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February 19, 2023

Geoffrey Siebengartner, Chairman
American Chamber of Commerce in Hong Kong
22/F, Hong Kong Diamond Exchange Building
8-10 Duddell Street, Central, Hong Kong

Dear Mr. Siebengartner,

I write to express my deep concern over your appearance in a recent promotional video created by Hong Kong's pro-Beijing government.¹ The promotional video, which aims to attract foreign businesses, touts that Hong Kong has a "sound legal system." By participating in this video, the American Chamber of Commerce in Hong Kong (AmCham Hong Kong) demonstrated support for and gave credibility to the video's message. AmCham Hong Kong's participation is particularly concerning because the video was released on February 2, four days before Hong Kong began a mass show trial of 47 pro-democracy activists.²

As you know, in June 2020, China's Standing Committee of the National People's Congress passed the so-called *Hong Kong National Security Law*, which is a direct assault on the "one party, two systems" structure the Government of China pledged to uphold and the fundamental rights and freedoms of the people of Hong Kong. Since the passage of the *National Security Law*, Beijing has dismantled what remained of Hong Kong's democratic institutions, jailed and disappeared dissidents, and violated its international obligations under the Sino-British Joint Declaration of 1984 and the Hong Kong Basic Law.

In response to the enactment of this law, the U.S. Congress passed the *Hong Kong Autonomy Act* (PL116-149), which President Trump signed into law in July 2020. The *Hong Kong Autonomy Act* finds that the Government of China "has undertaken actions that have contravened the letter or intent of" its legal obligation to maintain Hong Kong's "independent judicial power." In the *Hong Kong Policy Act Reports of 2021 and 2022*, the U.S. Department of State found that the

¹ Quinn, Jimmy (@james_t_quinn). New: The chairman of the American Chamber of Commerce Hong Kong, a JP Morgan exec, appeared last week in a propaganda video unveiled by HK's pro-CCP govt. The business exec's role in the campaign comes amid escalating repression and the show trial of 47 pro-democracy figures. *Twitter*, Feb. 7, 2023: https://twitter.com/james_t_quinn/status/1623073179945115648?s=20&t=AShdR1nZIRbWd7SIUPVdDQ

² Davidson, Helen. "Hong Kong: landmark national security trial of 47 democracy advocates begins," Last modified Mon Feb.6, 2023, <https://www.theguardian.com/world/2023/feb/06/hong-kong-landmark-national-security-trial-of-47-democracy-advocates-begins>

PRC took actions to undermine the Hong Kong's judicial impartiality and independence and that Hong Kong's judicial independence was weakened in practice as local authorities consistently followed the Hong Kong National Security Law.

The US government has also found that China's actions on Hong Kong increasingly deny the autonomy and freedom that China promised to the people of Hong Kong under the 1984 Sino-British Joint Declaration. For this reason, the Secretary of State announced that "*Hong Kong no longer warrants treatment under U.S. law in the same manner as U.S. laws were applied to Hong Kong before July 1, 1997* (emphasis added)."³

In July 2022, the U.S. Congressional-Executive Commission on China found that "three years after the protests, the negative effects of political prosecution are evident. Important institutions that monitor government accountability, including the independent press and civil society organizations, have been rapidly dismantled under the broad and indiscriminate enforcement of the NSL and related laws. ... *Hong Kong government prosecutors are complicit in undermining the city's once robust rule of law* (emphasis added)," and thus urged President Biden to sanction Hong Kong prosecutors.⁴

In light of the overwhelming evidence that the *National Security Law* has undermined the fundamental rights and freedoms of the people of Hong Kong, it is deeply troubling that AmCham Hong Kong would participate in a video that falsely claims the opposite. According to media expert Mark Simon, the government of Hong Kong sees "the chamber and the U.S. government as one."⁵ If this is the case, then this video may be interpreted as the U.S. Government quietly retracting its position on the status of rule of law in Hong Kong, and that would have profound implications.

For these reasons, I would like to offer AmCham Hong Kong an opportunity to clarify its own views on the matter. I therefore request that you respond to the following questions by Feb. 27, 2023:

1. Does AmCham Hong Kong believe that the Hong Kong National Security Law is consistent with the Sino-British Joint Declaration of 1984?
2. On AmCham Hong Kong's website, "rule of law" is listed as one of its core values.
 - a. Please clarify what AmCham Hong Kong means by the "rule of law."
 - b. Does AmCham Hong Kong believe that the *National Security Law* is consistent with "rule of law?" If so, please explain why.

³ Exec. Order. No. 13936, 85 FR 43413 (July 17, 2020), <https://www.federalregister.gov/documents/2020/07/17/2020-15646/the-presidents-executive-order-on-hong-kong-normalization>

⁴ Senator Jeff Merkley and Representative James P. McGovern, Senators Marco Rubio, Dianne Feinstein, Steve Daines, Angus King, and Tom Cotton and Representatives Christopher Smith, Tom Suozzi, Vicky Hartzler, Tom Malinowski, and Jennifer Wexton to President Joe Biden. "Commissioners Ask President to Sanction Hong Kong Prosecutors" July 20, 2022. <https://www.cecc.gov/media-center/press-releases/%EF%BB%BF-commissioners-ask-president-to-sanction-hong-kong-prosecutors>

⁵ Quinn, Jimmy. "J.P. Morgan Executive Stars in Hong Kong Propaganda Video," *National Review*. February 8, 2023. <https://www.nationalreview.com/2023/02/j-p-morgan-executive-stars-in-hong-kong-propaganda-video/>

3. Does AmCham Hong Kong believe that the detention and ongoing trial of the 47 pro-democracy activists since 2021 under the *National Security Law* has been conducted pursuant to the “rule of law?”
 - a. If AmCham Hong Kong has not previously examined this issue, please explain why not, in light of the organization’s statement that the rule of law is one of the organization’s core values.
 - b. Does AmCham Hong Kong believe that the operation of this trial is relevant to the rule of law in Hong Kong? Why or why not?
4. Does AmCham Hong Kong believe that the judiciary of Hong Kong is independent and impartial?
 - a. Does AmCham Hong Kong believe that the Hong Kong judiciary operates free from the influence of the PRC government? If yes, please explain why.
 - b. Does AmCham Hong Kong believe that that Hong Kong has a “sound legal system?” If yes, please explain what this phrase means and why Hong Kong’s legal system meets that definition.
5. What steps, if any, has AmCham Hong Kong take to support the people of Hong Kong who have sought to protect Hong Kong’s democratic institutions and the rule of law?
6. Has AmCham Hong Kong taken any actions to support them implementation or enforcement of the *National Security Law*? If so, please identify all such actions.

I appreciate your attention to this inquiry, and I am looking forward to receiving your responses to these questions.

Sincerely,



Mike Gallagher
Chairman