

Hearing – House Committee on Foreign Affairs
“The End of One Country, Two Systems?:
Implications of Beijing’s National Security Law in Hong Kong”

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Chairman Engel, Ranking Member McCaul, and members of the committee:

In a little over one year, I have testified twice on Capitol Hill regarding the situation in Hong Kong: first before the CECC in May 2019, and then before the Pacific and East Asia subcommittee of the SFRC in September 2019. Both times, I did not have to worry about going back to Hong Kong afterward to continue my street activism.

But this time is different. Merely speaking about the plight of Hong Kongers on an occasion like this contradicts the new National Security Law (NSL). Under this legislation Beijing just passed about 24 hours ago, anyone who would dare to speak up would likely face imprisonment once Beijing targeted you. So much is now lost in the city I love: the freedom to tell the truth.

In typical Chinese fashion, none of us knew what was in the bill until it was actually effective, which had left us very anxious. Now that we can finally read it, we are far from assured. In addition to closed trials in Hong Kong or even the possibility of extradition to China, “offenders” could be barred from bails and a jury trial, with their rights trampled on during interrogation. The Beijing-appointed chief executive has absolute powers to determine whether an act constitutes a violation of “national security,” whether any information constitutes “state secrets,” and whether covert surveillance like wiretapping can be deployed. Judges assigned to handle these cases must pass prior screenings by the Chinese Communist Party. One absurd clause even dictates that “inciting hatred” toward either the Hong Kong or Chinese government is illegal – terms so vague that they can easily be abused and the whole set of Law left them so much room for interpretation.

Directly funded by Beijing, a new Hong Kong-based national-security agency will have sweeping powers requiring the cooperation of all local government departments. We used to think of “secret police” as something abstract. Now it is a very real fear. The kind of cross-border abduction that Beijing once had to hide – such as the Causeway Bay book publishers – may well become a new, legalized normal. China is exerting de facto direct rule over Hong Kong, in clear violation of the 1984 Sino-British Joint Declaration that promises “One Country, Two Systems.”

Even before the NSL, the price of resistance in Hong Kong has always been high. I have seen far too many young faces beaten, detained, tortured, prosecuted, and jailed just for protesting our basic

human rights. Over 9,000 arrests have been made in protests over the past year alone. There have also been numerous instances of mysterious “suicide” deaths. Still, against these odds, brave Hong Kongers kept the movement alive for the sake of our future generations as well as a more democratic world free from the threat of the Chinese imperialism and expansionism.

The British flag lowered for the last time and the Chinese flag rose for the first time on this very day 23 years ago in Hong Kong. While its people were understandably worried in 1997, there was at least a sense of optimism that, given the success of our city, people could contribute positively to the rise of China, which would, in turn, embrace freedoms and democratize. This turned out to be little more than wishful thinking. Over time, China has not followed Hong Kong’s lead, but has instead made Hong Kong more like itself – erasing our unique way of life while reaping the economic benefits we provide.

Perhaps the NSL reveals the true nature of what Beijing thought “One Country, Two Systems” was all along: comprehensive autocratic control. Increasingly we have seen Chinese leaders less and less willing to honor the “Two Systems” part while more and more stressing on the “One Country” part. They have shown no regard for the separation of powers and democratic accountability, which are long taken for granted by Hong Kongers and enshrined in the Basic Law.

Through fear, intimidation, and heavy-handed governance, Beijing turns Hong Kong into just another Chinese city while trying to keep its outer shell. In doing so, it hopes to preserve the illusion that the city is still autonomous. The international community must not be confused. Carrie Lam and her entire cabinet are puppets who have no power to make meaningful decisions. The “high degree of autonomy” once promised is just another blatant lie.

It takes decades, if not longer, to build a city; but it takes just weeks to destroy a city. This is what we have all seen lately. What now lies ahead of us is not just the personal safety of my friend Joshua Wong – or other leading opposition figures like Martin Lee and Jimmy Lai – but the survival of Hong Kong as an idea.

Bound with chains and shackles of the Chinese Communist Party, Hong Kong in the age of the NSL no longer enjoys its reputation as the rare beacon of freedom on Chinese soil, let alone in the Asia Pacific region. We can expect to see the disappearance of everything that once made it unique and international: businesses, journalists, scholars, students, visitors from all around the world. But if Hong Kong loses its global identity, its people will only suffer more.

Therefore, it is vital that while our friends in the international community – including policymakers in Washington – do not pretend that everything is still normal, they also do not look away. China must be held accountable for the promises it has made to both Hong Kongers and the world.

For the political activists in Hong Kong, we must continue to speak up and advocate for our cause on the international stage. Be Water, as we like to say.

I wish Hong Kong the very best.
