



**THE SIX-MONTHLY REPORT ON HONG KONG  
1 JULY TO 31 DECEMBER 2019**

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

**11 JUNE 2020**

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## FOREWORD

This is the 46th in a series of regular reports to Parliament on the implementation of the 1984 Sino-British Joint Declaration on the Question of Hong Kong. The report covers the period from 1 July to 31 December 2019.

Although the substance of this particular Six-monthly Report covers the period up to 31 December 2019, this Foreword addresses subsequent events.

The UK remains fully committed to upholding Hong Kong's high degree of autonomy and rights and freedoms under the Joint Declaration and 'One Country, Two Systems' framework. Hong Kong's prosperity and way of life rely on freedom of speech and assembly, an independent judiciary and rule of law.

We want to see Hong Kong continue to succeed by harnessing the remarkable resourcefulness and determination of its people. However, Hong Kong has experienced its greatest period of turmoil since the handover. In accordance with the Joint Declaration, the solution to this unrest and its underlying causes must come from Hong Kong, and cannot be imposed from mainland China.

I am therefore deeply concerned by China's plan to implement national security legislation on Hong Kong. The proposed national security law undermines the 'One Country, Two Systems' framework, under which Hong Kong is guaranteed a high degree of autonomy with executive, legislative and judicial powers. For the Chinese Government, rather than Hong Kong's own institutions, to directly impose national security legislation would lie in direct conflict with Article 23 of Hong Kong's Basic Law, and with China's obligations under the Sino-British Joint Declaration.

At the time of writing, we have not seen the text of the legislation. However the law, as it has been described, raises the prospect of prosecution in Hong Kong for political crimes, which would undermine existing commitments to protect the rights and freedoms of the people of Hong Kong. Such legislation would be a clear violation of China's international obligations, including those made under the Sino-British Joint Declaration. The proposals also include provision for the authorities in Hong Kong to report back to Beijing on progress in pursuing national security education of its people, which is a sobering prospect.

There is still time for China to re-consider, to step back from the brink and respect Hong Kong's autonomy and respect its own international obligations. As I announced to Parliament on 2 June, if China enacts this legislation we will amend the arrangements for those with British National Overseas status in Hong Kong. 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, providing a path to British citizenship.

The unrest described in this report cannot be seen purely as a security and economic issue. Such a viewpoint does not adequately reflect the political nature of the concerns expressed by a wide section of Hong Kong society. We urge the Government of China to work with the people of Hong Kong and with the Hong Kong

Special Administrative Region Government to resolve the underlying tensions through political dialogue.

The UK has been consistently clear that violence and vandalism from protesters is unacceptable. Elections provide a chance to express views peacefully, and the UK hopes September's Legislative Council elections will be free, fair and without violence or intimidation.

It is critical to acknowledge that public trust in the Hong Kong police is at an all-time low. Policing must be proportionate and in line with international standards, including when using tear gas and pepper spray. Greater accountability and transparency are also essential. The recent investigation by the Independent Police Complaints Council (IPCC) lacked the necessary powers to subpoena witnesses and the resulting report has been heavily criticised. The Foreign Office statement on 15 May made clear again that we believe that only a robust and independent inquiry into the unrest – looking at all sides – can rebuild trust.

At the same time, it is also essential that the rule of law institutions of Hong Kong are allowed to operate free from political influence or intimidation. The UK, along with other countries and the Office of the United Nations High Commissioner for Human Rights, remains deeply concerned by the arrests of 15 senior pro-democracy figures on 18 April on charges relating to illegal assembly. We expect any judicial processes in these cases – as with any other case - to be conducted in the fair and transparent manner for which Hong Kong's judiciary has a renowned reputation. It remains to be seen how the proposed national security legislation, if enacted, would affect the rule of law in Hong Kong.

During the reporting period, the UK was shocked and appalled by the mistreatment suffered by Simon Cheng, a valued staff member at the British Consulate-General in Hong Kong. His treatment in Chinese detention, for more than two weeks, amounted to torture.

On 19 November, I summoned the Chinese Ambassador to express our outrage at Simon's brutal and disgraceful treatment, which was in flagrant violation of China's international obligations. I was also clear we expect the Chinese authorities to investigate and hold those responsible to account. Such incidents reinforce growing concerns in Hong Kong about the rights and freedoms so necessary to the territory's identity.

The way through the current situation in Hong Kong is clear: all sides must invest in dialogue and reconciliation, underpinned by a robust, independent inquiry. It is incumbent on the Hong Kong Government to acknowledge not just the economic causes of the unrest, but also its people's concerns about their freedoms and values.

The 'One Country, Two Systems' framework and the rights and freedoms set out in the Joint Declaration are essential to Hong Kong's future stability and success. The UK will not look the other way when it comes to the people of Hong Kong, we will stand by them, and we will live up to our responsibilities.

**Secretary of State for Foreign and Commonwealth 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 under the broad categories of:

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

## SIGNIFICANT POLITICAL DEVELOPMENTS

The civil unrest arising from protests against extradition proposals became the focal point for Hong Kong politics. This section lays out major events during the unrest, key aspects of the Hong Kong SAR Government’s response and the international reaction. Protests focussed initially on demands for the withdrawal of the Fugitive Offenders Bill, but following clashes between protesters and police, demands expanded to include greater police accountability as well as the wider issue of universal suffrage for Hong Kong.

On 23 October, the Hong Kong SAR Government withdrew the Fugitive Offenders Bill following an undertaking to do so by Chief Executive, Carrie Lam, on 5 September. The Hong Kong SAR Government did not agree to other demands from protesters, preferring to address police accountability through existing mechanisms rather than a Commission of Inquiry, and taking no steps towards political reform. Clashes between protesters and police intensified, with some protesters resorting to violence and vandalism. The Hong Kong SAR Government took initial steps towards public dialogue in September, but demanded that violence stop for more talks to take place. The violence reached a peak during the incidents at the Chinese University and Polytechnic University in November, before abating somewhat following the District Council elections. Use of force by the police has been a major political issue, including the treatment of arrested persons. The international community has reacted with concern to the situation; the UK stopped issuing licences for exports of crowd control equipment to Hong Kong, and in November the US passed and signed into law the Hong Kong Human Rights and Democracy Act.

China and the Hong Kong SAR Government have sought to characterise the protests as primarily socio-economic, rather than political, in nature. They have blamed

“foreign forces” for instigating the unrest, including characterising statements and comments from other countries as “foreign interference”.

The UK Government is clear that the international community should be able to hold China, and indeed any other country, to their international, legally binding obligations – such as those in the Sino-British Joint Declaration.

### **Unrest following the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill**

As mentioned in the previous Six-monthly Report, in February 2019 the Hong Kong SAR Government’s Security Bureau proposed amending Hong Kong’s mutual legal assistance and extradition arrangements. There followed widespread unrest on an unprecedented scale - with some protests during the summer attracting between 500,000 – 2 million people, according to organisers’ estimates<sup>1</sup>. A wide range of groups took part in protests, including civil servants, medical workers, students, schoolchildren, religious groups, social workers, lawyers, teachers and senior citizens. Mass peaceful protest gradually gave way to smaller more frequent protests, with a minority of young people increasingly prepared to use violence. The protest movement coalesced around “five demands”:

- To withdraw the extradition bill;
- To conduct a commission of inquiry into police brutality;
- To withdraw the characterisation of the protests as riots;
- To grant an amnesty to those arrested; and
- To implement full universal suffrage for the Chief Executive and Legislative Council elections.

