



**THE SIX-MONTHLY REPORT ON HONG KONG  
1 JULY TO 31 DECEMBER 2021**

Deposited in Parliament by the  
Secretary of State for Foreign, Commonwealth and Development Affairs

**31 March 2022**

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## FOREWORD

As we approach the 25th anniversary of the handover of Hong Kong, actions by the Chinese and Hong Kong authorities continue to systematically undermine the rights and freedoms promised to the people of Hong Kong under the Sino-British Joint Declaration. This includes the redefinition of the 'One Country, Two Systems' framework at the expense of Hong Kong's autonomy and way of life.

In less than two years, China's National Security Law in Hong Kong has seen opposition stifled and dissent criminalised. Alternative voices in Hong Kong's executive, legislature, civil society and media have been all but extinguished.

The National Security Law has devastated Hong Kong's civil society, as individuals and groups have been forced to disband or self-censor, fearing arrest and imprisonment. Outdated offences such as sedition have been used as another means to crack down on any dissenting voices. Trade unions, student groups and NGOs have all been impacted, including the Hong Kong Alliance, the organisation responsible for the annual commemoration of the Tiananmen Square massacre.

The Hong Kong authorities have continued to take direct and unwarranted action against pro-democracy media outlets such as Stand News, with more independent outlets forced to close. This has left almost no independent media in Hong Kong.

The recent targeting of UK-based NGO Hong Kong Watch under the National Security Law was an egregious and unacceptable example of how the authorities appear to be trying to use the law to censor even those outside of Hong Kong's borders. These attempts to silence voices globally will not succeed.

China claims it has strengthened Hong Kong's democracy, but its actions tell another story – almost all of Hong Kong's pro-democracy opposition are now either detained, arrested or have chosen to leave Hong Kong. Any genuine political opposition was eradicated from Hong Kong's legislature following the December 2021 elections, leaving no space for meaningful political debate.

Given this concerning downward trajectory, I raised these concerns, and following discussions with the Deputy Prime Minister and Lord Chancellor and the President of the Supreme Court, it was agreed that it is no longer tenable for serving UK judges to sit on Hong Kong's top court. As I noted in my foreword to the last Six-monthly Report, this assessment has been finely balanced for some time, but the political and legal situation in Hong Kong has now deteriorated beyond the point where it is acceptable for serving UK judges to take part.

Since it came into place in 2020, we have always been clear that the National Security Law violates Hong Kong's high degree of autonomy, provided for in the Joint Declaration. With Beijing assuming almost complete control of Hong Kong's law-making process, the judiciary is now being required to enforce Beijing's laws and the values they contain. Such laws are not aligned with UK values. By taking this decision, we are standing up for the principles of freedom and democracy.

The UK is clear that China remains in an ongoing state of non-compliance with the Sino-British Joint Declaration. China must uphold the commitments made under this legally binding, UN registered, international agreement. The world is watching how China behaves on the international stage.

As a co-signatory of the Joint Declaration, we have a duty to speak out when we have concerns, and will continue to do so. It is regrettable that the mainland Chinese and Hong Kong authorities suggest our actions constitute "foreign interference". The UK's response to the situation in Hong Kong is consistent with normal diplomatic practice. We stand by the measures we introduced in response to the National Security Law, including suspending our extradition treaty and extending the arms embargo on China to Hong Kong.

We remain firmly committed to our bespoke visa route for Hong Kongers with British Nationals (Overseas) status and their family members. By the end of 2021 there were a total of 103,900 applications for the route. On 24 February, we announced that the children of BN(O)s will be able to apply for the visa independently of their parents.

The UK has deep and longstanding ties with Hong Kong, so we want Hong Kong to succeed and thrive. The most effective way to protect Hong Kong's way of life and the best path to long-term prosperity is through respect for fundamental rights, access to justice, and genuine political participation by the full breadth of Hong Kong's society. As we look ahead to the 25th anniversary and beyond, we are clear that the UK remains deeply committed to Hong Kong and its people.

**Secretary of State for Foreign, Commonwealth and Development Affairs**

## INTRODUCTION

This series of Six-monthly Reports reflects our continuing interest in developments in Hong Kong and our commitment to the faithful implementation of the 1984 Sino-British Joint Declaration. This Declaration guaranteed that, for 50 years from 1997, the Hong Kong Special Administrative Region (SAR) would enjoy a high degree of autonomy, except in foreign and defence affairs, and that it would be “vested with executive, legislative and independent judicial power”. The continuation of Hong Kong’s social and economic systems, lifestyle, and rights and freedoms is guaranteed under the Joint Declaration. This arrangement was popularly referred to as ‘One Country, Two Systems’.

Events are covered in the report under the categories of:

- Significant political developments;
- Constitution and ‘One Country, Two Systems’;
- Legal and judicial developments; and
- Basic rights and freedoms.

The period from July to December 2021 saw Hong Kong’s civil society curtailed significantly. The Hong Kong SAR Government took legal action against major NGOs and trade unions, and many chose to disband due to the threat of national security charges. Amnesty International closed its offices in Hong Kong. Media freedom also came under pressure, with pro-democracy media outlets targeted by the authorities and journalists arrested for foreign collusion and sedition.

The first National Security Law (NSL) cases began in the Courts. Four trials reached conclusion by the end of the reporting period, with all six defendants tried so far found guilty. Since the imposition of the NSL in June 2020 to the end of December 2021, 155 people in total were arrested under the NSL. Certain political slogans were ruled illegal. Pro-democracy politicians and activists were given jail sentences for peaceful protest and for non-violent speech. The Court of Final Appeal (CFA) held that some powers under the NSL can be extended to other crimes, and that NSL laws should work in tandem with local laws.

In December, Hong Kong held its first Legislative Council elections under the new electoral system introduced by China’s National People’s Congress Standing Committee (NPCSC) in March 2021. Many pro-democracy politicians remained in jail and were unable to contest the elections. Others were disqualified from competing, or chose not to participate in the new system. The restructuring of the Legislative Council’s representational composition meant most of the 90 seats in the Legislative Council were not elected by popular vote. Elections for the 20 seats able to be chosen by the general public saw a record low turnout of 30%.

The situation in Hong Kong continued to attract international attention. Governments and multilateral organisations expressed their concern over the erosion of democracy in Hong Kong and the reduced tolerance of any form of dissent.

The UK considered China to be in a state of ongoing non-compliance with the Sino-British Joint Declaration throughout this period.

### **TIMELINE OF SIGNIFICANT DEVELOPMENTS**

- **1 July** – First anniversary of the introduction of the National Security Law (NSL). A 50-year-old man stabs a police officer before killing himself.
- **16 July** – US Government imposes sanctions on Hong Kong and mainland Chinese officials, and warns US businesses of the “growing risks” of operating in Hong Kong.
- **22 July** – Four executives of pro-democracy newspaper Apple Daily are charged with “conspiracy to collude with foreign forces” under the NSL.
- **27-30 July** – Tong Ying-kit, the first person to be tried and convicted under the NSL, is sentenced to nine years in prison.
- **10 August** – Hong Kong’s largest trade union, the Professional Teachers’ Union, announces its intention to disband.
- **15 August** – The Civil Human Rights Front (CHRF) announces its disbandment.
- **26 August** – The new Candidate Eligibility Review Committee (CERC) disqualifies pro-democracy legislator Cheng Chung-tai.
- **19 September** – Election Committee elections held.
- **25 September** – The Hong Kong Alliance announces its disbandment.
- **3 October** – The Hong Kong Confederation of Trade Unions (CTU) announces its disbandment.
- **6 October** – Chief Executive Carrie Lam delivers her fifth Policy Address.
- **21 October** – The Hong Kong Government disqualifies 55 pro-democracy District Councillors. 260 had already resigned in anticipation of disqualification.
- **25 October** – Amnesty International announces closure of its offices in Hong Kong.
- **11 November** – Adam Ma Chun-man is convicted of inciting secession under the NSL and sentenced to five years and nine months in prison.
- **23 November** – Tony Chung Hon-lam is sentenced to three years and seven months in prison for secession under the NSL and money laundering.

