



**THE SIX-MONTHLY REPORT ON HONG KONG  
1 JANUARY TO 30 JUNE 2020**

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

**23 NOVEMBER 2020**

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## FOREWORD

This is the 47th in a series of regular reports to Parliament on the implementation of the 1984 Sino-British Joint Declaration on the Question of Hong Kong. Although the substance of this Six-monthly Report covers the period from 1 January to 30 June 2020, this Foreword also addresses subsequent events. Regrettably, the subsequent period saw two breaches of the Joint Declaration by China.

I made clear in my Foreword to the last Report that the UK is fully committed to upholding Hong Kong's high degree of autonomy and rights and freedoms under the Joint Declaration and the 'One Country, Two Systems' framework. We will not waver from this commitment.

This has been, and continues to be, the most concerning period in Hong Kong's post-handover history. Following the mass protests last year, the Hong Kong SAR Government made some initial attempts towards dialogue with the people of Hong Kong. However, this has since been abandoned, with the apparent focus now on retribution against political opposition and silencing of dissent.

Central to this approach is the new National Security Law, imposed on Hong Kong by Beijing on 30 June in clear breach of the Joint Declaration. The National Security Law was imposed in direct conflict with Article 23 of Hong Kong's Basic Law, which affirms that Hong Kong should bring forward its own national security legislation. It violates the high degree of autonomy of executive and legislative powers and independent judicial authority, provided for in paragraph 3 of the Joint Declaration.

This new legislation allows the mainland Chinese authorities to take jurisdiction over certain cases without independent oversight and to try cases in mainland courts. It has also led to the Chinese Government establishing a new Office for Safeguarding National Security in Hong Kong run by, and reporting to, mainland authorities. Chinese security agents can now operate in Hong Kong without being held to account under Hong Kong law.

The chilling effects of the National Security Law can already be seen in Hong Kong. It is already reducing the extent to which the people of Hong Kong are able to exercise their fundamental rights and freedoms. It has damaged freedom of expression in academia, schools and libraries, including through the removal of textbooks and other books containing certain political content. It has been used as the basis for a raid on a leading Hong Kong newspaper and the arrest of its owner. Hong Kong police regularly threaten arrests under its provisions in response to the chanting or display of political slogans during demonstrations. Uncertainties about how the provisions in the law might be used in future is reportedly having a wider chilling effect on the exercise of freedoms through encouraging self-censorship.

Meanwhile, I have also been deeply concerned at the authorities' undermining of the Hong Kong legislature. This has involved the disqualification of 12 opposition candidates, including four incumbent legislators, from standing in elections for the Legislative Council. This was then compounded by the postponement of elections, and the recent apparently politically motivated arrest of seven serving and former pan-democratic legislators. Then, on 11 November, China's National People's

Congress Standing Committee issued a Decision that set out the grounds on which Hong Kong legislators could be disqualified. This led to the immediate removal of four elected members of the Legislative Council, which triggered the mass resignation of other pan-democratic legislators. On the same day, I made an initial statement setting out my concerns. The following day, after a full analysis had been conducted, I declared another formal breach of the Joint Declaration. The Decision by the Standing Committee of the NPC breaches both China's commitment that Hong Kong will enjoy a 'high degree of autonomy' and the right to freedom of speech guaranteed under Paragraph 3 and Annex I of the Declaration.

The UK supports the legitimate expectations of the people of Hong Kong, in line with the Joint Declaration, to elect Legislative Council representatives via genuinely free, fair and credible elections. Any additional delays to these elections, beyond September 2021, would be utterly unacceptable. I issued a statement on 9 August, together with my counterparts from the Five Eyes countries, noting that the postponement had undermined the democratic process that has been fundamental to Hong Kong's stability and prosperity.

Through the imposition of the National Security Law, China has failed to live up to its international obligations with respect to Hong Kong. The UK Government has responded with a series of reasonable and proportionate measures, which reflect our vital interests and our long-standing commitments to the people of Hong Kong.

First, we have created a new tailored immigration route for British Nationals (Overseas) and their immediate family dependants. The visa route will grant BN(O)s up to five years' leave to remain, with the right to work and study, providing a clear path to British citizenship. I announced these new arrangements on 1 July, the Home Secretary has subsequently provided further details, and we are on track to launch the new arrangements on 31 January 2021.

Second, given the different legal arrangements created under the National Security Law, I suspended the UK extradition treaty with Hong Kong, acting together with the Home Secretary, Justice Secretary and Attorney-General. We will not consider reactivating this treaty unless clear and robust safeguards are provided to prevent extradition from the UK being misused under the National Security Law.

Third, we have extended the China arms embargo to include Hong Kong, given the role that Beijing has assumed in Hong Kong's internal security. This means there will be no exports from the UK to Hong Kong of potentially lethal weapons, their components or ammunition. It also means a ban on any equipment which might be used for internal repression, such as shackles, intercept equipment, firearms and smoke grenades.

Fourth, together with the Lord Chancellor, I have begun consultations with Lord Reed, President of the UK Supreme Court, concerning when to review whether it continues to be appropriate for British judges to sit as non-permanent judges on the Hong Kong Court of Final Appeal.

The international community has been vocal in setting out its concerns about the National Security Law. On 6 October at the UN General Assembly Third Committee,

the UK worked with 38 countries to issue a statement urging the relevant authorities to guarantee the rights protected under the Sino-British Joint Declaration.

Hong Kong's high level of autonomy and rights and freedoms are enshrined in the Joint Declaration. However, Beijing's decisions to impose the National Security Law and then, a few months later, to disqualify elected legislators, represent two substantive breaches of the Joint Declaration in just five months. This calls into serious question China's commitment to the 'One Country, Two Systems' framework.

It is not too late for the authorities to reach out and start to heal divisions, however complicated and difficult that might be. For our part, the UK will continue to pursue an approach in Hong Kong that is rooted in our values, defends the rights of the people of Hong Kong and respects the provisions of the legally binding Sino-British Joint Declaration.

**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 is popularly referred to as ‘One Country, Two Systems’.

Events are covered in the report under the categories of:

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

The reporting period saw the imposition by Beijing on Hong Kong of a new National Security Law, which the Foreign Secretary stated on 1 July 2020 to Parliament was a clear and serious breach of the Sino-British Joint Declaration. The period was also marked by the simultaneous challenges of civil unrest and the onset of Covid-19, with the pandemic and the political situation interacting. The Government introduced social distancing measures, which were widely accepted by the public but which some activists and legislators claimed were on occasion misused to prevent protests. There was no substantive dialogue between the Hong Kong authorities, opposition or public about how to address concerns raised through the protests about Hong Kong’s autonomy, rights and freedoms.

Specific issues related to Hong Kong’s autonomy and rights and freedoms, included:

- i) The right to freedom of speech when “disrespect” for China’s national anthem was criminalised;
- ii) The role of mainland authorities in Hong Kong’s governance, because the Central Government Liaison Office (CGLO) asserted that it was not bound by Article 22 of the Basic Law which generally prohibits interference by the Central People’s Government in Hong Kong’s affairs;
- iii) The role of Hong Kong’s Legislative Council to introduce and scrutinise legislation, because it was gridlocked by procedural delays then bypassed entirely with the introduction of the National Security Law.

