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Hong Kong Wants a Rehearing Under Biden

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Hong Kong Chief Executive Carrie Lam, tasked with carrying out Xi Jinping's will in the once autonomous territory, must be desperate to get her bank account back. Sanctioned by Washington for her role in destroying her people's liberties, she can't find a bank willing to deal with her.

She recently whined that she had "no banking services made available to her. I'm using cash for all the things." Added Lam, "I have piles of cash at home, the government is paying me cash for my salary because I don't have a bank account."

The mind boggles at the tragedy of her situation. Never mind Hong Kongers are being rounded up by Beijing agents and sent to the mainland for trial! Mean old Uncle Sam took away the bank account of this devoted servant of the people. Where is the United Nations Human Rights Council when we need it!?

Instead, she is looking to the Biden administration for relief. If only President Joe Biden would give the territory a "a fair hearing," she allowed. Then this terrible misunderstanding could be resolved and she would be welcomed back by the modern financial world.

Well, maybe not. Alas, Hong Kong's loss of autonomy is too obvious to disguise or wish away. The People's Republic of China has taken control. And Lam is Beijing's chief toady, expected to do her master's will.

The territory's fate was sealed when the United Kingdom agreed to return Hong Kong, the lease for which ran out in 1997. Beijing agreed to preserve the "one country, two systems" model for 50 years, but few imagined the territory's relative autonomy would last that long.

Xi Jinping's rise guaranteed a speedier end. For him Hong Kong's problem was fundamental: the system allowed freedom of information, thought, and communication. Once mistakenly hailed as a possible liberalizer, Xi ruthlessly asserted party and personal authority to become a high-tech version of Mao Zedong, determined to harness China's growing wealth and technology to control his people and impose his government's will.

What does Carrie Lam imagine that a "fair hearing" from the U.S. would reveal? That the repression could have been worse?

Unfortunately, democratic activists inadvertently accelerated the process, acting as if they were dealing with the government in Hong Kong rather than Beijing. In the 2014 Umbrella Revolution protesters shut down streets while demanding what the PRC would never give. Two years later

victors in Legislative Council races ostentatiously demonstrated contempt for China, which invited Beijing's intervention. Then came the proposed extradition bill of 2018, which triggered massive demonstrations, violence (such as vandalism of the legislative chamber), and even more extreme, and thus impossible, political demands.

If forced to choose between democracy or chaos and a harsh public crackdown, Beijing always would favor the latter. Unfortunately, Xi, who suffered through his father's fall during the Cultural Revolution, understands the ruthless use of power.

The regime imposed the National Security Law (NSL), passed unseen by even its local advocates, at the end of June 2020. The measure criminalized ill-defined separatism, subversion, and terrorism. PRC agents enforce the law in Hong Kong; special judges are appointed; defendants can be tried in China. Specially targeted was collusion with foreigners, including acts committed overseas. Penalties ranged up to life imprisonment.

Lam shamelessly dissembled, stating that the law would be implemented judiciously, be applied narrowly, and affect only a few. Others were more honest. Hong Kong members of the National People's Congress in Beijing, which rubber-stamped the NSL, admitted that the measure aimed at "intimidation and deterrence." The results were predictable and immediate.

The police set up a hotline for snitches to report violations of the law. Within a couple months the PRC had ended demonstrations, eradicated opposition NGOs, jailed some activists and sent others into exile, rewritten school curricula, terminated class discussions, cleansed libraries, fired university professors, dismissed teachers, frightened business owners out of politics, intimidated university students in Hong Kong and Hong Kong students overseas, worried anyone with critical thoughts, and created a thoroughgoing climate of fear.

Moreover, the regime has steadily expanded the ambit of the law. Jimmy Lai, former publisher of the *Apple Daily*, warned, "Whatever we write, or whatever we say, they can label secession or subversion or whatever they decide according to their expedience." That was proved by his subsequent detention without bail. First arrested in August for participating in a demonstration the previous year, he was rearrested in December and charged with foreign collusion.

In November, Joshua Wong, a leader of the 2014 Umbrella Movement, and two other activists were jailed for attending an illegal meeting in 2019. He also was charged under the NSL. A month later the first political activist arrested under that measure, 19-year-old Tony Chung, was sentenced to four months in jail for insulting China's flag and participating in an illegal demonstration. He faces additional NSL charges, including promoting secession.

The measure has become Beijing's weapon of choice against democracy activists. For instance, so unpopular had the PRC become that it seemed likely to lose control of the Legislative Council for the first time. Last July activists organized an informal primary to choose candidates for the fall poll, who likely would have won most of the seats.

Lam postponed the election, officially because of the COVID-19 pandemic. Subsequently several incumbent pro-democracy legislators were ousted for criticizing the NSL and opposing the government in other ways, which led to the resignation of the remaining democrats.

Then in the first week of January the Hong Kong authorities arrested 53 people for organizing or participating in the primary. An astonishing 1,000 police officers were employed in the round-up

of public figures who acted openly. Using Orwell's *1984* as its playbook, the government charged defendants with "subverting state power because they intended to "paralyze the Hong Kong government" by *winning a majority of seats* in an election.

Wong, already serving a 13-and-a-half-month sentence for violating the NSL, was charged for this offense as well. Also, among those arrested was American attorney John Clancey, who worked at a Hong Kong law firm and served as treasurer of one of the pro-democracy groups. The 604,440 people who voted in the primary also could have been charged, but China might not have sufficient prison space.

Activists fear Beijing's next target will be district councils, which democracy activists successfully targeted last year. PRC retainers hope to vet candidates and remove members who fail a political loyalty test. Moreover, the CCP appears ready to replace its friends as well with the founding of a new pro-China party.