- **9-13 December** – Leading pro-democracy figures are convicted of illegal assembly for participating in a banned vigil to remember the 1989 Tiananmen Square massacre.
- **14 December** – The Court of Final Appeal (CFA) rules that some powers under the NSL can apply to other crimes that endanger national security.
- **19 December** – Pro-Establishment candidates win 89 out of 90 seats in the Legislative Council. Pro-democracy parties do not participate in the elections.
- **20 December** – China’s State Council publishes a White Paper on democracy in Hong Kong.
- **22 December** – Hong Kong University removes a statue remembering the victims of the 1989 Tiananmen Square massacre from its campus.
- **29-30 December** – National Security Police raid the offices of pro-democracy online media outlet Stand News. Stand News announces its closure. Police charge two journalists with “conspiracy to publish seditious publications”.

## **SIGNIFICANT POLITICAL DEVELOPMENTS**

Hong Kong’s political landscape continued to be re-shaped, with the space for political opposition reduced almost entirely. Legislative elections were held under a new system, returning a Legislative Council with no participation from pro-democracy politicians.

### **Hong Kong SAR Establishment Day Incidents and Stabbing**

1 July marks Hong Kong SAR Establishment Day. It has traditionally seen large pro-democracy marches. In 2021, it also marked the first anniversary of the introduction of the National Security Law. Police denied permission for a protest march by citing Covid-19 concerns. Despite low turnout on the streets, there were a number of security incidents throughout the day. Several bottles of combustible material were thrown near the Chief Executive’s residence, causing a small fire. A total of 19 people were arrested for various alleged offences including possessing weapons, insulting the national flag and distributing seditious publications.

A 50-year-old man stabbed a police officer in the back, then stabbed himself immediately after, resulting in death by suicide. The police officer suffered a punctured lung, later recovering from his injuries. Secretary for Security Chris Tang Ping-keung described the incident as a “lone wolf-style act of domestic terrorism.”

On 7 July, 30 members of the Hong Kong University Students' Union Council passed a resolution expressing "deep sadness" over the death of the attacker and appreciating his "sacrifice to Hong Kong". The motion received widespread criticism and on 9 July, the council members apologised and resigned.

On 12 July, Secretary for Justice Teresa Cheng warned that defending or glorifying terrorism represented a crime under the NSL. Hong Kong University announced that it would no longer recognise its Students' Union and banned 44 students from campus in relation to the incident. After an investigation by the National Security Police, four students were charged on 19 August with advocating terrorism under the NSL.

### **Charges against Benny Tai Yiu-ting and Au Nok-hin**

On 26 July, pro-democracy activist and former law professor Benny Tai Yiu-ting was charged with election-related offences by the Independent Commission Against Corruption (ICAC). The ICAC alleged that Tai and two others had broken the law ahead of the 2016 legislative elections by paying for newspaper advertisements promoting strategic voting, despite not being candidates in the election. The case was adjourned until 25 April 2022.

On 2 August, the ICAC charged former opposition legislator Au Nok-hin and singer Anthony Wong Yiu-ming with corrupt conduct relating to Au's candidacy in a 2018 Legislative Council by-election. The ICAC alleged that Wong's singing performance at a campaign event for Au constituted corrupt conduct, given that it was provided for free. On 15 August, prosecutors agreed to drop the charges and instead settle the case via a bind-over order requiring good behaviour for 18 months.

Tai and Au have been remanded in custody since 28 February 2021 on NSL charges for their alleged role in organising the unofficial election primaries in July 2020. They are both also serving jail terms for unauthorised assembly.

### **Chief Executive's Policy Address**

On 6 October, Chief Executive Carrie Lam delivered her fifth Policy Address. The Chief Executive described a "New Era" of "patriots administering Hong Kong" which had been made possible by the introduction of the NSL and the changes to the electoral system.

Lam set out plans to strengthen national security measures in schools, social organisations, the media and the internet. She also noted that the Secretary for Security would draw up proposals for local legislation to implement Article 23 of the Basic Law on National Security, and highlighted combatting fake news and safeguarding cyber security as issues to be addressed.

The Chief Executive set out proposals to increase the land and housing supply, including developing a “Northern Metropolis” to link Hong Kong more closely with Shenzhen.

## **Disqualification of District Councillors**

Hong Kong’s District Councillors are elected by universal suffrage. Pan-democratic candidates won 393 of 452 seats in the November 2019 District Council elections.

In May 2021, the Legislative Council passed a law requiring all holders of public office to swear an oath of allegiance to the Hong Kong SAR, as required by the NSL. The law introduced new criteria for disqualification from public office. A number of District Councillors resigned in response.

In early July 2021, media reported rumours that any District Councillors disqualified through the oath-taking exercise would be required to pay back over HKD \$1m in salaries and expenses, though such funds would not be recouped from those who had already resigned. This led to a further wave of resignations.

On 7 September, Chief Executive Carrie Lam noted that 260 District Councillors had already resigned, with another eight disqualified. She announced that oath-taking ceremonies for the remaining Councillors would be held in four different regions.

The ceremonies concluded on 8 October. In total, 49 District Councillors were disqualified for invalid oaths. Six others were disqualified for not attending the ceremonies. All were pan-democratic politicians. The Hong Kong SAR Government said it would not hold by-elections before June 2022.

On 21 October, the Foreign Secretary, Rt. Hon. Liz Truss MP, made the following statement:

“It is deeply concerning that 55 District Councillors have been disqualified and over 250 pressured to resign for political reasons – the first time that such action has been taken against democratically elected District Councillors in the Hong Kong SAR. This comes as trade unions, interest groups and NGOs have been forced to disband.

The Hong Kong SAR Government must uphold freedom of speech and allow the public a genuine choice of political representatives.”

Others, including the European Union and the Foreign Ministers of Australia and New Zealand, issued similar statements. US Department of State spokesperson Ned Price said: “These retroactive and targeted disqualifications, based on the Hong Kong authorities’ arbitrary determination that these district councillors’ loyalty oaths are invalid, prevent people in Hong Kong from participating meaningfully in their own governance.”

**The disqualification and resignation of elected District Councillors is further evidence of the authorities' campaign to stifle opposition by limiting freedom of speech and association, rights set down in the Sino-British Joint Declaration.**

## **Legislative Council Elections**

On 30 March 2021, China's National People's Congress Standing Committee (NPCSC) made extensive changes to Hong Kong's electoral system. These included introducing vetting for election candidates and changing the composition of Hong Kong's Legislative Council. Under the new system, the Legislative Council has 90 seats, 20 of which are elected by the general public, 30 of which are selected by Functional Constituencies (mainly trade and industry bodies), and 40 of which are chosen by an Election Committee.