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

This proved a difficult and controversial period for Hong Kong’s constitutional relationship with mainland China and for ‘One Country, Two Systems’. The appointment of two new officials to lead the Central Government Liaison Office (CGLO) in Hong Kong and the mainland’s Hong Kong and Macao Affairs Office (HKMAO) based in Beijing signalled a hardening in China’s approach. Beijing’s interventions in Hong Kong’s internal matters led to a debate about the limits of the Central Government’s activity in Hong Kong. The introduction of the National Security Law on 30 June then created profound and unprecedented changes to the constitutional relationship, establishing a greater mainland role in Hong Kong’s security and justice apparatus, and paving the way for some Hong Kong legal cases to be taken forward in the mainland under an entirely different legal system. As the Foreign Secretary announced on 1 July, “the enactment of this legislation, imposed by the authorities in Beijing on the people of Hong Kong, constitutes a clear and serious breach of the Joint Declaration”. The National Security Law also contains a number of provisions that directly threaten rights and freedoms and undermine Hong Kong’s high degree of autonomy.

### **New Heads of Central Government Liaison Office (CGLO) and Hong Kong and Macao Affairs Office (HKMAO)**

On 4 January, Luo Huining was appointed Director of the CGLO in Hong Kong, replacing Wang Zhimin. On 13 February, Xia Baolong was appointed Director of the HKMAO in Beijing, taking over from Zhang Xiaoming. Neither Luo nor Xia had substantive previous experience of Hong Kong, and both came from senior positions in the Chinese Communist Party.

### **Control of the Legislative Council House Committee**

The Legislative Council House Committee comprises all legislators. It controls which bills are introduced for debate. In October 2019, the pro-establishment chair of the Committee, Starry Lee Wai-king, stepped down to seek re-election. The deputy chair of the House Committee, Dennis Kwok Wing-hang of the opposition Civic Party, was left to preside over the election of a new chair.

In May, following 16 meetings, the House Committee was still unable to elect a new chair, and Kwok and other pan-democratic legislators were accused of filibustering in an effort to delay the passage of the National Anthem Bill.

In an unprecedented move, Legislative Council President Andrew Leung Kwan-yuen sought external legal advice to resolve the issue, rather than following Legislative Council procedural guidance. That legal advice suggested that Lee could continue to preside over the House Committee. Chaotic scenes in the Legislative Council followed on 8 May, as Lee re-occupied the chair, flanked by security guards, under protest from the pan-democrats. On 15 May, Leung used his powers as President to appoint pro-establishment legislator Chan Kin-por to preside over the House Committee election. Lee was re-elected as chair on 18 May.

## Debate over limits of Central Government Liaison Office powers

The delays in the House Committee electing a new chair, thereby blocking the advancement of the National Anthem legislation in the Legislative Council, attracted criticism from the CGLO, reflecting a more active and outspoken approach from the CGLO than previously. Dennis Kwok Wing-hang, and other pan-democratic legislators, argued that the CGLO was not entitled to comment on such matters given Article 22 of the Hong Kong Basic Law, which states:

“No department of the Central People’s Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law.”

There followed a number of statements from the CGLO and the HKMAO, which argued that they were not bound by Article 22 because they were not ordinary or subordinate “departments” of the Central People’s Government, but rather had been specifically authorised by the Central Government to be in charge of handling Hong Kong affairs.

In the space of four hours on 18 and 19 April, the Hong Kong SAR Government issued three statements. The first indicated that the CGLO was bound by Article 22. A second, revised statement, declared that the CGLO had a “special responsibility to handle issues relating to Hong Kong” and could “express views and exercise supervisory power on major issues”. The references to Article 22 had been removed. The third statement said that the CGLO was “an office set up in the HKSAR by the Central People’s Government”, rather than “offices in the HKSAR set up by departments of the Central People’s Government”. On 20 April, a spokesperson for the Hong Kong Constitutional and Mainland Affairs Bureau noted that the CGLO had inherited the role of the Xinhua News Agency in Hong Kong after handover and had “not [been] set up in accordance with Article 22(2) of the Basic Law”<sup>1</sup>.

The Hong Kong Bar Association said that the recent statements by the Hong Kong SAR Government and the CGLO were “plainly inconsistent” with previous assertions, and that the Basic Law conferred no power of “supervision” over Hong Kong affairs on the CGLO and HKMAO. Responding on 29 May, Secretary for Constitutional and Mainland Affairs Eric Tsang Kwok-wai reiterated the Central People’s Government’s position that as representatives of that Government, the CGLO and HKMAO “have the power of supervision over Hong Kong”.

Lord Ahmad stated the UK Government’s position on 28 May in response to a Parliamentary Question asked by Lord Pendry. Lord Ahmad said: **“Article 22 of the Basic Law states that ‘No department of the Central People’s Government [...] may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this law’. As co-signatory of the Joint Declaration, we expect the mainland Chinese authorities to respect Hong**

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<sup>1</sup> Article 22(2) of the Hong Kong Basic Law states: “If there is a need for departments of the Central Government, or for provinces, autonomous regions, or municipalities directly under the Central Government to set up offices in the Hong Kong Special Administrative Region, they must obtain the consent of the government of the Region and the approval of the Central People’s Government.”



**Kong’s high degree of autonomy and the rights and freedoms provided for in that legally binding treaty”.**

### **National Anthem Law**

In November 2017, China introduced a requirement for Hong Kong to criminalise “disrespect” for the Chinese National Anthem. On 23 January 2019, legislation banning the use of the anthem for commercial purposes, parodies, or significant alterations of its words and score, with penalties of fines to HK\$50,000 and custodial sentences of up to three years was presented to the Legislative Council. The legislation was subject to delays throughout 2019 and in early 2020 (see page 7). Following Lee’s resumption as chair, Chief Secretary Matthew Cheung Kin-chung wrote to the House Committee on 12 May, noting the Government’s constitutional responsibility to implement the National Anthem Law as soon as practicable.

The law was passed on 4 June amid protests inside the chamber and outside the Legislative Council. The Bill came into force as the National Anthem Ordinance on 12 June.

On 18 June, the Education Bureau issued guidelines to schools on playing the national anthem. An Education Bureau spokesperson said that fostering national identity was a key learning goal.

On 9 June, the Foreign, Commonwealth and Development Office’s Minister for Asia, Nigel Adams MP, noted in response to a Parliamentary Question asked by Andrew Rosindell MP that: **“In respect of the National Anthem Law, we are clear that all laws introduced in Hong Kong must respect its high degree of autonomy, follow the appropriate legislative scrutiny, and respect the rights and freedoms guaranteed under the Joint Declaration”.**

### **National Security Law**

The Chinese Communist Party Central Committee meeting on 31 October 2019 set out the Party’s intentions for Hong Kong, namely to “establish a sound legal system and enforcement mechanism for safeguarding national security” in Hong Kong and Macao. We noted in the last Six-monthly Report, covering 1 July to 31 December 2019, that such proposals had previously led to concerns about risks to Hong Kong’s high degree of autonomy.

