

HUMAN RIGHTS SITUATION IN HONG KONG:

HONG KONG WATCH BRIEFING ON EVENTS: MAY 2023

EXECUTIVE SUMMARY

POLITICAL PRISONERS: ARRESTS, CHARGES, & TRIALS

In the last month, Beijing continued its crackdown on the pro-democracy movement in Hong Kong, with the following developments:

- The Hong Kong government has allocated an extra HK\$5 billion to its national security “special fund” in the last financial year.
- Pillar of Shame statue commemorating Tiananmen Square Massacre is seized as evidence for national security trial.
- Hong Kong’s high court rejects attempt by Jimmy Lai’s lawyers to have his NSL trial dismissed.

THE STATE OF THE RULE OF LAW AND POLICING

- One of Hong Kong’s biggest pro-democracy groups, the Civic Party, has voted to disband.
- Hong Kong passes law to restrict foreign lawyers from national security cases.
- Democratically-elected seats to be slashed to 20% for local Hong Kong elections.
- Hong Kong sees overall crime rise by almost 50% in first quarter of 2023.

A FREE PRESS IN THE CROSS HAIRS

- Tiananmen Square books are removed from Hong Kong libraries in run-up to anniversary.
- More than 100 leading journalists and editors from around the world have signed an open letter calling for the immediate release of Jimmy Lai.
- Decades-old political cartoon column is scrapped by Ming Pao following government criticism.
- Son of Jimmy Lai criticises UK Government for inaction.
- Hong Kong is ranked 140th in RSF’s press freedom index, trailing behind Colombia and Cameroon.
- Hong Kong foreign press club will seek legal advice and contact government before commenting on issues of press freedom.

STATE SECURITY AND ECONOMY

- HSBC has fought off an attempt by its biggest shareholder, the Chinese insurer Ping An, to break up the bank.
- UK's tax department is giving Hong Kong refugees' financial details to China.

OTHER DEVELOPMENTS

- US consultancy Mintz's executives leave Hong Kong after China raid.
- First UK ministerial trip to Hong Kong since 2018.
- South Korean NGO says Chinese officials visited office after they awarded rights prize to detained Hong Kong Tiananmen activist.
- UK MPs urge minister to do more to free Hong Kongers' trapped savings.
- The US Senate Committee on Foreign Relations passed a resolution condemning Beijing's destruction of Hong Kong's democracy and rule of law.
- UK's six-monthly report on Hong Kong restates that 'China remains in non-compliance' with the Sino-British Joint Declaration.

POLITICAL PRISONERS: ARRESTS, CHARGES & TRIALS

Hong Kong budgets additional HK\$5 billion for 'safeguarding national security'

The Hong Kong government allocated an extra HK\$5 billion to its national security "special fund" in the last financial year, an official document has revealed.¹

This fund allows the financial secretary to establish "a special fund to meet the expenditure for safeguarding national security" that is "not subject to any restrictions in the relevant provisions of the laws in force" as long as he has the Chief Executive's approval.

Pillar of Shame statue commemorating Tiananmen Square Massacre seized as evidence for national security trial

The Pillar of the Shame statue commemorating the Tiananmen Square Massacre which previously stood at Hong Kong University has been seized by the National Security Police for an incitement to subversion case.²

Meanwhile, Secretary for Security Chris Tang warned against harming national security on "a special occasion in a few days time," referencing the 34th anniversary of the Tiananmen Square Massacre on June 4. He did not say whether mourning the crackdown was illegal.³

¹ <https://hongkongfp.com/2023/05/19/hong-kong-earmarks-additional-hk5-billion-for-safeguarding-national-security/>

² <https://hongkongfp.com/2023/05/11/seizure-of-tiananmen-crackdown-statue-for-national-security-case-legal-reasonable-and-rational-police-say/>

³ <https://hongkongfp.com/2023/05/29/hong-kong-official-warns-against-harming-nat-security-on-special-occasion-as-tiananmen-crackdown-anniversary-nears/>

Hong Kong's high court rejects attempt by Jimmy Lai's lawyers to have his NSL trial dismissed

Hong Kong's high court has rejected an attempt by lawyers acting for Jimmy Lai to have his national security trial dismissed.

The court ruled that the argument the trial may appear to be biased had “no merits”, and gave the proceedings, which are scheduled to start in September, the green light.⁴

Meanwhile a group of UN experts have expressed “grave concern” over the arrest and detention of Jimmy Lai. In a joint communication sent to the Chinese government, the experts from the UN working group on arbitrary detention and several special rapporteurs focused on human rights said Lai's arrest and multiple prosecutions related to “his criticism of the Chinese government and his support for democracy in Hong Kong”.⁵

Lai's national security trial, which is due to start in September, is expected to last 83 days.⁶

THE STATE OF THE RULE OF LAW AND POLICING

Pro-democracy Civic party votes to disband

One of Hong Kong's biggest pro-democracy groups, the Civic Party, has voted to disband after several of its key members have been arrested or fled into exile in recent years.