This report does not aim to catalogue in their entirety the protests and response. Rather, what follows is a summary and selection of the events which attracted significant public and media attention. Many incidents involve ongoing legal investigations.

#### 1 July vandalism of the Legislative Council

On 1 July, crowds gathered to join the annual Hong Kong SAR Establishment Day march, an event which traditionally attracts large numbers. The Civil Human Rights Front, which organised the march, claimed that 550,000 people took part, while police estimated 190,000 at its peak. Later that evening some protesters broke away from the main crowd and occupied roads surrounding the Central Government Complex. A group broke into the Legislative Council building, vandalising the main chamber. Police used tear gas to disperse the crowds outside, prompting the protesters to vacate the Legislative Council building.

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<sup>1</sup> Police estimates are based on peak crowd numbers rather than overall attendance and as such are typically much lower.

In a press release the Hong Kong SAR Government strongly condemned the later events, stating that “Hong Kong is a society that respects the rule of law, and has never tolerated violence. Protesters who resort to violence must stop their acts immediately. The Police will take appropriate enforcement action to protect public order and safety”. At 04:00 the following morning, Chief Executive, Carrie Lam, held a press conference where she remarked that she was “outraged and distressed” by the scenes, but would reflect on events and “listen to all sectors of society”.

Then Foreign Secretary, the Rt Hon Jeremy Hunt MP, tweeted:

“UK support for Hong Kong and its freedoms is UNWAVERING on this anniversary day. No violence is acceptable but HK people MUST preserve right to peaceful protest exercised within the law, as hundreds of thousands of brave people showed today”

Speaking in Parliament on 2 July, then Minister for Europe and the Americas, Sir Alan Duncan, condemned the violence, noting that the vast majority of people had protested peacefully. During Prime Minister’s Questions on 3 July, then Prime Minister, the Rt Hon Theresa May MP, noted that she had raised concerns directly with Chinese leaders, reiterating that it was “vital that Hong Kong’s high degree of autonomy and the rights and freedoms set down in the Sino-British Joint Declaration are respected”.

In response, the Chinese Ministry of Foreign Affairs stated on 4 July that “UK Foreign Secretary Hunt has been making wanton remarks on Hong Kong affairs. China’s resolute response to Mr Hunt’s erroneous comments on Hong Kong-related affairs can also be applied to similar remarks made by other British officials including Prime Minister Theresa May”.

The Foreign and Commonwealth Office Permanent Under-Secretary Sir Simon McDonald summoned the Chinese Ambassador to tell him that the comments made on UK policy towards Hong Kong by the Chinese Ministry of Foreign Affairs spokesperson were unacceptable and inaccurate.

### 21 July vandalism of Central Government Liaison Office and incident at Yuen Long

According to organisers, on 21 July, around 430,000 people marched from Victoria Park, with police estimating a peak crowd of 138,000. Violence broke out when a group of the protesters gathered at the Central Government Liaison Office (CGLO), and threw eggs and ink. Riot police dispersed the crowd with tear gas and rubber bullets.

On the same night, a group of men wielding metal bars attacked members of the public in Yuen Long metro station. Witnesses remarked that the police appeared to arrive at the scene some time after the attacks, despite reports of multiple calls to emergency services. The Democratic Party, Civic Party and Labour Party strongly condemned the assaults, speculating that protesters returning from the earlier march had been specifically targeted.

The Hong Kong SAR Government described the incidents as unacceptable, saying that “The SAR Government strongly condemns any violence and will seriously take enforcement actions.”



### 12 August Airport disruption

The majority of flights were cancelled after protests at Hong Kong International Airport entered their fourth day. During a press conference, the Secretary for Transport and Housing, Frank Chan Fan, said that operations had been suspended due to “traffic congestion caused by protesters” and for aviation and public safety. He appealed to the protesters to leave the airport “peacefully” so that normal operations could resume. A Global Times reporter, Fu Guohao, and another man were attacked by protesters. Protesters left the airport after receiving messages that the police were planning to clear the area. Flight cancellations continued on 13 August.

### 25 August police fire live warning shots

There were clashes in Tsuen Wan and Kwai Tsang, which spread to nearby districts. A police officer fired a live warning shot, and water cannon was used for the first time during these protests. The Hong Kong SAR Government condemned the violence, saying that it pushed Hong Kong “to the verge of a very dangerous situation”.

### 26 August G7 Leaders’ statement

At their annual G7 Summit, the Leaders of Canada, France, Germany, Italy, Japan, the United States and the United Kingdom were clear in their concern about the situation in Hong Kong and issued a joint statement reaffirming their support for the Sino-British Joint Declaration and calling for an end to violence. Chinese Ministry of Foreign Affairs spokesman, Geng Shuang, responded to what he termed the “random accusations” and “irresponsible remarks”.

### 31 August incident at Prince Edward metro station

Clashes occurred late at night in the Prince Edward metro station in Kowloon. Riot police rushed onto platforms and train carriages to arrest protesters, and multiple clips on social media showed police hitting passengers with batons and using pepper spray. At a police press conference the following day, it was reported that 63 people had been arrested during the incident, the youngest aged 13 who had been in possession of two petrol bombs. Chief Inspector Yeung San-pong said, “We are now doing our investigation including review of CCTV, taking statements from the arrested persons, etcetera, so our case is now under investigation”. The Hong Kong Bar Association and Hong Kong Law Society issued statements condemning the police for “launching indiscriminate attacks without any apparent lawful excuse” and “exerting unnecessary force against passengers”.

There was extensive social media speculation around the incident for weeks afterwards, prompting press conferences from the police and Hong Kong SAR Government to attest that no-one had been killed. On 31 October, protesters marched from Victoria Park to mark two months since the incident.

## 5 September withdrawal of the Fugitive Offenders Bill

Chief Executive, Carrie Lam, announced the formal withdrawal of the Fugitive Offenders Bill to allay public concerns. The Chief Executive set out the Hong Kong SAR Government's response to the "five demands", as follows:

*"(i) First, on withdrawing the Bill. On June 15 I announced that the Bill was suspended and later reiterated that "the Bill is dead" and that all the legislative work had come to a complete halt;*

*(ii) Second, on setting up a Commission of Inquiry. The Government believes that matters relating to police enforcement actions are best handled by the existing and well-established Independent Police Complaints Council (IPCC), which was set up for exactly this purpose. In addition to handling complaints against individual police officers, the IPCC has undertaken a fact-finding study, under its powers, on the handling of large-scale public order events that took place after June 9. One focus will be the Yuen Long incident on July 21 which attracted serious public concern. The study aims to ascertain the facts, to assess the police handling of protests, and to make recommendations to the Government. The IPCC has established a panel of international experts to assist in its work and will make its findings and recommendations public;*

*(iii) Third, on the matter of the protest being a riot. We have explained that in fact there is no legal effect on how such incidents are described or categorised. The Department of Justice has assured the public that each and every prosecution decision is based on the evidence collected, and is in strict accordance with the relevant law and the Prosecution Code;*

*(iv) Fourth, on dropping charges against protesters and rioters and shelving prosecutions. I have explained that this is contrary to the rule of law, and is not acceptable. It also goes against the Basic Law, which states that criminal prosecutions must be handled by the Department of Justice, free from any interference;*

*(v) Fifth, on implementing universal suffrage. Indeed, this is the ultimate aim laid down in the Basic Law. As we said before, if we are to achieve this, discussions must be undertaken within the legal framework, and in an atmosphere that is conducive to mutual trust and understanding, and without further polarising society."*

The Hong Kong SAR Government set out "four actions":

- i) To withdraw the Fugitive Offenders Bill;
- ii) To support the work of the Independent Police Complaints Council (IPCC);
- iii) To begin direct dialogue with the community; and
- iv) To invite community leaders, professionals and academics to independently examine and review society's deep-seated problems and to advise the Government on finding solutions

The Foreign Secretary, the Rt Hon Dominic Raab MP, responded to the withdrawal of the Bill on Twitter, saying “these are welcome confidence-building steps. I hope they lead to meaningful dialogue between the Hong Kong government and the people it serves”. The Bill was formally withdrawn at the Legislative Council on 23 October by Security Secretary John Lee.

