

HUMAN RIGHTS SITUATION IN HONG KONG:

HONG KONG WATCH BRIEFING ON EVENTS: MAY 2022

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 arrest of the trustees of the defunct 612 Humanitarian Relief Fund.
- Jailing of pro-democracy activist and former law scholar Benny Tai.
- The 6.5 year prison sentence for Telegram group admin.
- Former pro-democracy lawmaker Fernando Cheung leaving Hong Kong over freedom concerns.

THE STATE OF THE RULE OF LAW

- Senior legal figures warn that judicial independence is under systematic attack

A FREE PRESS IN THE CROSS HAIRS

- Hong Kong drops 68 places to 148th in the latest global press freedom rankings from Reporters Without Borders', the biggest downfall of the year.

JOHN LEE'S 'SELECTION' AS NEW CHIEF EXECUTIVE

- John Lee, a career policeman and former Secretary for Security, wins an uncontested election to replace Carrie Lam as the next Chief Executive. He will be sworn in on 1 July.

OTHER DEVELOPMENTS

- The Independent Commission Against Corruption in Hong Kong said it would attempt to extradite former pro-democracy lawmaker and activist-in-exile, Ted Hui, who is currently in Australia.
- Cross-party group of 110 UK lawmakers call for an audit of Hong Kong and Chinese officials' assets.
- Unemployment rate in Hong Kong increases to 5.4% in the three months to April.
- EU report documents a continued deterioration of fundamental freedoms in Hong Kong.

POLITICAL PRISONERS: ARRESTS, CHARGES & TRIALS

Arrest of trustees of the defunct 612 Humanitarian Relief Fund

On 11 May 2022, the National Security Police arrested four trustees of the defunct 612 Humanitarian Relief Fund, including barrister Margaret Ng, singer Denise Ho, Cardinal Joseph Zen, and academic scholar Hui Po-keung, for ‘collusion with foreign forces.’¹ A fifth trustee, Cyd Ho, is already in jail, but was arrested for the same charge on May 12.

The 612 Humanitarian Relief Fund, which funded legal aid to pro-democracy protestors throughout the 2019 pro-democracy movement, closed its operations in 2021. The four were released on bail, but the move was met with widespread criticism. UK, US, EU, Canadian and Australian lawmakers all condemned the move, with the Speaker of the UK parliament granting an Urgent Question debate the following day.²

Pro-democracy activist and former law scholar Benny Tai to 10 months in prison

The 57-year-old pleaded guilty last month to four charges of illegal election spending by placing advertisements in local newspapers in the run-up to the 2016 legislative polls. Tai was a leader of the Umbrella Movement in 2014 and was fired from the University of Hong Kong for alleged misconduct in July last year.³

Telegram group admin jailed for 6.5 years

Computer technician Ng Man-ho, administrator of a Telegram channel with more than 109,000 subscribers, was jailed for 6.5 years after he was convicted of conspiring to incite others to commit arson, rioting and other crimes during the protests between 2019 and 2020.⁴ He had already been detained for more than 20 months, and pleaded not guilty to all charges brought against him.

This month, some local media outlets cited sources saying that the Hong Kong government was considering ways to restrict access to Telegram.⁵

Former pro-democracy lawmaker Fernando Cheung leaves Hong Kong over freedom concerns

Fernando Cheung Chiu-hung, 65, who spent a total of 12 years as a member of LegCo until 2020, left Hong Kong for Canada, citing concerns for his and his family’s “basic freedoms”.⁶

¹ <https://www.hongkongwatch.org/all-posts/2022/5/11/todays-arrests-signal-without-a-doubt-that-beijing-intends-to-intensify-its-crackdown-on-basic-rights-and-freedoms-in-hong-kong>.

