to improve its justice system dramatically before Canada can have faith in its outcomes.

"In the Chinese system, they can detain you and go through an interrogation phase, and it's at the end of that that they decide whether they will formally arrest you and formally charge you," Saint-Jacques said.

"Ninety-nine-point-nine per cent of the time, you're found guilty."

*With files from The Associated Press, Nicholas Keung and Perrin Grauer*