### Candidate Eligibility Review Committee (CERC)

A Candidate Eligibility Review Committee now screens election candidates. Candidates must first undergo a check by the National Security Police. The CERC's decisions cannot be challenged in the courts.

On 6 July, Chief Executive Carrie Lam announced the membership of the committee:

1. Chief Secretary for Administration, John Lee Ka-chiu
2. Secretary for Constitutional and Mainland Affairs, Erick Tsang Kwok-wai
3. Secretary for Security, Chris Tang Ping-keung
4. Secretary for Home Affairs, Caspar Tsui Ying-wai
5. Elsie Leung Oi-sie, former deputy director of the NPCSC's Hong Kong Basic Law Committee and former Secretary for Justice
6. Rita Fan Hsu Lai-tai, former NPCSC member and former LegCo president
7. Lawrence Lau Juen-ye, former vice-chancellor of the Chinese University of Hong Kong

On 7 July, CERC chairman John Lee Ka-chiu said that there are two screening criteria: whether an election candidate "truly upholds the Basic Law" and "truly bears allegiance to the Hong Kong SAR". Lee vowed to weed out "fake patriots".

On 26 August, the CERC disqualified incumbent legislator Cheng Chung-tai from taking part in the December legislative elections, deciding that Cheng did not fulfil the requirements to uphold the Basic Law. Cheng was correspondingly disqualified as a member of the Legislative Council and barred from running in elections for five years. Cheng's disqualification left only one non pro-Establishment politician in the legislature. Lee explained the decision had been taken on the advice of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region.

## Election Committee Elections

The Election Committee selects 40 of the Legislative Council's 90 seats directly from its own membership. It also selects the Hong Kong Chief Executive, and all candidates for the Legislative Council need the Election Committee's approval to run.

The Election Committee has 1,500 seats. 967 are available for election, 377 seats are allocated automatically to specific roles and 156 are nominated. In order to take part in the Election Committee, a person must first be a registered member of one of 40 designated 'subsectors' (e.g. the legal profession, financial services).

The Election Committee elections took place on 19 September. Of the 967 seats available for election, 603 were uncontested. There were 412 sector representatives for the remaining 364 seats. 4,889 people were eligible to vote, representing around 0.06% of Hong Kong's population. Turnout was reported as 90%. The Hong Kong SAR Government hailed the elections as "a new milestone in the implementation of the principle of 'patriots governing Hong Kong'".

## Legislative Council Elections: Participation and Results

Many of Hong Kong's pro-democratic former legislators remained in jail, accused of national security crimes. None of the remaining pan-democratic political parties, including the Democratic Party and Civic Party, decided to field any candidates in December's legislative elections.

The legislative elections took place on 19 December.

*Election Committee results:* 1,426 votes were cast to elect 40 seats. Turnout was 98%. 51 candidates from the Election Committee contested the 40 seats.

*Functional Constituency results:* Around 70,000 votes were cast to elect 30 seats. Turnout was 32% (down from 74% in 2016). 67 candidates contested the 30 seats.

*Geographical Constituency results:* Around 1.35m votes were cast to elect 20 seats. Turnout was 30% (down from 58% in 2016). 35 candidates contested the 20 directly elected seats. (In 2016, 234 candidates contested 40 directly elected seats).

Media reported that roughly 27,000 blank ballots were cast.

Overall, of the 90 Legislative Council seats, 89 were occupied by pro-Establishment candidates, with one candidate identifying as non-aligned.

On 20 December, the Foreign Secretary, Rt. Hon. Liz Truss MP, issued a joint statement alongside the Foreign Ministers of Austria, Canada, New Zealand, and the US Secretary of State:

"We, the Foreign Ministers of Australia, Canada, New Zealand, and the United Kingdom, and the United States Secretary of State, noting the outcome of the Legislative Council elections in Hong Kong, express our grave concern over the erosion of democratic elements of the Special Administrative Region's electoral

system. Actions that undermine Hong Kong's rights, freedoms and high degree of autonomy are threatening our shared wish to see Hong Kong succeed.

Since handover, candidates with diverse political views have contested elections in Hong Kong. Yesterday's election has reversed this trend. The overhaul of Hong Kong's electoral system introduced earlier this year reduced the number of directly elected seats and established a new vetting process to severely restrict the choice of candidates on the ballot paper. These changes eliminated any meaningful political opposition. Meanwhile, many of the city's opposition politicians – most notably the majority of the 'NSL 47' – remain in prison pending trial, with others in exile overseas.

We also remain gravely concerned at the wider chilling effect of the National Security Law and the growing restrictions on freedom of speech and freedom of assembly, which are being felt across civil society. NGOs, trade unions and human rights organisations not supportive of the government's agenda have been forced to disband or leave, while media freedoms are being curtailed at pace.

Protecting space for peaceful alternative views is the most effective way to ensure the stability and prosperity of Hong Kong. We urge the People's Republic of China to act in accordance with its international obligations to respect protected rights and fundamental freedoms in Hong Kong, including those guaranteed under the Sino-British Joint Declaration.”

Also on 20 December, G7 Foreign Ministers and the High Representative of the European Union issued a joint statement:

“We, the G7 Foreign Ministers of Canada, France, Germany, Italy, Japan, the United Kingdom and the United States of America and the High Representative of the European Union, noting the outcome of the Legislative Council elections in Hong Kong which took place on 19 December 2021, express our grave concern over the erosion of democratic elements of the Special Administrative Region's electoral system.

The package of changes to the electoral system introduced earlier this year in Hong Kong, including reduction of the number of directly elected seats and establishment of a new vetting process to severely restrict the choice of candidates on the ballot paper, undermined Hong Kong's high degree of autonomy under the “One Country, Two Systems” principle.

We strongly reiterate our call on China to act in accordance with the Sino-British Joint Declaration and its other legal obligations and respect fundamental rights and freedoms in Hong Kong, as provided for in the Basic Law. We also call on the China and the Hong Kong authorities to restore confidence in Hong Kong's political institutions and end the unwarranted oppression of those who promote democratic values and the defense of rights and freedoms.”

The EU High Representative for Foreign Affairs and Security Policy, Josep Borrell, issued a further statement, noting that the election was “another step in the dismantling of the ‘One Country, Two Systems’ principle”.

**The UK is gravely concerned by the erosion of democratic elements of Hong Kong’s electoral system. Free and fair elections are essential to the high degree of autonomy and rights and freedoms guaranteed in the Sino-British Joint Declaration.**

## **CONSTITUTION AND ‘ONE COUNTRY, TWO SYSTEMS’**

Hong Kong retained significant differences from mainland China. However, the Central Government continued to reduce and redefine key parts of Hong Kong’s “Two Systems”, bringing Hong Kong’s governance, rights and social systems closer to those in the mainland. A new Chinese Government White Paper set out the future vision for democracy in Hong Kong.

### **Chinese Counter-Foreign Sanctions Law**

On 10 June 2021, mainland China passed a counter-foreign sanctions law, making it illegal for individuals or organisations to enforce foreign sanctions against the People’s Republic of China. The law allows the Chinese Central Government to pursue those complying with foreign sanctions with visa bans, asset freezes and other measures. On 10 August Chief Executive Carrie Lam confirmed her support to extend the law to Hong Kong. This led to concerns in the business community about how companies in Hong Kong could comply with both foreign sanctions and Chinese counter-sanctions. On 20 August, the NPCSC postponed a vote on applying the law to Hong Kong. Chief Executive Carrie Lam has said since that any extension of the law into Hong Kong would need to take into account the HKSARG’s status as a financial centre.