Founded in 2006, it was once the second-largest opposition party in the city's Legislative Council. One of its founders, Albert Lai, said the party's end was “a symbol of the end of Hong Kong's nativistic democracy movement”.⁷

Hong Kong passes law to restrict foreign lawyers from national security cases

The Legislative Council passed a law, unanimously, to give the chief executive the power to veto any foreign lawyer from working on cases brought under the 2020 National Security Law.⁸

It follows a months-long effort to block a UK practitioner, Tim Owen KC, from defending Jimmy Lai in his national security case.

⁴ <https://www.theguardian.com/world/2023/may/29/hong-kong-court-rebuffs-effort-to-dismiss-jimmy-lai-national-security-trial>

⁵ <https://www.theguardian.com/world/2023/may/31/un-experts-express-grave-concern-over-detention-of-jimmy-lai-in-hong-kong-china>

⁶ <https://hongkongfp.com/2023/05/30/national-security-trial-against-hong-kong-media-tycoon-jimmy-lai-estimated-to-take-83-days/>

⁷ <https://www.bbc.co.uk/news/world-asia-65732862>

⁸ <https://www.theguardian.com/world/2023/may/11/hong-kong-passes-law-to-limit-work-of-foreign-lawyers-amid-ongoing-jimmy-lai-case>

British-based legal scholar Eric Lai said the amendment allowed for a broad government interpretation of what constituted a national security case, and therefore who might be allowed to get involved in it.⁹

Democratically-elected seats to be slashed to 20% for local Hong Kong elections

After a pro-democracy landslide in 2019, only 88 seats in November's District Council elections will be directly elected by the public – down from 452 in the last poll. 179 will be appointed by the city's leader, whilst all candidates will be screened.¹⁰

Chief Executive John Lee said the proposed overhaul will reduce the proportion of directly elected seats in the municipal-level organization to about 20% — from some 90% currently in a devastating blow to one of the last vestiges of democracy in the city.¹¹

Hong Kong sees overall crime rise by almost 50% in first quarter of 2023 – fraud and violent crime up

The overall crime rate in the first quarter of this year has increased by 48.4 per cent compared to the same period last year.

Secretary for Security Chris Tang attributed the rise to a continuous increase in fraud-related crime, as well as social activities returning to normal following the Covid-19 pandemic.¹²

A FREE PRESS IN THE CROSS HAIRS

Tiananmen Square books removed from Hong Kong libraries in run-up to anniversary

Books about the Tiananmen Square massacre, Hong Kong protest movements, and other subjects deemed politically sensitive by Beijing have been removed from Hong Kong's public libraries in the lead-up to the 34th anniversary of the killings on June 4.¹³

The newspaper Ming Pao reported that since 2020, around 40 per cent of books and recordings about political topics or figures had been removed from public libraries.

Of 468 political books and recordings identified by Ming Pao, at least 195 had been removed – 96 of them in the past year.¹⁴

⁹ <https://www.reuters.com/world/asia-pacific/hong-kong-restricts-foreign-lawyers-national-security-cases-2023-05-10/>

¹⁰ <https://hongkongfp.com/2023/05/02/breaking-democratically-elected-seats-slashed-to-20-for-local-hong-kong-elections-candidates-vetted/>

¹¹ <https://apnews.com/article/hong-kong-democracy-electoral-overhaul-138fbc46d70593f22050ed81a24fce30>

¹² <https://hongkongfp.com/2023/05/16/hong-kong-sees-overall-crime-rise-by-almost-50-in-first-quarter-of-2023-fraud-and-violent-crime-up/>

¹³ <https://www.theguardian.com/world/2023/may/16/tiananmen-square-books-removed-from-hong-kong-libraries-in-run-up-to-anniversary>

¹⁴ <https://hongkongfp.com/2023/05/16/books-removed-from-hong-kong-public-libraries-still-accessible-in-shops-says-chief-executive-john-lee/>

Editors around the world demand release of Jimmy Lai

More than 100 leading journalists and editors have signed an open letter calling for the immediate release of Jimmy Lai, the British media mogul detained in Hong Kong on national security charges.¹⁵

The open letter, co-ordinated by Reporters Without Borders, was signed by journalists and publishers from 42 countries, including two Nobel laureates, and highlights the importance of press freedom and condemns the imprisonment of Lai.¹⁶

Signatories include the Nobel laureates Dmitry Muratov, the Russian journalist, and Maria Ressa, the Filipino and American journalist, along with editors from a raft of British newspapers including Tony Gallagher (The Times), Victoria Newton (The Sun), Chris Evans (The Telegraph), Alison Phillips (Daily Mirror), Ted Verity (Mail Newspapers) and Katharine Viner (The Guardian).