On 22 May, China’s legislature, the National People’s Congress (NPC), considered a proposal for a national security law on Hong Kong. Concerned by this development, the Foreign Secretary along with Australian Foreign Minister Marise Payne and Canadian Foreign Minister François-Philippe Champagne issued the following statement about the proposed law:

“We are deeply concerned at proposals for introducing legislation related to national security in Hong Kong.

“The legally binding Joint Declaration, signed by China and the UK, sets out that Hong Kong will have a high degree of autonomy. It also provides that rights and freedoms, including those of the person, of the press, of assembly, of association and others, will be ensured by law in Hong Kong, and that the provisions of the two UN covenants on human rights (the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights) shall remain in force.

“Making such a law on Hong Kong’s behalf without the direct participation of its people, legislature or judiciary would clearly undermine the principle of ‘One Country, Two Systems’, under which Hong Kong is guaranteed a high degree of autonomy.”

On 25 May, the Hong Kong Bar Association noted that the NPC had “no power” to introduce the National Security Law using the procedures under Article 18 of the Basic Law, which govern when mainland laws can be applied to Hong Kong. They and other civil society organisations called for the public to be able to see and debate the new law.

On 28 May, the NPC adopted a Decision on “Establishing and improving the legal system and Enforcement Mechanisms for the Hong Kong SAR to safeguard National Security”. The NPC instructed its Standing Committee (NPCSC) to draw up National Security Laws, in response to what it deemed illegal activities and terrorism in Hong Kong.

In an open letter on 29 May, Chief Executive Carrie Lam said that the current legal system for national security left Hong Kong “defenceless” against rioters and external forces. Lam stated that the law would only target an extremely small minority of illegal and criminal acts and activities, while the basic rights and freedoms of the majority of citizens would be protected.

In response to the NPC decision, the Foreign Secretary along with Australian Foreign Minister Marise Payne, Canadian Foreign Minister François-Philippe Champagne, and US Secretary of State Mike Pompeo released the following joint statement:

“Signatories to this statement reiterate our deep concern regarding Beijing’s decision to impose a national security law in Hong Kong.

“Hong Kong has flourished as a bastion of freedom. The international community has a significant and long-standing stake in Hong Kong’s prosperity and stability. Direct imposition of national security legislation on Hong Kong by the Beijing authorities, rather than through Hong Kong’s own institutions as provided for under Article 23 of the Basic Law, would curtail the Hong Kong people’s liberties, and in doing so, dramatically erode Hong Kong’s autonomy and the system that made it so prosperous.

“China’s decision to impose the new national security law on Hong Kong lies in direct conflict with its international obligations under the principles of the legally-binding, UN-registered Sino-British Joint Declaration. The proposed law would undermine the One Country, Two Systems framework. It also raises the prospect of prosecution in Hong Kong for political crimes, and undermines existing commitments to protect the rights of Hong Kong people – including those set out in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

“We are also extremely concerned that this action will exacerbate the existing deep divisions in Hong Kong society; the law does nothing to build mutual understanding and foster reconciliation within Hong Kong.

“Rebuilding trust across Hong Kong society by allowing the people of Hong Kong to enjoy the rights and freedoms they were promised can be the only way back from tensions and unrest that the territory has seen over the last year.

“The world’s focus on a global pandemic requires enhanced trust in governments and international cooperation. Beijing’s unprecedented move risks having the opposite effect.

“As Hong Kong’s stability and prosperity are jeopardised by the new imposition, we call on the Government of China to work with the Hong Kong SAR Government and the people of Hong Kong to find a mutually acceptable accommodation that will honour China’s international obligations under the UN-filed Sino-British Joint Declaration.”

On 2 June, the Foreign Secretary made a statement<sup>2</sup> to Parliament in which he set out that:

“The Basic Law is clear that there are only a limited number of areas in which Beijing can impose laws directly, such as for the purposes of defence and foreign affairs, or in exceptional circumstances in which the National People’s Congress declares a state of war or a state of emergency. The proposed National Security Law, as it has been described, raises the prospect in terms of the substance and the detail, of prosecution in Hong Kong for political crimes, which would undermine the existing commitments to protect the rights and freedoms of the people of Hong Kong as set out in the Joint Declaration”.

<sup>2</sup> <https://www.gov.uk/government/speeches/foreign-secretary-statement-to-parliament-on-hong-kong>

The Foreign Secretary went on to make clear that the UK does “not oppose Hong Kong passing its own national security law. We do oppose such an authoritarian law being imposed by China in breach of international law”.

The Foreign Secretary reflected that “there is time for China to re-consider” and urged China to “step back from the brink”, to respect Hong Kong’s autonomy and its international obligations, and to resolve the underlying tensions based on political dialogue.

The Foreign Secretary said that “if China follows through with its proposed legislation, we will put in place new arrangements to allow BN(O)s to come to the UK without the current 6 month limit, enabling them to live and apply to study and work for extendable periods of 12 months, thereby also providing a pathway to citizenship”.

On 3 June, the Prime Minister wrote an article in *The Times* and the *South China Morning Post* setting out why Hong Kong had prospered and describing the UK’s strong ties of history and friendship with the people of Hong Kong. However, the Prime Minister made clear that “if China proceeds [with the National Security Law], this will be in direct conflict with its obligations under the Joint Declaration, a legally binding treaty registered with the United Nations”.<sup>3</sup>

The NPC decision also attracted significant criticism from the international community. On 17 June, G7 Foreign Ministers (the UK, Canada, France, Germany, Italy, Japan and the US) released a joint statement:

“We, the Foreign Ministers of the United States, Canada, France, Germany, Italy, Japan, the United Kingdom, and the High Representative of the European Union underscore our grave concern regarding China’s decision to impose a national security law on Hong Kong.

“China’s decision is not in conformity with the Hong Kong Basic Law and its international commitments under the principles of the legally binding, UN-registered Sino-British Joint Declaration. The proposed national security law would risk seriously undermining the ‘One Country, Two Systems’ principle and the territory’s high degree of autonomy. It would jeopardise the system which has allowed Hong Kong to flourish and made it a success over many years.

“Open debate, consultation with stakeholders, and respect for protected rights and freedoms in Hong Kong are essential.

“We are also extremely concerned that this action would curtail and threaten the fundamental rights and freedoms of all the population protected by the rule of law and the existence of an independent justice system.

“We strongly urge the Government of China to reconsider.”

<sup>3</sup> <https://www.gov.uk/government/speeches/pm-boris-johnson-article-on-hong-kong-3-june-2020>

On 26 June, nearly 50 UN independent experts also expressed their concern that the draft National Security Law would “violate China’s international legal obligations and impose severe restrictions on civil and political rights in the autonomous region”<sup>4</sup>. On 30 June, the UK delivered a joint statement at the United Nations Human Rights Council on behalf of 28 countries, which again urged China to reconsider, to prevent further erosion of Hong Kong’s rights and freedoms. It noted that imposing the law without participation from Hong Kong’s people, its institutions or judiciary would undermine ‘One Country, Two Systems’<sup>5</sup>.