### 1 October protests and violence

On 1 October, to coincide with the 70<sup>th</sup> anniversary of the founding of the People’s Republic of China, a series of rallies took place involving tens of thousands of participants. Most of the participants protested peacefully, but later in the day clashes broke out between police and some protesters. Police used tear gas extensively and there were incidents of protester vandalism. In one of the altercations, a police officer shot a protester with a live round, which was the first use of a live round during recent protests. The protester was seriously injured but survived.

The Foreign Secretary issued the following statement

“While there is no excuse for violence, the use of live ammunition is disproportionate and only risks inflaming the situation. This incident underlines the need for a constructive dialogue to address the legitimate concerns of the people of Hong Kong. We need to see restraint and de-escalation from both protestors and the Hong Kong authorities”

### 3 November protester suffers fatal injuries

Hong Kong student Chow Tsz-lok fell from a multi-storey car park in Tseung Kwan O, allegedly when fleeing police. Police said that despite dispersal operations nearby there were no officers in the car park. They undertook to investigate the incident fully. Chow suffered fatal head injuries and died in hospital on 8 November. The following day an estimated 100,000 people (police suggested 7,500 at its peak) gathered in Tamar Park to mourn his death.

### 11 November day of violence across Hong Kong

Clashes took place during a city-wide general strike, with police deploying live rounds and tear gas. A police officer shot a protester in the stomach in Sai Wan Ho, after allegedly fearing for his safety. A member of the public was set on fire in the Ma On Shan district after an alleged altercation with protesters over national identity. And a police officer appeared to drive a motorcycle into a crowd of protesters and was reportedly later suspended. A Foreign and Commonwealth Office spokesperson said:

“Today’s events are deeply disturbing. We are seriously concerned by the ongoing violence, and the escalation between protestors and police. Protestors should avoid violence, and the police must not respond disproportionately. All sides need to find a way forward through dialogue.”

## 11 – 28 November clashes at universities

On 11 November, clashes broke out between students and police at the Chinese University of Hong Kong, with protesters dropping objects from a bridge on to the highway below. The stand-off continued for a number of days, then spread to other universities. Protests at City University in Kowloon Tong and Polytechnic University in Hung Hom, in particular, grew increasingly violent. Student protesters threw petrol bombs as they occupied the Polytechnic University site. Public transport around the campus was suspended, and the cross-harbour tunnel closed. Protesters set fire to a footbridge linking the campus to Hung Hom metro station. On 14 November, a man died after being hit on the head with a brick during clashes between pro and anti-government demonstrators. On 18 November, a Foreign and Commonwealth Office spokesperson said:

“The UK is seriously concerned by the escalation in violence from both the protesters and the authorities around Hong Kong university campuses. It is vital that those who are injured are able to receive appropriate medical treatment, and that safe passage is made available for all those who wish to leave the area.

We need to see an end to the violence, and for all sides to engage in meaningful political dialogue ahead of the District Council elections on Sunday.”

The majority of protesters left the site by 22 November. On 24 November, the Hong Kong police appealed to the remainder to leave in a peaceful manner, and on 29 November handed back the campus to university management.

**Allegations and counter-allegations between police and protesters make the facts of individual incidents difficult to establish, and reinforce the need for a thorough and independent investigation.**

**We will continue to fully support the right to peaceful protest, which has been exercised by the majority of Hong Kongers over many months. The UK Government has been consistently clear that violence is unacceptable. All sides will need to engage in genuine political dialogue if tensions are to be resolved.**

## **District Council elections**

District council elections took place across Hong Kong on 24 November. The lead-up to the elections was tense, with some calling for them to be postponed amidst ongoing protests and the violent clashes at universities. However, the elections passed off peacefully, with a record 2.94 million electors casting their vote (a turnout of 71.2%), far surpassing turnout in previous elections. 57% of the vote went to pan-democratic candidates with 42% going to pro-establishment candidates. This translated into pan-democratic candidates winning 393 of the 452 seats, gaining control of 17 out of 18 district councils.

Prominent activist Joshua Wong Chi-fung was disqualified from running, after the Returning Officer for Yau Tsim Mong district stated that Wong had not abandoned the idea of independence for Hong Kong.

In the run up to the elections, a number of candidates were subject to physical attacks, including pro-democracy candidate Solomon Chiang Man-ching, and pro-establishment candidates Cheung Hang-fai and Kwun Tong-wing in the week before polling day.

The results represented a landslide for the pan-democratic camp. Chief Executive, Carrie Lam, said that “the results reflect people’s dissatisfaction with the current situation and the deep-seated problems in society. The Hong Kong SAR Government will listen to the opinions of members of the public humbly and seriously reflect”.

The Foreign Secretary stated on 25 November:

“I welcome the Hong Kong government facilitating these elections, which were an important opportunity for the people of Hong Kong to make their voices heard. We don’t want to see any more violence. It was reassuring to hear Carrie Lam commit to reflecting seriously on the message delivered by the people of Hong Kong.

There is now an opportunity to find a way through the crisis with political dialogue that reflects the legitimate aspirations of the people of Hong Kong and respects the ‘One Country, Two Systems’ model”.

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

On 2 July, the Chairman of the Independent Police Complaints Council (IPCC), Dr Anthony Neoh QC, SC, JP, issued a press release saying that the IPCC would undertake a detailed study of events from 9 June to 2 July, in light of widespread public concerns. The study would have a special focus on the events of 10 and 12 June, when “violent clashes occurred” between protesters and police, and 1 July when the Legislative Council Complex was broken into and damaged by protesters. Dr Neoh noted that the IPCC would be unable to “effectively discharge its statutory functions without a complete picture of the Public Order Events, where all stakeholders, the public and the police, had the opportunity to tell their side of the story”. Members of the public would be able to send information to the IPCC via email or the existing telephone hotline. Dr Neoh went on to say that the IPCC would engage international experts, including the “heads of relevant bodies to advise on how future events might be better handled and how police procedures may be improved, if the Study does show the need for it”.

Chief Executive, Carrie Lam, issued a press release on the same day, saying “I am in full support of the study and have pledged that the Hong Kong SAR Government will render full co-operation in the course of the IPCC’s work and will ensure sufficient resources are provided to the IPCC secretariat. In view of the huge public interest in the study, I have requested the IPCC to consider submitting the study report, together

with any recommendations, to me within six months, and making public the report as soon as practicable”.

