

HUMAN RIGHTS SITUATION IN HONG KONG:

HONG KONG WATCH BRIEFING ON EVENTS: APRIL 2021

EXECUTIVE SUMMARY

This briefing describes developments in Hong Kong in the last month focusing on the rapid deterioration of human rights in the city following the introduction of the National Security Law in July.

POLITICAL PRISONERS: ARRESTS, CHARGES, & TRIALS

- Throughout April 2021, Beijing has continued its crackdown on the pro-democracy movement in Hong Kong, with the sentencing of nine prominent pro-democracy leaders, the sentencing of Joshua Wong to four months for breaking the anti-mask law, the introduction of an additional National Security charge for Jimmy Lai, the denial of bail for two pro-democracy activists accused of ‘subversion’, and the charging of four pro-democracy activists for attending the June 4 vigil to mark the Tiananmen Square massacre.

MOVES TO CENSOR THE FREE PRESS & INTERNET

- In the last month, the Hong Kong Government and Beijing have moved to censor the free press in Hong Kong, with the Hong Kong Police Chief floating the possibility of a law to target so called “fake news”, the prosecution of investigative reporter Bao Choy, the Hong Kong Police censoring a website belonging to a church in Taiwan, and public broadcaster RTHK purging its online platforms of any shows over a year old.

A NEW IMMIGRATION BILL

- On 28 April 2021, the Hong Kong Legislature passed an immigration bill which could restrict freedom of movement in and out of Hong Kong in direct violation of Hong Kong’s Basic Law.
- Under the new immigration bill which is set to come into force in August 2021, Hong Kong authorities will have the ability to bar anyone from entering or leaving the city without a court order.

THE STATE OF THE RULE OF LAW

- In April 2021, the Hong Kong Government continued its attempts to undermine the rule of law, launching an unprecedented attack on the Hong Kong Bar Association and firing 129 civil servants who refused to sign an oath of allegiance to Hong Kong and Beijing.
- Former and current judges also raised concerns publicly about bail proceedings under the National Security Law.
- Hong Kong's Correctional Services Department also complained of overcrowding at two of its detention centres. The number of people remanded in custody hit a decade high due to the spike in arrests as part of Beijing's crackdown on the pro-democracy movement.

ACADEMIC FREEDOM ON LIFE SUPPORT

- In the last month, Beijing has extended National Security Education to secondary schools and Hong Kong University has announced that it is formally cutting ties with its student union.

RESPONSES TO THE LATEST DEVELOPMENTS IN HONG KONG

- A report by Bloomberg Intelligence suggests that the crackdown on the pro-democracy movement in Hong Kong will lead to the number of empty houses in the city hitting an 18-year high as Hong Kongers seek to leave the city.
- Wells Fargo, America's fourth-largest bank by assets, has announced that it is moving its operations out of Hong Kong to Singapore.
- Apple Daily reported that Hong Kongers have been unable to use BNO passports as identity documents for working holiday visas and student visa applications in Germany, reinforcing the need for European countries to adopt guidelines for recognising BNO passports.
- Over 100 UK parliamentarians have called for the UK Government to impose Magnitsky sanctions on Hong Kong officials.
- The UK Government unveiled a £43 million integration fund to help BNOs and their families settle in the UK.
- A cross-party group of European Parliamentarians have written to the ten EU Member States that still have active extradition treaties with the People's Republic of China asking for them to urgently review and suspend the treaties.

POLITICAL PRISONERS: ARRESTS, CHARGES, & TRIALS

Throughout April 2021, Beijing has continued its crackdown on the pro-democracy movement in Hong Kong, with further arrests, charges, and the continuation of trials against prominent pro-democracy activists.

Nine prominent pro-democracy leaders sentenced for ‘peaceful assembly’

On 16 April 2021, authorities in Hong Kong sentenced nine prominent pro-democracy activists for taking part in a peaceful protest in August 2019, including the ‘father of Hong Kong’s democracy’ Martin Lee, the owner of Apple Daily Jimmy Lai, and internationally renowned barrister Margaret Ng.

