

HUMAN RIGHTS SITUATION IN HONG KONG:

HONG KONG WATCH BRIEFING ON HUMAN RIGHTS DEVELOPMENTS: APRIL 2023

KEY FIGURES

Hong Kong's labour force reduced to **3,776,300** - which is a fall of **2.4%** - in 2022.¹

12,000 teachers have resigned in Hong Kong since 2021.²

95% of applicants approved in Hong Kong's Top Talent Pass Scheme were from Mainland China.³

EXECUTIVE SUMMARY

POLITICAL PRISONERS: ARRESTS, CHARGES, & TRIALS

- Stand News Testimony Ends
- Trial of 47 Democrats Continues
- Joshua Wong Sentenced for Doxxing
- Two Arrested for Shooting Water Guns
- Woman Jailed for Four Months Over Facebook Posts

STATE OF THE RULE OF LAW AND POLICING

- UN's Special Rapporteur Raises Concerns Over NSL
- District Council Elections to be 'Patriot Only'
- District Council Elected Seats to be Reduced

MEDIA FREEDOM IN THE CROSS HAIRS

- APPG Publishes New Report, Hong Kong Condemns It
- Hong Kong Free Press Journalist Followed
- Student Arrested Over Facebook Posts
- Over 80% of Journalists Who Left Hong Kong Do Not Regret Decision

¹<https://www.scmp.com/news/hong-kong/hong-kong-economy/article/3215889/hong-kong-loses-94000-workers-2022-biggest-drop-labour-force-records-began-almost-four-decades-ago>

²<https://www.theguardian.com/world/2023/apr/25/hong-kong-some-schools-face-closure-as-birthrate-and-exodus-take-toll>

³<https://www.bloomberg.com/news/articles/2023-04-08/china-applicants-make-up-95-of-hong-kong-talent-visa-approvals?leadSource=verify%20wall>

- Hong Kong Libraries Remove Books
- Media Outlets Barred from Covering National Security Event

A GREAT PURGE UNDERWAY

- Hong Kong Labour Force Reduces by 2.4%
- Schools Face Closure as Number of Students Drops
- Hong Kong Authorises First Protest Since 2020
- John Lee States that Hong Kong Rally Requests Should be Carefully Vetted
- 95% of Top Talent Pass Scheme Approvals from Mainland China
- Hong Kong's Public Universities to Recruit BRI Students

STATE SECURITY AND ECONOMY

- UK Foreign Secretary Outlines New China Position
- China Mobile Explores Acquiring Hong Kong Telecom Firm
- LVMH Moves from Hong Kong to Shanghai

OTHER DEVELOPMENTS

- “Happy Hong Kong” Campaign Launched
- Free Flights’ Website in Simplified Chinese
- Han Zheng to Attend King Charles’ Coronation
- New Settlement Route for Hong Kong Veterans
- Twitter Removes Labels for News Outlet Accounts

POLITICAL PRISONERS: ARRESTS, CHARGES & TRIALS

Stand News Testimony Ends

As the Stand News trial continues, the testimony of Chung Pui-kuen, former chief editor of Stand News, has finally ended. The trial, which began in October, was set to last 20 days and has already lasted three times that length. Chung and Patrick Lam, a former acting editor of the outlet, and the outlet's parent company Best Pencil Limited, face trial after being accused of conspiring to publish seditious publications.

In his testimony, Chung said that he would not publish commentaries that were groundless or meaningless. He added that he did not see how any of the 17 articles that the prosecution submitted as evidence were based on fake news or unfounded information. Lam declined to testify. The defence and the prosecution will present their closing arguments from June 19 to 21.⁴

Trial of 47 Democrats Continues

The long-anticipated trial of the 47 democrats opened on Monday 6 February 2023. The trial concerns the 47 democrats who organised or participated in “unofficial” primaries in July 2020. As a result of these primaries, 55 people were arrested in January 2021, in the largest crackdown since the National Security Law was passed.