On 16 August, Dr Neoh announced that the IPCC would broaden its study to cover Public Order Events after 2 July and would publish findings in phases. He did not set a timetable for any subsequent reports. On 4 September, the IPCC announced that it was forming an International Expert Panel, who would provide experience and advice for the study. The five members would be headed by Sir Denis O’Connor, CBE, QPM, who served as Her Majesty’s Chief Inspector of Constabulary between 2008 – 2012.

On 10 November, one of the International Expert Panel members, Professor Clifford Stott, published the Panel’s Report of Progress on Twitter. The Report “indicated a shortfall in IPCC powers, capacity, and independent investigative capability necessary to match the scale of events and the standards required of an international police watchdog operating in a society that values freedoms and rights”. If the IPCC could revise its resources and processes it “may provide a compelling case for the next steps including a deeper more comprehensive inquiry in a number of respects by an independent body with requisite powers”. Dr Neoh responded that the Report had not yet been submitted formally to the IPCC and not been intended for publication.

In an interview with Shenzhen TV on 7 December Dr Neoh remarked that the international experts “don’t understand well our current situation” and that “what they suggested exceeded IPCC’s statutory functions”. On 11 December, the international experts left their positions, citing a crucial shortfall in the IPCC’s independence. Dr Neoh responded that the IPCC would liaise with the international experts on future arrangements.

On 20 December, 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.

**There have been widespread allegations of police misconduct from members of the public and from NGOs. These include not displaying identification, firing tear gas at eye level and in confined spaces, use of force against bystanders, journalists, human rights observers and first aiders, verbal abuse of protesters and journalists, mistreatment of suspects in detention and not using proportionate restraint. On 13 August, a spokesperson for the United Nations High Commissioner for Human Rights cited “credible evidence of law enforcement officials employing less-lethal weapons in ways that are prohibited by international norms and standards” and urged immediate investigation.**

**UK Ministers have made clear in Parliament that the UK will not issue any further export licences for crowd control equipment to Hong Kong unless they are satisfied that concerns raised about human rights and fundamental freedoms have been thoroughly addressed.**

**The UK has consistently maintained that there must be a robust, credible and independent investigation into handling of protests in Hong Kong. Such an inquiry would be an important step in healing divisions and rebuilding trust that would support the process of dialogue and resolution.**

## **Chief Executive's Public Dialogue**

On 26 September, Chief Executive, Carrie Lam, held a public dialogue session with 150 randomly selected members of the public. More than 20,000 applied to participate.

The Chief Executive took questions for two hours, with the main topics being an independent commission of inquiry into police handling of the protests and implementing universal suffrage. The Chief Executive responded by saying “shouldn't we let the IPCC complete its work in a few months, then make a judgment on whether or not we can accept its conclusion?”

The Chief Executive stated that many of the protesters' demands, including an amnesty for those arrested, were not in line with the rule of law, adding, “What happened in the last three months has broken many peoples' hearts. Like many in society, I hope the chaos and violence can end swiftly...Trust in the government has fallen off a cliff, but I hope to restore this in time, at least in part – talks will continue.”

No further formal public dialogue sessions have taken place. The Hong Kong SAR Government stated that dialogue was conducted with selected groups behind closed doors.

**The UK remains of the view that structured political dialogue is the only way to resolve the situation, and it is incumbent upon all parties to engage in good faith to achieve a peaceful resolution.**

## **US Human Rights and Democracy Act**

As covered in the previous Six-monthly Report, the US State Department published its annual Hong Kong Policy Act report on 21 March. On 27 November, President Trump signed legislation amending the Act and establishing the Hong Kong Human Rights and Democracy Act (2019). The new law requires the US government to impose sanctions against Chinese and Hong Kong officials it deems responsible for human rights violations in Hong Kong. The US State Department will produce an annual report monitoring progress.

The Act attracted significant attention in Hong Kong. Pro-democracy legislators visited the US on 12 August to brief officials, legislators and business leaders on the situation in Hong Kong ahead of a debate in Congress. On 8 September, several thousand protesters marched to the US Consulate-General in support of the Act. On 17 September, prominent activists Denise Ho Wan-see and Joshua Wong Chi-fung testified before a US Congressional-Executive Commission on China hearing on the protests. Ho urged lawmakers to pass the Act and that her plea was not “for so-called ‘foreign interference’”. It was a “plea for democracy...a plea for the freedom to choose”. In his testimony, Wong said that Beijing had “turned a whole generation of youngsters [into] dissidents”.

The Hong Kong SAR Government issued a press release expressing “deep regret over their action and reiterated that foreign legislatures should not interfere in any form

in the internal affairs of the Hong Kong SAR". On 14 October, organisers estimated 130,000 people attended a rally in Charter Garden calling for the US Government to pass the Act (police estimated 25,000 at its peak), and on 28 November, organisers estimated 100,000 people took part in a rally at Edinburgh Place to mark the signing of the Act (police estimated 9,600).

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

On 16 October, Chief Executive Carrie Lam delivered her annual Policy Address. Referencing the ongoing protests, Lam stated that adhering to the 'One Country, Two Systems' principle and the rule of law would solve the current "impasse" in society. Lam announced the Hong Kong SAR Government would put forward over 220 new initiatives, focusing on housing, land supply, improving people's livelihoods and economic development.

## **CONSTITUTION AND 'ONE COUNTRY, TWO SYSTEMS'**

This period of civil unrest in Hong Kong placed the 'One Country, Two Systems' model under more pressure and increased scrutiny.

The UK Government remains absolutely clear that the Sino-British Joint Declaration, and the commitments given therein, remain in force. China has consistently reiterated its commitment to 'One Country, Two Systems' as the best model for Hong Kong, including at the Fourth Plenum of the 19<sup>th</sup> Party Congress. However, the direction of travel set out in the Fourth Plenum, including renewed calls for "patriotic education", is likely to test the 'One Country, Two Systems' model and the limits of Hong Kong's autonomy.

### **Arrest of Simon Cheng Man-kit**

Simon Cheng Man-kit, a Hong Kong Chinese citizen employed by Scottish Development International as a trade and investment officer at the British Consulate General, was detained by mainland Chinese authorities on 8 August. Mr Cheng had been on an official business trip to Shenzhen, and was detained in the mainland China jurisdiction area of the West Kowloon train terminus upon returning to Hong Kong.

On 20 August, an FCO spokesman said:

"We are concerned by reports that a member of our team has been detained while returning to Hong Kong from Shenzhen....[we are] seeking further information from authorities in Guangdong Province and Hong Kong".



At a press conference on 21 August, Chinese Ministry of Foreign Affairs spokesperson, Geng Shuang, stated that Mr Cheng had been placed “under a 15 day administrative detention for violating the Public Security Administration Punishments Law of the PRC”.

Mr Cheng was later charged and released on 24 August. On 20 November, Mr Cheng released a full account of his treatment whilst in custody and gave several media interviews. On the same day, the Foreign Secretary summoned the Chinese Ambassador and released a statement:

“Simon Cheng was a valued member of our team. We were shocked and appalled by the mistreatment he suffered while in Chinese detention, which amounts to torture. I summoned the Chinese Ambassador to express our outrage at the brutal and disgraceful treatment of Simon in violation of China’s international obligations. I have made clear we expect the Chinese authorities to investigate and hold those responsible to account. The FCO is working to support Simon and his fiancée, including to come to the UK”.