² <https://hansard.parliament.uk/Commons/2022-05-12/debates/308117CE-6E67-4501-ACDE-937C6E0841B7/HongKongArrestsUnderNationalSecurityLaw>

³ <https://hongkongfp.com/2022/05/24/breaking-hong-kong-pro-democracy-activist-benny-tai-sentenced-to-10-months-in-prison-in-election-expenses-case/>

⁴ <https://hongkongfp.com/2022/05/19/hong-kong-telegram-group-admin-jailed-for-6-5-years-for-conspiring-to-incite-violence-during-protests/>

⁵ <https://std.stheadline.com/realtime/article/1837930/%E5%8D%B3%E6%99%82-%E6%B8%AF%E8%81%9E-%E7%BE%A4%E7%B5%84%E6%AF%8F%E5%91%A8%E7%99%BC200%E8%B5%B7%E5%BA%95%E8%A8%8A%E6%81%AF-%E7%A7%81%E9%9A%B1%E7%BD%B2%E7%A0%94-%E5%B0%81%E9%8E%96-Telegram>

⁶ <https://www.thestandard.com.hk/breaking-news/section/4/189794/Former-lawmaker-Fernando-Cheung-immigrates-to-Canada-on-%E2%80%98basic-freedom%E2%80%99-concerns>

His departure came just months after serving three weeks in prison for contempt in connection with a protest he staged with fellow democrats in the legislature in May 2020.⁷

Cheung, a social worker and retired university lecturer, became a lawmaker in 2004, and during his terms as a legislator he advocated for underprivileged groups, including ethnic minorities, people with disabilities, refugees and those living in poverty.

THE STATE OF THE RULE OF LAW

Senior legal figures warn that judicial independence is under systematic attack

UK and international judicial figures have warned the remaining British, Australian and Canadian judges operating in Hong Kong that they are working in an environment where judicial independence has been wholly undermined, and that the territory's government is using the continued presence of overseas judges as a 'vote of confidence'⁸

Signatories include the former UK attorney general Sir Robert Buckland MP, the distinguished human rights lawyer and Director of the International Bar Association's Human Rights Institute, Baroness Helena Kennedy, QC; Lord Alex Carlile, QC, a former independent reviewer of UK terrorist legislation; Professor Irwin Cotler, a former attorney general of Canada; Lord Sandhurst (Guy Mansfield, QC), a former chairman of the UK Bar Council; the war crimes prosecutor Sir Geoffrey Nice, QC; and Michael Kirby, a former justice of the high court of Australia.

A FREE PRESS IN THE CROSS HAIRS

Hong Kong drops 68 places in latest press freedom rankings

Reporters Without Borders' (RSF) Press Freedom Index, released yearly on World Press Freedom Day (3 May), saw Hong Kong plummet 68 places in 2022 to 148th, the biggest downfall of the year, and a reflection of how difficult and dangerous journalism has become since the implementation of the National Security Law in 2020.

RSF, which assesses the state of journalism in 180 countries and territories, blamed Hong Kong's slide on the "ambiguous phrasing" of the National Security Law that aims to gag anyone in the name of the "fight against terrorism", "secession", "subversion", and "collusion with foreign forces".⁹

⁷ <https://hongkongfp.com/2022/05/04/former-pro-democracy-lawmaker-fernando-cheung-leaves-hong-kong-for-canada-after-jail-term/>

⁸ <https://www.theguardian.com/world/2022/may/26/hong-kong-judicial-independence-overseas-judges>

⁹ <https://www.independent.co.uk/news/world/asia/press-freedom-index-2022-released-b2070506.html>

JOHN LEE'S 'SELECTION' AS NEW CHIEF EXECUTIVE

John Lee wins uncontested election to replace Carrie Lam as new Chief Executive

John Lee, a career policeman and former Secretary for Security in the Hong Kong government, received 1,416 votes on May 8 from the 1,461-member 'patriots only' selection committee, which is mostly comprised of handpicked pro-Beijing politicians and businesspeople and represents 0.02 percent of the city's population.¹⁰ He will be sworn in as Hong Kong's next leader on 1 July.

