

HUMAN RIGHTS SITUATION IN HONG KONG:

HONG KONG WATCH BRIEFING ON EVENTS: DECEMBER 2021

EXECUTIVE SUMMARY

POLITICAL PRISONERS: ARRESTS, CHARGES, & TRIALS

In December 2021, Beijing continued its crackdown on the pro-democracy movement in Hong Kong:

- The Hong Kong Police Force raided the offices of Stand News and arresting six individuals under the Crimes Ordinance for “conspiracy to produce seditious publications”. Those arrested include current acting Chief Editor Patrick Lam, Deputy Editor Ronson Chan, who also led the Hong Kong Journalist’s Association, pro-democracy activist and lawyer Margaret Ng, and pro-democracy activist and singer Denise Ho.
- In response to the police raids and arrests, the pro-democracy publications Stand News and Citizen News announced their closure.
- Jimmy Lai, the pro-democracy activist and former owner of Apple Daily, was sentenced to thirteen months in jail on 13 December 2021 for his participation in the annual Tiananmen Square Vigil in 2020.
- Chow Hang-tung, the organiser of the annual Tiananmen Square Vigil, was sentenced to fifteen months in prison on 4 January 2022 for “inciting an unauthorised assembly”.
- The Hong Kong Government introduced a further charge against the prominent Hong Kong pro-democracy activist and former owner of Apple Daily newspaper, Jimmy Lai, and six other staff members of Apple Daily of conspiring to “print, publish, sell, offer for sale, distribute, display and/or reproduce seditious publications.”
- Owen Chow, a pro-democracy activist who was arrested as one of 47 pro-democracy candidates and organisers charged with conspiracy to commit subversion under the National Security Law, had his bail revoked on 13 January 2022.
- The former Democratic Party lawmaker Lam Cheuk-ting has been sentenced to four months in prison for disclosing the identity of a police superintendent who was under investigation by Hong Kong’s anti-corruption watchdog for his role in an attack in Yuen Long in 2019.
- The former student union president of the Chinese University of Hong Kong was arrested on 15 December 2021 for sharing a social media post by the pro-democracy

activist Ted Hui calling for Hong Kongers to cast blank ballots or boycott the Legislative Council elections.

ACADEMIC FREEDOM ON LIFE SUPPORT

- On 23 December 2021, the University of Hong Kong removed the “Pillar of Shame” statue which commemorated the victims of the 1989 Tiananmen Square Massacre.
- Following the removal of the “Pillar of Shame”, the Chinese University of Hong Kong removed a pro-democracy sculpture called the “Lady of Liberty” from its campus on 24 December 2021.

THE STATE OF THE RULE OF LAW

- Peng Jingtang, a general who led China’s “anti-terrorism” forces in the Xinjiang region has been appointed to head the People’s Liberation Army Garrison in Hong Kong.
- Hong Kong’s Security Minister, Chris Tang, has told Hong Kong’s Legislative Council that the Government’s plans to introduce Article 23 National Security Law will expand the definition of espionage in the Officials Secrets Ordinance.
- A report by Safeguard Defenders, a human rights NGO, has found that the Hong Kong Police and government officials are increasingly seeking to use INTERPOL to threaten and capture exiled pro-democracy lawmakers and activists.
- Hong Kong’s Chief Justice Andrew Cheung has defended the continued detention of pro-democracy activists who still have not faced a trial under charges of “subversion” under the National Security Law. The Chief Justice said the courts should not sidestep necessary procedural steps ‘for the sake of having a speedy trial’.
- Victor Dawes, the new chairman of Hong Kong’s Bar Association, has said that while the body would continue to speak out on issues regarding the rule of law, it should not be drawn into matters of political concern.

“PATRIOTS ONLY” LEGISLATIVE COUNCIL ELECTIONS

- It has been reported that only thirty percent of registered voters in Hong Kong voted in the “patriots only” Legislative Council elections which took place on 19 December 2021. The low turnout came despite efforts by the Hong Kong Government to incentivise voters through the offering of free public transport, the arrest and criminalisation of individuals calling for a boycott or casting of blank ballots, and the opening of a polling station to allow Hong Kongers living in the mainland to vote.
- Eric Tsang, Hong Kong’s Secretary of Mainland Affairs, has written to the Wall Street Journal attacking the paper for its coverage of the “patriots only” Legislative Council elections.
- Analysis from the Hong Kong Free Press has found that over forty percent of foreign owned banks in Hong Kong cast a vote in the “patriots only” legislative council elections. Forty-six of the 114 electors in the financial functional constituency (which elects one member of the Legislative Council) were banks in based in Europe and

America, including JP Morgan, Bank of America, Wells Fargo, Deutsche Bank, UBS, NatWest, and Commerzbank.