There was no process of public consultation on the law in Hong Kong.

Chief Executive Carrie Lam said on 23 June that she had not seen the full text herself. On 30 June, the NPCSC adopted the National Security Law without the full text being publicly available. That day, the Foreign Secretary said in a statement that “we urgently need to see the full legislation, and will use that to determine whether there has been a breach of the Joint Declaration and what further action the UK will take.”<sup>6</sup>

Later on 30 June, the National Security Law was gazetted and took effect in Hong Kong. The law:

- Criminalises secession, subversion, terrorism and collusion with foreign forces and sets out maximum penalties of life imprisonment.
- Makes offences under this law applicable to anyone, anywhere in the world.
- Establishes new national security architecture for Hong Kong, including a Committee for Safeguarding National Security, under the supervision of the Central People’s Government.
- Creates a new Central People’s Government Office for Safeguarding National Security in Hong Kong, with staff dispatched from mainland national security authorities.
- Creates a new Department for Safeguarding National Security in the Hong Kong Police, a special prosecution division and a budget for national security.
- Grants police extra powers in national security cases, including searching premises and electronic devices, intercepting communications and compelling people or entities to surrender information and data.
- Requires the Chief Executive to pick judges sitting on national security cases.
- Allows trial without jury and non-public trials.
- Allows for mainland criminal code to be applied in certain circumstances, including removing a suspect to face trial in the mainland.
- Grants the NPCSC sole power of interpretation of the law.

On 1 July, the Foreign Secretary made a further statement to Parliament that declared a “clear and serious” breach of the Sino-British Joint Declaration<sup>7</sup>.

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<sup>4</sup> <https://news.un.org/en/story/2020/06/1067312>

<sup>5</sup> <https://www.gov.uk/government/speeches/un-human-rights-council-44-cross-regional-statement-on-hong-kong-and-xinjiang>

<sup>6</sup> <https://www.gov.uk/government/news/foreign-secretary-statement-on-hong-kong>

<sup>7</sup> <https://www.gov.uk/government/speeches/foreign-secretary-statement-on-national-security-legislation-in-hong-kong>

“With permission, Mr. Speaker, I would like to make a statement regarding the latest developments on Hong Kong.

“As I feared when I addressed the House on 2 June, yesterday the Standing Committee of the National People’s Congress in Beijing adopted a wide-ranging national security law for Hong Kong. This is a grave and deeply disturbing step.

“We have carefully assessed the legislation. In particular, we’ve considered its impact on the rights, freedoms and critically high degree of autonomy bestowed on Hong Kong under China’s Basic Law for Hong Kong as well as under the Joint Declaration, which as the House well knows, the treaty agreed between China and the UK in 1984.

“So, Mr Speaker, today, I have the depressing but necessary duty to report to the House that the enactment of this legislation, imposed by the authorities in Beijing on the people of Hong Kong, constitutes a clear and serious breach of the Joint Declaration.

“Let me explain to the House the grounds for this sobering conclusion.

“First, Mr. Speaker, the legislation violates the high degree of autonomy of executive and legislative powers and independent judicial authority, provided for in paragraph 3 of the Joint Declaration.

“The imposition of this legislation by the government in Beijing, rather than it being left to Hong Kong’s own institutions, is also, it should be noted, in direct conflict with Article 23 of China’s own Basic Law for Hong Kong which affirms that Hong Kong should bring forward its own national security legislation.

“In fact, the Basic Law elaborates on this, and only allows Beijing to directly impose laws in a very limited number of cases, such as for the purposes of defence, foreign affairs, or in exceptional circumstances in which the National People’s Congress declares a state of war or a state of emergency.

“None of those exceptions apply here. Nor has the National People’s Congress sought to justify this law on any such ground.

“Second, Mr Speaker, the National Security Legislation contains a slew of measures that directly threaten the freedoms and rights protected by the Joint Declaration.

“In this respect, the House will be particularly concerned by the potentially wide-ranging ability of the mainland authorities to take jurisdiction over certain cases, without any independent oversight, and to try those cases in the Chinese courts.

“This measure violates paragraphs 3(3) and (5) of the Joint Declaration, and directly threatens the rights contained in the United Nations International Covenant on Civil and Political Rights which under the Joint Declaration are to be protected in Hong Kong.

“I think in particular, these measures represent a flagrant assault on freedom of speech and freedom of peaceful protest for the people of Hong Kong.

“Third, the legislation provides that Hong Kong’s Chief Executive, rather than the Chief Justice, will appoint judges to hear national security cases, a move that clearly risks undermining the independence of Hong Kong’s judiciary, again which is protected by paragraph 3(3) of the Joint Declaration.

“Fourth, Mr Speaker, the legislation provides for the establishment by the Chinese Government of a new Office for Safeguarding National Security in Hong Kong run by and reporting to the mainland authorities.

“That is particularly worrying Mr Speaker, because that Office is given wide-ranging powers, directly intruding on the responsibility of the Hong Kong authorities to maintain public order, again directly in breach of paragraph 3(11) of the Joint Declaration.

“Mr Speaker, the authorities in Hong Kong have already started to enforce this legislation, with reports of arrests by the police, and official notices warning against waving flags or chanting.

“In sum, Mr Speaker, this legislation has been enacted, as I said, in clear and serious breach of the Joint Declaration.

“China has broken its promise to the people of Hong Kong under its own laws. China has breached its international obligations to the United Kingdom under the Joint Declaration.”

“And it’s also worth saying Mr Speaker, having committed to apply the UN’s International Covenant on Civil and Political Rights to the people of Hong Kong, China has now written into law wide-ranging exemptions, which cannot credibly be reconciled with its international obligations, or indeed its responsibilities as a leading member of the international community.

“Mr Speaker, we want a positive relationship with China. We recognise its growth, its stature and the powerful role it can play in the world.

“And I would say it is precisely because we respect China, as a leading member of the international community, that we expect the Chinese Government to meet its international obligations, to live up to its international responsibilities. It has failed to do so with respect to Hong Kong, by enacting legislation which violates its autonomy and threatens the strangulation of its freedoms.

“It is a sad day for the people of Hong Kong, and one which can only undermine international trust in the Chinese Government’s willingness to keep its word, and live up to its promises.

“For our part, Mr Speaker, the Prime Minister and the government are crystal clear that the United Kingdom will keep its word. We will live up to our responsibilities to the people of Hong Kong.

“And I can tell the House that after detailed discussions with my Right Honourable Friend the Home Secretary, I can confirm that we will now proceed to honour our commitment to change the arrangements for those holding British National (Overseas) status.

“I can update Honourable Members that we have worked with Ministers across Whitehall and we have now developed proposals for a bespoke immigration route for BN(O)s and their dependants.

