



Home Office

Country Policy and Information Note

China: Hong Kong National Security Law

Version 2.0

September 2021

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, and to provide a range of views and opinions which are compared and contrasted where possible, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance and welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

Contents

Assessment	6
1. Introduction.....	6
1.1 Basis of claim.....	6
1.2 Points to note.....	6
2. Consideration of issues.....	6
2.1 Credibility.....	6
2.2 Exclusion.....	6
2.3 Convention reason(s).....	7
2.4 Risk.....	7
2.5 Protection.....	10
2.6 Internal relocation.....	10
2.7 Certification.....	10
Country information	12
3. Legal context.....	12
3.1 Introduction of the National Security Law.....	12
3.2 Main features of the National Security Law.....	12
3.3 Law enforcement powers.....	13
3.4 Judiciary.....	13
3.5 Retrospective application of the National Security Law.....	15
4. Timeline of main events.....	16
5. Application of the law.....	16
5.1 Arrests of activists since September 2020.....	16
5.2 Re-arrests.....	19
5.3 Prosecutions.....	20
5.4 Treatment of family members of persons of interest.....	21
6. Freedom of expression.....	22
6.1 Press freedom.....	22
6.2 Academic freedom.....	23
6.3 Pro-democracy groups.....	24
6.4 Trades unions.....	25
6.5 Impact on July 2020 elections.....	25
Terms of Reference	27
Bibliography	28
Sources cited.....	28
Sources consulted but not cited.....	32

Assessment

Updated: 20 September 2021

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution and/or serious harm by the state due to the National Security Law (NSL) being used against them.

1.2 Points to note

1.2.1 For guidance and information on those who took part in the pre-June 2020 protests and fear persecution and/or serious harm on that basis, decision makers should refer to the Country Policy and Information Note on [China: Hong Kong protests](#).

1.2.2 For guidance and information on those who took part in the pre-June 2020 protests and fear that the NSL will be used against them, decision makers should use this Country Policy and Information Note and also refer to the Country Policy and Information Note on [China: Hong Kong protests](#).

[Back to Contents](#)

2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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Official – sensitive: End of section

[Back to Contents](#)

2.2 Exclusion

2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).

- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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Official – sensitive: End of section

[Back to Contents](#)

2.3 Convention reason(s)

- 2.3.1 Actual or imputed political opinion.
- 2.3.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their actual or imputed convention reason.
- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.4 Risk

a. Context

- 2.4.1 On 30 June 2020 China introduced the National Security Law (NSL) in Hong Kong which came into effect almost immediately. The law was implemented following the widespread protests which took part throughout the second half of 2019 into 2020.
- 2.4.2 For information and guidance on those who took part in the pre-June 2020 protests and fear persecution and/or serious harm on that basis then see the Country Policy and Information Note on [China: Hong Kong protests](#).
- 2.4.3 For more information see [6-monthly reports produced by the Foreign and Commonwealth Office](#), which provide a detailed rolling assessment of the situation in Hong Kong.
- 2.4.4 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

b. National Security Law (NSL)

- 2.4.5 The NSL criminalises secession, subversion, terrorism, and collusion with foreign countries. The NSL applies to a person who is a permanent resident of the Hong Kong Special Administrative Region (HKSAR) or an incorporated or unincorporated body, such as a company or an organisation which is set up in the HKSAR, if they or the body commit an offence under the NSL outside the HKSAR. The NSL also applies to offences under the NSL committed against the HKSAR from outside the HKSAR by a person who is not a permanent resident of the HKSAR (that is provisions in the NSL suggest it can apply extra-territorially and can therefore be applied anywhere

in the world). Slogans such as ‘Liberate Hong Kong, Revolution of Our Times’ are treated as promoting secession, and are illegal under the NSL (see [Main features of the National Security Law](#)).

- 2.4.6 Depending on the level of involvement of the offender and/or the severity of the offence, sentences under the NSL range from short-term detention or ‘restriction’ to life imprisonment. There is a provision in the NSL stating it cannot be applied retrospectively, although evidence about activities conducted before the NSL came into effect on 1 July 2020 have been used in investigations into alleged crimes committed after the law was imposed (see [Main features of the National Security Law](#) and [Retrospective application of the National Security Law](#)).
- 2.4.7 Following the introduction of the NSL, a new national security office was opened in Hong Kong - The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region (CPG Office). The CPG Office is a mainland Chinese organisation and operates independently from the HKSAR Government. The NSL allows security agents from mainland China to operate within this new organisation. The CPG Office rather than the HKSAR has jurisdiction to try offences endangering national security under the NSL in certain circumstances with CPG approval and following a request by the HKSAR Government or the CPG Office itself. This could entail persons charged with offences under the NSL being transferred to mainland Chinese courts for trial under Chinese law, procedures, and penalties. The criteria for such a transfer to the mainland are vague and broadly defined. Hong Kong does not have an extradition treaty with mainland China, and the NSL does not provide legal or judicial safeguards in such cases, so it is unclear whether any legal process would provide meaningful safeguards for the person’s rights. Once prosecuted through the mainland legal system they may also be subject to mainland sentences (see [Law enforcement powers](#) and [Judiciary](#)).
- 2.4.8 The criminal offences under the NSL are defined broadly and thus create uncertainty about their implementation. While it is not unusual for offences in the national security sphere to be broadly drafted it may increase the likelihood of self-censorship (see [Application of the law](#)).
- 2.4.9 Since its introduction over 130 people have been arrested under the NSL with over half of those arrests resulting in charges. Some high profile activists, who have links to the pro-democracy movement, have been subjected to multiple prosecutions and re-arrests with some, who are already serving sentences for non NSL convictions, being charged under the NSL whilst in prison (see [Arrests of activists since September 2020](#), [Re-arrests](#) and [Prosecutions](#)).
- 2.4.10 Article 18 of the NSL requires the HKSAR Department of Justice to establish a specialised prosecution division for the prosecution of national security offences. The prosecutors shall be appointed by the HKSAR Secretary for Justice after obtaining the consent of the Committee for Safeguarding National Security (chaired by the Chief Executive of the HKSAR and which will include consultants from the CPG). It is unusual for prosecutors of a national security division to be appointed in effect by the Executive. This is

detrimental to prosecutorial independence and raises the risk of prosecutors taking political decisions in terms of whom to prosecute (see [Judiciary](#)).