The former police officer has promised to prioritise the passing of domestic Article 23 national security legislation as Chief Executive, and has previously called for a so called "fake news" law to target remaining independent news outlets in the city and praised the crackdown on human rights in the city.¹¹

Concern over the sham election of Lee has been raised by governments across the world. The G7 published a joint statement, saying: "The current nomination process and resulting appointment are a stark departure from the aim of universal suffrage and further erode the ability of Hong Kongers to be legitimately represented."¹²

The newspapers Ta Kung Pao and Wen Wei Po were filled with adverts from leading companies and business figures praising Lee's selection. The UK-headquartered accountancy and professional services firms KPMG, Deloitte, EY and PwC were among Western multinationals placing adverts, as was the airline Cathay Pacific and conglomerates Swire and Jardine Matheson.¹³

OTHER DEVELOPMENTS

Targeting of pro-democracy activists abroad

The Independent Commission Against Corruption in Hong Kong said it would attempt to extradite former pro-democracy lawmaker and activist-in-exile, Ted Hui, who is currently in Australia, for encouraging citizens to cast blank ballots in the recent "Patriots Only" Legislative Council elections.¹⁴

The commissioner, Simon Peh Yun-lu, said that the requesting and requested countries could conduct the extradition in accordance with the United Nations Convention Against Corruption. The attempt to get to Hui in this way is further evidence of the need for Western

¹⁰ <https://www.ft.com/content/a6466afa-0981-4a82-9787-8c630651d44f>.

¹¹ <https://www.hongkongwatch.org/all-posts/2022/5/9/beijings-selection-of-john-lee-shows-that-it-will-double-down-on-the-crackdown-in-hong-kong>

¹² <https://www.gov.uk/government/news/hong-kong-chief-executive-selection-g7-foreign-ministers-statement-9-may-2022>

¹³ <https://hongkongfp.com/2022/05/09/kpmg-deloitte-pwc-hsbc-among-western-firms-congratulating-hong-kongs-new-leader/>

¹⁴ <https://www.hongkongwatch.org/all-posts/2022/5/6/beijings-targeting-of-pro-democracy-activists-abroad-is-further-evidence-of-the-need-to-suspend-extradition-treaties>

countries with active extradition treaties with Hong Kong and China to review and cancel these treaties.¹⁵

Cross-party group of 110 UK lawmakers call for an audit of Hong Kong and Chinese officials' assets

A cross-party group of 110 parliamentarians (86 MPs & 24 Peers) wrote to the Foreign Secretary to call for the UK Government to undertake an audit of the UK assets of Hong Kong and Chinese officials linked to human rights violations. The letter cites recent research by Hong Kong Watch, which has found that those five Hong Kong officials and six lawmakers that are complicit in the ongoing human rights crackdown currently own property in the UK.¹⁶ IPAC MPs Siobhain McDonagh and Iain Duncan Smith, and the Chair of the House of Commons Foreign Affairs Select Committee and co-chair of the China Research Group, Tom Tugendhat, led this campaign.

Unemployment rate in Hong Kong increases to 5.4%

As harsh Covid-related social-distancing curbs took a toll on businesses, the unemployment rate rose to 5.4% in the three months ending in April. Around 206,100 people were jobless in the period from January to March, up by 17,600. The food and beverage sector was particularly hard hit, going up by 1.9 percentage points to record a 12.9% unemployment rate.¹⁷

EU report documents a continued deterioration of fundamental freedoms in Hong Kong

The European Commission's 24th Annual Report on Hong Kong to the European Parliament and the Council covers developments in 2021. High Representative/Vice-President Josep Borrell, said: "The 24th Annual Report comes at a time when fundamental freedoms in Hong Kong have deteriorated further. We witness continued shrinking space for civil society and the erosion of what was previously a vibrant and pluralistic media landscape."¹⁸

¹⁵ <https://www.thestandard.com.hk/breaking-news/section/4/189816/ICAC-to-work-hard-on-extraditing-Ted-Hui-over-blank-votes-incident:-Simon-Peh>

¹⁶ <https://www.hongkongwatch.org/all-posts/2022/5/27/a-cross-party-group-of-110-uk-lawmakers-call-for-an-audit-of-hong-kong-amp-chinese-officials-assets>

¹⁷ <https://hongkongfp.com/2022/05/20/hong-kong-unemployment-rate-increases-to-5-4-civil-servants-may-get-up-to-7-2-pay-rise/>

¹⁸ https://ec.europa.eu/commission/presscorner/detail/en/ip_22_3205