Of these, 47 have been accused of “conspiracy to commit subversion” and are now facing trial. The majority of defendants have been in detention for 2 years, as only 13 have been granted bail. 31 of the defendants have pleaded guilty. This is one of the most significant trials since the National Security Law (NSL) was passed. Hong Kong Watch produces a weekly briefing available on the website.

This month, the second state witness, Andrew Chiu, began his testimony against his fellow democrats. He told a judge that an “anti-government” tendency emerged during the course of organising an unofficial primary election in 2020 and admitted that an online campaign which called on people not to vote for candidates who failed to join an unofficial legislative primary poll would have violated the city's election laws. Former lawmaker Dennis Kwok was also named a co-conspirator this month.⁵

⁴<https://hongkongfp.com/2023/04/04/stand-news-sedition-trial-testimony-of-ex-chief-editor-ends-after-36-days-as-closing-arguments-set-for-june/>

⁵ <https://hongkongfp.com/2023/05/01/explainer-hong-kongs-national-security-crackdown-month-34/>

Joshua Wong Sentenced for Doxxing

Joshua Wong was sentenced to three months in prison for doxxing. He breached court bans on disclosing personal information about a police officer who shot a protester during 2019 anti-government protests. Last year, he finished serving his two-year sentence for three other cases.

Wong rose to prominence as a student leader in the 2014 pro-democracy protests and has since been a leader in the Hong Kong movement. He was already in prison and faces up to life in prison for being a candidate in the unofficial primaries, in the ongoing trial of the 47 democrats' National Security case.⁶

Two Arrested for Shooting Water Guns

To celebrate the Buddhist new year known as “Songkran”, in Thailand (and also Myanmar, Southern China, and other parts of Southeast Asia), an event is held where water is splashed using buckets and squirt guns to drive away bad luck. This is a tradition in Thailand and other parts of Southeast Asia that the community shared in Hong Kong. However, two men were arrested for disorderly conduct after they shot water guns at policemen. They were also recorded firing their water guns at TVB reporters, which is considered a pro-Beijing media outlet.⁷

Woman Jailed for Four Months Over Facebook Posts

A 46 year-old woman has been sentenced to four months in jail after she admitted to making more than 60 social media posts that the court ruled to be seditious under the colonial-era Crimes Ordinance. The Facebook and Twitter posts were between June 2022 and March 2023. The content included targeting the Chinese Communist Party and sharing the popular 2019 protest slogan “Liberate Hong Kong, Revolution of our Times.” Her 12-year-old son, who was unable to visit his mother in detention after she was denied bail, asked the court to “let my mother come home”.⁸

⁶ <https://apnews.com/article/joshua-wong-hong-kong-protests-1fbab4b5bcf93dbb1b1452a799731c6e>

⁷ <https://www.bbc.co.uk/news/world-65259942>

⁸ <https://hongkongfp.com/2023/04/28/hong-kong-woman-jailed-for-4-months-over-seditious-twitter-and-facebook-posts/>

THE STATE OF THE RULE OF LAW

UN’s Special Rapporteur Raises Concerns Over NSL

Margaret Satterthwaite, the UN’s special rapporteur on the independence of judges and lawyers, wrote to China’s permanent representative to the UN Office in Geneva to raise concerns about the Hong Kong NSL. She said China should conduct a “review and reconsideration” of the NSL to ensure it is “in compliance with China’s international human rights obligations.” She added that “Provisions of the [NSL] could undermine the independence of the Judiciary in the HKSAR and restrict access to justice in Hong Kong.”⁹

This follows from the UN Human Rights Committee’s recommendation to review and repeal the NSL in July 2022, and the UN Committee on Economic, Social, and Cultural Rights’ conclusion that the NSL violated economic, social, and cultural rights in March 2023.

District Council Elections to be ‘Patriot Only’

The Chief Executive John Lee has announced that future District Council Elections will be solely composed of patriots and only “a certain number of seats” will be elected by the public, so that they are “depoliticised” and focused on administration. He added that they are “allowing people who love the country and Hong Kong and are willing to serve to participate in district councils through ‘various other ways’.”