- 2.4.11 The NSL provides for some cases to be tried in Hong Kong courts, using a panel of judges selected by the Chief Executive rather than the Chief Justice which would normally be the case. While this does pose questions of judicial independence, basic legal protections that exist in Hong Kong would be maintained in such cases. The trial of Tong Ying-kit, who was the first person charged under the NSL, took place without a jury. His plea for a trial by jury was turned down on the grounds of jurors' safety would be at risk. He became the first person to be convicted of inciting succession under the NSL and was sentenced to 9 years in jail but is currently appealing his conviction and sentence. The NSL also provides for certain proceedings to occur in closed courts where cases involve state secrets (see [Main features of the National Security Law, Judiciary and Prosecutions](#)).
- 2.4.12 Since July 2020 some high-profile activists have left the country and many pro-democracy groups and media outlets have either closed, chosen to disband, or have censored their content. There has also been monitoring and censorship within universities. Several books were removed from public libraries pending a review of whether they breached the NSL and members of the General Union of Hong Kong Speech Therapists were arrested for publishing material alleged to be seditious following the publication of 3 children's books deemed to have political themes (see [Arrests of activists since September 2020](#) and [Freedom of expression](#)).
- 2.4.13 Whether a person will be apprehended by the authorities under the NSL is likely to depend on a person's profile, activities, and background. Those with high profiles and prominent roles are likely to be at a higher risk of arrest and prosecution. Those who publicly call for Hong Kong independence or sanctions on Hong Kong by foreign governments have faced arrest and prosecution under the criminal offences in the NSL. Teachers have been advised that behaviour that elicit discussion of sensitive political issues must be avoided; and authors of what might be viewed as politically sensitive material and sellers of those books could also have the NSL applied to them. On-line discussion is also subject to close scrutiny (see [Application of the law](#)).
- 2.4.14 Where a person fears that the NSL puts them at risk of persecution it would be for them to demonstrate why they feel the law would reasonably likely be applied to them.
- 2.4.15 In cases where the person will be discreet about their political opinion on return, the reasons for such discretion need to be considered in the light of [HJ \(Iran\)](#). A person should not be expected to conceal their political opinion for a fear of persecution. However, if the person would conceal his or her political opinion for reasons other than for a fear of persecution, then the person would have no basis for their claim for international protection. Each case must be considered on its facts.
- 2.4.16 Regulation 5(2) of the [Refugee or Person in Need of International Protection \(Qualification\) Regulations 2006](#) states that an act of persecution may take the form of:

- (i) a legal, administrative, police, or judicial measure which in itself is discriminatory, or which is implemented in a discriminatory manner.
- (ii) prosecution or punishment, which is disproportionate or discriminatory;
- (iii) denial of judicial redress resulting in a disproportionate or discriminatory punishment.

2.4.17 While the instruction on [Assessing Credibility and Refugee Status](#) states that while those fleeing prosecution or punishment for a criminal offence are not normally refugees prosecution can be considered persecution if, for example:

- (i) it involves victimisation in the application of the law by the authorities. For example: if it is the vehicle or excuse for the persecution of a person or if only certain ethnic or other groups are prosecuted for a particular offence and the consequences of that discrimination are sufficiently severe; or
- (ii) the punishment is cruel, inhuman or degrading (including punishment which is out of all proportion to the offence committed).

2.4.18 Where a person is able to demonstrate that they are likely to be arrested and prosecuted under the NSL and the punishment is disproportionately harsh, then the prosecution is likely to amount to persecution. Each case should be considered on its individual merits with the onus on the person to show that the NSL has or would reasonably be used against them.

2.4.19 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.5 Protection

2.5.1 Where the person has a well-founded fear of persecution from the authorities, they will not be able to avail themselves of the protection of the authorities.

2.5.2 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.6 Internal relocation

2.6.1 Where the person has a well-founded fear of persecution from the state, they will be unable to relocate to escape that risk.

2.6.2 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

Country information

Section 3 updated: 20 September 2021

3. Legal context

3.1 Introduction of the National Security Law

3.1.1 On 30 June 2020 China introduced the National Security Law (NSL) to Hong Kong¹. The law came into effect almost immediately. The text of the legislation was kept secret until it had been passed by the Standing Committee of the National People's Congress².

[Back to Contents](#)

3.2 Main features of the National Security Law

3.2.1 The official translated version of the [National Security Law](#) can be found on the Hong Kong gazette website. Part 6 details the Scope of Application:

'Article 37 This Law shall apply to a person who is a permanent resident of the Hong Kong Special Administrative Region or an incorporated or unincorporated body such as a company or an organisation which is set up in the Region if the person or the body commits an offence under this Law outside the Region.

'Article 38 This Law shall apply to offences under this Law committed against the Hong Kong Special Administrative Region from outside the Region by a person who is not a permanent resident of the Region.

Article 39 This Law shall apply to acts committed after its entry into force for the purpose of conviction and imposition of punishment.'³ (see [Retrospective application of the National Security Law](#))

3.2.2 Under the general principles of the NSL Article 5 states that '...No one shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in judicial proceedings.'⁴

3.2.3 The law criminalises any act of:

- secession - breaking away from the country
- subversion - undermining the power or authority of the central government
- terrorism - using violence or intimidation against people
- collusion with foreign or external forces⁵.

3.2.4 CPIT could find no evidence in the sources consulted (see [Bibliography](#)) to indicate that the main features and scope of the NSL has changed since its introduction in July 2020.

¹ The Guardian, '[Controversial Hong Kong national security law comes into effect](#)', 30 June 2020

² BBC News, '[Hong Kong's New Security Law explained](#)', 30 July 2020

³ HKSAR Gazette '[No. 48 Vol. 24 - Government Notice](#)' (part six), 3 July 2020

⁴ HKSAR Gazette '[No. 48 Vol. 24 - Government Notice](#)' (part six), 3 July 2020

⁵ HKSAR Gazette '[No. 48 Vol. 24 - Government Notice](#)' (part six), 3 July 2020

3.3 Law enforcement powers

- 3.3.1 Chapter V of the NSL allows for the establishment of a new national security office in Hong Kong (The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region (CPG Office)). The staff at this office will be able to operate independently from the Hong Kong authorities. Article 55 under chapter V allows the CPG office jurisdiction over cases which endanger national security under the new law⁶.
- 3.3.2 The NSL grants the Hong Kong Police Force (HKPF) National Security Department (NSD) new powers which are not conferred by other laws in Hong Kong, these include the ability to search properties, freeze or confiscate assets and engage in covert surveillance. They are also able, in exceptional circumstances, to enter and search premises for evidence without a warrant and restrict people who are under investigation from leaving Hong Kong. The NSL also allows the police to demand information from foreign and Taiwanese political organisations and agents on their Hong Kong related activities^{7 8}.
- 3.3.3 In November 2020 the Hong Kong Police Force launched a national security department tip-off line for members of the public to report breaches of the NSL. Sources suggested that within the first week of its operation it had received 10,000 messages^{9 10 11}.
- 3.3.4 According to an Amnesty International report published in June 2021, the new powers mean that '...police can investigate any case they claim to be related to national security with these extensive powers without any regular judicial examination of whether such operations comply with local and international human rights standards.'¹²

3.4 Judiciary

- 3.4.1 Article 18 of the National Security Law states that: 'The Department of Justice of the Hong Kong Special Administrative Region shall establish a specialised prosecution division responsible for the prosecution of offences endangering national security and other related legal work. The prosecutors of this division shall be appointed by the Secretary for Justice after obtaining the consent of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region.'¹³
- 3.4.2 BBC reported that the law provides