The nine pro-democracy activists, who span the generations, received jail sentences and suspended sentences:

Name	Sentence
Jimmy Lai	12 months in jail
Lee Cheuk-yan	12 months in jail
Leung Kwok-hung	18 months in jail
Cyd Ho	8 months in jail
Martin Lee	11 months suspended
Margaret Ng	12 months suspended
Albert Ho	12 months suspended
Leung Yiu-chung	8 months suspended

A group of international parliamentarians led by Hong Kong Watch’s patron and the last British governor of Hong Kong, Lord Patten, responded to the sentencing including: Stephen Kinnock MP (Shadow Minister for Asia and the Pacific in the UK), US Senator Mitt Romney (Ranking Member of Senate Foreign Relations Committee Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy), US Congressman Ami Bera (Chair of the of House Foreign Committee Subcommittee on Asia, the Pacific, Central Asia, and Nonproliferation), US Congressman Tim Burchett, Canadian Senator Leo Housakos, and Canadian MP Jenny Kwan.¹

¹ <https://www.hongkongwatch.org/all-posts/2021/4/16/international-parliamentarians-condemn-todays-imprisonment-of-the-most-moderate-and-distinguished-pro-democracy-activists>

Joshua Wong handed a 4-month sentence for unauthorised assembly and violating anti-mask law

Pro-democracy activist, Joshua Wong, on 13 April 2021 was given a 4-month jail sentence for his participation in an unauthorised assembly and violating the Hong Kong Government's anti-mask law in October 2019.²

Joshua is currently four months into a separate thirteen-month jail sentence for organising an unauthorised assembly outside the police headquarters in June 2019.

Hong Kong authorities introduce an additional NSL charge against Jimmy Lai

Apple Daily newspaper owner, Jimmy Lai, was given an additional charge under the National Security Law on 16 April 2021. The pro-democracy activist was charged with an additional offence for 'collusion with foreign political forces' and is accused of calling for Western countries to implement Magnitsky sanctions against Hong Kong officials.³

Jimmy Lai also received a separate charge for 'perverting the course of justice', with prosecutors accusing Lai of being involved in the failed escape of the 12 Hong Kong youths to Taiwan.

Two pro-democracy activists denied bail

On 22 April 2021, a Hong Kong judge revoked bail for Jeremy Tam and denied bail for Chui Chi-Kin. Both were arrested and charged for "subversion" as part of the 47 pro-democracy activists who organised last year's pro-democracy primaries.⁴

In the case of Jeremy Tam, the judge revoked his bail after learning he had received repeated invitations from the US Consulate to attend events and have a "catch up". The evidence was submitted by Tam's assistant as proof that he had cut ties with foreign governments by ignoring their offers.

Four activists plead guilty to taking part in an 'unauthorised' vigil to mark Tiananmen Square Massacre

On 30 April 2021, four pro-democracy activists including Joshua Wong, and three district councillors Lester Shum, Tiffany Yuen Ka-wai and Jannelle Rosalynne Leung, pled guilty to taking part in an 'unauthorised vigil to mark the Tiananmen Square Massacre in 2020'.⁵

² <https://hongkongfp.com/2021/04/13/breaking-hong-kong-activist-joshua-wong-jailed-for-4-months-over-2019-demo/>

³ <https://www.scmp.com/news/hong-kong/law-and-crime/article/3129889/hong-kong-media-mogul-jimmy-lai-slapped-extra-national>

⁴ <https://www.scmp.com/news/hong-kong/law-and-crime/article/3130710/hong-kong-judge-denied-bail-ex-lawmaker-charged-under>

⁵ <https://www.scmp.com/news/hong-kong/law-and-crime/article/3131715/hong-kong-activist-joshua-wong-three-others-plead>

Joshua Wong, who is already serving 13.5 months in prison for his participation in an “unauthorised protest”, received an additional 10 months for his attendance at the vigil. Lester Shum received 6 months, and the two district councillors Tiffany Yuen and Janelle Leung both received 4-month sentences.⁶

The convictions come as the future of the annual Tiananmen Square vigil is being debated by the Hong Kong Government. The Hong Kong Chief Executive, Carrie Lam, told the press that the future of the vigil depends on whether the gathering falls “into the offences strictly prohibited by the National Security Law.”⁷

