

2019

Although postcolonial Hong Kong has a weak trade union culture, in 2019, activists in the protest movement against a controversial extradition bill began to demand union representation and formed dozens of small unions from the ground up. Within a few months, these new organisations were able to successfully mount an important strike protesting against the government's initial refusal to close the border with China during the early weeks of the COVID-19 pandemic. Since Beijing's adoption of the National Security Law in July 2020, the tide has turned again, in their disfavour.

The Birth of a New Trade Union Movement in Hong Kong

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For a year from mid-2019 to mid-2020, the international media diligently covered the mass demonstrations and street violence that rocked Hong Kong. At their height, two million of Hong Kong's seven million people marched in protest against an extradition bill that, if passed, would have meant that Hong Kongers could be extradited to China to be tried and imprisoned. The display of unity among protestors was unexpected because, only a few years earlier, the 2014 Umbrella Movement failed partly due to disagreement over tactics among political activists. Since then, the movement had fragmented into a number of small groups and political parties of varied persuasions, with a notable split between a militant younger generation and a moderate older generation of established prodemocracy advocates.

A Movement of Solidarity in Disagreement

That the movement could transcend these differences was an important achievement in 2019. In the face of a common front of antagonists, ranging from Hong Kong's Chief Executive Carrie Lam to the pro-Beijing camp and pro-establishment elite, differences had been put aside. The prodemocracy movement had coalesced around three agreements. The first was expressed in the ubiquitous slogan 'Five Demands, Not One Less'. It was a set of political demands broad enough to accommodate all political leanings.

The second was a pact based on the principle of egalitarianism, embodied in the saying 'brothers climbing a mountain, each trying one's best' (兄弟爬山, 各自努力), meaning different protestors could adopt the strategies they deemed best to achieve the movement's broad goals while not criticising or intervening in the actions and strategies of others. We go 'up and down together' (齐上齐落) with no 'splitting of the mat'! This managed to bring together the two key blocs of the protest movement: the 'Valiant Braves Faction' (勇武派) and the 'Peaceful, Rational, Nonviolent Faction' (合理非派). The former was made up mostly of students and other young people, geared up and willing to confront the police head

on. The latter comprised those who either would not or could not engage in direct action that might end in confrontation and who played supporting roles at the rear—providing material resources and organising and participating in rallies, joining peaceful activities like ‘let’s lunch together’ (和你, ‘lunch’), raising funds, joining human chains and taking part in myriad other innovative actions.

The third was an agreement there would be ‘no big table’—that is, no leaders sitting around a table deciding the direction of the movement. Anyone could put forth proposals—any idea and type of action—anytime and anywhere through social media platforms. This movement was to ‘be water’—that is, unplanned, unpredictable, fluid and spontaneous, a form of urban guerrilla tactics. At the same time, big, well-planned rallies organised by the prodemocracy parties and well-established organisations continued to be well attended.

Trade Unions in Hong Kong

When months of street action did not extract any concessions from the authorities, part of the protest movement branched off in a new direction that was more formal and organised, with the establishment of small independent trade unions.

I spent three weeks in Hong Kong in January 2020 conducting research on these new trade unions. I carried out interviews at several recruitment stands that volunteers set up outside metro stations, at busy street junctions and at hospital entrances during lunch breaks, after work and on weekends. I also met with newly elected members of some of the new unions’ executive (or preparatory) committees, attended union-organised labour law training sessions and had meetings with Hong Kong academics who specialise in labour studies. I also interviewed staff of the Hong Kong Confederation of Trade Unions (HKCTU)—a prodemocracy umbrella union. After returning to Australia, I kept abreast of events through online conversations, social media and Hong Kong’s mass media.

Hong Kong is a global commercial hub dominated by free-market beliefs with a weak trade union culture. The largest union federation is the Hong Kong Federation of Trade Unions (HKFTU), with 191 affiliates and 426,000 members as of 2019. It is well resourced and largely controlled by the Government of the People’s Republic of China (PRC) as a counterpart to the official All-China Federation of Trade Unions—a mass organisation subordinated to the Chinese Communist Party and the only trade

union legally allowed to exist in the PRC. Like its counterpart on the mainland, the HKFTU functions like a welfare organisation, doling out money and assistance to its pro-Beijing following. A competitive union grouping that has a long history is the Hong Kong and Kowloon Trades Union Council (HKTUC), which historically had political links to the Guomindang regime in Taiwan and is now in steep decline.

