

# HUMAN RIGHTS SITUATION IN HONG KONG:

## HONG KONG WATCH BRIEFING ON EVENTS: AUGUST 2023

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### EXECUTIVE SUMMARY

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#### 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:

- National security police arrest 10 linked to the defunct 612 Humanitarian Relief Fund
- Police continue targeting family members of overseas activists
- Trial of the Hong Kong 47 adjourned to November for closing arguments
- National security trial of Jimmy Lai delayed again to December
- Seven prominent activists, including Jimmy Lai, are cleared of some 2019 protest charges

#### THE STATE OF THE RULE OF LAW AND POLICING

- High Court allows Hong Kong government appeal to ban protest song “Glory to Hong Kong”
- Russian companies are turning to Hong Kong for dispute arbitration services as sanctions over the Ukraine war restrict their access to western courts

#### RELENTLESS ASSAULT ON FREEDOM OF EXPRESSION

- Cantonese language group shuts down after targeting by national security police
- Secretary for Security says artistic creations are often a ‘pretext’ to endanger national security

#### STATE SECURITY AND ECONOMY

- Hong Kong’s private sector activity contracts in July for the first time this year
- Credit Suisse plans to cut 80% of Hong Kong investment bank jobs

#### OTHER DEVELOPMENTS

- More than 180,000 Hong Kongers apply for the UK’s BNO visa as UK Government announces a priority service for applications
- Canadian parliamentarians call on the Government to investigate visa waivers issued for 300 Hong Kong police officers accused of complicity in human rights violations

- UK Foreign Secretary James Cleverly MP visits China, the first UK Minister to visit Beijing for a bilateral diplomatic visit in five years
- Sir Sherard Cowper-Coles, HSBC's head of public affairs, says sorry for calling UK weak on China
- Middle-aged Hong Kongers who fled the territory to live in the UK risk being left without a pension unless visa rules are changed

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## POLITICAL PRISONERS: ARRESTS, CHARGES & TRIALS

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### **National security police arrest 10 linked to the 612 Humanitarian Relief Fund**

Ten people linked to the defunct 612 Humanitarian Relief Fund set up to help Hong Kong protesters during the 2019 anti-extradition bill unrest were arrested by national security police.<sup>1</sup>

According to the Hong Kong Police Force, they violated the NSL by receiving “donations from various overseas organisations to support people who have fled overseas or organisations which called for sanctions against Hong Kong.” The police had court warrants to arrest the 10 individuals, as well as search their homes and offices, and seize documents and electronics.<sup>2</sup>

This is not the first time that those connected with the relief fund have been arrested. In November 2022, the five trustees and secretary of the fund were found guilty of failing to register the already-defunct fund, and fined.<sup>3</sup>

### **Police continue targeting family members of overseas activists**

Following the arrest warrants and bounties issued by the Hong Kong police for eight overseas activists at the start of the July and intimidation of family members throughout the month, police officers from the national security department have continued their relentless campaign to attempt to silence overseas activists.

After the son and daughter of the businessman Elmer Yuen were questioned in July,<sup>4</sup> Yuen's ex-wife, daughter and son from another marriage were questioned at the start of August.<sup>5</sup>

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<sup>1</sup> <https://hongkongfp.com/2023/08/10/breaking-national-security-police-arrest-6-linked-to-2019-protester-relief-fund-reports/>

<sup>2</sup> <https://www.hongkongwatch.org/all-posts/2023/8/10/hong-kong-watch-condemns-arrest-of-10-individuals-linked-to-the-612-humanitarian-relief-fund>

<sup>3</sup> <https://www.hongkongwatch.org/all-posts/2022/11/25/hong-kong-watch-condemns-the-trial-and-conviction-of-the-612-humanitarian-relief-fund-trustees-and-secretary>

<sup>4</sup> <https://www.theguardian.com/world/2023/jul/24/daughter-hong-kong-activist-elmer-yuen-detained-national-security-police>

<sup>5</sup> <https://hongkongfp.com/2023/08/03/hong-kong-national-security-police-question-exiled-democrat-elmer-yuens-ex-wife-and-son-reports/>

The parents,<sup>6</sup> and brothers,<sup>7</sup> of Anna Kwok were taken away and questioned by police in separate incidents in August, as authorities investigate whether family members have had any contact or financial transactions with the wanted activists.

National security police have also taken away a woman with reported links to Nathan Law,<sup>8</sup> following the questioning of his parents and brother in July.<sup>9</sup>

### **Trial of the Hong Kong 47 adjourned to November for closing arguments**

The landmark national security trial relating to 47 Hong Kong pro-democracy figures has been adjourned to November for the prosecution and defence to prepare closing arguments.