In response, Chinese Ministry of Foreign Affairs spokesperson, Geng Shuang, said “The police guaranteed all his lawful rights and interests when he was under detention and he confessed all his offences”. On 26 November, the Chinese Embassy in London reiterated their assertion that Mr Cheng had been treated in accordance with the law, suggesting there had been “no such thing as ‘extorting confessions by torture’ as claimed by Cheng and the UK side”.

Hong Kong Constitutional and Mainland Affairs Secretary, Patrick Nip Tak-kuen, said that under ‘One Country, Two Systems’, Hong Kong citizens “had to observe Chinese laws when visiting mainland China”. Hong Kong Justice Secretary, Teresa Cheng Yeuk-wah, said that Mr Cheng should “report the matter to the relevant Chinese authorities”.

**A British Consulate employee was subjected to treatment in China which amounts to torture, in violation of China’s international obligations. The Foreign Secretary summoned Chinese Ambassador Liu Xiaoming to demand an investigation as required under the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which China is a party. As yet, China has not provided an adequate response on its undertaking to investigate Mr Cheng’s mistreatment. Such incidents damage China’s international reputation and fuel concerns in Hong Kong about rights and freedoms in mainland China.**

## Enduring status of the Joint Declaration

Speaking ahead of the 1 July anniversary of handover of Hong Kong and establishment of the Special Administrative Region, the then Foreign Secretary, the Rt Hon Jeremy Hunt MP, said:

“Recent protests in Hong Kong make it even more important on the anniversary of the handover to reiterate that the UK Government’s commitment to the Sino-British Joint Declaration is unwavering. It is a legally-binding treaty and remains as valid today as it did when it was signed and ratified over 30 years ago.

It is imperative that Hong Kong’s high degree of autonomy, and the rights and freedoms of the Hong Kong people, are fully respected in line with the Joint Declaration and the Hong Kong Basic Law. We have made our position on this clear to the Chinese Government, both publicly and in private, and will continue to do so.

Hong Kong remains one of the most thriving, exciting, dynamic cities in the world. It retains its distinctive identity, both within China and internationally. We remain committed to strengthening our rich and wide-ranging relationship with Hong Kong. Tens of thousands of Hong Kong students study in the UK every year. Hundreds of thousands of British citizens are resident in Hong Kong, as well as a significant number of British National (Overseas) Passport holders. We will continue to work together as partners in support of global free trade, and will continue to develop our bilateral trade links with Hong Kong.

We will continue to closely monitor events in Hong Kong. We strongly believe that upholding ‘One Country, Two Systems’ is the best way to ensure Hong Kong continues to play a vital role for China, and to continue its role and reputation as a global financial and trading centre for the rest of the world.”

At a regular press conference on 1 July, the Chinese Ministry of Foreign Affairs spokesperson, Geng Shuang, responded by saying that the Joint Declaration had “resolved the Hong Kong issue” and asserted that the UK no longer had any responsibility for Hong Kong.

On 19 December, the Foreign Secretary issued a statement marking the 35<sup>th</sup> anniversary of the signing of the Joint Declaration:

“This agreement between the UK and China made clear that Hong Kong’s high-degree of autonomy, rights and freedoms would remain unchanged for 50 years. The undertakings made by China, including the right to freedom of expression, an independent judiciary and the rule of law are essential to Hong Kong’s prosperity and way of life.

Hong Kong is experiencing its greatest period of turmoil since the handover. As a co-signatory of the Joint Declaration, the UK takes these commitments seriously and supports their implementation through the ‘One Country, Two Systems’ framework. The only way to guarantee Hong Kong’s future success and stability is by respecting these and addressing the legitimate concerns of the people of Hong Kong through meaningful political dialogue”.

**The Joint Declaration is a treaty signed by the UK and China and registered with the UN. The Joint Declaration is as valid today as when it was signed and ratified over 30 years ago. We will continue to closely monitor events in Hong Kong.**

### **Statements on ‘One Country, Two Systems’ by President Xi during this period**

70<sup>th</sup> Anniversary celebrations in Beijing: During his 1 October speech to mark the 70<sup>th</sup> anniversary of the founding of the People’s Republic of China, President Xi Jinping remarked that “We must remain committed to the strategy of peaceful reunification and ‘One Country, Two Systems’. We will maintain [the] long term prosperity and stability of Hong Kong and Macao, advance the peaceful development of cross-strait relations, unite the whole country and strive toward the complete unification of our country. No force can shake the status of our great motherland, no force can obstruct the advance of the Chinese people and Chinese nation.”

Comments during State Visit to Nepal: During a State Visit to Nepal on 13 October, President Xi, according to a Foreign Ministry statement, declared that “Anyone who attempts to split any region from China will perish, with their bodies smashed and bones ground to powder”. President Xi did not name any specific region, but media widely interpreted his comments to relate to the ongoing unrest in Hong Kong.

Chief Executive’s meeting with President Xi in Shanghai: On 4 November, Chief Executive, Carrie Lam, met President Xi Jinping at the China International Import Expo in Shanghai. It was the first official meeting between the two since protests began in June. According to Chinese state news agency Xinhua, President Xi demanded “unswerving efforts to stop and punish violent activities” in accordance with the law, but also called for more dialogue with different sectors of society, who would “fully and faithfully implement the principle of ‘One Country, Two Systems””.

President Xi’s comments at BRICS Summit: During the 11<sup>th</sup> BRICS Summit, held in Brasilia between 13 – 14 November, President Xi underlined Beijing’s support for the Hong Kong authorities, saying “we sternly support the Hong Kong police to take forceful actions in enforcing the law, and the Hong Kong judiciary to punish in accordance with the law those who have committed violent crimes”. He went on to say that “our commitment to fully implement ‘One Country, Two Systems’ has not changed,

and we resolutely oppose any foreign forces seeking to interfere in the internal affairs of Hong Kong”.

Carrie Lam’s duty visit to Beijing: On 16 December, Chief Executive, Carrie Lam, met President Xi Jinping to submit her annual report on the state of Hong Kong and to discuss the year ahead. President Xi said, “the past year was the most serious and complicated year since Hong Kong’s return to the motherland.” He noted that the Chinese Central Government would safeguard national sovereignty, security and development interests in Hong Kong, implement ‘One Country, Two Systems’, and oppose any outside interference. President Xi said that China will “steadfastly support Hong Kong’s patriotic forces, and we hope that all walks of life in Hong Kong society unite and together promote the return of Hong Kong’s development to the right path”.

### **Chinese Fourth Plenary Meeting**

Between 28 – 31 October, the Chinese Communist Party Central Committee met for their Fourth Plenary meeting. The Committee announced policies towards Hong Kong focussed on national security, the method to appoint the Chief Executive, “patriotic education” and ‘One Country, Two Systems’.

The plenary meeting communique stated that the Communist Party would “establish a sound legal system and enforcement mechanism for safeguarding national security” in Hong Kong and Macao.

Speaking at a press conference following the plenary, Shen Chunyao, Chairman of the Basic Law Committee of the National People’s Congress Standing Committee (NPCSC), emphasised that the success of Hong Kong was closely linked to the principles of “high degree of autonomy” and “Hong Kong governed by Hong Kong people”. He added that “we must uphold the principle that ‘one country’ is the top priority and the foundation for the implementation of ‘two systems’ must belong to and come under ‘one country’ and be unified within ‘one country’”.