This marks the latest obstacles for universal suffrage in Hong Kong after the government introduced an oath-taking requirement in 2021, applying it to all 479 members after the National Security Law was passed. This led to many district councillors quitting over fears they could be disqualified.¹⁰

District Council Elected Seats to be Reduced

In addition to the new requirements for district council election candidates, the Chief Executive also announced a new plan to reduce the proportion of directly elected seats. The percentage of directly elected seats in the District Council will reduce from 90% to around 20%, reflecting Beijing’s increasing control in Hong Kong’s politics, and the decreasing space for democracy.

⁹<https://hongkongfp.com/2023/04/25/united-nations-rights-expert-urges-china-to-review-reconsider-hong-kong-national-security-law/>

¹⁰<https://www.scmp.com/news/hong-kong/politics/article/3218244/future-hong-kong-district-councils-be-patriot-s-only-set-number-elected-seats-citys-john-lee-says>

Many critics see the new requirements and reduced number of elected seats as part of a broader crackdown on the pro-democracy movement, in preparation for the next District Council elections, which will be held later this year.¹¹

MEDIA FREEDOM IN THE CROSS HAIRS

APPG Publishes New Report, Hong Kong Condemns It

This month, the UK All-Party Parliamentary Group on Hong Kong published a report, “Media Freedom in Hong Kong: the case of Jimmy Lai and Apple Daily,” which details press freedom in Hong Kong, and on the national security case against pro-democracy media tycoon Jimmy Lai. The report urged the UK to treat Lai as a political priority, and label his current imprisonment ‘arbitrary detention’ and campaign for his release. The Hong Kong government rejected and disapproved of the “so-called report.”¹²

Hong Kong Watch submitted written and oral evidence to the APPG enquiry, and our Chief Executive Benedict Rogers spoke at the launch of the report in the British Parliament.

Hong Kong Free Press Journalist Followed

A reporter for English-language media outlet Hong Kong Free Press filmed an incident on March 22 in which two men followed her for about an hour as she travelled to work. She shared footage on the outlet’s website. Police are investigating the incident.

The Hong Kong Journalists Association also published a statement saying that it had received reports from other journalists who experienced similar behavior in recent weeks. This reflects the increasingly difficult environment for journalists in Hong Kong and challenges to freedom of the press.¹³

Student Arrested Over Facebook Posts

A 23-year old student has been arrested in Hong Kong after returning from Japan. While she was abroad, she shared social media posts, which Hong Kong police described as “inciting Hong Kong independence.” She has been charged with “inciting secession.” According to sources, the student was not especially political and had shared timely posts on social media. She had returned to Hong Kong to renew her documents. This is the first known arrest under the National Security Law for activities that took place outside of Hong Kong.

¹¹ <https://apnews.com/article/hong-kong-democracy-electoral-overhaul-138f46d70593f22050ed81a24fce30>

¹² <https://hongkongfp.com/2023/04/26/uk-report-on-press-freedom-in-hong-kong-calls-jimmy-lai-political-prisoner-citys-govt-slams-fact-twisting-inquiry/>

¹³ <https://www.voanews.com/a/safety-concerns-rise-as-journalists-report-being-followed-in-hong-kong/7027720.html>

This case shows the Hong Kong government is trying to expand the jurisdiction of the National Security Law and create a chilling effect among the diaspora community, and dampen the movement abroad. Although there was an extra-judicial provision in the National Security Law from the day that it was passed, it was unclear whether this could be applied.¹⁴

Over 80% of Journalists Who Left Hong Kong Do Not Regret Decision

The Association of Overseas Hong Kong Media Professionals (AOHKMP) surveyed 90 journalists who have left Hong Kong, in addition to 12 in-depth interviews, between December and February. They found that only a third of the journalists said they were continuing to pursue a career in the media industry, while others had transitioned to other sectors. Of these, 40% wished to re-enter the profession.