⁶ HKSAR Gazette '[No. 48 Vol. 24 - Government Notice](#)', 3 July 2020

⁷ Guardian, '[Hong Kong police given sweeping powers under new security law](#)', 7 July 2020

⁸ Amnesty International, '[Hong Kong: In The Name Of National Security...](#)' (page 12), 29 June 2021

⁹ BBC News, '[Hong Kong: Snitch hotline gets more than 1,000 calls](#)', 6 November 2020

¹⁰ HKFP, '[Hong Kong police launch national security law tip-off line for WeChat...](#)' 5 November 2020

¹¹ SCMP, '[Hong Kong's controversial national security law tip line gets 10,000...](#)' 14 November 2020

¹² Amnesty International, '[Hong Kong: In The Name Of National Security...](#)' (page 12), 29 June 2021

¹³ HKSAR Gazette '[No. 48 Vol. 24 - Government Notice](#)', 3 July 2020

- that trials can be held in secret (Article 41) and without a jury (Article 46)
- that judges can be handpicked (Article 44) by Hong Kong's Chief Executive, who is answerable directly to Beijing
- for a reversal of the presumption that suspects will be granted bail (Article 42)¹⁴

3.4.3 BBC news noted that 'Most cases will be handled in Hong Kong, but the mainland can take over "complex", "serious" or "difficult" cases.'¹⁵ NPR also reported that 'In "complex" and "serious" cases or those in which a security threat is imminent, China will be able to assert complete legal jurisdiction.'¹⁶ Al Jazeera explained that 'The full text of the law gave three scenarios when China might take over a prosecution: complicated foreign interference cases, "very serious" cases and when national security faces "serious and realistic threats".'¹⁷

3.4.4 In a 2 July 2020 article, CNN quoted Shen Chunyao, director of legislative affairs commission of the National People's Congress Standing Committee, China's top law making body, which passed the new law as having said 'only under "very rare" circumstances would Chinese state security agents and judicial authorities get involved in Hong Kong cases' and Michael Tien, one of Hong Kong's Deputies to the National People's Congress, as having said the law was 'being blown "out of proportion" and that its main purpose was to "act as a deterrent."¹⁸

3.4.5 In an oral statement to Parliament, on 20 July 2020, the UK's Foreign Secretary, Rt. Hon. Dominic Raab, stated that:

'... the National Security Law has significantly changed key assumptions underpinning our extradition treaty arrangements with Hong Kong. And I have to say that I am particularly concerned about Articles 55 to 59 of the law, which gives mainland Chinese authorities the ability to assume jurisdiction over certain cases and try those cases in mainland Chinese courts.

'..., the National Security Law does not provide legal or judicial safeguards in such cases, and I am also concerned about the potential reach of the extra-territorial provisions. So, I have consulted with the Home Secretary, the Justice Secretary and the Attorney General, and the government has decided to suspend the extradition treaty immediately and indefinitely. And I should also tell the House that we would not consider re-activating those arrangements, unless, and until clear and robust safeguards which are able to prevent extradition from the UK being misused under the national security legislation.'¹⁹

¹⁴ BBC, '[Hong Kong's new security law: Why it scares people](#)', 1 July 2020

¹⁵ BBC, '[Hong Kong: First arrests under 'anti-protest' law as handover marked](#)', 1 July 2020

¹⁶ NPR, '[5 Takeaways From China's Hong Kong National Security Law](#)', 1 July 2020

¹⁷ Al Jazeera, '[Details of China's national security law for Hong Kong unveiled](#)', 1 July 2020

¹⁸ CNN, '[Protests break out in \[HK\] as first arrest made under new security law](#)', 2 July 2020

¹⁹ UK FCO, '[Oral statement to Parliament- Hong Kong and China: Foreign Secretary's.](#)' 20 July 2020

- 3.4.6 Human Rights Watch's feature on the Hong Kong National Security Law- 'Dismantling a free society' published in June 2021 noted that:

'The NSL denies bail to national security suspects unless the judge is convinced that they will no longer commit national security offenses. Over half of the people charged with NSL crimes are now held in custody, depriving them of liberty even though their trial may be months away. The NSL also allows suspects to be deprived of a public trial if state secrets would be disclosed, and of a jury trial if directed by the secretary for justice.'²⁰

- 3.4.7 In July 2021 Vox reported that: 'There are also growing concerns about defendants' right to counsel, and whether those charged can select their legal representation. A national security case involving Hong Kong activist Andy Li raised questions as to who had appointed his attorney. The fear is that prosecutors themselves are perhaps appointing defence attorneys, an obvious conflict of interest and another way to limit the outcomes in any national security trial.'²¹

[Back to Contents](#)

3.5 Retrospective application of the National Security Law

- 3.5.1 News websites reported in August 2020 that former pro-independence activist Ray Wong Toi-yeung's name had appeared on a list of 6 'fugitives' wanted by the Hong Kong police for violating the national security law. Wong was granted asylum in Germany in 2018 and claimed that he no longer advocated for Hong Kong independence and had not said anything relating to independence since the legislation came into effect. He accused the Hong Kong government of applying the law retrospectively^{22 23}.

- 3.5.2 In August 2020 Hong Kong Free Press (HKFP), published an article produced by AFP news that stated that:

'Hong Kong police are using the past words and deeds of government critics to bolster investigations under the city's sweeping new security law, despite the legislation not being retroactive. The law, described by China as a "sword" hanging over the heads of its pro-democracy opponents, was imposed on the financial hub by Beijing in June, with authorities promising it would not apply to past transgressions.

'But details from more than 20 arrests so far show actions including political speeches and online posts made before the law was introduced have formed a key part of investigations, helping police obtain search warrants, conduct raids and make arrests.

"They will go back into your history and look for connections," one lawyer involved in national security investigations told AFP, requesting anonymity to speak freely, adding police were empowered to use past acts as "background information" for both investigations and upcoming trials.'²⁴

²⁰ HRW, '[Dismantling a free society](#)', 25 June 2021

²¹ Vox, '[China's national security legislation is destroying Hong Kong's rule of law](#)', 1 July 2021

²² The Standard, '[The national security law is used retrospectively, Ray Wong says](#)', 1 August 2020

²³ CNN, '[Hong Kong issues arrest warrants for six overseas democracy activists...](#)' 1 August 2020

²⁴ HKFP (AFP News), '[Hong Kong police visit local newsroom, sift through past...](#)', 28 August 2020