In addition, the central government is getting more intimately involved in NSL arrests, investigations, and prosecutions. Activist Joey Siu said that originally protestors felt relatively secure: "You were still certain about the kinds of procedures that would happen if you were really being arrested. However, after the national security law in July 2020, you don't even know what's going to happen after an arrest."

In the election case, reported the *Washington Post*, "By the end of their raids, police had amassed more than 200 [electronic] devices" from defendants "as well as laptops from spouses who are not politically active and were not detained." Moreover, "Hong Kong police has begun sending devices seized from arrested people to mainland China, where authorities with sophisticated data-extraction technology are using the information from those devices to assist in investigations." Glacier Kwong of Keyboard Frontline, a digital rights activist now living in Germany, explained: "The government would like to map the network of the opposition with the devices they confiscated, like who is in contact with who, to completely crack down on us."

Moreover, freedom is disappearing in other areas. In November a TV investigative journalist was arrested. Later that month another station laid off its entire investigative staff, allegedly for economic reasons. In early January the regime blocked access to a website providing information on police officers.

The authorities hope to lock the territory's doors, targeting dual citizenship and refusing to recognize British Overseas National passports long used by Hong Kong citizens. A dozen Hong Kong activists facing charges sought to flee the island by boat for Taiwan and were arrested by China's Coast Guard. Ten adults received sentences the PRC while two minors were returned to Hong Kong. Family members hired two attorneys to represent the defendants, who were excluded from the case and then disbarred for having a "negative impact on society." In mid-January national security policy detained another 11 Hong Kongers for allegedly seeking to escape by sea.

Even foreigners working abroad are NSL targets. Lam complained, "Foreign governments and legislatures have intensified their interference in Hong Kong's affairs which are squarely China's internal affairs, severely jeopardizing our nation's security."

Chinese courts treat the meaning of legal terms as did Humpty Dumpty in *Alice in Wonderland*: "it means just what I choose it to mean — neither more nor less." In the Chinese case it always

means more. Foreigners can be charged without their knowledge and arrested if they traveled to Hong Kong or China. *Indeed, writing this article could be a violation of the Hong Kong NSL.*

An American citizen, Samuel Muk-man Chu, was charged under the NSL for his stateside activities shortly after the law was passed. In early January Hong Kong was considering seeking international warrants for two Danish activists who assisted former Legislative Council member Ted Hui in fleeing to Denmark (by organizing a fake meeting on climate change).

Nevertheless, a Hong Kong government leader, who refused to be named, recently spoke to potential investors — I also was on the call — and sought to assuage free speech concerns, observing that “Hong Kong operates as a free society. Everyone is free to criticize the government as long as *they don’t commit any offense under the law.*” Then “there is no problem at all.” Sounds like a great place to put your money!

After all this, what does Lam imagine that a “fair hearing” would reveal? That the repression could have been worse? Well, Xi could have sent in the People’s Liberation Army. He could have staged a Tiananmen Square redux. But he didn’t have to. He recognized that a far-reaching law applied ruthlessly could be equally effective, while avoiding unnecessary bloodshed. After all, he prefers to mulct Hong Kongers rather than bury them.

Alas, Washington has no answer. Demands that America (and Europe) do something are far more common than suggestions as what should be done.

Former attempts at diplomacy merely resulted in derisive Chinese demands that the U.S. stay out of the PRC’s internal affairs. Going to war and destroying Hong Kong would, well, seem to undercut the objective of preserving the territory’s freedom. Which leaves sanctions.

But the U.S. already has applied “Magnitsky Act” measures. That is why Carrie Lam is complaining about her lack of bank access. Alas, Hong Kong remains under de facto CCP occupation.

There is no support from allies in Asia or Europe to do more. Anyway, territory-wide sanctions would hurt Hong Kongers far more than Beijing. Initiating a broader economic war against China would hurt America far more than it would help Hong Kong. No proud, nationalistic, rising regime will surrender its political system for a few pieces of silver from foreign adversaries. The U.S. certainly wouldn’t.

Indeed, as bad as the situation in Hong Kong, people living on the mainland suffer even more. A million Uighurs, or thereabouts, have ended up in reeducation camps. Large numbers apparently are engaged in forced labor. The Xi regime is engaged in a broad and brutal assault on religious liberty. An estimated 100 million Christians are at risk, as well as Buddhists and Taoists.

Censorship is worse, and internet sites are more restricted. Citizen and independent journalists have been largely eliminated. Much foreign media is not available. Social media is directly controlled. NGOs guilty of independent thought have been closed. The human rights bar, which included many Christian attorneys, has been destroyed. Collaboration between Chinese and foreign universities has become more difficult. The social credit system is used to force political conformity. And so much more.

But human rights cannot be addressed in a vacuum. There are other issues between the U.S. and China — such as commerce, which might seem unimportant compared to human rights. But

sacrificing jobs and income for moral satisfaction and nothing more is no bargain. And cybersecurity, IP theft, industrial espionage, proliferation, North Korea, ocean navigation, territorial disputes, allied security, and more also matter. What gets prioritized? And what to do about them?

The limitations of U.S. policy are obvious. No wonder the PRC poses the greatest challenge of our time.

Carrie Lam wants a “fair review.” Let’s give her one. The inevitable conclusion: the old Hong Kong is dead. All political opposition to the CCP regime is being crushed, and the territory soon will be politically no freer than Beijing or any other Chinese city, which means not free. Unfortunately, there isn’t much the West can do to reverse that result. But we should have no illusions: the lights of liberty in Hong Kong are going out, perhaps for a long time.

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