Today, the federation that is most active in organising workers and assisting them in industrial disputes and fighting for collective bargaining rights is the HKCTU. It was formed in 1990 and, at the time of writing, had 145,000 members and 93 affiliate unions. In as much as it is not directly associated with a political party, it is recognised by the International Trade Union Confederation (ITUC) as an independent union federation. It situates itself politically in the prodemocracy camp. The new unions have sought help and advice from the HKCTU, though its leaders have resisted playing a leadership role over them, hesitant to be seen as intervening in a new spontaneous trade union movement.

From Loose Sand to a United Front

These new unions did not start out as products of traditional unionising efforts. They were conceived in a political movement calling for democracy in the hope of fending off total control by China. Initially, they did not propose any economic demands such as better working conditions, higher wages, affordable housing or collective bargaining rights. The earliest volunteer organisers emerged from professions such as finance, accounting, health care, social work and education. Some of them were nurses, doctors, paramedics and journalists contributing their services at the front lines of the street fighting who had repeatedly seen protesters beaten up and injured by police violence, while they were themselves sometimes teargassed, pepper-sprayed and beaten up for trying to help the injured.

Two motivating forces drove the initial formation of the unions. The first was a desire to hold a general strike and the other was to participate in electoral politics. The call to launch a strike came from the students. Disappointed that their 'be water' street protests had extracted no concessions from the Hong Kong Government, in early August 2019, young people took to social media to implore all of Hong Kong to stage a 'triple strike' (三罢), with 'triple' referring to workers, students and businesses. On 5 August, the day chosen for the strike, some 600,000 people joined

rallies in different parts of the city. Supporters participated in the one-day strike as individuals, either not turning up for work or calling in sick. At the rallies, some of them for the first time organised themselves into groups by occupation or trade.

In September, a second triple strike was called, but this time only some 40,000 people turned up. Fear of retaliation by employers deterred many. The participants grouped themselves in 'sectors' (界别) because the idea of forming new trade unions had not yet been articulated. There was discussion, though, of creating a means to protect themselves from managerial harassment and reprisal through the creation of a collective support group. This led to the formation of a 'cross-sectoral struggle preparatory committee' (跨界别斗争预备组) and initial talk of forming unions.

At the end of October, after the suspicious death of a university student who fell from a multistorey carpark, angry activists wanted to call another general strike. Posters went up across Hong Kong, including a dramatic one that read: 'I am willing to take a bullet for you. Are you willing to go on strike for me?' This third triple strike eventually took place on 11 November in many parts of Hong Kong and ended in roadblocks and violence.

By then, a new umbrella group called the 'Two Million Triple Strike United Front' (两百万三罢联和阵线) appeared on social media, posting news about forming unions and sharing possible strategies. The group argued that a general strike had to be better organised at the workplace level. Quickly evolving into an umbrella organisation for the new labour movement in Hong Kong, the new group's first urgent task was to recruit more members. To attract public attention, union activists set up 'joint union stands' (联合跨站), each hoisting the flags of their unions. At a mass rally on 1 January 2020, several dozen union flags were raised behind a banner bearing the slogan 'Trade Unions Resisting Tyranny' (工会抗暴政).

As most of the founding members of the new unions had little conception of workplace rights, trade unionism or labour laws, they invited labour lawyers and HKCTU staff to give seminars and training sessions and began to register with the government as unions. Gradually, the motivation for setting up unions became multidimensional, rather than a single-minded focus on supporting political strikes. Trade union leaflets soon included demands for shorter working hours, higher wages, better benefits, fairer bonuses and, not least, collective bargaining rights.

The second motivating force was to contribute to electoral politics. At the end of November 2019, the prodemocracy camp unexpectedly achieved a landslide victory in the district council elections, winning a majority of the seats in seventeen of Hong Kong's eighteen district councils. This was a big morale booster and highlighted the possibility that the prodemocracy candidates might be able to take a majority of seats in the next two elections. The election for Hong Kong's Legislative Council (LegCo) was scheduled for September 2020. In this election, half of the LegCo seats were controlled by the government, while the other half (thirty-five seats) were to be apportioned by popular vote of the 'functional constituencies'. A second election, for the committee that selects the Chief Executive of Hong Kong, was expected to be held in June 2021.