Elsie Leung, the former Hong Kong Justice Secretary, has warned that calls to end one-party rule in China could constitute a breach of the National Security Law in the future. An end to one party rule has been a regular chant at Hong Kong’s June 4 vigil to the victims of the Tiananmen Square Massacre.⁸

MOVES TO CENSOR THE FREE PRESS & INTERNET

Journalist Bao Choy fined

Award winning investigative journalist, Bao Choy, was fined \$HK6,000 on 22 April 2021 for ‘making false statements to obtain vehicle ownership records’ while researching an RTHK programme on the Yuen Long mob attacks of 2019.⁹

The Hong Kong’s Foreign Correspondents Club condemned the prosecution, stating that the move created ‘a dangerous precedent’ and could ‘open the door to further legal action against journalists for engaging in routine reporting’.¹⁰

Police chief floats new law to ban so called “fake news”

To mark the first ‘National Security Day’ in Hong Kong, Hong Kong’s Police Commissioner, Chris Tang, called for a new law to ban so called “fake news” and has accused local press in Hong Kong as “inciting hatred”. Tang also called for the closing of Apple Daily, the last pro-democracy supporting publication in Hong Kong.

⁶ <https://www.hongkongwatch.org/all-posts/2021/5/6/todays-sentencing-of-pro-democracy-activists-is-a-monstrous-abuse-of-the-legal-system>

⁷ <https://hongkongfp.com/2021/04/27/national-security-clampdown-casts-shadow-over-hong-kongs-annual-tiananmen-massacre-vigil/>

⁸ <https://news.rthk.hk/rthk/en/component/k2/1588193-20210428.htm>

⁹ <https://hongkongfp.com/2021/04/22/breaking-hong-kong-journalist-convicted-after-using-public-records-in-documentary-about-police/>

¹⁰ <https://www.fcchk.org/the-fcc-condemns-the-prosecution-of-journalist-bao-choy/>

Asked during TVB show Straight Talk if authorities intended to pass a law against fake news, Tang said: “I think it’s good to have such a law, you know, for every law that can assist the national security and assist us to make Hong Kong safer.”

Public broadcast RTHK purges shows over a year old from its online platforms

Hong Kong’s public broadcaster RTHK has confirmed that it has begun removing content from its social media and youtube channel that is over a year old, including a substantial amount of content and documentaries covering the pro-democracy movement in the city.¹¹

This move comes as part of an overhaul under new head of broadcasting Patrick Li, who previously served as Deputy Secretary of Home Affairs.

In response, online viewers have moved to save and download as much of the content as possible making it readily available on other social media channels.

RTHK axes contract of journalist known for grilling Hong Kong officials

On 3 May 2021, Hong Kong’s public broadcaster RTHK announced it would not extend the contract of for journalist Nabela Qoser who was previously well known for tough questioning of Hong Kong officials throughout the anti-Extradition bill protests in 2019.¹²

Carrie Lam given RTHK TV show

In a month when RTHK has moved to purge its online platform of shows over a year old and the Hong Kong police chief has floated a law banning so called “fake news”, Hong Kong’s public broadcaster has announced that Hong Kong’s Chief Executive Carrie Lam will have her own television show.

Carrie Lam will present a show four times a day, every single day of the week, explaining Beijing’s overhaul of Hong Kong’s electoral system. RTHK has said that they have commissioned 40 episodes and the Chief Executive’s first guests will be National People’s Congress deputy Wong Yuk-shan, and executive councillor Laura Cha, who also chairs Hong Kong Exchanges and Clearing.¹³

Hong Kong Police block Taiwan church website

The Hong Kong Police have blocked a website belonging to a church in Taiwan after accusing it of having links to a national security case and pro-democracy protestors. Wen Wei Po, a Chinese state-owned daily run by Beijing’s Hong Kong Liaison Office, reported on April 25 that access to the website was blocked for breaching the national security law.¹⁴

¹¹ <https://hongkongfp.com/2021/05/03/hong-kong-broadcaster-rthk-to-delete-shows-over-a-year-old-from-internet-as-viewers-scramble-to-save-backups/>

¹² <https://hongkongfp.com/2021/05/03/rthk-axes-contract-for-reporter-known-for-grilling-hong-kong-officials/>

¹³ <https://news.rthk.hk/rthk/en/component/k2/1587913-20210427.htm>

¹⁴ <https://www.ucanews.com/news/hong-kong-blocks-taiwan-churchs-website-in-security-case/92276#>

A NEW IMMIGRATION BILL

On 28 April 2021, the Hong Kong Legislature passed an immigration bill which could restrict freedom of movement in and out of Hong Kong in direct violation of Hong Kong's Basic Law.¹⁵

Under the new immigration bill which is set to come into force in August 2021, Hong Kong authorities will have the ability to bar anyone from entering or leaving the city without a court order.