- The Chinese emblem has replaced Hong Kong's bauhinia insignia in the main chamber of the Hong Kong legislature following the recent "patriots only" legislative council elections.
- Reporting on the financial declarations of new Hong Kong lawmakers elected in the "patriots only" legislative council elections, has found that nearly half of the new lawmakers own property in mainland China.
- The G7 has issued a statement of concern regarding the erosion of democratic elements of Hong Kong's electoral system in the recent "patriots only" Legislative Council elections. The G7 countries including UK, USA, Canada, Germany, France, Italy, and Japan, reiterated its call for China to respect the Sino-British Joint Declaration and to restore confidence Hong Kong's political institutions and democracy.

OTHER DEVELOPMENTS

- The European Parliament has passed a joint-resolution condemning the recent assault by Beijing on press freedom in Hong Kong, which has seen the closure of Stand News, Citizen News, and the arrest of a number of journalists and pro-democracy activists. It called on the Hong Kong Government to release all of political prisoners and withdraw proposed Article 23 National Security Legislation. It also urged the EU to implement lifeboat schemes, sanctions, suspend extradition treaties with Hong Kong and the PRC, issue visas for journalist and review support for Hong Kong's seat at the WTO and the EU-Hong Kong bilateral customs agreement.
- A cross-party group of peers led by Lord Alton of Liverpool, Lord Patten of Barnes, and Lord Falconer of Thoroton have re-introduced an amendment to the Borders and Nationality Bill, which would allow Hong Kongers under 25 to register directly for the UK BNO Visa Scheme.
- Catherine West MP, Labour's Shadow Asia Minister, has called on the UK Government to review the MPs staff pensions investments in Chinese companies accused of complicity in gross human rights violations.
- Canada's Conservative Party Shadow Minister for Foreign Affairs, Michael Chong MP, and Shadow International Development Minister, Garnett Genius MP, have confirmed that the Canadian Conservatives will back the re-creation of the Canada-China Relations Committee.

POLITICAL PRISONERS: ARRESTS, CHARGES, & TRIALS

Hong Kong Police arrest seven individuals including Stand News journalists and pro-democracy activists Denise Ho and Margaret Ng

On 29 December 2021, the Hong Kong Police raided the offices of Stand News and arrested six individuals under the Crimes Ordinance for “conspiracy to produce seditious publications”. Those arrested include current acting Chief Editor Patrick Lam, Deputy Editor Ronson Chan, who also led the Hong Kong Journalist’s Association, pro-democracy activist and lawyer Margaret Ng, and pro-democracy activist and singer Denise Ho.¹

In response to the police raids and arrests, pro-democracy publications Stand News and Citizen News announced their closure.

These arrests came a day after Jimmy Lai, the former owner of Apple Daily and six former Apple Daily journalists were charged with “conspiracy to “print, publish, sell, offer for sale, distribute, display and/or reproduce seditious publications.”

In response to the arrests the German Foreign Office, Global Affairs Canada, and the EEAS all issued statements of concern calling for the release of the journalists. Hong Kong’s Justice Secretary described these statements as “a blatant violation of international law”.²

Two of the former Stand News journalists, former Stand News chief editor Chung Pui-kuen and acting chief editor Patrick Lam, who were arrested remain in police custody after their bail was rejected and they were charged with conspiring to publish seditious materials.³

Jimmy Lai sentenced to thirteen months in jail for participating in Tiananmen Square Vigil

Jimmy Lai, the pro-democracy activist and former owner of Apple Daily, was sentenced to thirteen months in jail on 13 December 2021 for his participation in the annual Tiananmen Square Vigil in 2020.⁴

¹ <https://www.hongkongwatch.org/all-posts/2021/12/29/hong-kong-police-raid-on-standnews-arrest-of-six-individuals-and-dawn-raids-on-journalists-homes-represent-the-latest-in-an-all-out-assault-on-press-freedom-in-hong-kong>

² <https://hongkongfp.com/2021/12/31/stand-news-raid-hong-kong-justice-chief-says-foreign-critics-of-journalist-arrests-are-in-violation-of-intl-law/>

³ <https://www.reuters.com/business/media-telecom/hong-kong-leader-says-stand-news-arrests-not-aimed-media-industry-2021-12-30/>