He went on to say that “we must enhance the system and mechanism over the appointment of the Chief Executive and Principal Officials in the Special Administrative Regions, and the system over the interpretation of the Basic Law by the National People’s Congress, enabling the Central Government to exercise its authority as stipulated in the constitution and the Basic Law.”

Shen also set out intentions to “strengthen national education of Hong Kong and Macao people, especially civil servants and youth, including education of the constitution and the Basic Law, Chinese history and culture, in order to boost their national consciousness and patriotic spirit”.

**The policy measures relating to Hong Kong proposed in the Fourth Plenary meeting have attracted significant controversy in Hong Kong. Proposals on patriotic education, national security and the mechanism for electing the Chief Executive have all previously led to protests and raised concerns about consistency with Hong Kong’s high degree of autonomy.**

## **Civil servants oath-taking**

On 4 November, 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 move came after pro-establishment legislators demanded action to be taken against civil servants who had sided with protesters or had criticised the police.

On 27 November, the Hong Kong Secretary for the Civil Service, Joshua Law Chikong, said that the Hong Kong SAR Government was looking into whether it would be feasible to require civil servants to take an oath.

**Oath-taking has previously been used to disqualify pro-democracy candidates from standing in elections. A similar requirement for civil servants, if established, could represent a way to filter civil servants based on their political views.**

## **People's Liberation Army Hong Kong Garrison**

On 31 July, the commander of the People's Liberation Army (PLA) garrison in Hong Kong, Chen Daoxiang, stated that it was "determined to protect national sovereignty, security, stability and the prosperity of Hong Kong". Chen had been speaking at a reception to mark the 92<sup>nd</sup> anniversary of the PLA. At the reception, the PLA released a promotional video featuring a soldier shouting in Cantonese during an anti-riot drill: "All consequences are at your own risk".

On 9 August, deputy political commissar of the PLA garrison, Chen Yading, stated that the "garrison will continue to safeguard the long-term prosperity and stability of Hong Kong, and will be determined to combat evil separatist forces".

On 29 August, the PLA garrison conducted the 22<sup>nd</sup> rotation of its members. The Chinese media did not report, as it usually does, that the number of troops in the Garrison remained constant following the rotation.

On 12 November, Chinese state newspaper, the Global Times, praised Hong Kong police, telling them to "be tough" and that "when necessary, the People's Armed Police Force and the People's Liberation Army Hong Kong Garrison will back you up in accordance with the Basic Law". The reports appeared a day after a protester was shot by police.

On 16 November, PLA soldiers in plainclothes cleared roadblocks outside Baptist University, close to their Kowloon Tong barracks. Pro-democracy legislators condemned the move. Under Article 14 of the Basic Law, the Hong Kong SAR Government can request help from the PLA garrison for maintaining public order and disaster relief. The Hong Kong SAR Government confirmed that it did not request the assistance, and that the PLA had carried out a "voluntary community activity".

**China has not deployed the PLA to respond to protests, with the exception of the “voluntary community activity” mentioned above. However, the threat of PLA action and accompanying rhetoric has stoked fears that the Chinese authorities would seek to undermine Hong Kong’s rights and freedoms. The PLA presence must respect the Sino-British Joint Declaration, including Annex I, XII, which stipulates that “Military forces sent by the Central People’s Government to be stationed in the Hong Kong SAR for the purpose of defence shall not interfere in the internal affairs of the Hong Kong SAR”.**

### **Political pressure on business**

On 9 August, the Civil Aviation Administration of China (CAAC) issued a severe risk alert stating that staff of the airline Cathay Pacific who had participated in “illegal protests” or “radical activities” would be not be allowed to fly in and out of mainland China, citing “serious risks to aviation safety”. Flights without CAAC approved crew lists would not be allowed to use Chinese airspace. Cathay Pacific CEO, Rupert Hogg, resigned on 16 August. Chairman, John Slosar, said that new leadership was needed to “reset confidence”.

On 22 August, Chinese state media accused the Hong Kong Mass Transit Railway (MTR) Corporation of being an “accomplice” to protesters by arranging “special trains for rioters to escape for free”. The MTR Corporation, which is mainly owned by the Hong Kong SAR Government, then sought a court injunction to prevent people from “unlawfully and wilfully obstructing or interfering with the proper use of the station and trains of the railway system, damaging any property and causing disturbances at any station”. They also announced that it might close metro stations and suspend train services without prior notice if violent protests occurred at its stations. The MTR Corporation and metro stations then became a target for vandalism by protesters.

After Daryl Morey, General Manager of the Houston Rockets, tweeted on 6 October in support of Hong Kong protesters, state broadcaster China Central Television refused to show two US NBA pre-season exhibition games, and announced that it would “immediately investigate all cooperation and communication involving the NBA”.

**China’s use of its economic power to influence businesses in Hong Kong has been the cause of some concern. Employees should be allowed to participate in peaceful protest and to hold diverse political beliefs. Freedom of assembly and freedom of speech are guaranteed by paragraph 3(5) of the Joint Declaration.**

## **LEGAL AND JUDICIAL SYSTEM**

Hong Kong’s judiciary continued to enjoy a reputation for independence and impartiality throughout the period. Hong Kong’s legal community and civil society remain vigilant of Hong Kong’s constitutional order and are engaged actively in the promotion of rights and freedoms. Civil unrest has had a polarising effect on Hong Kong’s society, meaning that the judiciary has also faced increased pressure.

## Emergency Regulations Ordinance

On 4 October, Chief Executive, Carrie Lam, invoked the Emergency Regulations Ordinance (ERO) to ban face masks, saying that protests were “destroying the city”. The ERO enables the Chief Executive to invoke emergency powers to bypass the normal Legislative Council process. It was last used in 1967.

Hong Kong Secretary for Security, John Lee Ka-chiu, said that the ban would apply to authorised and unauthorised public assemblies, with penalties up to one year in jail and a fine of HK\$25,000. There are exemptions for people wearing masks for health reasons, or if required by their profession. Later that day protesters took to the streets to demonstrate, many wearing masks in defiance of the ban. The Foreign Secretary stated:

“Political dialogue is the only way to resolve the situation in Hong Kong. While governments need to ensure the security and safety of their people, they must avoid aggravating and instead reduce tensions.”

Several legal challenges against the law were made, including injunctions and judicial reviews, claiming that the new law was incompatible with Hong Kong’s Bill of Rights and the Basic Law. The High Court refused to grant the injunctions but said that the judicial review should be heard by the end of October.

On 18 November, the High Court ruled that the ban was unconstitutional. On 19 November, Zang Tiewei, spokesman for the Legislative Affairs Commission of the National People’s Congress Standing Committee (NPCSC), said that the High Court ruling “did not comply” with aspects of the Basic Law and that “[China’s] constitution and the Basic Law jointly form the constitutional foundation of [Hong Kong]...whether Hong Kong’s laws are consistent with the Basic Law can only be judged and decided by the NPCSC. No other authority has the right to make judgments and decisions”. The Hong Kong Bar Association issued a press statement the same day saying that the NPCSC remarks were “legally incorrect”, that under the Basic Law the courts “shall exercise judicial power independently and free from interference” and that “any suggestion that the Courts in Hong Kong cannot conduct [a] constitutional review circumscribes the exercise of judicial power by the Courts which they have always enjoyed and is contrary to the Basic Law”.

