



Hong Kong's National Security Promises Were All Hollow

The Beijing-backed law is now used to crush dissent across the board.

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When the national security law was introduced in Hong Kong more than a year ago, pro-Beijing politicians assured the public it would have minimal impact.

Hong Konger Chief Executive Carrie Lam told the region's residents that "the law will not affect Hong Kong's renowned judicial independence. It will not affect legitimate rights and freedoms of individuals that are protected under the Basic Law and the relevant provisions of international covenants as applied to Hong Kong."

Moreover, she added, "it will only target an extremely small minority of people who have breached the law while the life and property, basic rights, and freedoms of the overwhelming majority of Hong Kong residents will be protected." Similarly, Zhang Xiaoming, deputy director of the Hong Kong and Macao affairs office, said: "The purpose is not to take the pro-democratic camp in Hong Kong as an imaginary enemy. The purpose is combating a narrow category of crimes against national security."

That was always an unlikely prospect, given the circumstances of the law's introduction, as Beijing circumvented Hong Kong's own well-established legal system to stamp down on widespread protests and pro-democratic electoral victories. And indeed, these claims proved false. Most of the charges under the law target dissent, not genuine "national security" offenses. As Georgetown University's legal expert Thomas Kellogg explained: "In general, the law has been used in three key ways: to limit certain forms of political speech; to limit foreign contacts, and in particular to break ties between Hong Kong activists and the international community; and to target opposition politicians and activists, many of whom are longtime pillars of Hong Kong's political scene."

Indeed, China's allies openly lauded the law's ambiguity even as Lam minimized its reach. For instance, Stanley Ng, a Hong Kong member of the National People's Congress, argued the legislation was ambiguous to incorporate the "real effects of intimidation and deterrence" and "you can see the rebels in Hong Kong are now in turmoil." Ng's NPC colleague, Tam Yiu-chung, held similar views: "Those who have stirred up trouble and broken this type of law in the past will hopefully watch themselves in the future. If they continue to defy the law, they will bear the consequences."

That's an ambiguity that's served Beijing well in the mainland, where the enforcement of thinly defined charges like "making trouble," combined with an utterly compliant judiciary, gives the police and officials free rein. Avoiding the obstacles imposed by Hong Kong's own independent legal system, a legacy of British rule, was one of the law's main purposes; extradition to the mainland is now a common option for authorities.

By the law's first anniversary, there had been 128 arrests, and some people were charged multiple times. Repression accelerated last January, when the police made mass arrests of democracy activists. Arrests under the measure continue regularly. In early September, four members of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, which ran the June 4th Museum on the Tiananmen Square protests, were arrested under the national security law.

In June, authorities continued to expand the law's reach, charging newspaper journalists and executives for the first time. The latter's prosecution led to the closure of *Apple Daily*, the major opposition voice left in the city. As it used national security provisions to criminalize protests and hinder the opposition, the Lam government charged hundreds of people under other laws for political offenses, such as participating in illegal demonstrations, some allegedly committed months or years before.

Older laws also are deployed to punish dissent. According to the *Guardian*, in late July, "a trial began against a radio DJ accused of sedition—under rarely used colonial era laws—for comments made during the 2019 protests. On [July 30], police revealed they had arrested an 18-year-old for posting calls to boycott advertisers on a pro-Beijing TV station, and had launched an investigation into people who booed the Chinese national anthem during a public Olympics broadcast." At that point, at least 173 democracy activists had been arrested under the national security law and other laws.

Once known as a broadly free society despite the absence of fully democratic elections, Hong Kong has rapidly become a duplicate of the mainland. Even the once professional police force, famous for its successful anti-corruption reforms in the 1970s, was transformed. According to Human Rights Watch, "during the 2019 mass protests, the previously disciplined Hong Kong police transformed into a repressive apparatus of the Chinese government. Officers beat, pepper-sprayed and teargassed protesters, some already subdued on the ground. They shot and blinded several people, including a journalist. At press conferences, they gave patently improbable explanations about their actions." In January, the city deployed some 1,000 officers to make 53 arrests of politicians accused of engaging in peaceful political activity.

Beijing has also used the law to undermine virtually every important private institution. The press is no longer free, with *Apple Daily*'s destruction, which followed other instances of media intimidation. Reuters reported that "authorities have said dozens of *Apple Daily* articles may have violated the security law." Dozens! On Sunday evening, Fung Wai-kong, a former *Apple Daily* journalist, was arrested at the airport when planning to fly to the United Kingdom and charged with "conspiring to collude with foreign countries or foreign forces to endanger national security." Reporter Chris Yeung with Hong Kong's *CitizenNews* said reporters increasingly fear prosecution: "Anything feels like it could happen. That's very worrying."

The point of the law isn't just the prosecutions but the engendered fear. As in mainland China, the work of censorship and repression is outsourced to institutions fearful they might otherwise fall victim to it themselves. Almost immediately after the law passed, many bookstores and libraries began culling their wares and collections; a few stand out today for refusing to adapt to the new order. Educational freedom has been circumscribed from the elementary to the university level; indoctrination has become the watchword in government schools. Pro-Beijing journalists and politicians have targeted the display of art from dissidents.

Symbolic and expressive speech targeting China—such as displaying banners and flags, chanting slogans, wearing clothes with political messages, and more—have been banned. In practice, so have demonstrations. Using COVID-19 as an excuse and backed by new national security powers, authorities have routinely outlawed opposition gatherings, including the latest annual commemoration of the Tiananmen Square massacre.

The once turbulent Legislative Council has gone monochromatic as critics of Beijing have been forced from office and banned from running in the future. Normal political activities, such as organizing primaries and urging people not to vote in protest, are now deemed national security offenses. Political organizations disbanded, and some activists fled, going into exile overseas. For instance, activist Wayne Chan Ka-kui left the city, urging colleagues: "Don't die. ... Hong Kong will need you all in the future."

Hong Kong's national security law has fulfilled its purpose, which has nothing to do with national security. A year after the legislation was imposed, Hong Kong is no longer a free society. It will still prosper economically, but the basic liberties that long set the territory apart are dead or dying. Hong Kong is now increasingly like any other Chinese mainland city.

Washington cannot do much to restore Hong Kong—Beijing will not trade away its sovereignty over the city. However, Americans can still help save Hong Kongers, providing aid for activists and prisoners, encouraging continued intellectual freedom, supporting the free flow of information, and admitting anyone seeking to escape what is becoming an open-air prison. The best strategy may be to play the long game and hope for a more liberal turn in Chinese politics. Today, the territory is down. But it may not yet be out.

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