⁴ <https://www.bbc.com/news/world-asia-china-59632728>

Tiananmen Square vigil organiser sentenced to fifteen months in prison

Chow Hang-tung, the organiser of the annual Tiananmen Square Vigil, was sentenced to fifteen months in prison on 4 January 2022 for “inciting an unauthorised assembly” after she published social media posts encouraging Hong Kongers to light candles to mark the anniversary of China's 1989 crackdown on pro-democracy protesters in and around Beijing's Tiananmen Square.⁵

Jimmy Lai and former Apple Daily journalists charged with “conspiracy to distribute seditious publications”

On 28 December 2021, the Hong Kong Government introduced a further charge against the prominent Hong Kong pro-democracy activist and former owner of Apple Daily newspaper, Jimmy Lai, and six other staff members of the defunct pro-democracy publication. The group have been accused by prosecutors of conspiring to “print, publish, sell, offer for sale, distribute, display and/or reproduce seditious publications.”

Jimmy Lai, who also holds UK citizenship, was arrested in August 2020 when the Hong Kong police raided Apple Daily, charging him with “colluding with foreign forces” under the National Security Law in December 2020.⁶

Bail revoked for pro-democracy activist facing national security charges

Owen Chow, a pro-democracy activist who was arrested as one of 47 pro-democracy candidates and organisers charged with conspiracy to commit subversion under the National Security Law, had his bail revoked on 13 January 2022.

The Hong Kong Police re-arrested Owen Chow when he visited a police station as part of his bail conditions, the National Security Division has accused him of making “remarks or actions that could reasonably be regarded as endangering national security.”⁷

Former pro-democracy lawmaker sentenced to four months in prison for revealing police identities involved in Yuen Long 2019 attack

The former Democratic Party lawmaker Lam Cheuk-ting has been sentenced to four months in prison for disclosing the identity of a police superintendent who was under investigation by Hong Kong's anti-corruption watchdog for his role in an attack in Yuen Long in 2019.

⁵ <https://www.reuters.com/world/asia-pacific/hong-kong-activist-behind-tiananmen-vigil-convicted-inciting-illegal-assembly-2022-01-04/>

⁶ <https://www.hongkongwatch.org/all-posts/2021/12/28/the-introduction-of-a-further-charge-against-jimmy-lai-demonstrates-the-hong-kong-government-will-stop-at-nothing-to-silence-its-critics>

⁷ <https://www.reuters.com/world/asia-pacific/hong-kong-activist-bail-re-arrested-remarks-endangering-national-security-2022-01-13/>

Lam Cheuk-ting was accused of announcing at three press conferences between November 2019 and July 2020 that the anti-corruption watchdog was looking into then district commander Yau Nai-keung, in connection with the Yuen Long attack.

He is one of the 47 pro-democracy activists who are facing “subversion” charges under the National Security Law for the organisation of pro-democracy primaries back in 2020.⁸

Former Student Union President arrested for sharing posts calling for a boycott of the Legislative Council elections

The former student union president of the Chinese University of Hong Kong was arrested on 15 December 2021 for sharing a social media post by the pro-democracy activist Ted Hui calling for Hong Kongers to cast blank ballots or boycott the Legislative Council elections.⁹

Edward Leung is released from jail

The prominent pro-democracy activist, Edward Leung, who coined the phrase ‘*Liberate Hong Kong, Revolution of our Times*’ has been released from prison after four years in jail. On 19 January 2022, Edward Leung was released from prison and has been placed under a strict supervision order for the next six months which will require him to regularly attend the local police station and restricts his freedom of movement.¹⁰

ACADEMIC FREEDOM ON LIFE SUPPORT

Pillar of Shame statue removed from the University of Hong Kong

On 23 December 2021, the University of Hong Kong removed the “Pillar of Shame” statue which commemorated the victims of the 1989 Tiananmen Square Massacre.¹¹

Following the removal of the “Pillar of Shame”, the Chinese University of Hong Kong removed a pro-democracy sculpture called the “Lady of Liberty” from its campus on 24 December 2021.¹²

⁸ <https://hongkongfp.com/2022/01/26/ex-lawmaker-jailed-for-4-months-for-disclosing-identity-of-hong-kong-police-officer-under-investigation/>

⁹ <https://twitter.com/jooeysiui/status/1470999636517302275?s=20>

¹⁰ <https://www.theguardian.com/world/2022/jan/19/hong-kong-activist-edward-leung-independence-slogan-fishball-revolution-released-from-prison>

¹¹ <https://www.bbc.com/news/world-asia-china-59764029>

¹² <https://twitter.com/jooeysiui/status/1474167688851251208?s=20>

THE STATE OF THE RULE OF LAW

Xinjiang anti-terror chief appointed head of PLA Garrison in Hong Kong

Peng Jingtang, a general who led China's "anti-terrorism" forces in the Xinjiang region has been appointed to head the People's Liberation Army Garrison in Hong Kong.¹³ Song Zhongping a military instructor and former PLA instructor, said the biggest threat in Hong Kong is "counter-terrorism" and that is why he was chosen."¹⁴