It came after the last defendant completed testifying in the case surrounding an unofficial legislative primary poll held in 2020.<sup>10</sup> The trial is set to resume on November 27.

Those on trial could face up to life imprisonment if convicted.

### **National security trial of Jimmy Lai delayed again to December**

The closely-watched trial of the founder of the defunct newspaper Apply Daily is set to begin on December 18 and is expected to last for around 80 days.<sup>11</sup>

The rescheduling of the trial, which was supposed to begin last December before being adjourned to September, was to ensure that hand-picked national security Judge Alex Lee would be done with another national security trial before the start of Lai's case.<sup>12</sup>

Meanwhile, Lai has been ordered to pay the Secretary for Justice's litigation costs for two failed legal challenges linked to his national security trial, after the High Court ruled that his litigation conduct was "unreasonable."<sup>13</sup>

### **Seven prominent activists, including Jimmy Lai, are cleared of some 2019 protest charges**

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<sup>6</sup> <https://hongkongfp.com/2023/08/08/breaking-parents-of-wanted-overseas-hong-kong-activist-anna-kwok-questioned-by-national-security-police-reports/>

<sup>7</sup> <https://hongkongfp.com/2023/08/22/brothers-of-wanted-self-exiled-activist-anna-kwok-questioned-by-hong-kong-national-security-police-reports/>

<sup>8</sup> <https://hongkongfp.com/2023/08/18/national-security-police-question-hong-kong-woman-over-alleged-links-to-wanted-activist-nathan-law-reports/>

<sup>9</sup> <https://hongkongfp.com/2023/07/11/breaking-activist-nathan-laws-family-taken-away-by-hong-kong-national-security-police-reports/>

<sup>10</sup> <https://hongkongfp.com/2023/08/28/hong-kong-47-democrats-landmark-national-security-trial-adjourned-to-november-for-closing-arguments/>

<sup>11</sup> <https://hongkongfp.com/2023/08/18/national-security-trial-of-hong-kong-media-mogul-jimmy-lai-to-be-delayed-again-to-december/>

<sup>12</sup> <https://hongkongfp.com/2023/08/18/national-security-trial-of-hong-kong-media-mogul-jimmy-lai-to-be-delayed-again-to-december/>

<sup>13</sup> <https://hongkongfp.com/2023/08/04/hong-kong-media-tycoon-jimmy-lai-ordered-to-pay-costs-of-unreasonable-challenges-in-national-security-case/>

Seven of the most prominent pro-democracy advocates have had part of their convictions quashed by Hong Kong's court of appeal, over their roles in one of the biggest pro-democracy protests in 2019.<sup>14</sup>

Jimmy Lai, founder of the now defunct Apple Daily newspaper; Martin Lee, the founding chairman of the city's Democratic party; and five former pro-democracy lawmakers, including barrister Margaret Ng, had been found guilty of organising and participating in an unauthorised assembly.

Judge Andrew Macrae and the other court of appeal judges unanimously quashed their convictions over the charge of organising an unauthorised assembly, but their convictions over participating in an unauthorised assembly were upheld.

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## THE STATE OF THE RULE OF LAW AND POLICING

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### **High Court allows government appeal to ban protest song "Glory to Hong Kong"**

Hong Kong's High Court has granted a government plea to reconsider a ruling against the banning of the popular protest song, "Glory to Hong Kong."

Judge Anthony Chan gave the green light for the appeal "due to the importance of national security."

It follows the High Court's rejection of the Hong Kong government's attempts to ban the song in July, saying an injunction could create a chilling effect and undermine freedom of expression.<sup>15</sup>

The official website of the judiciary said the hearing will be held on September 13. The appeal renews concern over the separation of powers and judicial independence.<sup>16</sup>

### **Russian companies move legal battles to Hong Kong courts**

Russian companies are turning to Hong Kong for dispute arbitration services as sanctions over the Ukraine war restrict their access to western courts.