Among all the respondents, 72 said they had no plans to return to Hong Kong, while 81 respondents said they did not regret moving overseas. Many cited the difficult working conditions in Hong Kong which led to burnout and other mental health challenges.¹⁵

Hong Kong Libraries Remove Books

Hong Kong's Audit Commission, which operates Hong Kong's libraries, said that it has reviewed books "manifestly contrary" to the interests of national security and removed them from the collection. They said that there was a preliminary review of library materials the department started in 2021, and then examinations of some items for follow-up action still in progress in February this year. They also review books that they received complaints about, as citizens are allowed to raise concerns if they think a library book violates national security.¹⁶

Media Outlets Barred from Covering National Security Event

The Hong Kong government prevented multiple government-registered media outlets from covering a National Security Education Day this month. They even went as far as ignoring emails and evading questions by phone when asked to give an explanation.

One of these outlets was the Hong Kong Free Press, who asked the Information Services Department (ISD) for an explanation. They declined to reply in writing and stated in six phone calls that the "enquiry has been forwarded to the Committee for Safeguarding National Security Region for the HKSAR." The Hong Kong Journalists Association later stated that

¹⁴<https://www.dw.com/en/hong-kong-student-arrested-upon-return-from-japan-sparks-fears-over-security-laws-r each/a-65418216>

¹⁵<https://hongkongfp.com/2023/04/12/poll-finds-over-80-of-hong-kong-journalists-who-emigrated-do-not-regret -leaving-the-city/>

¹⁶<https://www.scmp.com/news/hong-kong/politics/article/3218437/hong-kongs-audit-commission-demands-city- libraries-step-efforts-root-out-books-manifestly-contrary>

they “question the legitimacy of the government’s filtering of media outlets, and the lack of transparency in the standard for screening.”¹⁷

THE IMPACT OF THE NATIONAL SECURITY LAW

Hong Kong Labour Force Reduces by 2.4%

According to Census and Statistics Department data, Hong Kong’s labour force fell by 2.4% to 3,776,300 in 2022. Over 94,000 employees were lost. This downwards trend started in 2019, and has continued due to the high amount of emigration from Hong Kong. Among the 94,100 who left the labour force last year, those aged 25 to 29 formed the biggest group. In total, Hong Kong’s population had dropped for a third straight year.¹⁸

Hundreds of thousands have left Hong Kong due to COVID-19 regulations, and the increasingly oppressive political climate.

Schools Face Closure as Number of Students Drops

After a significant decline in birth rate (which is now one of the lowest in the world) and the exodus from Hong Kong, local schools are facing the decision of whether to close or merge. Residents and expats have left in the last year due to Hong Kong’s strict COVID restrictions, and the government’s crackdown on rights and freedoms. In addition, 12,000 teachers have resigned in Hong Kong since 2021.

According to local media, at least 5 schools face closure because they failed to reach the minimum 16 enrolments in the first grade, which is in addition to the two recent cases of schools merging with each other.¹⁹

Hong Kong Authorises First Protest Since 2020

The Hong Kong Police approved of the first protest since 2020, although it comes with many tight restrictions which have been introduced since the National Security Law was passed. Around 50 demonstrators marched against a proposed land reclamation and rubbish processing project. They were required to wear numbered lanyards and were barred from wearing masks, and police monitored their march.

¹⁷<https://hongkongfp.com/2023/04/21/hong-kong-again-bars-several-registered-media-outlets-from-govt-event-peatedly-evades-questions-as-to-why/>

¹⁸<https://www.scmp.com/news/hong-kong/hong-kong-economy/article/3215889/hong-kong-loses-94000-workers-2022-biggest-drop-labour-force-records-began-almost-four-decades-ago>

¹⁹<https://www.theguardian.com/world/2023/apr/25/hong-kong-some-schools-face-closure-as-birthrate-and-exodus-take-toll>

There have been applications for many other protests since 2020, most notably the Annual Tiananmen Vigil, all of which have been denied. At the time, COVID-19 restrictions were cited as the reason, and the police have used other explanations since.²⁰

John Lee States that Hong Kong Rally Requests Should be Carefully Vetted

In response to the planned Labour Day protest, the Chief Executive John Lee stated that applications for public rallies in Hong Kong should be carefully vetted to ensure participants will not violate criteria such as national security and the rights of other residents. Lee added that residents could express their opinions in many ways, but reminded the rally organisers that they would be responsible for the event's compliance with the law.