In LegCo elections, the trade union 'functional constituency' is apportioned three of the thirty-five 'constituency' seats. Each registered union was to be given one vote under a winner-takes-all system. This means that the larger the number of unions the protest movement could muster, the higher were its chances of winning the three seats. Before 2019, the pro-Beijing HKFTU had dominated this constituency. The prodemocracy HKCTU—without resources to compete in registering so many unions—had preferred to prioritise workplace labour rights issues. For the new unions and their supporters, increasing the number of registered trade unions and expanding union membership became urgent tasks. Fortunately, the procedure to register a new trade union in Hong Kong is simple. The minimum requirement is that seven people attend the registration bureau to apply to register a new union by trade, sector or occupation. These initial seven organisers have to fill in forms stating the mission of the new union. Official approval usually takes a month or two. Once approved, the founders have to hold a general meeting to elect an executive committee and the new union is then formally registered. This ease of registration explains the proliferation of new pro-protest trade unions in a few short months. In fact, some activists started a group called '7 UP', calling on those who could gather seven people to apply to set up a union. The Hong Kong and Chinese governments had been too confident that the pro-Beijing camp would continue to monopolise the registered union scene, since Hong Kong people had never expressed much interest in joining unions. In the race to register trade unions, the pro-establishment camp also tried to create more new unions.

A Test of Union Solidarity

The question of whether the new unions that sprouted during the protests could withstand political and management pressures presented itself at the end of January 2020. COVID-19 was spreading rapidly inside China and quickly penetrated Hong Kong through the many porous entry points along the border. Hong Kong was not prepared to fend off the pandemic. Hospitals were short of beds, personal protective equipment and medical personnel. The newly formed Health Authority Employees Alliance (HAEA), which had been actively recruiting new members, by then had 18,000 union members from among the 80,000 medical and health personnel in the city. Out of concern for their own and public safety, the HAEA called on the government to close the border with China—a demand made over a legitimate workplace occupational health and safety issue and one that had wide public support.

On 31 January 2020, Carrie Lam refused to close the border, arguing this would mean discriminating against PRC citizens. The HAEA executive committee, led by young chair Winnie Yu—who openly admitted that a mere six months earlier she had cared only about enjoying a good life and had no idea about trade unionism—proposed a two-stage strike. A vote was called and, on 2 February, the motion was carried with 3,123 of the 3,164 ballots cast voting yes. Some 7,000 members—17 percent of Hong Kong’s hospital-related medical sector—participated in the strike the next day. More than fifty unions came forward to support the strike. That same day, Lam announced all but three border crossings would be closed, but she refused to budge further.

When the first stage of the strike ended after five days, the HAEA called for a second vote on whether to continue the strike. For medical professionals, going on strike invariably invokes an intense moral dilemma. Having part of their demands met, 60 percent of the participants voted no, and the action was called off after that first success. The union leaders had displayed an impressive ability to organise a mass citywide democratic industrial action at a critical moment on the eve of a pandemic. What’s more, it was led by a new generation of trade union leaders who had to challenge an adamant government.

After closing most border crossings, Hong Kong was able to control the pandemic. Street activities in the city continued to decline as social distancing rules reigned and police suppression went unabated. In this relatively quiet period, the new unions prioritised three immediate tasks.

The first was to continue to set up street stations to recruit members at risk of being harassed by the police and pro-establishment activists. Second, as suppression at workplaces intensified, activist members who had incurred the anger of pro-establishment managers and supervisors sought advice and help from the unions. Third, the new unions strategised in preparation to stand against the HKFTU in the LegCo election that was scheduled to be held in September 2020.

The New Trade Unions and the Prodemocracy Camp Primary Election

For the prodemocracy candidates to gain a reasonable portion of the seventy LegCo seats assigned to the functional sectors would depend on whether the various tendencies in the movement could coordinate so that their candidates did not run against each other within the same electoral district, thereby diminishing their chances of defeating pro-establishment candidates. This necessitated a primary election from within the camp, which it was agreed would be organised by the protest movement. The various groups reached an agreement that the first five candidates in each of the five electoral districts who received the highest number of votes would become the prodemocracy candidates in the September election. Those who lost in the primary would promise to accept defeat and withdraw their candidacy.