The Hong Kong Bar Association has argued that this would give officials unbridled power to impose "exit bans" similar to the ones that currently exist on the mainland.

The Hong Kong Legislature, whose membership is entirely made up of lawmakers who are loyal to Beijing, overwhelmingly backed the immigration bill which they claim is targeted at tackling illegal immigrants.

Commenting on the passing of the legislation, Benedict Rogers, Hong Kong Watch's Chief Executive said:

"This legislation could have a profound impact on the freedom of movement that previously existed in the most open and international city in Asia.

The bill is designed so that it could give powers to the Hong Kong Government to stop the flow of Hong Kongers who are seeking a lifeline out of the city and usher in the draconian "exit bans" that exist in mainland China.

Once adopted, this legislation will give unprecedented powers to the Hong Kong authorities and National Security Police to stop Hong Kongers entering airports and boarding airline carriers out of the city."¹⁶

THE STATE OF THE RULE OF LAW

Hong Kong officials attack the Hong Kong Bar Association

In the last month, the Hong Kong Government has launched an unprecedented attack on the Hong Kong Bar Association, with the authorities accusing its British-born head Paul Harris of being an "anti-China politician".¹⁷

¹⁵ <https://www.hongkongwatch.org/all-posts/2021/4/28/hong-kongs-new-immigration-bill-explainer>

¹⁶ <https://www.hongkongwatch.org/all-posts/2021/4/28/the-passing-of-new-immigration-legislation-could-have-a-profound-impact-on-freedom-of-movement-in-hong-kong>

¹⁷ <https://www.theguardian.com/world/2021/apr/27/beijing-calls-hong-kong-bar-association-chief-an-anti-china-politician>

This attack followed the Hong Kong Bar Association's criticism of the sentencing last month of nine pro-democracy activists for their participation in a peaceful assembly, including barristers Martin Lee and Margaret Ng.

Hong Kong's Chief Executive, Carrie Lam, told journalists that she would not hesitate to intervene in the future in the affairs of the Hong Kong Bar Association.

Hong Kong judges raise concern over National Security Law bail proceedings

In a report by Reuters news agency, retired and current Hong Kong judges have expressed concern about the currently bail proceedings for individuals arrested under the National Security Law.

Judges have stated that the arduous bail proceedings, which in some instances have gone on so long that defendants have collapsed from exhaustion and needed medical treatment, are "highly unusual" and "appalling".¹⁸ Former Chief Justice of the Court of Final Appeal, Geoffrey Ma, in an online forum described Carrie Lam's power to appoint judges under the National Security Law as "strange" and "controversial".

Crackdown on pro-democracy movement leaves prison overcrowding at decade high

The Hong Kong Correctional Services Department has complained of overcrowding at two of its detention centres. The number of people remanded in custody hitting a decade high, due to the spike in arrests as part of Beijing's crackdown on the pro-democracy movement.¹⁹

Officials at the Correctional Services Department said that they expect numbers to rise further later in the year, as more pro-democracy activists are jailed.

129 civil servants refuse to pledge allegiance to Beijing

On 19 April 2021, Hong Kong's Secretary of State for the Civil Service revealed that 129 civil servants had refused to take a new oath of allegiance to the Hong Kong Government and Beijing, with most facing dismissal.²⁰

¹⁸ <https://www.reuters.com/world/asia-pacific/special-report-hong-kong-activists-retreat-china-style-justice-comes-their-city-2021-04-21/>

¹⁹ <https://news.rthk.hk/rthk/en/component/k2/1588198-20210428.htm>

²⁰ https://www.scmp.com/news/hong-kong/politics/article/3130144/nearly-130-civil-servants-fail-take-requiredpledge?utm_term=Autofeed&utm_medium=Social&utm_content=article&utm_source=Twitter#Echobox=1618831077

ACADEMIC FREEDOM ON LIFE SUPPORT

National Security syllabus extended to secondary schools

On 22 April 2021, Hong Kong's Bureau of Education announced that National Security Education would be extended to secondary schools, who will learn about national security through US-China relations, ecology and even astronomy under fresh guidelines.