Decades-old political cartoon column scrapped by Ming Pao following government criticism

Ming Pao announced it would stop publishing cartoons by Wong Kei-kwan, better known under his nom de plume “Zunzi”. Wong’s satirical cartoons on Hong Kong politics were published in Ming Pao since 1983. His popular comic strips lampooned officials and politicians throughout the British colonial era and after the 1997 changeover of sovereignty to Chinese rule.

Wong’s works have been criticised six times by government officials in the past six months, including by the police and the security bureau.¹⁷

Son of Jimmy Lai criticises UK Government for inaction

At a Washington event about the human rights situation in Hong Kong, Sebastien Lai said self-censorship in Hong Kong was the anticipated result of the national security crackdown there, but the “hypocrisy” of some governments trying to trade with China was unexpected.

“We are incredibly grateful that the Americans have been a lot stronger on these values that we all share ... than the UK government. The UK government has been incredibly weak,” said Lai, who like his father is a British citizen.

“It’s very sad to see a democratic government being afraid – or asking permission, even – to speak on behalf of one of its citizens that is in prison for freedom of speech,” said Lai. “It’s just ridiculous.”¹⁸

¹⁵ <https://www.theguardian.com/world/2023/may/16/jimmy-lai-editors-from-around-the-world-call-for-release-of-hong-kong-media-mogul>

¹⁶ <https://www.thetimes.co.uk/article/jimmy-lai-editors-demand-release-of-hong-kong-media-boss-cqdskh3h2>

¹⁷ <https://www.theguardian.com/world/2023/may/12/hong-kong-political-cartoonist-axed-after-40-years-following-criticism-from-officials>

¹⁸ <https://www.theguardian.com/world/2023/may/10/son-of-jailed-hong-kong-media-tycoon-condemns-weakness-of-uk-government>

Hong Kong ranked 140th in RSF's press freedom index

The city ranked 140th among the 180 regions in Reporters Without Borders (RSF) latest ranking report, trailing behind Colombia and Cameroon. China ranked 179th, just above North Korea.¹⁹

Hong Kong foreign press club to seek legal advice and contact government before commenting on issues of press freedom

Hong Kong's Foreign Correspondents' Club (FCC) has devised a set of guidelines for releasing statements on press freedom issues, which includes seeking legal advice and contacting government departments ahead of publishing.²⁰

STATE SECURITY AND ECONOMY

HSBC fights off plan by major investor to break up bank

HSBC has fought off an attempt by its biggest shareholder, the Chinese insurer Ping An, to break up the bank during a frequently tense annual general meeting.

HSBC chairman Mark Tucker said the result "draws a line" under a long-running debate about the bank's structure.²¹

UK's tax department is giving Hong Kong refugees' financial details to China

An investigation has found that campaigners against China's authoritarian regime are having their personal details shared without their knowledge.

HM Revenue and Customs (HMRC) has divulged the UK addresses and bank balances of Hong Kong and Chinese nationals, according to The Times, leading to worries that it could leave them vulnerable to reprisals from mainland authorities.²²

The revelations follow an agreement signed by countries in 2014 to stop tax evasion. Under it, countries automatically share basic financial information about each other's expats.²³

¹⁹ <https://hongkongfp.com/2023/05/03/just-in-hong-kong-ranks-140th-on-2023-intl-press-freedom-index-below-colombia-cameroon/>

²⁰ <https://hongkongfp.com/2023/05/30/hong-kong-foreign-press-club-to-seek-legal-advice-contact-govt-before-commenting-on-issues-of-press-freedom/>

²¹ <https://www.bbc.co.uk/news/business-65478826>

²² <https://www.thetimes.co.uk/article/hmrc-passes-dissidents-details-to-china-via-tax-evasion-crackdown-7pxv857f9>

²³ telegraph.co.uk/world-news/2023/05/29/hmrc-hong-kong-china-tax-information-sharing/

OTHER DEVELOPMENTS

US consultancy Mintz's executives leave Hong Kong after China raid

Some Hong Kong-based staff with US consultancy Mintz Group have left the city after the firm's Beijing office was raided by Chinese police in March.