- we will grant BN(O)s 5 years’ limited leave to remain, with the right to work or study
- after these 5 years, they will be able to apply for settled status
- and after further 12 months with settled status, they will be able to apply for citizenship

“This is a special, bespoke, set of arrangements developed for the unique circumstances we face and in light of our historic commitment to the people of Hong Kong.

“All those with BN(O) status will be eligible, as will their family dependants who are usually resident in Hong Kong. The Home Office will put in place a simple, streamlined, application process, and I can reassure Honourable Members that there will be no quotas on numbers.

“I want to pay tribute to the Home Secretary and her excellent team at the Home Office for their work in preparation for a moment, let’s face it, we all dearly hoped would not arrive.

“And the Home Secretary will set out further details on our approach in due course.

“Mr Speaker, in addition to changing the arrangements for BN(O)s, the UK will continue to work with our international partners to consider what further action we should responsibly take next.

“And I can tell the House, that yesterday, in the United Nations Human Rights Council, the UK made a formal joint statement expressing our deep concern about the human rights situation in both Hong Kong and Xinjiang.

“Twenty-six other nations joined that statement. This was the first time a formal statement has been made at the Human Rights Council on this issue, and it was delivered through our diplomatic leadership.

“We will continue to work with our partners in the G7, our partners in the EU and our partners in the region. Mr Speaker, I say again that we want a positive relationship with China.



“But, we will not look the other way on Hong Kong, and we will not duck our historic responsibilities to its people.

“We will continue to bring together our international partners to stand up for the people of Hong Kong, to call out the violation of their freedoms, and to hold China to their international obligations it freely assumed under international law and I commend this statement to the House.”

The EU High Representative made the following statement on behalf of the European Union on 1 July:

“The Standing Committee of China’s National People’s Congress adopted the National Security Law in Hong Kong on 30 June and subsequently promulgated it in Hong Kong the same day. The European Union reiterates its grave concerns about this law which was adopted without any meaningful prior consultation of Hong Kong’s Legislative Council and civil society.

“The European Union has a strong stake in the continued stability and prosperity of Hong Kong under the “One Country, Two Systems” principle. It attaches great importance to the preservation of Hong Kong’s high degree of autonomy, in line with the Basic Law and with international commitments, as well as to the respect for this principle.

“There are concerns about the conformity of the new law with Hong Kong’s Basic Law and with China’s international commitments. In line with assurances that China gave in the past, the European Union considers it essential that the existing rights and freedoms of Hong Kong residents are fully protected, including freedom of speech, of the press and of publication, as well as freedom of association, of assembly, of procession and of demonstration. The provisions of the International Covenant on Civil and Political rights (ICCPR) as enshrined in Hong Kong legislation must continue to be fully applied.

“The European Union is concerned that the law risks seriously undermining the high degree of autonomy of Hong Kong, and having a detrimental effect on the independence of the judiciary and the rule of law. Both of these principles remain essential for the continued stability and prosperity of Hong Kong, and are therefore of vital interest to the European Union and the international community.

“The European Union urges China to avoid any act which undermines Hong Kong’s autonomy in the legal field, including in terms of human rights.

“The European Union is assessing the implications of such a law and will continue to raise its concerns in its dialogue with China. It will continue to follow developments closely, including in the context of the upcoming Legislative Council elections on 6 September, which need to proceed as planned and in an environment conducive to the exercise of democratic rights and freedoms as enshrined in the Basic Law.”

## **SIGNIFICANT POLITICAL DEVELOPMENTS**

Civil unrest related to the earlier proposals to allow extradition from Hong Kong to mainland China continued into early 2020. As the threat from Covid-19 emerged, the protests, which were already reducing, gave way to strict social distancing. A number of democratic politicians and activists were arrested. In May, the report of the Independent Police Complaints Council into police handling of the protests was published. However, its conclusions did not dispel criticism of policing approaches or calls for a full independent inquiry into the events, as the UK Government has called for consistently. Its publication was quickly followed by the decision to impose the National Security Law.

### **Protests, violence and Covid-19**

The annual New Year's Day march was attended by 1.3 million people, according to organisers, The Civil Human Rights Front. Police estimated turnout of 60,000 at its peak. The march was cut short due to violence by a minority of protesters. Businesses in the area deemed to be associated with mainland China were vandalised and some roads were barricaded by protesters. Police deployed tear gas and water cannons in response and arrested 400 people for unlawful assembly and possession of offensive weapons. Protesters set fire to the bronze lion statues outside HSBC's headquarters, apparently in response to the bank's earlier closing of an account linked to a protest crowdfunding platform.

Small-scale protests continued throughout January, with a pattern of peaceful marches marred by subsequent violence.

On 7 January, the Hong Kong SAR Government added Covid-19 to its list of notifiable infectious diseases. By late January, there were reduced transport services with mainland China. Schools and universities closed, civil servants began working from home and major public events were cancelled. The Government faced criticism over the short supply of facemasks and their reluctance to close the border with the mainland. Protests began to turn towards the Government's response to Covid-19.

On 26 January, a protest about a proposed quarantine centre in Fanling turned violent, and a building was firebombed. Then, on 27 January, a small home-made bomb detonated in the Caritas medical centre in Cheung Sha Wan, with an accompanying warning that there would be "real bombs to come" if the border with mainland China was not closed. The next day an improvised explosive device was discovered in a rubbish bin at the Shenzhen Bay border crossing. On 2 February, two viable devices were found under a seat on a train at Lo Wu station, at the Shenzhen border. Police said that a message on social media had claimed responsibility, urging mainland border closure. No one was injured by any of the explosive devices.

On 3 February, Hong Kong's first death from Covid-19 was reported. An estimated 7,000 hospital workers went on strike to demand full border closure. Director of the CGLO, Luo Huining, described the strike as "a political form of coronavirus".

The following day, the Hong Kong SAR Government announced that all border crossings with mainland China would close, with the exception of Shenzhen Bay checkpoint and the Hong Kong-Zhuhai-Macao Bridge. On 5 February, Chief Executive Carrie Lam announced mandatory quarantine of 14 days for those arriving from mainland China.

On 29 March, the Hong Kong SAR Government banned gatherings of more than four people to prevent the spread of Covid-19, with a maximum penalty of HKD 25,000 and six months in prison. A Hong Kong Public Opinion Research Institute (PORI) survey, released on 15 April, suggested that 55% of respondents supported the Government's social distancing measures, 23% partially supported and 21% were opposed.

In this new context, a number of unauthorised events nevertheless took place. 230 people were arrested on 11 May for participating in such events. On 24 May, thousands turned out to demonstrate against the forthcoming National Security Law, with six people hospitalised and over 180 arrested. A further 50 people were detained at a protest on 9 June.

According to police figures, as of 30 June, 9,216 people had been arrested in connection with anti-extradition protests, of whom 40% were students (55% tertiary students and 45% secondary students). 1,972 people had been prosecuted, 653 of them in relation to alleged rioting. 141 people had been convicted, with 57 imprisoned for two weeks to four years. The majority of the legal cases are ongoing.