- 3.5.3 Radio Free Asia and Yahoo news noted that some of the evidence cited by prosecutors in the charges against Jimmy Lai predated the implementation of the National Security Law. Lai was charged with collusion with foreign forces and according to reports prosecutors evidence included a meeting in July 2019 that Lai had with the then US Secretary of State Mike Pompeo, during a trip to Washington^{25 26}.
- 3.5.4 In January 2021 HKFP noted, in an opinion piece by Hong Kong based US writer Suzanne Pepper, that: ‘All the leading pro-democracy candidates have been disqualified from contesting the next Legislative Council election via retroactive application of the new national security standards — even if the law itself is not retroactive.’²⁷
- 3.5.5 The same opinion piece went on to note that: ‘Teachers are being retroactively investigated in search of those who might have previously violated the new standards. Leading activist Benny Tai Yiu-ting has lost his job as a law professor at the University of Hong Kong, following the same retroactive application of the new national security standards.’²⁸
- 3.5.6 Article 19, a UK based human rights organisation which focuses on freedom of expression, stated in blog article from 29 June 2021, that on 17 June 2021 5 senior executives from Apple Daily were arrested on suspicion of colluding with foreign forces over articles dating back to 2019. The Article 19 blog noted that this showed the NSL being applied retroactively against Apple Daily²⁹.
- 3.5.7 Reuters noted that: ‘The legislation is not retrospective, but prosecutors can use actions from before its implementation as evidence.’³⁰

[Back to Contents](#)

Section 4 updated: 8 September 2021

4. Timeline of main events

- 4.1.1 For a timeline of events since the National Security Law was introduced see [Reuters](#)³¹ and/or [Human Rights in China \(HRIC\)](#), which describes itself as ‘a Chinese NGO with offices in New York and Hong Kong’³².

[Back to Contents](#)

Section 5 updated: 20 September 2021

5. Application of the law

5.1 Arrests of activists since September 2020

- 5.1.1 For arrests that took place before September 2020 please see the [previous version](#) of this CPIN.

²⁵ Radio Free Asia, ‘[Hong Kong Media Mogul Charged Over Actions, Speech...](#)’, 14 December 2020

²⁶ Yahoo News, ‘[Outcry over Hong Kong media mogul Jimmy Lai’s arrest](#)’, 10 August 2020

²⁷ HKFP, ‘[How Hong Kong’s national security law and common law system...](#)’, 17 January 2021

²⁸ HKFP, ‘[How Hong Kong’s national security law and common law system...](#)’, 17 January 2021

²⁹ Article 19, ‘[Blog: A year of creeping darkness under the National Security Law in...](#)’, 29 June 2021

³⁰ Reuters, ‘[HK’s Apple Daily raided by 500 officers over national security law](#)’, 17 June 2021

³¹ Reuters, ‘[The impact of the national security law on Hong Kong one year on](#)’, 1 July 2021

³² HRIC, ‘[Hong Kong Timeline 2019-2021: Anti-Extradition...](#)’, last updated 2 September 2021

- 5.1.2 In October 2020 Tony Chung, the former convenor of pro-independence group Studentlocalism, was arrested by the Hong Kong police national security unit close to the US Consulate General where, according to reports, he had been planning to seek asylum. He was arrested for secession, money laundering and conspiring to publish seditious content^{33 34}. In December 2020 Chung was sentenced to 4 months imprisonment for insulting the Chinese flag during a protest in May 2019³⁵.
- 5.1.3 In November 2020 police arrested online radio host Wan Yiu-sing on suspicion of money laundering and offering financial support for alleged pro-independence activities. Wan You-sing, also known as ‘Giggs’ launched a fundraiser in February 2020 called ‘A thousand fathers and mothers: Taiwan education aid program’ to help young people from Hong Kong who go to Taiwan to study. According to reports police believe that this money is used to finance young people who fled Hong Kong because they are involved in secession activities. The charges carry a maximum jail term of 5 years in minor cases and 10 years in those deemed more serious^{36 37 38}.
- 5.1.4 In November 2020 Ma Chun-Man, was remanded in custody and denied bail after being charged under the National Security Law for inciting others to commit secession. Police alleged that Ma shouted the protest slogan ‘Liberate Hong Kong, revolution of our times’ on 19 separate occasions between August and November 2020^{39 40}.
- 5.1.5 HRW noted in a June 2021 report that: ‘...the Chinese University of Hong Kong (CUHK) called the police on students and graduates who marched peacefully in protest against the National Security Law in November 2020. Police later arrested eight people, including CUHK graduates, for “unlawful assembly” and “inciting separatism” because they had shouted the 2019 protest slogan, “Liberate Hong Kong, the Revolution of Our Times.”’⁴¹
- 5.1.6 In January 2021 around 1,000 police took part in morning raids on 72 premises across Hong Kong. Fifty-three pro-democracy activists and politicians were arrested accused of trying to overthrow the government by taking part in unofficial independently organised ballot in 2020 to select democratic candidates for a primary election, which was ultimately postponed by the government^{42 43 44}. According to BBC News those arrested included:
- ‘... opposition figures James To, Lam Cheuk-ting, Claudio Mo and Benny Tai, one of the initiators of the primaries.

³³ HKFP, [‘Hong Kong activist Tony Chung detained, reportedly before bid to...’](#), 27 October 2020

³⁴ National Democratic Institute, [‘Revoked Promises: Hong Kong in Crisis’](#), April 2021

³⁵ BBC News, [‘Hong Kong activist Tony Chung sentenced to four months’](#), 29 December 2020

³⁶ RFA, [‘Hong Kong Police Arrest Radio Host, Charge Delivery Driver For...’](#), 24 November 2020

³⁷ Asia News, [“‘Giggs”, radio journalist, and his wife arrested for “funding...”](#), 21 November 2020

³⁸ Taipei Times, [‘MAC condemns arrest in HK of Internet disc jockey’](#), 23 November 2020

³⁹ RFA, [‘Hong Kong Police Arrest Radio Host, Charge Delivery Driver For...’](#), 24 November 2020

⁴⁰ HKFP, [‘Third man charged under Hong Kong’s national security law...’](#), 25 November 2020

⁴¹ HRW, [‘Dismantling a free society’](#), 25 June 2021

⁴² BBC News, [‘National security law: Hong Kong rounds up 53 pro-democracy...’](#), 6 January 2021

⁴³ VOA News, [‘Over 50 Hong Kong Activists Arrested for Breaching Security Law...’](#), 5 January 2021

⁴⁴ BBC News, [‘Hong Kong national security law: Activists say arrests confirm...’](#), 7 January 2021

- young pro-democracy campaigners Lester Shum, Gwyneth Ho, Tiffany Yuen and Jeffrey Andrews
- Human rights lawyer John Clancey, a US citizen
- two academics behind the primaries strategy
- 13 candidates from the primaries.