On 22 November, the High Court suspended for seven days the ruling that the ban was unconstitutional.

**The rule of law and independence of the judiciary are foundations on which Hong Kong’s success and prosperity is built. It is crucial that Hong Kong’s courts are able to exercise their power independently and free from interference. Paragraph 3(3) of the Joint Declaration sets out Hong Kong’s independent judicial power.**

## **Hong Kong judiciary**

On 12 September, a group of around 100 activists from the pro-Beijing Defend Hong Kong Campaign held a rally outside the Court of Final Appeal criticising judges for “helping” arrested protesters by granting them bail, and called for Chief Justice, Geoffrey Ma Tao-li’s, resignation. On 13 September, Chief Executive, Carrie Lam, condemned the protest, saying that “anyone who takes different views on the court rulings should not exert pressure on the judges or the courts by any means, or even launch personal attacks to avoid affecting the courts from making judgements impartially according to the legal grounds”. The Hong Kong Bar Association issued a statement saying that they “deplore any attack on the judiciary or any of its members”. The Hong Kong Law Society also issued a statement to “strongly condemn the unfounded comments that judicial decisions were made or influenced by political considerations, which are unjustified and damaging to our legal system, and to Hong Kong as a whole”.

On 4 November, the Foreign Affairs Committee (FAC) of the House of Commons published a report entitled: ‘A cautious embrace: defending democracy in an age of autocracies’. The FAC remarked that “as one of the judiciaries represented in the Hong Kong Court of Final Appeal, we believe that there could be a reputational risk to the UK if the Government inadvertently appears complicit in supporting and participating in a system that is undermining the rule of law”. On 6 November, the Hong Kong SAR Government issued a statement rejecting the report and saying that “The ‘One Country, Two Systems’ principle has been fully and successfully implemented. Hong Kong has its own legal system and exercises independent judicial power, including the power of final adjudication, through its own courts.” The Hong Kong SAR Government was “confident that our system of inviting judges from other common law jurisdictions to sit on the Court of Final Appeal will continue to work well”.

The UK Government in its response to the FAC’s report said “The rule of law underpins ‘One Country, Two Systems’ and Hong Kong’s future prosperity and success. Despite recent pressure on aspects of Hong Kong’s high degree of autonomy, the UK continues to believe that Hong Kong’s world-class, independent judiciary, plays an essential role in underpinning the rule of law in Hong Kong. Participation of foreign judges in Hong Kong’s Court of Final Appeal, as per paragraph 68 of Annex I of the Sino-British Joint Declaration, strengthens Hong Kong’s independent judiciary. The UK will continue to keep this assessment under review, noting that these judges are themselves independent, and therefore make their own decisions on participation. The UK is co-ordinating closely with partners, including Australia, Canada and New Zealand among others, on our response to the situation in Hong Kong”.

## **Judicial appointments**

On 13 December, the Hong Kong SAR Government confirmed the appointment of the Rt Hon Lord Jonathan Sumption as a non-permanent judge of the Court of Final Appeal for a term of three years commencing on 18 December. This appointment increases the number of non-permanent judges from other common law jurisdictions to 15 (half of the CFA total), ten of whom come from the UK.



**Participation of foreign judges in Hong Kong's Court of Final Appeal, as per paragraph 68 of Annex I of the Sino-British Joint Declaration, strengthens Hong Kong's independent judiciary.**

## **BASIC RIGHTS AND FREEDOMS**

The overall situation regarding rights and freedoms deteriorated during the reporting period. Politicians and human rights defenders suffered violent attacks. The relationship between media covering the protests and police became strained, and increasingly violent clashes between police and protesters left less space for peaceful protest.

### **Attacks on politicians and human rights defenders**

On 24 September, Democratic Party legislator Roy Kwong Chun-yu was admitted to hospital after being attacked by three people in Tin Shui Wai.

On 16 October, Civil Human Rights Front leader Jimmy Sham Tsz-kit was attacked by at least four assailants with hammers and spanners in Mong Kok. This was the second time Sham had been attacked in under two months.

On 3 November, during an altercation in a shopping centre in Tai Koo, six people were injured by a knife-wielding man, including district councillor Andrew Chiu Ka-yin who had part of his ear bitten off.

On 6 November, pro-establishment legislator Junius Ho Kwan-yiu suffered injuries after being attacked by a knife-wielding man whilst campaigning for the district council elections.

### **Press freedom and media violations**

During the reporting period there have been a number of incidents where journalists have raised concerns that their freedom of speech has been violated by the Hong Kong SAR authorities. Some members of the media have also been attacked by protesters.

On 29 September, Indonesian journalist Veby Mega Indah was hit in the eye with a rubber bullet. She has since taken legal action against the police.

On 3 October, the Hong Kong Journalists Association filed a judicial review to take then Police Commissioner Stephen Lo Wai Chung to court over acts which allegedly affected press freedom. On 30 October, High Court judge Anderson Chow Ka-ming said at a hearing that any attempt to establish the truth to these allegations would take years as so many complaints had been made. He said it would be more practical if the court limited itself to deciding on matters of principle, and suggested rolling the matter into a combined hearing, dealing with another similar judicial review, in March 2020.

In a statement on 11 October, the Foreign Correspondents' Club, reporting a meeting with police representatives, cited examples of police behaviour, including "deliberate spraying of tear gas and pepper spray at journalists as well as attempts to stop the media from filming events, blocking cameras and flashing strobe lights at the press".

On 2 November, the Hong Kong offices of Chinese State News Agency Xinhua were vandalised. Xinhua issued a statement condemning the "savage behaviour of rioters".

On 11 November, the Hong Kong Journalists' Association said in a statement, "A large number of clips show that even when reporters are standing on the sidewalk and there are no protesters around, police officers will still shout unreasonably, pull gas masks, bump with batons and shields, or deliberately spray pepper at reporters. Some police officers even threw tear gas bombs, shot bean bag rounds and rubber bullets at the reporters."

On 22 November, the International Federation of Journalists stated, "The continued violence and deteriorating environment for journalists, especially the continued intentional harassments and attacks on journalists by the police is concerning."

**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 go about their work without intimidation. We expect the Hong Kong authorities to abide by their international obligations and to investigate instances of attacks on the media.**

### **Freedom of Assembly**

Protests in Hong Kong require legal approval from the Hong Kong Police. According to correspondence between Amnesty International and the Hong Kong Police, between June and December 2019 the Hong Kong police received a total of 537 notifications about public order events on different themes and authorised 490 (91%). Many rallies and protests have also taken place without police permission.

### **Equality**

On 26 September, a gay couple, both Hong Kong residents, challenged public housing policy through a judicial review in the High Court; their application for a flat had been rejected because the couple did not meet the definition of an "ordinary family".

On 18 October, the Court of First Instance ruled against a lesbian woman who argued that not being able to marry or enter into a civil union with her partner violated her constitutional rights. The presiding judge said that existing laws did not cover same-sex marriage, adding it would be "beyond the proper scope of the functions and powers of the court to change a social policy on a fundamental issue". The judge argued that when interpreting the Basic Law, marriage is understood to be between a man and a woman. While stressing the court did not take a stance on same-sex marriage, Judge Anderson Chow Ka-ming wrote there was "much to be said" for the government to undertake a comprehensive review. "The failure to do so will inevitably lead to specific

legislations, or policies or decisions of the government or other public bodies being challenged in court on the ground of discrimination on an ad-hoc basis, resulting in an incoherent state of the law”.