These remarks came after the organisers of the Labour Day protest, including Joe Wong Nai-yuen, former chairman of the now-defunct Confederation of Trade Union, stood by their application to hold a 500-person protest, which they were awaiting approval on. In addition to the March protest that was highly regulated, this signifies many new challenges for the right to protest in Hong Kong.²¹

95% of Top Talent Pass Scheme Approvals from Mainland China

The Top Talent Pass Scheme, which was designed to attract high-income workers and top university graduates to Hong Kong, has released its first figures. The Immigration Department shared that 95% - 8,797 - of the approved applicants so far are from Mainland China. In addition, over half of the successful applicants to the talent program were between the ages of 18 to 30, while over 30% were aged 31 to 40.

The scheme is drawing people to Hong Kong in response to the large waves of emigration. However, it has already drawn much criticism, including for approving an application to He Jiankui, the Chinese scientist who was disgraced for “gene-editing babies.” His application was later revoked.²²

Hong Kong's Public Universities to Recruit BRI Students

The Heads of Universities Committee, which leads Hong Kong's public universities, have announced a HK\$10 million (US\$1.3 million) marketing campaign to attract students from countries in the Belt and Road Initiative. They have begun inviting marketing firms to promote this campaign, which they say will explore untapped markets.

²⁰ <https://www.aljazeera.com/news/2023/3/26/hong-kongers-hold-first-protest-in-years-under-strict-rules>

²¹ <https://www.scmp.com/news/hong-kong/politics/article/3218256/hong-kong-rally-requests-should-be-carefully-vetted-protect-national-security-freedoms-john-lee-says>

²² <https://www.bloomberg.com/news/articles/2023-04-08/china-applicants-make-up-95-of-hong-kong-talent-visa-approvals?leadSource=verify%20wall>

In the last seven years, the Hong Kong education authorities have already awarded HK\$118 million through a dedicated scholarship to more than 430 students, with an annual quota of 100 students from BRI countries.²³

STATE SECURITY AND ECONOMY

UK Foreign Secretary Outlines New China Position

The UK Foreign Secretary James Cleverly gave a speech on the UK's new position on China. In addition to assuring that cooperation with China will continue and that the UK wishes to continue investing in the relationship, he outlined that there will be doubling of funding for China capabilities across government.

Cleverly concluded that the UK's approach to China will focus on “protecting our national security, aligning with our friends, engaging and trading with China where our interests converge, avoiding policy by soundbite, and always standing up for the universal values which Britain holds dear.”²⁴

China Mobile Explores Acquiring Hong Kong Telecom Firm

The Chinese state-owned China Mobile is exploring a buyout of Hong Kong Broadband Network, one of Hong Kong's leading telecom companies. They have already sent a request for proposal to a small number of banks to advise on acquiring and privatising the company.²⁵

This could have consequences for the digital security and privacy of Hongkongers, who are already facing increasing concerns about their freedom of speech.

LVMH Moves from Hong Kong to Shanghai

LVMH, the luxury shopping company, has moved its regional headquarters from Hong Kong to Shanghai, reflecting the changes in the market and their shift to meet buyers where they are based. They said that buyers are now seeking to buy luxury goods domestically, instead of travelling to Hong Kong to purchase them, and that the economic recovery from the COVID-19 pandemic in Hong Kong has been slower than elsewhere in the region.

