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Written Statement for the CECC Hearing on The Dismantling of Hong Kong's Civil Society

Dear Chair, Co-chair, and other Commissioners,

Thank you so much for holding this hearing. I spent my entire adult life working in the civil society to fight for equality for ethnic minorities. The dismantling of the civil society under the National Security Law has completely destroyed the hard gains that took us decades to achieve.

I was born in China and spent my childhood there. It was in Hong Kong that I experienced awakening to the universal values of equality, social justice, and individual rights. I learned that we could take legal actions to defend our rights.

Hong Kong as a city of protest

Hong Kong used to be the capital of protests for good reasons.

First, the government was not democratic and not very responsive. Indeed, the formulation of government policy was very bad. Only when issues were taken to the streets that officials might respond.

Second, the independent media did a great job at supervising and putting pressure on the government. They were helpful in amplifying collective wishes shown in public protests.

Third, Hong Kongers had high awareness of their freedom of assembly and speech. They used protests to defend their individual rights.

Fourth, there was a gap between rights promised and rights delivered. The Basic Law Art. 39 provides for human rights protections as guaranteed by Hong Kong's Bill of Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. There is also the Equal Opportunities Law. Long Hair (Leung Kwok Hung, former lawmaker) was very skilled at using judicial review to fight for rights when the government did not do what was provided for in the law.

The National Security Law has taken away all these rights.

Equality for Minorities

I founded Unison because I discovered that Hong Kong had equality written in the laws but in fact practiced discrimination against ethnic minorities, especially those of South Asian origins.

Access to education is the most important pathway to overcoming inequalities. Hong Kong was supposed to have a nine-year free education policy. However, Hong Kong schools discriminated against South Asians and denied them equal access. I realized that this discrimination was invisible to the broader society. So I dedicated myself to putting equality on the agenda. I formed my own organization and took social actions such as rallies, assemblies, and petitions. The team gradually achieved equal access to not just the basic nine years of education (equivalent to Grade 9), but all the way to university

admissions. Our team moved on to fight for equal access to job opportunities at various branches of the civil service.

Let me explain how important the broader civil society was in helping to achieve these gains and how disastrous the National Security Law crackdown has been on even a seemingly non-political issue as equality for minorities.

When I first read the National Security Law, I thought that the crimes of “secession,” “sedition,” “terrorism,” and “collusion” with foreign forces should be of no concern to my work. Then I noticed that the National Security Law instructs the Hong Kong government to “strengthen propaganda, guidance, supervision, and administration” over “schools, social groups, media, and the internet.” Soon I realized that the National Security Law means a total crackdown on the civil society.

As the cause of minority rights is deeply embedded with the civil society, the very recipe of our team’s success has completely collapsed.

In Hong Kong, many non-governmental organizations, especially those involved in providing social services, are dependent on government funding and thus refrain from criticizing government policies. Civic groups that championed political, social and economic justice, however, raised funding from the public to maintain their autonomy from the government. This then required that they mobilize popular support and raise public awareness by joining forces with protest-related umbrella organizations, in particular, the Civil Human Rights Front, the Professional Teachers’ Union, and the Confederation of Trade Unions, all of which have been forced to disband.

I joined the Civil Human Rights Front’s human rights group when I needed to mobilize support from different social sectors to support legislation against discrimination. Now the Front is gone and there is no more freedom of assembly.

I worked with the Professional Teachers’ Union to achieve equal access to education. The union not just helped to promote our cause, but also provided training for teachers involved in education for minorities where language issues were relevant. The union’s chair was also routinely elected to represent the education sector in the Legislative Council. These supportive legislators helped push through anti-discrimination legislation and keep the issue under the spotlight. Now the union is gone. The legislature has been revamped so that the seat is occupied by the vice chair of the pro-Beijing Hong Kong Federation of Education Workers.