Hong Kong Security Minister says Article 23 National Security Law will expand definition of espionage

Hong Kong's Security Minister, Chris Tang, has told Hong Kong's Legislative Council that the Government's plans to introduce Article 23 National Security Law will expand the definition of espionage in the Officials Secrets Ordinance.¹⁵

Human rights group accuses Hong Kong Police of abusing INTERPOL to hunt pro-democracy activists in exile

A report by Safeguard Defenders, a human rights NGO, has found that the Hong Kong Police and government officials are increasingly seeking to use INTERPOL to threaten and seek the capture of exile pro-democracy lawmakers and activists.¹⁶

Hong Kong Chief Justice defends bail refusal for 47 pro-democracy activists awaiting trial under the National Security Law

Hong Kong's Chief Justice Andrew Cheung has defended the continued detention of pro-democracy activists who still have not faced a trial under charges of "subversion" under the National Security Law.

The Chief Justice said the courts should not sidestep necessary procedural steps 'for the sake of having a speedy trial'.¹⁷

¹³ https://www.theguardian.com/world/2022/jan/10/xinjiang-anti-terror-general-to-lead-china-hong-kong-garrison?CMP=twt_a-world_b-gdnworld

¹⁴ https://twitter.com/Johnny_HKWatch/status/1480562443025801217?s=20

¹⁵ https://twitter.com/XinqiSu/status/1486182329647517697?cxt=HHwWgsDS4Yy9_Z8pAAAA

¹⁶ <https://safeguarddefenders.com/en/blog/pursued-life-hks-hunt-fugitives-using-national-security-law>

¹⁷ <https://www.scmp.com/news/hong-kong/politics/article/3164532/national-security-law-hong-kong-chief-justice-defends?module=live&pgtype=homepage>

New Hong Kong Bar Association chief says it will avoid politics and continue to speak out regarding the rule of law

Victor Dawes, the new chairman of Hong Kong's Bar Association, has moved to immediately draw a line in the sand on political issues, after he and two other low-profile barristers took over the leadership reins of the outspoken legal body.

The chair of the Hong Kong Bar Association said that while the body would continue to speak out on issues regarding the rule of law, it should not be drawn into matters of political concern.¹⁸

“PATRIOTS ONLY” LEGISLATIVE COUNCIL ELECTIONS

Record low turnout in “patriots only” Legislative Council elections

It has been reported that only thirty percent of registered voters in Hong Kong voted in the “patriots only” Legislative Council elections which took place on 19 December 2021.¹⁹

The low turnout came despite efforts by the Hong Kong Government to incentivise voters through the offering of free public transport, the arrest and criminalisation of individuals calling for a boycott or casting of blank ballots, and the opening of a polling station to allow Hong Kongers living in the mainland to vote.

Hong Kong Government attacks Wall Street Journal

Eric Tsang, Hong Kong's Secretary of Mainland Affairs, has written to the Wall Street Journal attacking the paper for its coverage of the “patriots only” Legislative Council elections. Tsang wrote that "frankly speaking, I am sickened by your biased & unsubstantiated editorials on Hong Kong issues... I am stunned by your arrogance which knows no bounds."²⁰

Foreign banks vote in “patriots only” Legislative Council elections

Analysis from the Hong Kong Free Press has found that over forty percent of foreign owned banks in Hong Kong cast a vote in the “patriots only” legislative council elections. Forty-six of the 114 electors in the financial functional constituency (which elects one member of the Legislative Council) were banks in based in Europe and America, including JP Morgan, Bank of America, Wells Fargo, Deutsche Bank, UBS, NatWest, and Commerzbank.²¹

¹⁸ <https://www.scmp.com/news/hong-kong/politics/article/3164146/new-hong-kong-bar-association-chief-draws-line-sand>

¹⁹ <https://twitter.com/AFP/status/1472650985214513153?s=20>

²⁰ <https://twitter.com/hkfp/status/1474303230662557697?s=20>

²¹ <https://hongkongfp.com/2021/12/18/foreign-banks-to-cast-votes-in-hong-kongs-patriots-only-election-as-citizens-voting-power-shrinks/>

Chinese emblem replaces Hong Kong insignia in legislature

The Chinese emblem has replaced Hong Kong's bauhinia insignia in the main chamber of the Hong Kong legislature following the recent "patriots only" legislative council elections.²²