²³<https://www.scmp.com/news/hong-kong/education/article/3218348/hong-kongs-public-universities-launch-hk10-million-campaign-attract-students-belt-and-road-countries>

²⁴ <https://www.gov.uk/government/speeches/our-position-on-china-speech-by-the-foreign-secretary>

²⁵<https://www.reuters.com/markets/deals/china-mobile-explores-acquiring-hong-kong-telecom-firm-hkbn-sources-2023-04-18/>

As Hong Kong loses its relevance in the region, the company wants to focus more of its investment in growing Chinese cities such as Shanghai, Chengdu, Guangzhou and Shenzhen.²⁶

OTHER DEVELOPMENTS

“Happy Hong Kong” Campaign Launched

The Financial Secretary Paul Chan has announced a new campaign called “Happy Hong Kong” which is designed to boost residents’ mood and the economy. The campaign includes a number of cultural events, including food stalls and highly discounted cinema tickets. There will also be a carnival held in the summer. The total cost of the events for this campaign will be 20 million HKD, which was included in the new Budget plan that was announced in February.²⁷

Free Flights’ Website in Simplified Chinese

As part of the Airport Authority ticket giveaway to boost tourism, Cathay Pacific has opened a lucky draw of 27,000 Cathay Pacific round-trip tickets which is open to residents of the Greater Bay Area including Hong Kong. However, the website on which one can register for this lucky draw is only available in Simplified Chinese, without an English or Traditional Chinese version. Cathay Pacific stated that this was to encourage travel among people from Mainland China.²⁸

Han Zheng to Attend King Charles’ Coronation

Han Zheng, the deputy to Xi Jinping and the architect behind Beijing’s crackdown in Hong Kong, is set to come to London. He will represent China at King Charles’ coronation ceremony. Han was in charge of Hong Kong affairs for the Chinese government between 2018 and March 2023 and was allegedly the person who suggested the 2019 Extradition Bill which led to mass protests in Hong Kong.²⁹ He has been closely involved in the government’s response to the 2019 protests and in the implementation of the National Security Law.

A Foreign Office source said “We are pretty certain Han will be coming. In terms of protocol, we invite the heads of state but it’s up to them who they send.” while MPs have been highly critical of this move, calling it disrespectful and outrageous. They also accused him of

²⁶<https://www.scmp.com/magazines/style/luxury/article/3218156/why-lvmh-moving-out-hong-kong-mainland-china-instead-going-holiday-chinese-consumers-are-shopping>

²⁷<https://hongkongfp.com/2023/04/24/happy-hong-kong-campaign-to-kick-off-with-hk30-movie-tickets-and-food-fair/>

²⁸<https://hongkongfp.com/2023/04/24/registration-opens-for-cathay-pacifics-free-flights-from-hong-kong-website-in-simplified-chinese-only/>

²⁹<https://www.politico.eu/article/chinese-official-expected-at-king-charles-coronation-key-player-hong-kong-crackdown/>

violating the Sino-British Joint Declaration, an international treaty between the UK and China.³⁰

New Settlement Route for Hong Kong Veterans

This month, the UK government launched a Hong Kong Veterans Settlement route which will enable Hong Kongers who served in the British military to live and work in the UK. It is to recognise the service of the hundreds of Hongkongers who served in the British army, and will put Hong Kong nationals "on an equal footing with other members of the British armed forces who were also stationed in the territory."³¹ This is in addition to the BN(O) visa scheme which has welcomed 145,000 Hongkongers to the UK already.

Twitter Removes Labels for News Outlet Accounts

Twitter has removed all labels from the accounts of news outlets and government organisations around the world, including those for Chinese state media. In Hong Kong, this includes broadcaster RTHK and online media DotDotNews, which were previously labelled as "state-affiliated media".³²

³⁰ <https://www.telegraph.co.uk/news/2023/04/26/china-han-zheng-king-coronation-hong-kong/>

³¹ <https://www.gov.uk/government/news/new-settlement-route-for-hong-kong-veterans>

³² <https://hongkongfp.com/2023/04/21/twitter-removes-labels-for-all-news-outlets-including-chinese-state-media/>