Russian litigants have traditionally favoured London's commercial courts for their proximity and their common law legal system. But after the United States and European Union slapped

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<sup>14</sup> <https://www.theguardian.com/world/2023/aug/14/hong-kong-pro-democracy-advocates-have-part-of-convictions-quashed-jimmy-lai-martin-lee-margaret-ng>

<sup>15</sup> <https://www.theguardian.com/world/2023/jul/28/court-rejects-attempt-ban-glory-hong-kong-protest-song>

<sup>16</sup> <https://asia.nikkei.com/Spotlight/Hong-Kong-security-law/Hong-Kong-court-allows-government-appeal-to-ban-protest-song>

sanctions on Russia over the Ukraine war, many large western law firms dropped Russian clients.<sup>17</sup>

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## RELENTLESS ASSAULT ON FREEDOM OF EXPRESSION

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### **Cantonese language group shuts down after targeting by national security police**

A Cantonese language group has shut down after Hong Kong national security police raided the founder's home over a fictional essay submitted to the group's literary competition three years ago.

Andrew Lok Han Chan, who created and convenes the Societas Linguistica Hongkongensis (SLHK) group, said in a Facebook post that national security police officers visited a home where some of his family members live when he was out of town.<sup>18</sup>

Mr Chan founded the Hong Kong Language Learning Association with the mission to protect the "language rights of the Hong Kong people".<sup>19</sup>

The SLHK, also known as the Hong Kong Language Association, formed in 2013 with the aim of promoting and protecting the Cantonese language, and use of traditional Chinese characters which are primarily used in Hong Kong.<sup>20</sup>

### **Secretary for Security says artistic creations are often a 'pretext' to endanger national security**

People who seek to endanger national security commonly engage in such acts under the pretext of "peaceful advocacy" and "artistic creations," Hong Kong's security chief has claimed in a response to a Danish sculptor who has demanded the return of a 1989 Tiananmen crackdown monument seized under the national security law.

The seizure of any property or exhibit for criminal investigation or criminal proceedings linked to national security offences was conducted in accordance with legal and judicial authorisation, Secretary for Security Chris Tang said in a letter to artist Jens Galschiøt, who created the Pillar of Shame statue.<sup>21</sup>

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<sup>17</sup> <https://www.ft.com/content/012a4e84-ea79-458c-9d94-3c368facd8f9>

<sup>18</sup> <https://www.theguardian.com/world/2023/aug/29/hong-kong-cantonese-language-group-shuts-down-after-targeting-by-national-security-police>

<sup>19</sup> <https://www.bbc.co.uk/news/world-asia-66643751>

<sup>20</sup> <https://www.theguardian.com/world/2023/aug/29/hong-kong-cantonese-language-group-shuts-down-after-targeting-by-national-security-police>

<sup>21</sup> <https://hongkongfp.com/2023/08/22/artistic-creations-often-a-pretext-to-endanger-nat-security-hong-kong-official-tells-tiananmen-crackdown-statue-sculptor/>

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## STATE SECURITY AND ECONOMY

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### **Hong Kong's private sector activity contracts in July for the first time this year**

Hong Kong's private sector activity contracted in July for the first time this year, providing further proof of the slowdown in the financial hub's post-Covid recovery.

The S&P Global Purchasing Managers' Index (PMI) fell to 49.4 in July from 50.3 in June, slipping below the 50 mark that separates expansion from contraction for the first time since December.<sup>22</sup>

Hong Kong's economy has contracted for three years out of the past four. Gross domestic product rose just 1.5% year-on-year in the second quarter of 2023 – far weaker than the 3.5% estimated by economists and slower than the first quarter's 2.5% pickup.

### **Credit Suisse plans to cut 80% of Hong Kong investment bank jobs**

Around 80% of Hong Kong-based investment banking staff at Credit Suisse are to be made redundant as part of the bank's integration with UBS Group.

Only about 20 bankers will be spared the cuts that will impact Credit Suisse's 100-strong investment banking team in the territory.

Hong Kong accounts for Credit Suisse's biggest share of investment bankers in Asia. It is understood that those retained will mostly work on mergers and acquisitions (M&A).<sup>23</sup>

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## OTHER DEVELOPMENTS

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### **More than 180,000 Hong Kongers apply for the UK's BNO visa**

A total of 182,600 people applied for the British National (Overseas) visa in the two-and-a-half years since applications opened, and according to UK Home Office statistics over 150,000 Hong Kongers have entered the country on the visa since it was announced in July 2020.<sup>24</sup>

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<sup>22</sup> <https://www.bloomberg.com/news/articles/2023-08-03/hong-kong-pmi-contracts-first-time-this-year-as-recovery-falters>

<sup>23</sup> <https://www.reuters.com/business/finance/credit-suisse-hong-kong-investing-banking-job-cuts-targeting-80-staff-start-this-2023-08-07/>

<sup>24</sup> <https://www.hongkongwatch.org/all-posts/2023/8/24/over-180000-hong-kongers-apply-for-uks-bno-visa>