### **US Business Advisory and Sanctions**

On 16 July, the US Government issued a business advisory warning of the “growing risks” that could adversely impact US companies operating in Hong Kong. The report highlighted risks for business arising from the imposition of the NSL, as well as risks around data privacy, transparency and exposure to Hong Kong or People’s Republic of China (PRC) sanctioned individuals and entities. The US President, Joe Biden, said “The situation in Hong Kong is deteriorating. And the Chinese government is not keeping its commitment that it made on how it would deal with Hong Kong, and so it is more of an advisory as to what may happen in Hong Kong.” On the same day the

US sanctioned seven government officials from the Central Government Liaison Office (CGLO) in Hong Kong.

### **Mainland Officials Brief the Legislative Council**

On 23 August, a delegation of mainland officials led by the Deputy Director of the Hong Kong and Macao Affairs Office (HKMAO), Huang Liuquan, briefed Legislative Council members on China's 14<sup>th</sup> Five-Year Plan. Such briefings have in the past been held at the CGLO rather than the Legislative Council. Legislative Council President, Andrew Leung Kwan-yeun, said that for leaders of the Central Authorities to visit the Council and conduct in-depth discussions for the first time was particularly meaningful. Huang set out that Hong Kong should integrate into China's development and push forward the Greater Bay Area initiative.

### **Central Government White Paper on Democracy in Hong Kong**

On 20 December, immediately following the legislative elections, the State Council Information Office of the People's Republic of China published a White Paper entitled "Hong Kong: Democratic Progress Under the Framework of One Country, Two Systems".

The paper outlined the PRC's position regarding the history of democracy in Hong Kong and how democracy should be developed further in future. The paper claimed that democratic models from other countries, including direct elections, would not be suited to the realities of Hong Kong, arguing instead for "democracy with Hong Kong ["its own"] characteristics" as practised in the mainland. The paper stated that the Central Government will continue to "develop and improve" democracy in Hong Kong and work towards the ultimate goal of election of the Chief Executive and Legislative Council by universal suffrage.

**Protecting space for peaceful alternative views is vital to ensure the stability and prosperity of Hong Kong. Beijing's March 2021 Decision to impose electoral changes reversed China's promise to Hong Kong, enshrined in the Basic Law, of gradual progress towards a system of universal suffrage, and constituted a clear breach of the Sino-British Joint Declaration.**

## **LEGAL AND JUDICIAL SYSTEMS**

The first NSL cases reached Hong Kong's lower courts, setting expectations for future legal cases. The Courts continued to prosecute large amounts of cases related to the 2019 protests. The Court of Final Appeal (CFA) ruled that some National Security Law powers could be applied to other offences that endanger national security.

## **Judicial Appointments to the Court of Final Appeal (CFA)**

On 29 July, Chief Executive Carrie Lam appointed the Hon. Mr Justice Johnson Lam Man-hon as a permanent judge of the CFA.

The Chief Executive also extended the terms of office of the following British non-permanent CFA judges, each for three years:

- The Rt. Hon. the Lord Phillips of Worth Matravers, starting 1 October
- The Rt. Hon. the Lord Hoffmann, starting 12 January 2022

The Chief Executive also extended the terms of office of the following non-permanent CFA judges, each for three years:

- The Rt. Hon. Madam Justice Beverley McLachlin, starting 30 July
- The Hon. Mr Justice Syed Kemal Shah Bokhary, starting 25 October
- The Hon. Mr Justice Robert Tang Ching, starting 25 October

Following the renewals there were 12 non-permanent foreign judges serving in the CFA, including eight from the United Kingdom, three from Australia and one from Canada.

## **UK Judges Serving on the Court of Final Appeal<sup>1</sup>**

On 27 August, the President of the UK Supreme Court, the Rt. Hon. Lord Reed of Allermuir, released a statement noting that he continued to monitor and assess developments in Hong Kong, in discussion with the Foreign Secretary and the Lord Chancellor. Lord Reed confirmed the shared assessment that “the judiciary in Hong Kong continues to act largely independently of government and their decisions continue to be consistent with the rule of law”. He noted the ongoing support of the legal community in Hong Kong for the participation of foreign judges and his intention to continue to serve, while continuing to assess the position in Hong Kong in discussion with the UK Government.

## **Parliamentary Privilege**

During a Legislative Council meeting in November 2016, then pan-democrat legislator, Leung Kwok-hung, allegedly snatched a confidential folder from a government official. He was subsequently charged with contempt under the LegCo (Powers and Privileges) Ordinance.

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<sup>1</sup> The Foreword to this report outlines the decision taken by the President of the Supreme Court, Foreign Secretary, and Deputy Prime Minister and Lord Chancellor since the reporting period.

A Magistrate's Court initially agreed with Leung's argument that he was immune from prosecution for activities in the Legislative Council. This verdict was overturned in the Court of Appeal and on 31 August the Court of Final Appeal (CFA) heard the case.

The CFA noted that free speech in the Legislative Council should be upheld, but concluded that Leung was not making a speech or participating in a debate, and instead was causing a disturbance. The CFA rejected Leung's defence that the Courts should not intervene in Legislative Council business, noting that criminal jurisdiction still applies.

The CFA verdict set a legal precedent for 12 other former pan-democrat legislators facing similar charges of misconduct in the Legislative Council.

### **Joint Enterprise**

On 4 November, the CFA ruled that the principle of Joint Enterprise was not applicable to rioting offences.

The Government had argued that people not present at the scene of a riot but providing assistance (e.g. raising awareness on social media, acting as scouts) could nevertheless be guilty of rioting through Joint Enterprise. The CFA ruled that although the principle was not applicable to rioting, the Government could nevertheless prosecute those involved to the same extent through existing offences such as aiding and abetting. The judgment has implications for the many rioting cases being brought following the protests in 2019.

### **Pressure on the Hong Kong Bar Association and the Law Society of Hong Kong**

The Hong Kong Bar Association and the Hong Kong Law Society regulate the professional conduct of Hong Kong's barristers and solicitors respectively. PRC party-state media and the Hong Kong authorities continued to question the political neutrality of both bodies.

On 14 August, Chinese state-owned newspaper The People's Daily called the Bar Association a "street rat" that would be defeated. It also noted that the Law Society should steer clear of politics in its forthcoming leadership elections or face a "dead end" like the Bar Association. On 16 August, Secretary for Justice, Teresa Cheng, noted that legal bodies should "strive to maintain their professionalism rather than politicisation" and the next day Chief Executive, Carrie Lam, warned that the Hong Kong SAR Government could cut ties with the Law Society if the group became "a politicised body".

On 21 August, pro-democracy candidate Johnathan Ross withdrew his candidacy for re-election as a council member of the Law Society after apparently receiving threats to his family. The Law Society held elections for five places on its twenty-member council on 25 August. Five pro-Establishment solicitors were elected.

## **Changes to Legal Aid**

Following the 2019 protests and the large number of subsequent legal cases, pro-Establishment legislators questioned whether those accused of crimes during the protests should be able to rely on government-funded legal aid.