Investigations by Chinese authorities into Mintz, as well as U.S. management consultancy Bain & Co and mainland consultancy Capvision Partners, have sent a chill through companies that deal with China, with many unclear where red lines stand as Beijing prepares to introduce stricter anti-espionage laws in July.²⁴

First UK ministerial trip to Hong Kong since 2018

Investment minister Lord Dominic Johnson said he would discuss boosting trade in fintech and financial services with Hong Kong government representatives in the first UK ministerial visit to Hong Kong since 2018.

It came after the highly controversial attendance of China's vice-president Han Zheng at the King's Coronation.²⁵

Brian Davidson, British consul general to Hong Kong and Macau, said more ministerial exchanges lay ahead too with three Hong Kong ministers – including finance chief Paul Chan Mo-po and health minister Lo Chung-mau – planning trips to London this year.²⁶

South Korean NGO says Chinese officials visited office after they awarded rights prize to detained Hong Kong Tiananmen activist

The visit of three officials from the Chinese embassy in South Korea to the May 18 Foundation came after it picked Chow Hang-tung as this year's winner of the Gwangju Prize for Human Rights.²⁷

Chow has been accused of conspiring to incite subversion, together with the Alliance and two of its form leaders, under the Beijing-imposed national security law. She has been detained in custody since September 2021.

²⁴ <https://www.reuters.com/world/china/us-consultancy-mintzs-executives-leave-hong-kong-after-china-raid-sources-2023-05-19/>

²⁵ <https://www.standard.co.uk/news/politics/hong-kong-beijing-british-britain-uk-government-b1079516.html>

²⁶ <https://www.scmp.com/news/hong-kong/politics/article/3219296/turning-new-page-britain-wants-reinvigorate-ties-hong-kong-and-have-less-megaphone-diplomacy-says>

²⁷ <https://hongkongfp.com/2023/05/11/korean-ngo-says-chinese-officials-visited-office-after-they-awarded-rights-prize-to-detained-hong-kong-tiananmen-activist/>

UK MPs urge minister to do more to free Hong Kongers' trapped savings

More than 90 MPs and peers from across the political spectrum wrote to the UK Government to demand action following the retaliatory action taken by China to block the pension savings of Hong Kongers fleeing to the UK.²⁸

The letter comes as Hong Kong Watch research shows that thousands of Hong Kongers who have fled to the UK are being denied access to over £2.2 billion of their pension savings held in the Mandatory Provident Fund (MPF).

Siobhain McDonagh, the Labour MP, raised the issue in the UK Parliament, calling on the Home Secretary to ensure that UK banks like HSBC give Hong Kongers who have moved to the UK under the BNO visa scheme access to their pensions.²⁹

US Senate Committee on Foreign Relations passes NSL Resolution

The US Senate Committee on Foreign Relations passed a resolution condemning Beijing's destruction of Hong Kong's democracy and rule of law. It highlighted that the National Security Law is "a vaguely defined criminal statute that includes overly broad charges and extraterritorial reach to punish people for exercising their fundamental rights and freedoms."³⁰

China's Office of the Commissioner of the Ministry of Foreign Affairs in Hong Kong reacted to this with a statement condemning the resolution and that the Committee "opposed China and stirred up chaos in Hong Kong."³¹

UK's six-monthly report on Hong Kong restates that 'China remains in non-compliance' with the Sino-British Joint Declaration

In the foreword to the six-monthly report, Foreign Secretary, James Cleverly MP, writes that 'China remains in an ongoing state of non-compliance with the Sino-British Joint Declaration' and calls on 'Beijing and the Hong Kong authorities to implement the recommendations made in the UN Human Rights Council July report on the implementation of the International Covenant on Civil and Political Rights, including by removing the National Security Law.'³²

He went on to state that 'the UK will continue to monitor closely how recent changes in Hong Kong will be implemented', including the abolition of democratic elections for District Councillors and developments related to the national security trials of the StandNews journalists, the 47 democrats, and Jimmy Lai.

²⁸ <https://www.hongkongwatch.org/all-posts/2023/5/12/90-parliamentarians-demand-action-over-the-blocked-pension-savings-of-those-who-have-fled-hong-kong>

²⁹ https://twitter.com/hk_watch/status/1660671826077401088?s=20

³⁰ https://www.foreign.senate.gov/imo/media/doc/03-15-23_hong_kong_res.pdf

³¹

<https://www.facebook.com/MFAofficeHK/posts/pfbid02inQbe1dfz2XTDNTgK5gZj1AEVnqnjeLWUuH9L516YyCzExsbhKUksf5ntKGvEvkV1>

³² <https://www.gov.uk/government/publications/six-monthly-report-on-hong-kong-july-to-december-2022>