The Hong Kong authorities warned the organisers that their primary election could be considered illegal, leading to serious consequences. Winnie Yu and the chairperson of HKCTU, Carol Ng, ran as candidates from the trade union sector in separate electorates. The police went around the city harassing people at the polling stations. The organisers ignored the threat and held the primary on 11 July and 12 July as scheduled. In defiance of the government's warnings, 600,000 people chose to line up patiently in the summer heat to cast their votes. The result was a big win for the young activists of the Valiant Braves Faction, who garnered the highest number of votes in the five electoral districts. This was a significant sign not just of mass support for the prodemocracy camp but also, specifically, of the trust placed in the Valiant Braves Faction. Winnie Yu won in a landslide, amassing 2,165 of 2,856 votes, against 186 votes for the current legislator for the health service sector. Her courageous and well-organised leadership in the February strike had gained her popular recognition. Carol Ng came in seventh in her electoral district, reflecting a new development in Hong Kong's prodemocracy trade union

movement—the changing of the guard to a younger, less experienced but determined and committed generation. The big turnout for the primary election was a warning shot to the pro-Beijing camp that it was likely to lose in the September election.

Within a few days, sixteen successful young candidates joined together to form an electoral group called the ‘Resistance Faction’ (抗争派). Among them was Winnie Yu. Soon after, one by one, their candidatures and four sitting legislators were disqualified by the government on the grounds that they objected in principle to the National Security Law (NSL). A day later, the government even postponed the September LegCo election to 2021, citing social distancing problems during the pandemic. The protest camp strongly suspected the real reason was the government’s belief its supporters would lose.

The Reckoning

In the late spring of 2020, even as the unions prepared to hold the primary election, it became public knowledge that China was planning to pass the NSL to suppress opposition in Hong Kong. In June 2020, with the draft law nearly ready, the new unions had to strategise how to deal with a looming crackdown. Undeterred by the threat, the unions decided to organise a general strike on 20 June to oppose the legislation. This strike, unlike the previous three, was organised by the unions. A referendum among members on whether to go out on strike was scheduled, and thirty unions agreed to participate after seeking members’ approval. The slogan to be used was: ‘To Recover Hong Kong, Join the Union; Union Revolution to Resist Tyranny’ (光复香港, 加入工会; 工会革命, 对抗暴政). The strike did not materialise, however, because only 9,000 union members cast their votes—even though 95 percent of those had voted to strike.

The NSL was formally passed by China’s National People’s Congress on 1 July 2020. The law criminalises secession, subversion, terrorism and collusion with foreign powers. The moment the NSL was passed, the reckoning began for the unions. In the workplace, the repercussions have included blacklisting, demotion, penalties, isolation and dismissal. Those who work in the civil service or government-funded or subsidised sectors are the most vulnerable. New recruits into the civil service have to take an oath to uphold the Basic Law and swear loyalty to the Hong

Kong Government. Those who refuse to sign will not be employed and can even be construed as subversive. Public servants who are already employed have to pledge their loyalty.

In the health sector, the Hospital Authority sent out letters in October to those who were absent on the days of the strike in February demanding they explain their absence. Winnie Yu hurriedly advised her members not to sign until the union had sought legal advice. Meanwhile, the union organised a petition signed by 5,000 members arguing that the healthcare strike was legal and demanding the bureau meet with the union. The petition was presented in person to the bureau chief to underscore the legitimacy of their industrial action.

My communications with sources in Hong Kong and my reading of the protest movement's online media reveal that, in these and other sectors, a fair number of union members—scared, feeling isolated, unclear as to where the red line is, not knowing how to act in a tightening workplace culture and forced to show loyalty to the Hong Kong and Chinese governments against their own conscience—are seeking advice from their unions.

For the time being, the pro-establishment ruling elite is busy rolling out suppressive countermeasures against the prodemocracy movement. The prognosis for the new trade unions is not bright. Although deregistering or suppressing the prodemocracy trade unions has not yet begun, their voices through institutional channels have already been muffled. In November 2020, through manipulation of the election for the Labour Consultative Committee, all five committee seats were monopolised by pro-establishment unions. In March 2021, forty-seven of the pro-democracy primary election candidates, some of whom were already in jail for other charges, were indicted for 'plotting to subvert the state.' Among them were Winnie Yu and Carol Ng. The 'Two Million Triple Strike United Front' continues to provide an online platform to hold the movement together. It is clear that some of the new union members are demoralised. Some are determined to push on but, for the time being, it is generally agreed that the prodemocracy camp should lie low and reemerge when a chance presents itself.