On 22 October, the Legislative Council debated proposals to reform legal aid. The defendants in most legal cases related to the 2019 protests had been represented previously by a small number of well-known law firms. On 26 October, Chief Executive Carrie Lam said the proposed changes would “prevent the monopoly of legal aid cases by a small group of lawyers, barristers and solicitors”. Hong Kong SAR Government Director for Administration, Daniel Cheng, said that although Article 35 of the Basic Law guaranteed people the right to choose their own lawyer, that right was not absolute and people could still hire the lawyer of their choice privately. On 26 November the Legal Aid department changed the rules to allow the Hong Kong SAR Government to appoint lawyers for criminal cases that use legal aid.

## **Law of the Peoples’ Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law)**

Since its introduction in June 2020 until the end of December 2021, 155 people were arrested under the National Security Law (NSL), with 99 people charged. Four trials concluded, all without jury, with all six defendants found guilty.

### Tong Ying-kit

Tong Ying-kit was the first person charged under the NSL. He was charged with terrorism and incitement to secession, after allegedly driving his motorbike into a group of police officers on 1 July 2020 while carrying a protest flag. Tong was held for over a year, then tried by a panel of selected national security judges. He was found guilty and on 30 July was sentenced to nine years in prison. The Court ruled that by flying a flag with the slogan “Liberate Hong Kong, Revolution of our Times” Tong had incited others to secession. The Court also concluded that Tong had deliberately mounted a “blatant and serious” challenge against the police force, instilling public fear and causing a grave harm to society, thus constituting an act of terrorism.

### Adam Ma Chun-man

On 11 November, Adam Ma Chun-man was sentenced to five years and nine months in jail for incitement to secession. Ma had allegedly chanted pro-independence slogans in public places on a number of occasions. District Court judge Stanley Chan Kwong-chi rejected the defence’s argument that Ma had simply exercised his freedom of speech, noting that the defendant had disregarded a major principle of the Basic Law that “the Hong Kong SAR is an inalienable part of People’s Republic of China”.

### Tony Chung Hon-lam

On 23 November, Tony Chung Hon-lam was sentenced to three years and seven months in jail for secession and one non-NSL charge of money laundering. The Court found Chung guilty of secession after he allegedly posted pro-independence messages on social media and police found pro-independence material at his house. District Court judge Stanley Chan Kwong-chi said the offence of secession does not require “actual and concrete plans” nor does it necessarily involve the use of force, noting that the defendant had a clear goal to commit secessionist acts.

### Simon Leung Kam-wai

On 22 December, Simon Leung Kam-wai was sentenced to three months in jail for failing to co-operate with police, thereby breaching the implementation rules of Article 43 of the NSL. A former member of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, Leung allegedly refused to hand over details of the Alliance’s financial reports and activities to National Security Police.

### Andy Li Yu-hin and Chan Tsz-wah

On 19 August, Andy Li Yu-hin and Chan Tsz-wah were convicted of collusion with a foreign country. Li had previously served seven months in jail in the mainland after being arrested, along with eleven others, for allegedly entering mainland Chinese waters illegally via speedboat while trying to leave Hong Kong. Li and Chan were alleged to have participated in an international campaign to lobby foreign Governments to impose sanctions on Hong Kong. Both pleaded guilty, but their sentencing was delayed until May 2022. Prosecutors named a number of foreign nationals and groups in relation to their alleged links with the defendants, including UK citizens.

### Foreign Collusion

On 5 November, former Apple Daily journalist Cheung Kim-hung was denied bail for the charge of conspiracy to commit collusion with a foreign country. Cheung was among the five Apple Daily journalists arrested for foreign collusion when the authorities raided Apple Daily’s headquarters on 16 June 2021. Among other arguments, government prosecutors cited then UK Foreign Secretary, the Rt. Hon. Dominic Raab’s, statement of 23 June 2021 on the closure of Apple Daily, and a UK-led Media Freedom Coalition statement of 10 July 2021 as evidence that Cheung had a “close association” with foreign political groups. This was the first time that statements from foreign governments were used to imply a relationship with an NSL defendant.

## Further National Security Arrests and Ongoing Cases

- Four members of the student group “Student Politicism” were arrested for conspiracy to incite subversion. Police said they had used street booths to spread messages inciting hatred against the Government, encouraged people not to use the Government’s Covid-19 tracing application, and attempted to recruit prisoners with care packages.
- Four members of the Hong Kong Students Union were arrested for advocating terrorism after they expressed sympathy for a man who attacked a police officer on 1 July.
- Fifteen members of the pro-independence group “Returning Valiant”, including minors, were arrested for terrorism and conspiracy to incite subversion after allegedly planning to bomb courts and transport infrastructure.
- Apple Daily journalist Lam Man-chung was arrested for conspiracy to collude with foreign forces.

As at the end of the reporting period:

- Jimmy Lai Chee-ying, founder of Apple Daily newspaper, remained in custody since 31 December 2020 with no trial date set. He stands accused of collusion with foreign forces.
- Of the 47 pro-democracy activists and former legislators charged with conspiracy to commit subversion, a total of 32 defendants remained remanded in custody, with 15 released on bail.

**The National Security Law constitutes a clear and serious breach of the Sino-British Joint Declaration. The mainland Chinese and Hong Kong authorities have used the National Security Law and its related institutions to curtail freedoms, punish dissent and shrink the space for opposition, free press and civil society.**

### **Use of Sedition Laws**

The Hong Kong SAR Government has increased the use of colonial-era sedition offences. Sedition is no longer a crime in the UK, but it was never removed from Hong Kong law.

Local media reported that on 1 November police arrested four people for sedition in relation to a banner demanding genuine universal suffrage.

At least 20 people have been prosecuted for sedition during the reporting period. They included a radio DJ, journalists, and people who had allegedly chanted protest slogans, distributed leaflets promoting Hong Kong independence, or displayed posters threatening national security judges.

Hong Kong Government prosecutors have requested National Security judges be assigned to these cases, despite sedition not being an NSL offence.

On 22 July, the police arrested five speech therapists for conspiring to produce seditious publications in relation to children's books that allegedly depicted Hong Kong political events using sheep and wolves. On 12 November, one of the speech therapists, Sidney Ng Hau-yi, was denied bail, with the judge ruling that NSL bail rules should apply because the case related to national security. Ng sought to bring the case to the Court of Final Appeal on the basis that the NSL bail rules should not apply to non-NSL offences. The CFA dismissed the leave to appeal, and confirmed that some aspects of the National Security Law, including stricter bail conditions, specially assigned judges, and greater police powers, can apply to sedition and other non-NSL offences that endanger national security. The CFA noted that the NSL should work in tandem with local laws, seeking "convergence, compatibility and complementarity."

### **Judicial Intimidation**

There were a number of cases of intimidation against judges. Judges reported receiving threatening phone calls and threatening letters, particularly after ruling on cases related to the 2019 protests. On 11 and 16 November, courts reported receiving letters targeting judicial staff and containing white powder. The Hong Kong Bar Association and the Hong Kong Law Society condemned the attempts at intimidation. The judiciary expressed grave concern at the "attempts to exert improper pressure".

**It is essential that both the Hong Kong judiciary and Hong Kong's legal institutions are able to operate independently and free from political interference.**

## **BASIC RIGHTS AND FREEDOMS**

Freedom of speech, of assembly, and of the press were all targeted and further constrained during the reporting period. In many cases, criticism of civil society organisations in PRC party-state media was followed by action from the Hong Kong SAR Government or police, causing the organisation to disband to protect their staff from prosecution. A large number of media organisations, trade unions, students' unions, political parties and NGOs were either forced to close or chose to dissolve voluntarily to avoid potential charges.