'Police also searched the home of already detained activist Joshua Wong, as well as three news outlets.'⁴⁵

- 5.1.7 In January 2021 Joshua Wong, who was already in prison for his role in demonstrations in 2019, was arrested for alleged violation of the national security law. The charges relate to him being part of an unofficial vote to pick opposition candidates for a since-postponed election. The charge is reportedly viewed by the authorities as a "vicious plot" to "overthrow" the government and could result in a sentence of life imprisonment^{46 47}. Joshua Wong has been in prison since December 2020 when he was sentenced to 13.5 months for his involvement in the 2019 protests⁴⁸. He was further sentenced in January 2021 to an additional 4 months in prison for unauthorised participation in a protest and breaking a government law against wearing face masks⁴⁹. In May 2021 he was sentenced to an additional 10 months in jail for participating in an unauthorised vigil marking the 1989 Tiananmen Square crackdown^{50 51}.
- 5.1.8 In March 2021 Andy Li, who was among a group of 12 people intercepted by Chinese authorities in August 2020 as they attempted to flee Hong Kong for Taiwan, was handed over to Hong Kong police after he had served a 7-months prison sentence in mainland China for illegal border crossing. He was arrested under the NSL accused of colluding with foreign powers. He was also charged with conspiracy to assist offenders and possession of ammunition without a licence⁵². Reports suggested that Li was represented in court hearings by an unknown barrister who had not been hired by the family and that he was forcibly committed to a psychiatric facility despite having no history of mental illness^{53 54}.
- 5.1.9 Jimmy Lai, who was sentenced to 14 months imprisonment in April 2021 for taking part in a protest in 2019, was arrested in February 2021 while in prison and charged with 3 alleged violations of the national security law. These included a charge of aiding activist Andy Li in his attempt to escape to

⁴⁵ BBC News, '[National security law: Hong Kong rounds up 53 pro-democracy...](#)', 6 January 2021

⁴⁶ CNN, '[Hong Kong pro-democracy activist Joshua Wong arrested under...](#)', 8 January 2021

⁴⁷ Al Jazeera, '[HK's Joshua Wong gets 10 more months in jail over June 4 assembly](#)', 6 May 2021

⁴⁸ BBC News, '[Hong Kong: Joshua Wong and fellow pro-democracy activists...](#)', 2 December 2020

⁴⁹ Al Jazeera, '[HK's Joshua Wong gets 10 more months in jail over June 4 assembly](#)', 6 May 2021

⁵⁰ BBC News, '[Hong Kong: Joshua Wong jailed over banned Tiananmen vigil](#)', 6 May 2021

⁵¹ HRW, '[Dismantling a free society](#)', 25 June 2021

⁵² HKFP, '[Mystery lawyer appears in court for Hong Kong activist Andy Li, but...](#)', 31 March 2021

⁵³ HKFP, '[Mystery lawyer appears in court for Hong Kong activist Andy Li, but...](#)', 31 March 2021

⁵⁴ Article 19, '[Blog: A year of creeping darkness under the National Security Law in...](#)', 29 June 2021

Taiwan with 11 others in August 2020 and alleged collusion with a foreign country^{55 56 57}.

5.1.10 Bloomberg reported that Members of the General Union of Hong Kong Speech Therapists were arrested in June 2021 over 3 books the group published with political themes. The books were children's books and likened Hong Kong democracy activists to sheep being pursued by wolves. Five people were arrested on suspicion of publishing seditious material, 2 men and 3 women in their 20s⁵⁸.

5.1.11 In June 2021 The Guardian noted that:

'At least 128 people have been arrested under the NSL or by its dedicated police department, including three minors, dozens of politicians, and journalists. More than half have been charged with national security offences that carry up to life in prison, and only 17 were granted bail.

'... The Guardian has tracked the use of the NSL since its introduction. Relying on police press statements, social media posts and news reports, it determined that at least 128 people have been arrested, some of them multiple times, by the police's national security department (NSD).

'Hong Kong police and the national security bureau gave different figures – 113 and 115 respectively – while the department of justice said it “does not maintain any record of the statistical information”.

'The [national security] bureau said 64 people had been charged, but that the others remain under investigation.'⁵⁹

5.1.12 On 8 and 9 September 2021 Hong Kong's national security police arrested 7 general committee members of the Hong Kong Alliance. The group is responsible for organising the annual Tiananmen Square vigil. On 10 September 3 members of the group, Lee Cheuk-yan, Albert Ho and Chow Hang-tung were charged with subversion under the NSL and the Alliance itself was also charged and had its assets frozen^{60 61}. According to a BBC News report: 'Mr Lee and Mr Ho are currently serving jail sentences for their roles in unauthorised assemblies in 2019. Ms Chow, a human rights lawyer, was previously arrested earlier this year and charged with promoting unauthorised assembly, after she posted on social media encouraging people to commemorate the Tiananmen Square anniversary. She was later released on bail, however this time, bail has been denied.'⁶²

[Back to Contents](#)

5.2 Re-arrests

5.2.1 In December 2020 Jimmy Lai was re-arrested on charges of collusion with foreign forces. He was initially arrested on these charges in August 2020

⁵⁵ HKFP, '[Hong Kong media tycoon Jimmy Lai again refused bail over alleged...](#)', 19 February 2021

⁵⁶ BBC News, '[Hong Kong: Jimmy Lai sentenced to 14 months for pro-democracy...](#)', 16 April 2021

⁵⁷ Al Jazeera, '[Hong Kong's Jimmy Lai gets new sentence over democracy protests](#)', 28 May 2021

⁵⁸ Bloomberg, '[Hong Kong Arrests Five Over Kids' Books With Pro-Beijing Wolves](#)', 22 July 2021

⁵⁹ The Guardian, '[“They can't speak freely”: Hong Kong a year after the national...](#)', 30 June 2021

⁶⁰ The Guardian, '[Hong Kong: Tiananmen vigil organisers charged with inciting...](#)', 10 September 2021

⁶¹ NBC News, '[Tiananmen vigil organizers arrested in Hong Kong](#)', 8 September 2021

⁶² BBC News, '[Hong Kong Tiananmen vigil organisers charged under national...](#)', 10 September 2021

following a raid at Apple Daily's headquarters but was released the following day on bail^{63 64 65} (see also [Arrests of activists since September 2020](#) and [Prosecutions](#)).

5.2.2 In February 2021, 47 of those originally arrested in January 2021 and later released (see [Arrests of activists since September 2020](#)) were re-arrested and charged under the National Security Law with "conspiracy to commit subversion"⁶⁶ (see also [Prosecutions](#)).

5.2.3 Amnesty International's report 'Hong Kong: In The Name Of National Security' published on 29 June 2021 noted that:

'In September 2020, activist Tam Tak-chi was arrested and charged with 14 counts of offences under the provisions of the Hong Kong Sedition Ordinance and the Public Order Ordinance (both of which are Hong Kong statutes separate from the NSL). Although Tam was charged with acts alleged to have taken place prior to the enactment of the NSL and faced no charges under that law at that time, the NSD [National Security Department] used its extensive power to investigate his case.'⁶⁷

[Back to Contents](#)

5.3 Prosecutions

5.3.1 On Monday 6 July 2020 a 23-year-old man, Tong Ying-kit, became the first person to be charged with terrorism and inciting secession under the NSL. Tong Ying-kit allegedly drove his motorcycle into police officers during the protests of 1 July 2020 while flying a 'Liberate Hong Kong' banner. Three police officers were injured^{68 69}. On 23 June 2021 Tong Ying-kit's trial began, the first trial under the NSL. Mr Tong's plea for a trial by jury was turned down by the High Court, for the first time in its 176-year history, with the Justice Secretary arguing that it would put jurors' safety at risk. The trial went ahead without a jury and lasted for 15 days^{70 71 72}. On 27 July 2021 he was found guilty of inciting secession and terrorism and was sentenced to 9 years in jail^{73 74}. In August Hong Kong Free Press (HKFP) reported that Mr Tong had submitted an appeal against the conviction and sentence⁷⁵.