A major church group has also revealed that it plans to distribute its own National Security textbooks, which will include terms such as "rioters" and "terrorism risks" to describe the 2019 anti-Extradition Bill protests.²¹

Hong Kong University cuts ties with its student union

Hong Kong's oldest university, Hong Kong University, announced on 30 April 2021 that it has formally cut ties with its student union. The decision comes two weeks after pro-Beijing mouthpiece, China Daily, attacked the student union as becoming "increasingly politicised" and making "potentially unlawful public statements".²²

RESPONSES TO THE LATEST DEVELOPMENTS

Empty homes in Hong Kong rise to 18-year high

A report by Bloomberg Intelligence suggests that the crackdown on the pro-democracy movement in Hong Kong will lead to the number of empty houses in the city hitting an 18-year high as Hong Kongers seek to leave the city.²³

Wells Fargo to leave Hong Kong for Singapore

Wells Fargo, America's fourth-largest bank by assets, has announced that it is moving its operations out of Hong Kong to Singapore.²⁴

German Government refuses to recognise BNO passports as an identity document

On 15 April 2021, Apple Daily reported that Hong Kongers have been unable to use BNO passports as identity documents for working holiday visas and student visa applications in Germany.²⁵

²¹ <https://www.scmp.com/news/hong-kong/education/article/3130707/older-hong-kong-students-learn-about-national-security>

²² <https://www.scmp.com/news/hong-kong/politics/article/3131764/university-hong-kong-cuts-services-student-union-over>

²³ https://www.thetimes.co.uk/article/beijing-crackdown-empties-homes-in-hong-kong-tg0hkxtbz?utm_medium=Social&utm_source=Twitter#Echobox=1619004080

²⁴ <https://www.ft.com/content/8d76b264-caee-47bf-9cf1-6d036d8b84da>

²⁵ <https://hk.appledaily.com/news/20210415/7B73CY5KZVGGTAEYQ4ETCWI5HI/>

The story highlights that Germany and other European countries do not have a formal policy towards recognition of BNO passports as identity documents. This could lead to some Hong Kongers who are unable to return to Hong Kong to renew their identity cards falling through the cracks.

Hong Kong Watch has urged the British Government to offer guidance to Western countries who do not know how to treat BNO passports and encouraged Germany and the European Union to introduce lifeboat schemes to address this loophole.²⁶

Over 100 UK parliamentarians call for Magnitsky sanctions against Hong Kong officials

Following the sentencing of nine pro-democracy activists for their participation in a peaceful assembly in 2019 and China's imposition of sanctions on UK parliamentarians, over 100 UK parliamentarians have called for the UK Government to impose Magnitsky sanctions on Hong Kong officials.²⁷

UK Government unveils BNO Integration Fund

On 8 April 2021, the UK Government unveiled a £43 million integration fund to help BNOs and their families settle in the UK. The fund will include the creation of 12 welcome hubs to help families access housing, education, and employment, and additional funding for councils to provide help for new arrivals.²⁸

MEPs call on 10 EU Member States to suspend extradition treaties with the PRC

A cross-party group of European Parliamentarians led by Engin Eroglu MEP have written to the ten EU Member States that still have active extradition treaties with the People's Republic of China asking for them to urgently review and suspend the treaties.²⁹

²⁶ https://twitter.com/hk_watch/status/1383011328936312836?s=20

²⁷ <https://www.bbc.co.uk/news/uk-politics-56749966.amp>

²⁸ <https://www.gov.uk/government/news/national-welcome-for-hong-kong-arrivals>

²⁹ <https://www.hongkongwatch.org/all-posts/2021/4/28/meps-call-on-10-eu-member-states-to-suspend-extradition-treaties-with-the-prc>