**The rights and freedoms of people in Hong Kong, including their right to freedom of speech and assembly, are expressly guaranteed in the Joint Declaration. These rights must be upheld.**

**The UK Government has continued to make clear during this reporting period that violence by protesters is unacceptable. It is important that all arrests follow due process and are handled transparently.**

### **Arrest of District Councillor Cheng Lai-king**

On 26 March, Police arrested District Councillor Cheng Lai-king for "seditious intent", a charge which was last used in 1952. Cheng was accused of illegally publishing the personal details of a police officer after forwarding, and later deleting, a Facebook post that detailed the name and identification number of the officer. Cheng had chaired a meeting of District Councillors in January that condemned Police Commissioner Chris Tang Ping-keung, causing him to walk out of the meeting.

### **Arrest of democratic politicians and activists**

On 18 April, 15 pan-democratic politicians and activists were arrested for organising, publicising or participating in unauthorised marches or protests between August and October 2019. The group consisted of former legislators, young activists and the owner of Apple Daily newspaper, Jimmy Lai Chee-ying.

The arrests attracted considerable media attention and allegations of selective justice. On 19 April, the Hong Kong SAR Government issued a statement that prosecutions were made “without political consideration”.

On 18 April, a Foreign and Commonwealth Office (FCO) spokesperson said:

“We are concerned about the arrests of a number of political figures in Hong Kong, and are following these cases closely. We expect any arrests and judicial processes to be conducted in a fair and transparent manner.

“The right to peaceful protest is fundamental to Hong Kong’s way of life and as such is protected in both the Joint Declaration and the Basic Law. It is essential that any protests are conducted peacefully, and that the authorities avoid actions that inflame tensions. The authorities should focus on rebuilding trust through a process of meaningful political dialogue”.

The US, Australia, the EU and the UN Special Rapporteur on Freedom of Association also raised concerns about the arrests.

On 15 May, the defendants were told that their cases would be transferred from the Magistrates’ Court to the District Court. District Courts can impose maximum sentences of seven years, as opposed to two years in a Magistrates’ Court. An adjournment to 15 July was granted by the judge after the fifteen challenged the decision to transfer their cases to the District Court.

### **Independent Police Complaints Council Investigation**

An investigation by the Independent Police Complaints Council (IPCC) into Public Order Events in Hong Kong was launched on 2 July 2019. On 20 December 2019, the High Court granted a judicial review by social worker Hendrick Lui Chi-hang to challenge the competence of the IPCC to undertake investigative work. The High Court ruled on 16 April that the IPCC held the necessary power to investigate.

The IPCC’s report was published on 15 May. It concluded that the police had used force in line with international standards when responding to Public Order Events. It noted that the use of force by the police had been “for protection of themselves and others when attacked by violent protesters”. The report characterised the main features of the protests as incipient terrorism, widespread vandalism and vigilantism.

The report made 52 recommendations including reviewing guidelines for use of force and training for officers, improving online intelligence gathering and developing effective communication strategies. Chief Executive Carrie Lam described the report as “comprehensive, objective, factually-based and extremely substantial”. Lam pledged to accept the recommendations and noted that there was “room for improvement” in how the police deal with protests in the future. The Hong Kong Security Bureau convened a task force to follow up on the report’s recommendations. The task force met for the first time on 28 May.

Following publication, one of the international panel members who resigned from the IPCC study, Professor Clifford Stott, said “it would seem the release of the IPCC report is part of a wider set of coordinated announcements designed to deliver the new ‘truth’”.

In response to the publication of the report, an FCO spokesperson said on 15 May:

“Addressing police accountability remains essential for rebuilding trust in Hong Kong. We will consider the conclusions of this report carefully.

“As we have consistently stated, we urge the authorities to facilitate a robust, independent inquiry.”

### **Hong Kong bans Executive Director of Human Rights Watch**

On 12 January, Executive Director of Human Rights Watch Kenneth Roth was denied entry to Hong Kong by immigration officials at Hong Kong International Airport. Roth was given no explanation for the decision.

Chinese Ministry of Foreign Affairs Spokesperson Geng Shuang was asked about the incident at a press conference on 13 January. Whilst he did not mention Human Rights Watch by name, he stated that “the NGOs concerned have been supporting anti-China rioters in Hong Kong through various means, inciting violence and inflaming separatist activities for ‘Hong Kong independence’. They bear major responsibility for the current chaos in Hong Kong”. Chief Executive Carrie Lam stated to media that “as far as immigration control, as usual, we will not comment on individual cases”.

Roth gave a statement, saying “I had hoped to spotlight Beijing’s deepening assault on international efforts to uphold human rights. The refusal to let me enter Hong Kong vividly illustrates the problem.”

### **Annual Tiananmen Vigil**

The annual Tiananmen Square candlelight vigil in Victoria Park on 4 June was refused permission by the police due to Covid-19 social distancing measures. The organisers asked the public to light candles at home instead. Nevertheless, several thousand people gathered in Victoria Park. Simultaneous demonstrations took place in Mong Kok and Kwun Tong. A number of organisers and activists have since been charged with unlawful assembly in relation to the vigil.

### **Education**

Criticism by pro-Beijing commentators of the Liberal Studies subject taught in secondary schools, and resulting calls for the introduction of “patriotic education”, have intensified in this reporting period. Liberal Studies was first introduced in secondary schools in 1992 and has been a compulsory subject since 2009. The visible participation of secondary school pupils and university students in the 2019 protests

led to many pro-Beijing politicians and commentators arguing for patriotic education.

On 11 May, in a newspaper interview, Chief Executive Carrie Lam urged schools to guard against students being affected by “fallacious arguments”. She noted that the Hong Kong SAR Government would announce later in the year how they planned to handle Liberal Studies.

In May, the Diploma of Secondary Education history exam included a question asking students to analyse whether Japan did more good than harm to China from 1900-1945. There followed public criticism from the Chinese Ministry of Foreign Affairs, and the Hong Kong Government Education Bureau subsequently asked the independent Hong Kong Examinations and Assessment Authority (HKEAA) to invalidate the question. The HKEAA withdrew the question on 22 May. Two of its staff resigned. Chief Executive Carrie Lam said the HKEAA had made a “professional mistake”.

On 23 May, Secretary for Education Kevin Yeung said that it was the responsibility of every citizen to uphold national security and that the Hong Kong SAR Government would consider how to explain the National Security Law to students and how to integrate the underlying principles into the curriculum.

**Annex I, Section X of the Joint Declaration makes clear that the Hong Kong SAR Government shall on its own decide policies in the field of education, and that institutions of all kinds, including those run by religious and community organisations, may retain their autonomy.**

### **Civil Servant oath-taking**

Thousands of civil servants took part in the 2019 protests against extradition. On 4 November 2019, the Legislative Council’s Panel on Public Service passed a non-binding motion calling for civil servants to be required to take an oath pledging to uphold the Basic Law and to swear allegiance to the Hong Kong Special Administrative Region. The then Hong Kong Secretary for the Civil Service Joshua Law Chi-kong said that the Hong Kong SAR Government was looking into whether it would be feasible to require civil servants to take an oath.