### **Press and Media Freedom**

[Further Action against Apple Daily Newspaper](#)

In June 2021, Hong Kong police raided the offices of Apple Daily newspaper. They arrested the editor-in-chief and senior executives of the paper's parent company on national security charges and froze the newspaper's assets. On 23 June, the newspaper announced its closure. The police action attracted international criticism, with concerns expressed about respect for media freedom.

On 10 July, the UK, as part of the Media Freedom Coalition (which included 20 other countries<sup>2</sup>, including all members of the G7), issued the following statement:

“The undersigned members of the Media Freedom Coalition express their strong concerns about the forced closure of the Apple Daily newspaper, and the arrest of its staff by the Hong Kong authorities. The use of the National Security Law to suppress journalism is a serious and negative step which undermines Hong Kong's high degree of autonomy and the rights and freedoms of people in Hong Kong, as provided for in the Hong Kong Basic Law and the Sino-British Joint Declaration.

The action against Apple Daily comes against a backdrop of increased media censorship in Hong Kong, including pressure on the independence of the public broadcaster and recent legal action by the Hong Kong authorities against journalists.

We are highly concerned by the possible introduction of new legislation that is intended or could risk being used to eliminate scrutiny and criticism by the media of the government's policies and actions.

Freedom of the press has been central to Hong Kong's success and international reputation over many years. Hong Kong and mainland Chinese authorities should fully respect and uphold this important right, in line with China's international legal obligations.”

On 21 July, National Security Police arrested another former Apple Daily staff member, editor Lam Man-chung, and the next day charged him and previously arrested Apple Daily staff with conspiracy to collude with foreign forces under the NSL.

On 23 July, the then Foreign Secretary, Rt. Hon. Dominic Raab, said:

“The Hong Kong authorities' continued malicious persecution of former Apple Daily staff is disturbing. The Chinese government is again failing to uphold its promise in the Joint Declaration to protect freedom of the press and freedom of speech.”

On 15 December, the High Court granted the Hong Kong SAR Government's application to wind up Apple Daily's parent company, Next Digital, on the grounds of public interest.

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<sup>2</sup> Australia, Austria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Slovakia, Switzerland, United States.

## Journalist Visas

On 12 November, editor-in-chief of “The Economist” newspaper, Zanny Minton Beddoes, stated that the Hong Kong immigration authorities had declined to renew the employment visa of the magazine’s correspondent, Sue-lin Wong. Beddoes noted that the decision was given without explanation and urged the Hong Kong authorities to maintain access for the foreign press.

During a press conference on 16 November, Chief Executive Carrie Lam noted that issuing visas is at the discretion of the Government. Lam said that Hong Kong is “proud to be a hub for overseas media”, though remarked that “in all aspects of Government activities, national security is clearly a very important consideration”.

## Hong Kong Journalists Association (HKJA)

The Hong Kong Journalists Association was subject to criticism from Chinese state media. On 13 August, PRC party-state media outlet Wen Wei Po labelled the HKJA Hong Kong Journalist Association (HKJA) an “anti-government political organisation”. On 14 September, Secretary for Security Chris Tang Ping-keung in an interview with Tai Kung Pao accused the HKJA of infiltrating schools to recruit students. On 15 September, Tang called for the HKJA to disclose its funding and membership in order to assuage apparent public concerns. HKJA noted that revealing the names and organisations of its members without their consent would breach Hong Kong’s privacy laws.

## Foreign Correspondents’ Club (FCC)

On 5 November, the Foreign Correspondents’ Club released a survey of its members. 84% of the journalists and correspondents believed that working conditions had deteriorated since the introduction of the National Security Law, and 46% were considering leaving Hong Kong. In response, the office of the Commissioner of the Ministry of Foreign Affairs of the PRC in Hong Kong accused the FCC of sowing discord, abandoning its professional ethics, and using press freedom to interfere in Hong Kong’s governance.

## Public Broadcaster – Radio Television Hong Kong (RTHK)

On 9 August, Chief Executive Carrie Lam announced that public broadcaster Radio Television Hong Kong (RTHK) would develop a long-term partnership with state-owned China Central Television and China National Radio, to air more programmes and “nurture a stronger sense of patriotism” in Hong Kong.

A number of long-running public discussion programmes were taken off air, including the news commentary session of radio phone-in programme “Open Line Open View” and the live public debate show “City Forum”.

On 29 September, RTHK issued new editorial guidelines to staff, which noted RTHK's responsibility to prevent and suppress acts that endanger national security and reminded staff to avoid contact with foreign Governments and political organisations.

### Raid and Closure of Stand News

On 29 December, over 200 National Security Police officers raided the offices of pro-democracy online news outlet Stand News. The police arrested six senior staff members for allegedly conspiring to publish seditious publications. National Security Police also froze HKD \$61m (£5.8m) of assets. Stand News announced that it would cease all operations and dismiss all staff with immediate effect.

The Minister of State for Asia and the Middle East, the Rt.Hon. Amanda Milling MP, said:

“The raid of independent media outlet Stand News and related arrests further erode freedom of speech in Hong Kong. The UK has condemned the curtailing of media freedoms in Hong Kong alongside international partners, and will continue to stand up for the free press around the world.”

US Secretary of state, Anthony Blinken, released a statement calling on the PRC and Hong Kong SAR Governments to cease targeting Hong Kong's free and independent media, noting that “journalism is not sedition”. Similar concerns over media freedom were expressed by other countries and international organisations, including Canada, as well as the European Union and the UN Office for Human Rights.

**Freedom of the press has been central to Hong Kong's success and international reputation over many years. It is imperative that this freedom, along with the other rights and freedoms in the Joint Declaration, are fully respected. The UK will always defend media freedom and the right of journalists to do their job.**

### **Freedom of Expression**

#### Removal of Tiananmen Statue from Hong Kong University

“The Pillar of Shame”, a sculpture created by Danish artist Jens Galschiøt to commemorate the 1989 Tiananmen Square massacre, had been on the University of Hong Kong (HKU) campus since 1997. Students traditionally cleaned the sculpture annually on 4 June to remember the events of Tiananmen Square. On 8 October, the HKU decided to remove the sculpture from campus. The university explained its decision was based on a risk assessment and legal advice. On 15 October, the Danish Minister of Foreign Affairs Jeppe Kofod expressed concern over the statue's proposed removal, noting that the freedom of expression was a fundamental right.

On 22 December, the university removed the Pillar of Shame, citing potential safety issues and legal risks. The University's governing council said the statue would be placed in storage pending further legal advice.

On 24 December, the Chinese University of Hong Kong and the Lingnan University, removed monuments commemorating the Tiananmen Square massacre from their campuses, citing similar reasons.

### Closure of Tiananmen Museum

On 2 June, the Hong Kong Alliance shut down its museum dedicated to remembering the 1989 Tiananmen massacre. The museum was closed only two days after opening, after government officers suggested that it might breach the Places of Public Entertainment Ordinance. On 27 July, the Alliance pleaded guilty to operating the museum without a public entertainment licence. On 9 September, National Security Police raided the museum and collected items for investigation.