I also cooperated closely with the Confederation of Trade Unions. Ethnic minorities are discriminated against in jobs. Many are working class laborers and are treated poorly by both supervisors and coworkers. To fight for their labor rights, Pakistanis and Nepalese set up a member union under the Confederation. Even the civil service used to deny minorities job opportunities. They used the excuse that minorities didn’t know Chinese. I shamed the government that if they retained British officers who didn’t speak Chinese, why did they apply a different standard to South Asians? Lee Cheuk Yan, when he was a legislator representing the labor sector, helped to secure access to government jobs for minorities. Now, their own union is gone, the Confederation is gone, and Lee Cheuk Yan is in jail. The government is reviewing all unions and asking for explanations of their political activities. Union leaders have been intimidated into disbanding their organizations and leaving Hong Kong.

In fighting for social justice, I focused on macrosocial work and challenged the very formulation of government policies. In my early career, government officials and school administrators were not responsive. To get their attention, I called journalists to write stories and asked legislators to press questions. Today, if you criticize government policies, you could be arrested for inciting hatred of the government. The cause has also lost critical allies. Independent media have been shut down and journalists arrested. Former pro-democracy legislators are all behind bars or in exile.

Making noises within Hong Kong was not enough to get government responses. I figured that Hong Kong signed a range of international agreements that promise equality: the International Covenant on the Elimination of Racial Discrimination, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Thus, I went to international human rights oversight meetings to pressure the Hong Kong government to honor its treaty obligations. This kind of international advocacy would lead to the charge of foreign collusion now.

The National Security Law crackdown has also made it nearly impossible for civic organizations to raise funds. We used to collect public donations at mass rallies and from online crowd-funding. Now, protests are banned and groups who raise fund online have been arrested for “money laundering.” We used to enjoy donations from private family foundations and local corporate sponsors. Now, they no longer dare support independent groups for fear of upsetting the government. We also used to receive funding from international foundations. Now, this could lead to the charge of foreign collusion. The sources of funding for civil society organizations have dried up.

After over two decades of hard work, ethnic minorities finally felt proud that they were accepted as Hong Kongers. By 2019, many South Asians who grew up in Hong Kong could speak fluent Cantonese. They received university education and became successful professionals in different sectors. Some even became recognizable faces in the media and ran for elected office.

The crackdown has set everything back. If we ethnic Chinese Hong Kongers are fearful of the National Security Law, minorities are even more so. Many minority youth were arrested during the anti-extradition protest. They have received much less help with legal fees and other support. South Asians are also worried that their ties with their hometowns could make them vulnerable to charges of foreign collusion.

Minorities love Hong Kong and don’t understand China, now Hong Kong has become like China -- they are lost as to what to do and who they are. The crackdown has been such a shock to the entire community that even elites have withdrawn from the society. They have resorted to the original position that they had over two decades ago: “we are always seen as outsiders”; “don’t complain about discrimination”; “don’t talk about fighting for your rights.”

This is utterly heartbreaking development. I should add that minority rights represent just one example. The same is happening to LGBT rights and other vulnerable groups, such as sex workers.

### Social Work

As a social worker, let me take this opportunity to address worrisome developments in the profession.

The profession's code of conduct specifies that social workers promote human rights and social justice. Under the National Security Law, social work will go down like journalism. It will lose its soul. Social workers will no longer dare to do advocacy work. Nor will they have the resources to do so.

There is a fundamental distinction between civil society groups that raise their own funds and social welfare organizations that are dependent on government funding. The former will find it difficult to continue. The latter don't dare criticize government policies and will exercise even more self-censorship. The government is also subjecting funding of social service organizations to annual review, making them more beholden to official policies.

We should also see what many social service organizations really are. The pro-Beijing Democratic Alliance for the Betterment of Hong Kong and the pro-Beijing Hong Kong Federation of Trade Unions have been cultivating their own social workers and social service community centers. Such pro-establishment organizations receive government funding to provide social services to residents, in an effort to win votes for their party members.

The Liaison Office and the Labor Bureau are organizing study sessions to learn Xi Jinping's Hong Kong speech on the handover's 25th anniversary. The Labor Bureau will take note of which organizations show up for consideration of future funding. Social service organizations that are not in the government camp have to think hard if they need to show up in order to survive.

The social sector will be further controlled by legal changes to undermine its self-governing authority in certifying qualifications. Social workers who violate the national security law could be deregistered for life.