At a conference organised by the pro-Beijing DAB party on 7 June, Secretary for the Civil Service Patrick Nip Tak-kuen remarked that civil servants had two identities, serving Hong Kong but also China as a whole. Nip went on to say that “we will seek to strengthen civil servants’ national identity and their understanding of ‘One Country, Two Systems’”. Civil servants’ unions asked Nip to clarify his comments, pointing to Article 99 of the Basic Law which states that public servants “must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region”.

On 13 June, Nip said that the Hong Kong SAR Government was considering whether civil servants should take an oath of allegiance. Unions would be consulted once a policy had been agreed.

**As noted in the last Six-monthly Report, oath-taking has previously been used to disqualify pan-democratic candidates from standing in elections. We would be concerned if new requirements on civil servants undermined the provision in the Joint Declaration that the “appointment and promotion of public servants shall be on the basis of qualifications, experience and ability”.**

## **LEGAL AND JUDICIAL SYSTEM**

Hong Kong’s judicial system continued its common law tradition. However, the new National Security Law alters significantly the relationship between the mainland and Hong Kong judicial systems in national security cases.

### **Emergency Regulations Ordinance**

On 9 April, the Court of Appeal partially overturned a decision on 18 November by the High Court that it had been unconstitutional for Chief Executive Carrie Lam to invoke the Emergency Regulations Ordinance (ERO) in October 2019 to ban face masks due to their use in protests.

The Court ruled that the Chief Executive’s power to invoke the ERO was legal. However, the Court upheld the decision that some elements of the mask ban were unconstitutional, ruling that it was legal only when applied to unauthorised demonstrations. The Court expected the Chief Executive to repeal the ban “once the public danger subsides and the overall threat to law and order disappears”. Both the Department of Justice and pan-democratic legislators stated their intention to appeal to the Court of Final Appeal.

### **Removal of judges from protest cases**

Two judges were excluded from presiding over cases involving the 2019 protests.

On 27 April, District Judge Kwok Wai-kin was removed following remarks in court when sentencing a man who had stabbed three people at a ‘Lennon Wall’ in Tseung Kwan O in August 2019. Kwok said “Due to the circumstances, he emitted an uncontrollable howl and committed an abnormal act. It was not because he was imposing a political ideology onto the three victims or any other social movement participants”. A judiciary spokesman said that the Chief Justice had removed Kwok as the case had “led to controversial discussions in the community” and that the judiciary should not be deemed to be biased.

On 28 May, a judiciary spokesman stated that High Court Judge Patrick Li Hon-leung would no longer hear protest cases as it had been discovered that Li had signed a petition against the Extradition Offenders Bill (which sparked the protests) in May 2019.

## **Judicial appointments**

Justice Andrew Cheung Kui-nung will take over as Chief Justice upon the retirement of Geoffrey Ma Tao-li on 11 January 2021. Justice Cheung's appointment was endorsed by the Legislative Council on 18 June.

On 22 May, the Hong Kong SAR Government announced that the terms of three non-permanent judges – two British – to the Court of Final Appeal (CFA) would be extended for a further three years, starting on 31 May and 30 June. 13 non-permanent judges from other common law jurisdictions sit on the CFA.

**Hong Kong's independent judiciary is a cornerstone of its economic success and way of life. The National Security Law provides that Hong Kong's Chief Executive, rather than the Chief Justice, will appoint judges to hear national security cases. In addition to the provisions in the National Security Law that allow the mainland authorities to take jurisdiction over certain cases without any independent oversight, and to try those cases in the Chinese courts, this move clearly risks undermining the independence of Hong Kong's judiciary, which is protected by paragraph 3(3) of the Joint Declaration. We will monitor the use of this requirement closely, including its implications for the role of UK judges in the Hong Kong justice system.**

## **BASIC RIGHTS AND FREEDOMS**

The deterioration in Hong Kong's rights and freedoms accelerated during the reporting period. Some journalists and NGOs were prevented from entering Hong Kong. The National Security Law is already being implemented in a way that undermines freedom of speech and encourages self-censorship.

### **Press and Media Freedom**

In a statement on 12 May, the Hong Kong Journalists Association (HKJA) reported that police had forced journalists to read out their names and identity numbers to police video cameras, forced journalists to squat on the ground and sprayed journalists with pepper spray at close range.

The Foreign Correspondents' Club (FCC) met Police representatives on 2 June to discuss policing during protests. The FCC cited unprovoked attacks by police with pepper spray and tear gas. They also complained about new police tactics such as using tape to cordon off scenes of police action and police deliberately obstructing photographers by putting their hands in front of cameras.

A survey of 150 journalists by the HKJA on 18 June found that 98% of those surveyed opposed the National Security Law, with 87% believing that press freedom would be "severely affected" and over half saying they would be "very worried" about their personal safety.



## **Expulsion of US journalists**

On 18 March, China announced that it would revoke permission for all US journalists from the New York Times, Wall Street Journal and the Washington Post to operate in mainland China. The Chinese Ministry of Foreign Affairs said the move was in retaliation for the US designating five Chinese media companies as “foreign missions”. The statement indicated that the journalists would also not be allowed to work in Hong Kong or Macao.

The Foreign Correspondents’ Club (FCC) in Hong Kong and the HKJA strongly condemned the move. The FCC noted that under the Basic Law, decisions about employment visas for journalists had until now been made independently, and that any change in that policy would amount to a serious erosion of ‘One Country, Two Systems’.

The Hong Kong SAR Government responded that: “In handling each immigration case, the Immigration Department will consider the circumstances of the case and act in accordance with the laws and immigration policies.”

## **Review of Hong Kong Public Broadcaster**

Public broadcaster Radio Television Hong Kong (RTHK) was accused of breaching its impartiality by the Hong Kong SAR Government and Hong Kong Police at various times during this reporting period.

RTHK’s satirical television programme ‘Headliner’ was suspended after the Communications Authority warned RTHK for “denigrating and insulting” the Hong Kong Police. RTHK’s ‘The Pulse’ programme was also criticised by the Hong Kong SAR Government for asking an official from the World Health Organisation about granting membership to Taiwan during an interview.

On 4 March, the Communications Authority revoked the obligation for domestic free-to-air broadcasters to show RTHK programmes. On 28 May, the Hong Kong SAR Government announced a review of RTHK’s governance and management, citing public concern about programme management and content.

**Freedom of the press is one of the rights set down in paragraph 3(5) of the Sino-British Joint Declaration. It is vital that journalists are able to investigate and report without undue interference. We expect the Hong Kong authorities to abide by their international obligations and to investigate instances of attacks on the media. It is imperative that this freedom is fully respected, including in relation to immigration decisions involving journalists.**

## **Equality**

The High Court ruled on 4 March that excluding same-sex couples who have married overseas from applying for public housing as an “ordinary family” is unlawful and unconstitutional. The Hong Kong SAR Government has appealed the decision.