Half of new Hong Kong lawmakers own property in mainland China

Reporting on the financial declarations of new Hong Kong lawmakers elected in the "patriots only" legislative council elections, has found that nearly half of the new lawmakers own property in mainland China. Four out of five of the lawmakers own property in total, a significantly higher proportion than previous legislative councils.²³

G7 raises concern over "patriots only" Legislative Council elections over erosion of democratic elements

The G7 has issued a statement of concern regarding the erosion of democratic elements of Hong Kong's electoral system in the recent "patriots only" Legislative Council elections. The G7 countries including UK, USA, Canada, Germany, France, Italy, and Japan, reiterated its call for China to respect the Sino-British Joint Declaration and to restore confidence Hong Kong's political institutions and democracy.²⁴

OTHER DEVELOPMENTS

EU Parliament passes a joint-resolution condemning the crackdown on the free press in Hong Kong

The European Parliament has passed a joint-resolution condemning the recent assault by Beijing on press freedom in Hong Kong, which has seen the closure of Stand News, Citizen News, and arrest of a number of journalists and pro-democracy activists.

In the resolution, Members of the European Parliament called for the release of all political prisoners in Hong Kong and reiterated calls for the EU to issue emergency travel documents for journalists at risk of arrest.

The resolution, overwhelmingly backed by all of the party groupings within the Parliament, noted that the recent "patriots" Legislative Council elections which took place in December were neither "free nor fair" and led to "the dismantling of all forms of political opposition",

²² <https://hongkongfp.com/2021/12/17/in-pictures-chinese-emblem-replaces-hong-kong-insignia-in-citys-legislature/>

²³ https://www.scmp.com/news/hong-kong/politics/article/3163506/hong-kongs-new-lawmakers-are-mostly-affluent-homeowners?utm_content=article&utm_medium=Social&utm_source=Twitter#Echobox=1642379475-1

²⁴ <https://twitter.com/GermanyDiplo/status/1472999953639301126?s=20>

raised concern regarding the appointment of the chief of staff of the Armed Police Force in Xinjiang to the PLA garrison in Hong Kong, and called on the Hong Kong Chief Executive to withdraw plans to introduce Article 23 national security legislation.

Members of the European Parliament used the resolution to reiterate their calls for the EU to introduce targeted Magnitsky sanctions against the Hong Kong Chief Executive and other Hong Kong officials, the suspension of extradition treaties with the People's Republic of China, and called for EU Member States to implement lifeboat schemes for Hong Kongers. It restated that any future ratification by the Parliament of the EU-China Comprehensive Agreement on Investment would consider the human rights situation and China's commitment to the Sino-British Joint Declaration.

The joint-resolution also urged the EU to "review the EU-Hong Kong Agreement on Cooperation and Mutual Administrative Assistance in Customs Matters and the EU's support for Hong Kong's seat at the World Trade Organisation in light of the destruction of the territory's autonomy under the previously established "One Country, Two Systems Model".²⁵

Shadow Asia Minister calls for the UK Government to review MPs' staff pensions investments in China

Catherine West MP, Labour's Shadow Asia Minister, has called on the UK Government to review the MPs' staff pensions investments in Chinese companies accused of complicity in gross human rights violations.²⁶

Canadian Conservatives back the re-creation of the Canada-China Relations Committee

The Canadian Conservative Party's Shadow Minister for Foreign Affairs, Michael Chong MP, and Shadow International Development Minister, Garnett Genius MP, have confirmed that the Canadian Conservatives will back the re-creation of the Canada-China Relations Committee.²⁷

Lord Alton, Lord Patten, and Lord Falconer bring back UK BNO Visa amendment for under 25s

A cross-party group of peers led by Lord Alton of Liverpool, Lord Patten of Barnes, and Lord Falconer of Thoroton have re-introduced an amendment to the Borders and Nationality Bill, which would allow Hong Kongers under 25 to register directly for the UK BNO Visa Scheme.

²⁵ <https://www.hongkongwatch.org/all-posts/2022/1/20/eu-parliament-condemns-beijings-assault-on-press-freedom-in-hong-kong-and-calls-for-urgent-action>

²⁶ https://twitter.com/hk_watch/status/1484172752890126338?s=20

²⁷ <https://twitter.com/GarnettGenuis/status/1483041883769106432?s=20>

EU signs statement on civil society cooperation with China

The EU External Relations Service signed a joint-statement on civil society cooperation with China, a day after Stand News and Citizen News was forced to close and six individuals were arrested for “conspiracy to distribute seditious materials”.²⁸

²⁸ <https://twitter.com/StuartKLau/status/1470805108267134977?s=20>