5.3.2 On 28 February 2021, 47 of those arrested in January 2021 were charged with violating the NSL which prohibits 'conspiracy to commit subversion' for holding unofficial primary polls in July 2020. The group consisted of 39 men and 8 women and if convicted could face life in prison⁷⁶. All but 12 of those arrested were denied bail and those remanded in custody claimed they had

⁶³ BBC News, '[Hong Kong pro-democracy tycoon Jimmy Lai denied bail under...](#)', 9 February 2021

⁶⁴ The Guardian, '[Hero's welcome for Hong Kong media tycoon Jimmy Lai after...](#)', 12 August 2020

⁶⁵ BBC News, '[Hong Kong media tycoon Jimmy Lai ordered back to jail](#)', 31 December 2020

⁶⁶ Metro, '[Hong Kong re-arrests dozens of pro-democracy activists under...](#)', 28 February 2021

⁶⁷ Amnesty International, '[Hong Kong: In The Name Of National Security...](#)' (page 12), 29 June 2021

⁶⁸ The Guardian, '[Hong Kong: first person charged under new security law](#)', 6 July 2020

⁶⁹ ABC News, '[Hong Kong activist Joshua Wong speaks out on national security...](#)', 6 July 2020

⁷⁰ BBC News, '[Hong Kong's first trial under national security law starts without jury](#)', 23 June 2021

⁷¹ The Guardian, '["They can't speak freely": Hong Kong a year after the national...](#)', 30 June 2021

⁷² Reuters, '[Free speech or secession? "Liberate Hong Kong" at heart of landmark...](#)', 26 July 2021

⁷³ BBC News, '[Hong Kong: First person charged under national security law found...](#)', 27 July 2021

⁷⁴ BBC News, '[Hong Kong: First person jailed under security law given nine years](#)', 30 July 2021

⁷⁵ HKFP, '[Hong Kong activist Tong Ying-kit to challenge national security case...](#)', 17 August 2021

⁷⁶ NPR News, '[Hong Kong Democracy Advocates Charged Under National...](#)', 28 February 2021

been denied showers and rests, and 4 had been taken to hospital^{77 78} (see also [Arrests of activists since September 2020](#)).

5.3.3 In relation to the trial of the 47 charged, the Guardian reported in July 2021 that:

‘Prosecutors have been granted another months-long delay to the trial of 47 pro-democracy politicians, activists, and campaigners in Hong Kong who held pre-election primaries declared illegal under its sweeping national security law.

‘A court on Thursday [8 July 2021] was originally expected to hear an application to transfer the case to a higher court with powers to order longer jail sentences, but prosecutors instead requested an 11-week adjournment, saying they needed more time to prepare, local media reported.’⁷⁹

5.3.4 In June 2021, HKFP reported that the trial of Jimmy Lai, who has been charged under 3 counts of the NSL, had been moved to Hong Kong’s High Court, and faces a maximum penalty of life imprisonment⁸⁰ (see also [Arrests of activists since September 2020](#) and [Re-arrests](#)).

5.3.5 On 19 August 2021, HKFP reported that Andy Li and paralegal Chan Tsz-wah plead guilty to conspiring with Jimmy Lai, Lai’s aide Mark Simon and self-exiled activist Finn Lau between July 2020 and February 2021 to ask external forces to impose sanctions on Hong Kong or China. The mitigation and sentencing were adjourned until 3 January 2022 as Jimmy Lai has yet to stand trial for the offence⁸¹.

[Back to Contents](#)

5.4 Treatment of family members of persons of interest

5.4.1 In January 2021 Kyodo News reported that the family of Joshua Wong had fled to Australia. Joshua Wong is currently serving a sentence for participation in unauthorised protests and also awaiting trial on charges under the NSL⁸² (see [Arrests of activists since September 2020](#)).

5.4.2 In January 2021 VOA news reported that:

‘A pro-democracy activist in Hong Kong is the latest to disclose that Chinese authorities questioned his family and friends in mainland China for information about him. Yat-Chin Wong, 19, is the organizer of StudentPoliticism, a political group in Hong Kong whose aim is to promote “core values such as democracy and liberty and our sentiments to Hong Kong.” The teenager was arrested twice last year, while national security officers warned group members about their continued activism.

‘Wong, who spent his childhood in China before moving to Hong Kong while in primary school, revealed that his relatives in Sichuan had recently been approached for questioning. “I was told by my family in the past few days that my relatives, friends and even classmates from primary school in China

⁷⁷ The Guardian, [‘Hong Kong trial of 47 pro-democracy activists delayed for 11 weeks’](#), 8 July 2021

⁷⁸ ABC News, [‘The faces of the Hong Kong 47 — Jailed and bailed under Beijing’s...’](#), 7 July 2021

⁷⁹ The Guardian, [‘Hong Kong trial of 47 pro-democracy activists delayed for 11 weeks’](#), 8 July 2021

⁸⁰ HKFP, [‘Hong Kong media tycoon Jimmy Lai could face life in prison as security...’](#), 15 June 2021

⁸¹ HKFP, [‘Hong Kong activist Andy Li and paralegal plead guilty to foreign...’](#), 19 August 2021

⁸² Kyodo News, [‘Family of jailed Hong Kong activist Joshua Wong moves to...’](#) 21 January 2021

were questioned by public authorities. They wanted to know my plans and whereabouts. They told my relatives and friends not to keep in contact with me," Wong told VOA. After learning about the questionings, Wong severed ties with his family and friends.⁸³

[Back to Contents](#)