On 29 May, human rights activist Jimmy Sham Tsz-kit brought a legal case alleging that Hong Kong's laws violated his right to equality, as guaranteed by Article 25 of the Basic Law, by not recognising his same-sex marriage, registered in New York. The Hong Kong SAR Government argued that Article 37 of the Basic Law (on the right to marriage) superseded the equality provision. They argued that recognition of same sex marriage would affect the concept of "traditional" marriages, have financial implications for spousal benefits, public housing and education, and that the matter should be addressed by the legislature. The court ruled against Sham on 18 September 2020.

## **OTHER REPORTS AND INQUIRIES**

On 5 March, Amnesty International published the report "Hong Kong: Missing Truth, Missing Justice". This called for the Hong Kong SAR Government to "establish a special commission of inquiry specifically into police conduct during the Extradition Bill protests". Amnesty International argued that "UN bodies have clearly and consistently observed that the existing mechanism for investigating complaints against the police in Hong Kong falls short of international law and standards". It argued that an alternative system should be established which allowed for "fully independent, impartial, effective and thorough investigations, in compliance with international human rights law".

On 5 March, Freedom House's 2020 report scored Hong Kong 55/100 and as "partly free", a drop of four points from 2019.

The Reporters Without Borders 2020 World Freedom Index was published on 21 March. Hong Kong dropped seven places from 2019 to 80<sup>th</sup> out of 180 countries and territories, in part because "of violence against the media, mainly by the police and pro-Beijing criminal gangs, during the pro-democracy demonstrations in the summer and autumn of 2019".

On 11 March, the World Justice Project published its Rule of Law Index 2020. Hong Kong maintained its ranking of 5<sup>th</sup> in the East Asia and Pacific region, and 16<sup>th</sup> out of 128 countries and territories globally.

On 23 April, the National Democratic Institute (NDI) issued the 17<sup>th</sup> edition of "The Promise of Democratization in Hong Kong". The report covered the protests in 2019, and was based on discussions in Hong Kong with politicians, activists, academics, lawyers and business leaders. NDI made several recommendations to "bring an end to the political stalemate and social unrest" including:

- Beijing publicly affirming its commitment to the 'One Country, Two Systems' framework, and refraining from further moves to undermine Hong Kong's high degree of autonomy;
- The Hong Kong SAR Government establishing an independent commission to investigate allegations of excessive use of force by the police;

- The international community, in particular the United States and United Kingdom governments, continuing to publicly and privately raise concerns about the rule of law in Hong Kong.

The US Department of State 2019 Country Report on Human Rights Practices in China (including Hong Kong) was published on 11 March. It stated that “domestic and international observers continued to express concerns about central PRC government encroachment on the SAR’s autonomy”. The report highlighted a number of human rights issues, including “police brutality against protesters and persons in custody; arbitrary arrest; substantial interference with the rights of peaceful assembly and freedom of association; and restrictions on political participation”.

On 27 May, the US State Department reported to Congress, as required by the US Hong Kong Policy Act. US Secretary of State Mike Pompeo said, “I certified to Congress today that Hong Kong does not continue to warrant treatment under United States laws in the same manner as US laws were applied to Hong Kong before July 1997. No reasonable person can assert today that Hong Kong maintains a high degree of autonomy from China, given facts on the ground.”

### **All Party Parliamentary Group on Hong Kong Inquiry**

In January, the UK All Party Parliamentary Group (APPG) on Hong Kong launched an inquiry into possible human rights abuses of humanitarian and medical workers since the start of the 2019 protests. All Party Parliamentary Groups are informal, cross party groups that are independent of Government. The APPG invited submissions from individuals and organisations. The APPG on Hong Kong describes its mandate as being “to promote democracy and the rule of law, and to defend human rights in Hong Kong, to share information about Hong Kong, and to nurture relations between the United Kingdom and the people of Hong Kong”.

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

### **Visits**

Due to the outbreak of Covid-19 there have been no high level bilateral visits during this reporting period.

### **Trade and Investment**

The UK’s commercial interests in Hong Kong felt the effects of Covid-19 in various ways. While exports from the UK to Hong Kong held up well, Hong Kong exports to the UK declined steeply. From March 2019 to March 2020, total UK exports to Hong Kong increased by 10.9% (£1.3bn to £13.5bn). Imports from Hong Kong fell by 9.9% (£1.1bn to £9.8bn).

UK infrastructure companies active in Hong Kong experienced significant challenges, including the shutdown of construction sites and that many workers could not return

to Hong Kong following lockdowns in mainland China. In contrast, the financial and professional services sectors held up strongly.

In May, the British Chamber of Commerce was invited by the CGLO to attend two briefing sessions on the National Security Law ahead of its introduction.

## **Culture**

From 13-19 January, the British Council led a delegation of seven performing arts managers from Hong Kong's Leisure and Cultural Services Department and the West Kowloon Cultural District on a visit to UK arts venues and organisations to discuss disability and inclusion in the performing arts sector.

On 18-19 January, a Study UK fair was held in Hong Kong, with participation of over 80 UK institutions and attracting almost 6,400 visitors.

On 15 May, the British Council supported the Vocational and Professional Education and Training (VPET) online conference in Hong Kong, organised by the Vocational Training Council (VTC). Speakers came from Hong Kong, the UK, the US, Singapore and Australia. Over 10,000 participants attended the conference.

## **CONCLUSION**

Hong Kong's high degree of autonomy and rights and freedoms were agreed under the Sino-British Joint Declaration for 50 years from 1997. The imposition of the National Security Law represents a clear and serious breach of the Joint Declaration and directly threatens these rights.

China freely entered into the Sino-British Joint Declaration, and thereby guaranteed to uphold Hong Kong's autonomy, rights and freedoms. We urge China to fulfil that guarantee.

The UK will continue to pursue an approach in Hong Kong and elsewhere that remains rooted in our values, which respects the provisions of the legally binding Sino-British Joint Declaration and so upholds the principles of a rules based international order.

As the Foreign Secretary said on 1 July, China has failed to live up to its international responsibilities with respect to Hong Kong, by enacting legislation which violates its autonomy and threatens the strangulation of its freedoms. However, the United Kingdom will keep its word. We will live up to our responsibilities to the people of Hong Kong.

## LIST OF ABBREVIATIONS

APPG	All Party Parliamentary Group
CFA	Court of Final Appeal
CGLO	Central Government Liaison Office
DAB	Democratic Alliance for the Betterment and Progress of Hong Kong
ERO	Emergency Regulations Ordinance
FCC	Foreign Correspondents Club
HKJA	Hong Kong Journalists Association
HKMAO	Hong Kong & Macao Affairs Office
HKSAR	Hong Kong Special Administrative Region
HKSARG	Hong Kong Special Administrative Region Government
IPCC	Independent Police Complaints Commission
NDI	National Democratic Institute
NGO	Non-Governmental Organisation
NPC	National People's Congress
NPCSC	National People's Congress Standing Committee
LegCo	Legislative Council
PORI	Public Opinion Research Institute
RTHK	Radio Television Hong Kong
VPET	Vocational and Professional Education and Training
VTC	Vocational Training Council