An online-only museum dedicated to remembering the Tiananmen Square massacre opened on 4 August, but internet access to the website was blocked from 29 September.

## **Freedom of Assembly**

### Covid-19

Government social distancing rules to prevent the spread of Covid-19 continued to restrict the number of people allowed to gather publicly. The maximum number of people allowed to gather in public was limited to four people, ruling out large gatherings or public protests.

### Remembrance of the Tiananmen Square Massacre

For over 30 years, the Hong Kong Alliance organised an annual vigil to remember the victims of the 1989 Tiananmen Square massacre. Police banned the vigil for the first time in 2020 and again in 2021 citing concerns about the spread of Covid-19.

26 pro-democracy politicians and activists were arrested for unauthorised assembly relating to their participation in the vigil in 2020. The judicial cases concluded on 13 December and all twenty-four that were tried were found guilty (two people had left the country). The judge held that the defendants could not challenge the police decision to ban the vigil (only the organiser could do so), and that even if the ban could be challenged, the police had clear public health grounds to prohibit the rally. The judge rejected arguments that jail terms would be inappropriate for peaceful protest. The defendants were given sentences ranging from four to 14 months in jail.

The (now former) Hong Kong Alliance Vice-Chair, Chow Hang-tung, was arrested on 4 June 2021 for allegedly inciting people to attend the banned vigil. Chow appeared in court on 6 October with her trial set for a later date.

**Freedom of assembly and freedom of expression are set down in paragraph 3(5) of the Joint Declaration. It is imperative that these freedoms, along with the other rights and freedoms in the Joint Declaration, are fully respected.**

## **Civil Society**

### Hong Kong Alliance in Support of Patriotic Democratic Movements of China (Hong Kong Alliance)

The Hong Kong Alliance was formed following the 1989 Tiananmen Square massacre, with the goals of promoting democracy in China, seeking accountability for the events in Tiananmen Square and “ending one-party dictatorship”. In 2021, the Alliance was subject to increased criticism from mainland Chinese Government supporters and representatives.

On 10 July, the Hong Kong Alliance announced that all of its staff would be dismissed to ensure their safety. Half of its committee members also resigned, citing “increasingly fierce and obvious political repression”.

On 25 August, the National Security Police wrote to the Alliance requesting information about the group’s funding, membership and activities as part of an investigation into the Alliance for allegedly acting as a foreign agent. The Alliance declined to comply. On 8 September, National Security Police arrested five of the Alliance committee members under the NSL for failing provide information. Then Foreign Secretary, Rt. Hon. Dominic Raab, said:

“Today’s arrests of members of the Hong Kong Alliance are another chilling demonstration of how the National Security Law is being used by Beijing to dismantle civil society and stifle political dissent in Hong Kong.”

On 9 September, the five committee members were officially charged under the NSL for “failing to comply with notice to provide information”. Chow Hang-tung, Lee Cheuk-yan and Albert Ho Chun-yan, as well as the Alliance itself, were also charged with inciting subversion. The group’s assets were frozen by the National Security Police.

Then Foreign Secretary, Rt. Hon. Dominic Raab MP, said:

“Today marks the first time that the Hong Kong National Security Law has been used to charge a civil society organisation. This demonstrates the expanding use of the law to silence the Chinese Communist Party’s critics, rather than the avowed aim of restoring security.”

On 16 September, the Alliance disabled its official website and removed all online content in response to an order from the Hong Kong Police. On 25 September, the Alliance voted to disband.

On 26 October, Chief Executive Carrie Lam ordered that the Alliance be removed from the Companies Registry. The Chief Executive noted that the Alliance's goal of "ending one-party dictatorship" amounted to subversion, and as such it was necessary to prohibit the Alliance's continued operation.

### Civil Human Rights Front (CHRF)

The Civil Human Rights Front was an umbrella body of unions, political parties, civic organisations, religious groups and political activists. Founded in 2002, the CHRF was known for organising the annual 1 July pro-democracy marches, as well as the large anti-extradition marches in June 2019.

In April 2021 the Hong Kong police accused the CHRF of violating the Societies Ordinance. The CHRF received a letter from the Hong Kong Police requesting details of their finances and activities, including all marches held over the past fifteen years. The CHRF declined to comply.

On 13 August, Police Commissioner Raymond Siu said the Force was investigating whether the Front had violated the National Security Law.

On 15 August, the Front announced its decision to disband, citing "suppression" from the Government and the unprecedented challenges being faced by civil society. Secretary for Security Chris Tang Ping-keung stated that legal action against the CHRF would continue.

### Trade Unions (including the Professional Teachers' Union)

The Professional Teachers' Union (PTU) was founded in 1973 and was the biggest trade union in Hong Kong, representing over 90% of the city's educators.

On 31 July, PRC party-state media outlets described the PTU as a "malignant tumour" that must be "eradicated". The Hong Kong SAR Government's Education Bureau immediately severed ties with the PTU, announcing that it would cease all working relations. The Education Bureau stated that the PTU's recent activities, including its involvement during the 2019 protests and participation in the CHRF and Hong Kong Alliance, rendered it "no different from a political body".

On 3 August, the PTU announced plans to focus solely on education and to set up a task force on Chinese history and culture. Criticism of the union nevertheless continued in Chinese state-owned media. Police confirmed they would "definitely investigate" the PTU if national security matters were involved.

On 10 August, the PTU announced its decision to disband, citing "enormous pressure". Members formally voted to disband on 11 September.

Hong Kong's second largest trade union, the Hong Kong Confederation of Trade Unions (CTU), subsequently dissolved as well. On 18 September, CTU's chief executive, Mung Siu-tat, announced that he had resigned and left Hong Kong urgently citing "imminent political risks and safety concerns". On 19 September, the group agreed to begin disbanding, with CTU leaders noting that its members had received messages threatening their personal safety. The CTU disbanded on 3 October.

A number of smaller trade unions formed during the 2019 protests also disbanded, including those of doctors, technology workers, and civil servants.

### Students' Unions

On 10 September, the Chinese University of Hong Kong (CUHK) students' union Representative Council decided to disband. This followed the earlier decision by the CUHK in February 2021 to cut ties with its students' union due to the CUHK's objection to political views expressed by the students.

### Non-Governmental Organisations (including Amnesty International)

On 25 October, Amnesty International released a statement announcing the closure of its offices in Hong Kong and the relocation of regional operations to other offices in the Asia-Pacific. Chair of Amnesty's International Board, Anjhula Mya Singh Bais, said that the NSL had made it "effectively impossible for human rights organizations in Hong Kong to work freely and without fear of serious reprisals from the government".

A large number of local NGOs also decided to disband during the reporting period. These included the China Human Rights Lawyers' Concern group, the Progressive Lawyers' Group, the Progressive Teachers' Alliance, Civil Rights Observer, the 612 Humanitarian relief fund, and the "Silver Haired" support group.

### Political Parties

Two pro-democratic political parties decided to dissolve. The Neo-democrats, established in 2010, disbanded on 26 June. Civic Passion, founded in 2012, disbanded on 3 September.

**It is clear that the National Security Law is being used to curtail freedoms and punish dissent. NGOs, trade unions and human rights organisations not supportive of the government's agenda have been forced to disband or leave.**

**The arrests of members of the Hong Kong Alliance and the withdrawal of Amnesty International from Hong Kong are further demonstrations of how the National Security Law is being used by Beijing to dismantle civil society and stifle political dissent in Hong Kong.**

## **Education**

Hong Kong Government education officials announced that from July 2021 a reference book about the NSL would be distributed to kindergartens. Officials noted that mainland legal scholars had compiled the book and that the Chinese Education Minister had selected it for use in Hong Kong.