On 14 November, police downgraded Hong Kong’s annual gay pride parade to a stationary rally, citing public safety concerns. The event took place peacefully on 16 November, with organisers claiming that 6,500 people participated, down from the 12,000 who took part in 2018.

## **OTHER REPORTS**

On 24 September, Amnesty International published a report entitled: *Beijing’s Red Line in Hong Kong*, highlighting how it believed that increasing restrictions on the rights to freedom of expression, association and peaceful assembly culminated in the protests. The report was based on interviews with journalists, activists, academics, students, NGO workers and legislators.

In a press release, Joshua Rosenzweig, Head of Amnesty International’s East Asia Regional Office, said “The steady erosion of rights and freedoms in Hong Kong began long before the announcement of the Extradition Bill. The Chinese authorities, in tandem with the Hong Kong leadership, have for years been chipping away at the special status that Hong Kong is supposed to enjoy regarding the protection of human rights”.

“The outrageous police response to the Extradition Bill protests has heightened fears that Hong Kong is sliding into the repressive style of rule seen in mainland China. We are urging the Hong Kong authorities to listen to the demands of millions of protesters and protect their right to peaceful assembly, in line with international and domestic obligations. Ordering an independent and effective investigation into police actions would be a vital first step.”

On 7 July, the Hong Kong Journalists Association published its annual report. Quoting a public opinion survey by the University of Hong Kong, the report stated that, “The freedoms of ‘academic research’, ‘speech’, ‘press’, ‘publication’ and ‘association’ have ... dropped to their record lows since the questions were first asked in August 1997.”

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

Selected examples and highlights of ongoing UK/Hong Kong bilateral exchanges are listed below.

### **Visits**

The Hong Kong Secretary for Transport and Housing, Frank Chan Fan, visited the UK to attend London International Shipping Week in September. Mr Chan also met the Secretary of State for Transport, the Rt Hon Grant Shapps MP, and Nusrat Ghani MP, the Parliamentary Undersecretary of State with responsibility for maritime and free

ports. Mr Chan and Ms Ghani discussed how London and Hong Kong can collaborate to promote the maritime industry.

Financial Secretary, Paul Chan Mo-po, visited London between 28 – 31 October, leading a Hong Kong Fintech delegation to visit the Accenture Fintech Innovation Hub. Mr Chan met then Chancellor of the Exchequer the Rt. Hon Sajid Javid MP, industry figures in green finance and wealth management, and gave a speech at the annual Hong Kong Trade Development Council dinner.

Secretary for Justice, Teresa Cheng Yeuk-wah, visited London between 13 – 17 November, meeting business and legal figures to promote Hong Kong's role as a dispute resolution and deal-making hub. On 14 November, Ms Cheng was due to give a speech at the Alexander Lecture 2019, organised by the Chartered Institute of Arbitrators. Protesters had gathered outside the event venue, where Ms Cheng fell and injured her arm. The Metropolitan Police are investigating Ms Cheng's report that she was pushed off the pavement by a protester.

## **Trade and investment**

Hong Kong had chosen the UK, through the Department for International Trade (DIT), as the partner country for its Business of Design Week 2019, an annual flagship event scheduled to take place between 2-7 December. The chair of the London Design Festival, Sir John Sorrell, was to have led the largest-ever delegation of British designers to Hong Kong. Due to the political unrest in the SAR, the Hong Kong Design Centre, in consultation with DIT as one of the key stakeholders, cancelled the event on 20 November. At the time of writing, DIT is in discussions with partners to agree how to re-engage with Business of Design Week in the future to deliver for UK design businesses.

Despite these challenges, the UK-Hong Kong trading relationship strengthened during the reporting period. Total trade in goods and services between the UK and Hong Kong was £23.7bn by the end of Q3 2019. This was a 9.7%, or £2.1bn, increase on the four quarters to the end of Q3 2018. The export of UK goods to Hong Kong increased by 9.5%, or £761m, to the end of Q3 2019, compared to the same period in 2018.

## **Culture**

Supporting people in Hong Kong to access UK education has continued to be a core part of the British Council's work. A number of fairs and roadshows have taken place, including the Study UK summer fairs held in July and August, which involved over 80 UK institutions and attracted almost 4,500 visitors in total. The Study UK Schools and Colleges Fair in October also reached record numbers, with 34 participating institutions and over 1,200 visitors. From 16-20 September the Study UK Schools Roadshow included 38 UK universities visiting 16 international and local schools across Hong Kong, reaching over 5,000 parents and students.

In July, the British Council partnered with the Hong Kong Book Fair to bring best-selling UK author Natasha Pulley to Hong Kong. Ms Pulley's visit attracted widespread media coverage. The Book Fair attracted 980,000 visitors.

There have been successful visits of major UK cultural institutions to Hong Kong during the reporting period, including the London Symphony Orchestra, Tate Gallery, British Museum, Ashmolean Museum of Art and Archaeology, V&A Museum, and Science Museum Group. In addition, the British Council organised a Cultural Skills programme from 29 September to 6 October for a delegation of seven senior museum curators from Hong Kong to visit UK museums and art organisations, including the Manchester Museum, The Whitworth Art Gallery, The Centre for Contemporary Chinese Art and the Birmingham Museums Trust.

### **Status of British Nationals (Overseas)**

The events of the six months of the reporting period generated increased interest in the status of British Nationals (Overseas). On 4 September, a group of British parliamentarians called for the UK and Commonwealth countries to offer Hong Kong people the right of abode as an "insurance policy".

On 9 September, British NGO Hong Kong Watch hosted an event in the UK Parliament, calling for the UK Government to consider extending the rights of BN(O) passport holders. On 10 September, over 100 parliamentarians signed a letter to the Foreign Secretary, calling on the UK government to urge Commonwealth countries to grant Hong Kong people second citizenship.

On 15 September, several hundred protesters rallied outside the British Consulate-General, urging the UK Government to "review the status of 'One Country, Two Systems' and act against the material breach of the Sino-British Joint Declaration".

## **CONCLUSION**

This has been an unprecedented and turbulent six months for Hong Kong. There has been widespread peaceful protest by large sectors of the society, calling for withdrawal of the extradition proposals, police accountability and political reform. There has also been violence and vandalism from some sections of the protest movement. The Hong Kong SAR Government withdrew the extradition proposals, but absent a wider political response, clashes between police and protesters intensified into an escalating cycle of violence. Inclusive and genuine political dialogue between all parties will be essential to de-escalation and reconciliation, as will a robust and independent investigation.

## LIST OF ABBREVIATIONS

BN(O)	British National (Overseas)
BRICS	Brazil Russia India China South Africa
CAAC	Civil Aviation Administration of China
CFA	Court of Final Appeal
CGLO	Central Government Liaison Office
DIT	Department for International Trade
ERO	Emergency Regulations Ordinance
FAC	Foreign Affairs Committee
HKSAR	Hong Kong Special Administrative Region
HKSARG	Hong Kong Special Administrative Region Government
MTR	Mass Transit Railway
NBA	National Basketball Association
IPCC	Independent Police Complaints Council
NGO	Non-Governmental Organisation
NPCSC	National People's Congress Standing Committee
PLA	People's Liberation Army
SAR	Special Administrative Region