The news comes as the UK Government announced a ‘priority service’ for BNO visa applications, providing application results within five working days at an additional cost of £500.<sup>25</sup>

Making the announcement on Twitter, the Home Office said: “It continues the UK’s unwavering commitment to the people of Hong Kong.”<sup>26</sup>

In reaction, the Chinese Embassy rejected the UK’s “manipulation of the BNO visa scheme”, repeating calls to “stop interfering in China’s internal affairs.”<sup>27</sup>

### **Canadian parliamentarians call on the Government to investigate visa waivers issued for 300 Hong Kong police officers accused of complicity in human rights violations**

A group of 11 parliamentarians in Canada have written to the Minister of Immigration, Refugees and Citizenship and the Minister of Foreign Affairs to call for an investigation as to why Hong Kong police officers were given visa waivers under an Electronic Travel Authorisation (ETA) to attend the World Police and Fire Games in Winnipeg.

The decision by the Canadian Government to issue visas for Hong Kong police officers allowing them to attend the police and fire games came just two weeks after Hong Kong Police issued arrest warrants and bounties for eight Hong Kong activists living overseas.<sup>28</sup>

### **UK’s Foreign Secretary visits China**

James Cleverly MP’s visit to China at the end of August made him the first UK Minister to visit Beijing for a bilateral diplomatic visit in five years.

It is the first visit by a UK Foreign Secretary to China since the introduction of the draconian National Security Law in Hong Kong and the subsequent crackdown on human rights, freedom of assembly, freedom of expression, freedom of the press, and the overhaul of democratic elections in the city.<sup>29</sup>

A statement issued by the Foreign, Commonwealth, and Development Office noted that: “In detailed discussions on Hong Kong, he [the Foreign Secretary] stressed the damage caused by the Beijing-imposed National Security Law to rights and freedoms and consequently to China’s international reputation and raised the case of Jimmy Lai.”<sup>30</sup>

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<sup>25</sup> <https://www.hongkongwatch.org/all-posts/2023/8/16/hong-kong-watch-welcomes-uk-government-decision-to-introduce-priority-service-for-bno-visa-applicants>

<sup>26</sup> <https://twitter.com/ukhomeoffice/status/1691081008093728768?s=20>

<sup>27</sup> [http://gb.china-](http://gb.china-embassy.gov.cn/eng/PressandMedia/Spokepersons/202308/t20230816_11127327.htm)

[embassy.gov.cn/eng/PressandMedia/Spokepersons/202308/t20230816\\_11127327.htm](http://gb.china-embassy.gov.cn/eng/PressandMedia/Spokepersons/202308/t20230816_11127327.htm)

<sup>28</sup> <https://www.hongkongwatch.org/all-posts/2023/8/11/canadian-parliamentarians-call-on-the-government-to-investigate-visa-waivers-issued-for-three-hundred-hong-kong-police-officers-accused-of-complicity-in-human-rights-violations>

<sup>29</sup> <https://www.hongkongwatch.org/all-posts/2023/8/29/the-foreign-secretary-must-use-his-visit-to-beijing-to-offer-a-robust-defence-of-the-sino-british-joint-declaration>

<sup>30</sup> <https://www.gov.uk/government/news/foreign-secretarys-meetings-with-chinas-foreign-minister-and-vice-president>

## **HSBC official says sorry for calling UK weak on China**

Sir Sherard Cowper-Coles, HSBC's head of public affairs and a former British ambassador to Afghanistan, Saudi Arabia and Israel, told a private event in June that the UK should look after its own interests rather than following the US by severing business links with China.<sup>31</sup>

Cowper-Coles apologised for his remarks in August after they came to light and said they did not reflect the stance of HSBC. The bank also insisted that the executive's comments were his personal views.

## **Middle-aged Hong Kongers who fled the territory to live in the UK risk being left without a pension unless visa rules are changed**

Many of the at least 150,000 residents who took up the offer and came to Britain are in their mid-50s or older, and are willing to work.

But citizens who reach retirement age, which from March 2028 will be 67, can only qualify for a state pension if they have made National Insurance contributions for at least 10 years. The potential crisis is worsened by the Hong Kong Government's move to prevent many BNO migrants from accessing pensions they accrued in the territory.<sup>32</sup>

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<sup>31</sup> <https://www.thetimes.co.uk/article/hsbc-official-says-sorry-for-calling-uk-weak-on-china-nk9pm6wzl>

<sup>32</sup> <https://www.telegraph.co.uk/news/2023/08/27/british-national-overseas-bno-hong-kong-pensions-crisis/>