In October, the Education Bureau issued guidelines requiring all primary and secondary schools to hold weekly national flag raising ceremonies in order to “cultivate students’ sense of national identity”.

On 25 November, Chief Executive Carrie Lam delivered a lecture on the Basic Law to teachers. Lam said the education sector was responsible for young people’s lack of understanding about the SAR’s constitutional status, and called on educators to promote national security, national identity and traditional Chinese values.

On 30 November, the Education Bureau introduced a revised Values and Education Curriculum Framework. The framework includes the “correct” understanding of Chinese history, an appreciation of traditional Chinese culture and values, and respect for national symbols, the Chinese Constitution, the Basic Law and national security. Previous guidelines on human rights and critical thinking were removed.

## **Artistic Freedom**

### Film Censorship

On 27 October, the Legislative Council passed the Film Censorship (Amendment) Bill. The new law allows censors to ban films on the grounds of national security. It also allows the Chief Secretary for Administration to revoke previously approved films on national security grounds.

## **Concerns about Hong Kong Expressed at the United Nations**

The 47<sup>th</sup> regular session of the United Nations Human Rights Council was held from 21 June to 14 July 2021. On 1 July, speaking at a side event on the impact of the National Security Law, UK Ambassador to the UN in Geneva, Simon Manley, stated that the National Security Law has been used to stifle political dissent, suppress media freedom and restrict political participation. Clément Voule, UN Special Rapporteur on Rights to Freedom of Peaceful Assembly and of Association, called on the Chinese and Hong Kong authorities to allow a visit to Hong Kong to assess the impact of the law.

On 12 October, four UN special rapporteurs expressed concerns over the arrest of Chow Hang-tung under the National Security Law saying, "The cheapening of the seriousness of terrorist acts and sedition offences, when Governments improperly use them to justify quelling domestic dissent, limiting protests and curbing criticism

by civil society and human rights defenders, is deeply troubling.” They called for the law to be urgently repealed.

## **OTHER REPORTS**

On 14 September, the Fraser Institute’s Economic Freedom of the World 2021 Annual Report ranked Hong Kong as the world’s freest economy. The report was based on data for 2019. It warned that “the weakening of the rule of law caused by the interventions of the Chinese government during 2020 and 2021 will likely have a negative impact on Hong Kong’s score” in future, affecting particularly the legal system and property rights.

On 16 December, the Fraser Institute, together with the Cato Institute, published the Human Freedom Index 2021, covering the period up to 2019. Hong Kong ranked 30<sup>th</sup> of 165, falling ten places from 2020. The authors noted that “freedom has suffered a precipitous decline in Hong Kong”, particularly in freedom of expression and association as a result of “the Chinese Communist Party’s violations of Hong Kong’s traditional liberties.”

On 15 October, the World Justice Project (WJP) published its Rule of Law Index 2021. Hong Kong was ranked 19<sup>th</sup> out of 138 countries and territories globally. Hong Kong’s score for constraints on government powers dropped from 31<sup>st</sup> to 45<sup>th</sup>, and the score for fundamental rights dropped from 38<sup>th</sup> to 54<sup>th</sup>.

On 17 November, the US Congress issued its US-China Economic and Security Review Commission (ESRC) Report. The report noted that the NSL was targeting a broad cross-section of the population and allowing the Hong Kong SAR Government to “curtail the city’s freedoms”. The report also criticised the electoral changes for turning the Legislative Council into a “rubber stamp” parliament, and education reforms for forcing educators to “distort reality and history”. It noted that Hong Kong saw an outflow of 87,100 residents in the year following the introduction of the NSL.

On 2 July, Reporters Without Borders named Chief Executive Carrie Lam for the first time on its annual list of “Press Freedom Predators”. On 7 December, in a special report on journalism in China, Reporters Without Borders described press freedom in Hong Kong as in “free fall” and the NSL as “a pretext for repression”.

## **UK/HONG KONG BILATERAL RELATIONS**

### **British Nationals (Overseas)**

On 25 November, the Home Office published the latest UK immigration statistics. Since the BN(O) immigration route was launched on 31 January 2021 until 30

September 2021 there were approximately 88,800 applications, with 76,176 visas granted.

## **Visits**

Due to the ongoing Covid-19 pandemic, there have been no high-level bilateral visits during the reporting period.

## **Trade and Investment**

Hong Kong is the UK's 13<sup>th</sup> largest global trading partner accounting for 1.9% of total UK trade. Total trade in goods and services between the UK and Hong Kong was £23.8bn in the four quarters to the end of September 2021, a 3.3% increase compared with the previous year. UK exports to Hong Kong accounted for £12.3bn of the total.

## **Culture**

From 13-17 September, the Hong Kong Virtual Schools Tour hosted 24 UK universities to meet virtually with prospective students from 25 international and local schools across Hong Kong.

The SPARK festival was held online between 20-23 October 2021, offering a platform for cultural exchange between Hong Kong and the UK in arts, education, and the English language. The British Council presented the best in art, music, dance, education, and digital culture from over 40 creative partners from Hong Kong and the UK working together to organise more than 30 events.

## **CONCLUSION**

Hong Kong's high degree of autonomy and rights and freedoms are set down in the Sino-British Joint Declaration, along with a commitment that Hong Kong's social and economic systems will remain unchanged for 50 years from 1997. 25 years since the handover, that promise no longer reflects reality. Hong Kong's high degree of autonomy and fundamental parts of the 'One Country, Two Systems' framework have been undermined by the Chinese authorities. The National Security Law has been used to curtail freedom of expression, freedom of the press and shrink the space for civil society. The imposition of electoral changes has eliminated any meaningful political opposition in the legislature and confidence in Hong Kong's political institutions has been undermined.

The Sino-British Joint Declaration is an international treaty, registered with the United Nations, under which China has guaranteed to uphold Hong Kong's high degree of

autonomy and rights and freedoms until at least 2047. As a co-signatory of the Sino-British Joint Declaration, the UK will continue to speak out when China breaches its legally binding agreements and when it breaks its promises to the people of Hong Kong. We urge China to honour their commitments.

## LIST OF ABBREVIATIONS

British National (Overseas)	BN(O)
Candidate Eligibility Review Committee	CERC
Central Government Liaison Office	CGLO
Civil Human Rights Front	CHRF
Court of Final Appeal	CFA
Confederation of Trade Unions	CTU
Chinese University of Hong Kong	CUHK
Economic and Security Review Commission	ESRC
European Union	EU
Foreign Correspondents' Club	FCC
Foreign Direct Investment	FDI
Hong Kong Dollar	HKD
Hong Kong Journalists Association	HKJA
Hong Kong and Macao Affairs Office	HKMAO
University of Hong Kong	HKU
Independent Commission Against Corruption	ICAC
Legislative Council	LegCo
Non-Governmental Organisation	NGO
National People's Congress	NPC
National People's Congress Standing Committee	NPCSC
National Security Law	NSL
People's Republic of China	PRC
Professional Teachers' Union	PTU
Radio Television Hong Kong	RTHK
Special Administrative Region	SAR
United Nations	UN
World Justice Project	WJP