Section 6 updated: 14 September 2021

6. Freedom of expression

6.1 Press freedom

- 6.1.1 In June 2021 BBC News reported that the Stand News, one of the last openly pro-democratic publications in Hong Kong, would drop commentary pieces from their publication and would no longer be accepting sponsorship from readers⁸⁴. The BBC News article went on to report that in explaining their decision: 'Stand News said it wanted to protect supporters, authors and editors since the "literary inquisition" had arrived in Hong Kong. "Literary inquisition" is a well-known term in China, referring to various periods when intellectuals were persecuted during the country's imperial history.'⁸⁵
- 6.1.2 The BBC News article also noted that: '...Chinese officials have repeatedly said media freedoms in Hong Kong are respected but are not absolute. Over the past weekend [26-27 June 2021], Hong Kong's police chief Raymond Siu even suggested further legislation that would have an impact on the media. Explicitly blaming the media for people's mistrust of authorities, he said he would welcome a fake news law that would allow the police to "bring these people to justice".'⁸⁶
- 6.1.3 On 17 June 2021 500 Hong Kong police raided the headquarters of Apple Daily, a pro-democracy newspaper in Hong Kong. According to a report in Forbes at least 7 of the newspaper's employees were arrested, 44 of the newspaper's computers were taken and security forces froze bank accounts belonging to the paper. This was not the first time the paper had been raided. In August 2020, following implementation of the national security law, police raided Apple Daily and arrested its founder Jimmy Lai (see [Arrests of activists since September 2020](#) and [Prosecutions](#)). Following the raid in June 2021 the board of Next Digital announced it would no longer be publishing Apple Daily⁸⁷.
- 6.1.4 Article 19's blog article on the NSL noted that:
- '...The broadcaster Radio Television Hong Kong (RTHK) has faced increasing censorship and control. In March 2021, a new director, Patrick Li, imposed a number of repressive new policies requiring his prior approval for broadcast content and fines on employees whose programs are deemed to violate the NSL. A number of programs have been axed. In May 2021, RTHK confirmed that it was removing hundreds of old videos from YouTube and Facebook, and in late June two popular political talk shows were abruptly

⁸³ VOA News, '[Hong Kong Activists Feel Pressure as Chinese Authorities ...](#)', 26 January 2021

⁸⁴ BBC News, '[Hong Kong pro-democracy media buckles under China pressure](#)', 28 June 2021

⁸⁵ BBC News, '[Hong Kong pro-democracy media buckles under China pressure](#)', 28 June 2021

⁸⁶ BBC News, '[Hong Kong pro-democracy media buckles under China pressure](#)', 28 June 2021

⁸⁷ Forbes, '[The Closure Of Apple Daily: Another Nail In The Coffin For Freedom In...](#)', 1 July 2021

terminated. Right before the NSL came into effect, RTHK suspended the political satire Headliner, on air since 1989, following an episode making fun of the Hong Kong police. Meanwhile, since April 2021, RTHK has begun broadcasting a program hosted by Hong Kong Chief Executive Carrie Lam four times a day.⁸⁸

[Back to Contents](#)

6.2 Academic freedom

6.2.1 In July 2020, the BBC and ABC news reported that some pro-democracy books were removed from public libraries ‘for review’ by the authorities, including one text co-authored by pro-democracy activist Joshua Wong, following the implementation of the NSL law^{89 90}.

6.2.2 A HRW report from June 2021 noted that: ‘The Hong Kong Leisure and Cultural Services Department has removed at least 34 books from all branches of public libraries since the enactment of the National Security Law. The department said they are ‘reviewing’ these books, which includes those written by pro-democracy leader Joshua Wong, Chinese exiled writer Liao Yiwu, and others critical of the Chinese government, for potential breach of the NSL.’⁹¹

6.2.3 The report further noted that:

‘Universities have shut down, censored, or even reported to the police the peaceful activities of students on campus.

‘... Universities have also been increasingly hostile towards their student unions: three universities announced that they would refuse to collect dues on behalf of the student unions while two have refused to provide venues for their activities. Universities have made no discernible efforts to protect students facing intimidation from Chinese government-owned media and pro-Beijing individuals for running for unions... By 2021, only one of the eight universities had a functioning student union.

‘Universities have also fired pro-democracy academics.

‘...Academics have also faced intimidation by Chinese government-owned papers and pro-Beijing politicians. ...Academics also contend they are being surveilled, both electronically and by students in class.’⁹²

6.2.4 Article 19’s blog article on the NSL noted that:

‘At schools and universities, education secretary Kevin Yeung has declared that “no one, including students, should play, sing and broadcast songs which contain political messages or hold any activities to express their political stance.” Students are banned from singing or playing music related to the pro-democracy anthem “Glory to Hong Kong”.

⁸⁸ Article 19, ‘[Blog: A year of creeping darkness under the National Security Law in...](#)’, 29 June 2021

⁸⁹ BBC News, ‘[Hong Kong security law: Pro-democracy books pulled from libraries](#)’, 5 July 2020

⁹⁰ Abc News, ‘[Hong Kong activist Joshua Wong speaks out on national security...](#)’, 6 July 2020

⁹¹ HRW, ‘[Dismantling a free society](#)’, 25 June 2021

⁹² HRW, ‘[Dismantling a free society](#)’, 25 June 2021

‘Pro-China “patriotic education” has been enforced, while several schools have established task forces to monitor and report on teachers’ behaviour both in and outside the classroom for suspected violations of the NSL.’⁹³

6.2.5 In July 2021 Bloomberg reported that: ‘While Hong Kong officials have said the security law targets only an “extremely small minority,” they have begun to use it to remove public library books and censor films.’⁹⁴

6.2.6 In July 2021 the Economist noted that:

‘To avoid arrest, many students now stay clear of campus politics. During the just-completed academic year, most universities in Hong Kong did not hold student-union elections because of a dearth of candidates. Campus authorities are also treating the unions warily. In February the Chinese University of Hong Kong severed ties with its union because of concerns that the manifestos of some candidates for posts in the student body may have breached the vaguely worded national-security bill.

‘Academic freedom had started to suffer well before the law was enacted just over a year ago. In 2010 Hong Kong’s universities were rated a, meaning they were among the world’s freest, on the Academic Freedom Index, a ranking developed by several universities and think-tanks in Europe. By 2018 they had fallen to the middle band, c. They are now in the d category, only slightly better than mainland China’s, which have the lowest grade, e. In the past five years the decline in Hong Kong has been sharper than in most other countries.

‘One reason for this is self-censorship. Some lecturers now avoid sensitive topics, worrying that their colleagues or students will report on what is said in the classroom. Scholars who teach and write about subjects such as Hong Kong, China, civil disobedience and democracy are particularly cautious. “It’s impossible to guess where the red line is anyway, because there is no clear one,” says an academic who teaches modern Chinese history. She says the security law has created a problem for those who specialise in such areas: how to encourage objective study of sensitive issues while protecting students and other faculty members from becoming victims of the security law.’⁹⁵

[Back to Contents](#)

6.3 Pro-democracy groups

6.3.1 Several pro-democracy groups have disbanded following the introduction of the National Security Law. In August 2021 the pro-democracy group responsible for organising Hong Kong’s biggest protests, the Civil Human Rights Front (CHRF), announced they were closing^{96 97} with the Guardian newspaper noting that: ‘...no members were willing to perform secretariat duties after its convenor, Figo Chan Ho-wun, was jailed for 18 months over a 2019 rally.’⁹⁸. The Guardian went on to note that the police chief had

⁹³ Article 19, ‘[Blog: A year of creeping darkness under the National Security Law in...](#)’, 29 June 2021

⁹⁴ Bloomberg, ‘[Hong Kong Arrests Five Over Kids’ Books With Pro-Beijing Wolves](#)’, 22 July 2021

⁹⁵ The Economist, ‘[Academics in Hong Kong suffer curbs on their freedoms](#)’, 24 July 2021

⁹⁶ The Guardian, ‘[Hong Kong group behind major pro-democracy protests...](#)’, 15 August 2021

⁹⁷ Reuters, ‘[Organizer of Hong Kong mass protests disbands in latest blow to...](#)’, 15 August 2021

⁹⁸ The Guardian, ‘[Hong Kong group behind major pro-democracy protests...](#)’, 15 August 2021

suggested that CHRF may have violated the NSL for past rallies organised by them even though they had obtained permits and the law is not retroactive⁹⁹.

[Back to Contents](#)

6.4 Trades unions

- 6.4.1 The use of virtual private networks (VPNs) and encrypted messaging apps has increased since the introduction of the NSL. In January 2021 the government introduced a plan to require people to provide personal identity documentation for the purchase of mobile phones and SIM cards. Pre-paid Sim cards had been widely used by activist and protestors^{100 101}. According to one source those caught providing fake registration details could face up to 14 years in prison¹⁰².
- 6.4.2 The pro-democracy Hong Kong Professional Teachers' Union also disbanded in August 2021. The union had represented over 90% of Hong Kong's educators and had been responsible for lobbying for better conditions for teachers and democracy for the city. The union had been continuing to lobby for teachers' rights but on 31 July 2021 Chinese state media called for it to be 'eradicated' and the Education Bureau quickly announced it would no longer recognise the union. Following increasing pressure, the union eventually disbanded¹⁰³. Others groups which have disbanded include the Progressive Lawyers Group (PLG), Progressive Teachers' Alliance, Medical groups Médecins Inspirés and Frontline Doctors' Union and Two local political groups, the Neo Democrats and Community Sha Tin¹⁰⁴.
- 6.4.3 In August 2021 the Economist noted that there had been a surge in applications to register new labour groups. Unions had become a means to express support for democracy and challenge the government by influencing who became a legislator. However new rules now prevent unions having a vote in Legislative Council (LegCo) elections for 3 years after they have been founded, it had previously been 12 months¹⁰⁵.

[Back to Contents](#)

6.5 Impact on July 2020 elections

- 6.5.1 In July 2020 more than half a million Hong Kong residents defied the government to vote in an unofficial primary election to narrow down the opposition candidates competing in September 2020 elections for the city's LegCo. The turnout, which was more than 3 times that expected by the organizers, came despite government statements that the effort could violate provisions of the national security law^{106,107}. Secretary for Constitutional and Mainland Affairs, Erick Tsang, had said on 9 July 2020 that 'Those who have

⁹⁹ The Guardian, '[Hong Kong group behind major pro-democracy protests...](#)', 15 August 2021

¹⁰⁰ Al Jazeera, '[In Hong Kong, freedom of expression is shrinking fast](#)', 14 February 2021

¹⁰¹ Nikkei Asia, '[China has brought its repressive surveillance tools to Hong Kong](#)', 15 March 2021

¹⁰² Nikkei Asia, '[China has brought its repressive surveillance tools to Hong Kong](#)', 15 March 2021

¹⁰³ HKFP, '[Explainer: A 48-year-old union gone in 11 days - how Hong Kong...](#)', 15 August 2021

¹⁰⁴ HKFP, '[Security law: At least 8 Hong Kong pro-democracy groups disband...](#)', 6 July 2021

¹⁰⁵ The Economist, '[Hong Kong's government is crushing the city's pro-democracy...](#)', 21 August 2021

¹⁰⁶ Japan Times, '[Hong Kong pro-opposition primary voters defy threats...](#)', 13 July 2020

¹⁰⁷ BBC News, '[Hong Kong: Opposition primaries draw thousands...](#)' 12 July 2020

organised, planned or participated in the primary election should be wary and avoid carelessly violating the law'¹⁰⁸. On 30 July 2020 the government banned 12 pro-democracy candidates from running in the election, these included high-profile activists Joshua Wong and Lester Shum¹⁰⁹.

- 6.5.2 On 31 July 2020 the government postponed the LegCo elections citing rising Covid-19 cases as the reason, although opposition had accused the government of using the pandemic as a pretext to stop people from voting¹¹⁰.
- 6.5.3 HRW reported in June 2021 that: 'The Chinese government then issued a [decision](#) in November 2020 to disqualify Hong Kong legislators who "publicize or support independence," "seek foreign interference," or pursue "other activities that endanger national security." Following this decision, the Hong Kong government immediately disqualified four pro-democracy legislators. Fifteen other pro-democracy legislators resigned, leaving LegCo without any effective pro-democracy opposition.'¹¹¹
- 6.5.4 According to an April 2021 report by US NGO the National Democratic Institute (NDI): 'The government listed several grounds for disqualification [for those taking part in elections], including: advocating for Hong Kong independence; soliciting intervention by foreign governments in local affairs; expressing opposition to the National Security Law; and pledging to "indiscriminately" vote against government proposals in the LegCo.4.'¹¹²
- 6.5.5 On 30 March 2021 China finalised the overhaul of Hong Kong's electoral system. The changes mean that the number of directly elected representatives is reduced with the number of Beijing approved officials increased^{113 114}. According to a report in Reuters: '...a powerful new vetting committee will monitor candidates for public office and work with national security authorities to ensure they are loyal to Beijing.'¹¹⁵
- 6.5.6 See also [Arrests of activists since September 2020](#) and [Prosecutions](#)

[Back to Contents](#)

¹⁰⁸ HKFP, '[Hong Kong legislative primaries may violate national security law...](#)' 9 July 2020

¹⁰⁹ BBC News, '[Hong Kong bars 12 opposition candidates from election](#)', 30 July 2020

¹¹⁰ BBC News, '[Hong Kong postpones elections for a year "over virus concerns"](#)', 31 July 2020

¹¹¹ HRW, '[Dismantling a free society](#)', 25 June 2021

¹¹² National Democratic Institute, '[Revoked Promises: Hong Kong in Crisis](#)', April 2021

¹¹³ HKFP, '[Explainer: How Beijing cracked down on Hong Kong's elections](#)', 31 March 2021

¹¹⁴ Reuters, '[China formalises sweeping electoral shake-up for Hong Kong...](#)' 30 March 2021

¹¹⁵ Reuters, '[China formalises sweeping electoral shake-up for Hong Kong...](#)' 30 March 2021

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- National security law
 - Updates to the law- functions of police/judiciary
 - Arrests under the law
 - Re-arrests?
 - Media freedom
 - Effects on elections?

[Back to Contents](#)

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[Back to Contents](#)

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[Back to Contents](#)

Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **29 September 2021**

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use

Official – sensitive: End of section

Changes from last version of this note

Updated to reflect the current country situation

[Back to Contents](#)