
HUMAN RIGHTS SITUATION IN HONG KONG:

HONG KONG WATCH BRIEFING ON EVENTS: OCTOBER 2023

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POLITICAL PRISONERS: ARRESTS, CHARGES & TRIALS

Verdict in *Stand News* editors postponed to November

Verdicts in the trial of two *Stand News* editors were postponed to November 15, more than a year after the trial opened. Former editor-in-chief Chung Pui-kuen and former acting chief editor Patrick Lam of the pro-democracy newspaper *Stand News* have pleaded not guilty to the charges of conspiring to publish “seditious publications”, which relate to 17 articles published online from July 2020 to December 2021.¹

The online news outlet ceased operations in December 2021 after its newsroom was raided by more than 200 national security police officers and six staff members were arrested.²

Stand News was Hong Kong’s only significant remaining Chinese-language, independent, pro-democracy news outlet. Its closure signalled that the regime in Beijing no longer tolerated any form of dissent, criticism or scrutiny in Hong Kong, even though the city’s mini-constitution, the Basic Law, guarantees press freedom.³

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<https://hongkongfp.com/2023/09/21/verdict-in-sedition-trial-against-hong-kong-outlet-stand-news-postponed-to-nov-a-year-after-trial-began/>

²

<https://hongkongfp.com/2021/12/29/breaking-hong-kong-national-security-police-arrest-stand-news-senior-staff-as-200-officers-raid-newsroom/>

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<https://www.hongkongwatch.org/all-posts/2022/1/4/uca-news-world-cannot-ignore-the-latest-attack-on-hong-kongs-rights-benedict-rogers>

Hong Kong man jailed for sedition over children's books

Hong Kong resident Kurt Leung was sentenced to four months in prison under Hong Kong's colonial-era sedition laws for importing 'seditious publications'. He was accused of working with a colleague in the UK to import 18 copies of 'Sheep Village', a children's book that is widely understood to be a fabular retelling of the 2019 protest.⁴

He was arrested in March after signing an order for the books, which were sent from the UK.

Mainland activist incommunicado after removal from Hong Kong

Activist Zeng Yuxuan, a postgraduate law student from mainland China, was sent back to the mainland after serving a six-month prison sentence on charges of sedition. She had already served the majority of her term in pre-trial detention by the time of her sentencing and was expected to be freed on 12th October.

On the day of her expected release, the Hong Kong government announced that Ms. Zeng had been forcibly repatriated to China, where she risks being subjected to a second prosecution.⁵ Her friends told reporters that they had received a message from Ms. Zeng on the 12th indicating she was in Shenzhen, but had had no further contact with her since then and remained unaware of her whereabouts.⁶

Hong Kong Watch had previously issued a statement raising concerns about the deportation of Ms Zeng and continues to be "extremely concerned about what may happen to Zeng after her arrival in Mainland China, where the authorities do not uphold rule of law, where there is the widespread and systematic use of torture, and where many political activists have disappeared."⁷

Victim of police gunfire receives 47-month jail sentence for charges stemming from 2019 protest movement

Pro-democracy protester Tsang Chi-kin was sentenced to 47 months in jail for rioting, assaulting a police officer, and perverting the course of justice. An 18-year old secondary school student at the time of the 2019 protests, he was shot at close range by the police after swinging a rod at a police officer. He was shot in his left lung – three centimetres from his

⁴ <https://www.independent.co.uk/news/hong-kong-ap-china-beijing-b2425349.html>

⁵

<https://www.dimsumdaily.hk/23-year-old-chinese-law-student-released-and-removed-from-hong-kong-following-sedition-conviction/>

⁶ <https://www.rfa.org/english/news/china/activist-deported-10172023131939.html>

⁷

<https://www.hongkongwatch.org/all-posts/2023/10/12/hong-kong-watch-raises-concern-regarding-the-deportation-of-zeng-yuxuan>

heart – leaving him in hospital in a critical condition. He later went through surgery to remove the bullet.⁸

After being released on bail, he failed to appear in court and attempted unsuccessfully to flee by boat to Taiwan. He was recaptured by police in July 2022.⁹

Police arrest 20 individuals for seeking to withdraw their Mandatory Pension Fund contributions

The Hong Kong Independent Commission Against Corruption for the Hong Kong Government arrested 20 individuals involved in a so-called “scheme” to claim they planned to move permanently to Mainland China in order to gain early access to their pension savings.¹⁰

This follows the decision by the Chinese Government to no longer recognise the British National Overseas Passport as a legitimate identity document and to direct Mandatory Provident Fund providers to deny thousands of Hong Kongers who have left the city access to their pension savings.

Hong Kong Watch condemned the arrest of the 20 individuals for attempting to withdraw their MPF savings, calling them a “direct retaliatory action by the Chinese Government”.¹¹

China’s National Day brings surveillance and new arrests

In preparation for the PRC’s National Day celebrations on the 1st of October, the Hong Kong Police Force increased its surveillance of activists and pro-democracy groups, seeking to pre-emptively discourage rallies before applications are filed. The police stepped up its use of measures to dissuade public demonstrations, visiting the homes of activists and summoning organisers for warning talks.¹²

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<https://hongkongfp.com/2023/10/18/breaking-hong-kong-student-shot-by-police-during-2019-protest-jailed-for-3-5-years-months-for-rioting-assaulting-police-officer/>

⁹ <https://www.independent.co.uk/news/ap-hong-kong-taiwan-youtube-china-b2431824.html>

¹⁰ https://www.icac.org.hk/en/press/index_id_1730.html

¹¹

<https://www.hongkongwatch.org/all-posts/2023/10/13/hong-kong-watch-expresses-concern-regarding-the-arrest-of-10-hong-kongers-seeking-to-withdraw-their-pension-savings-from-hong-kong>

¹²

<https://hongkongfp.com/2023/09/30/its-impossible-to-organise-a-large-scale-march-now-hong-kong-police-step-up-surveillance-to-tame-activists/>

On 1 October, activist Yung Wai-Yip was arrested in the Causeway Bay area for disrupting public order. He had been wearing a T-shirt with the phrase ‘Hong Kong - add oil’ and holding a bouquet of white flowers, a symbol of mourning in Chinese culture.¹³

THE STATE OF THE RULE OF LAW AND POLICING

Chief Executive John Lee uses annual policy address to stress national security; Article 23 of the Basic Law to be enacted in 2024

Chief Executive of the HKSAR John Lee Ka-chiu used his second annual policy address to condemn the meddling of “external forces” and stress the need for new national security legislation to counter espionage and foreign influence in Hong Kong.¹⁴

Mr. Lee added that his government intended to introduce fresh national security legislation under Article 23 of the Basic Law, and to “complete the legislative exercise in 2024 to fulfil our constitutional duty”.¹⁵ It will mark the first concerted effort to enact Article 23 since 2003, when the Legislative Council was forced to abandon its attempt in the face of large-scale protests.

Hong Kong Watch has previously issued a statement about impending Article 23 legislation and remains concerned that ‘the introduction of Article 23 security legislation will be used to target foreign businesses, the last vestiges of independent media, and criminalise freedom of expression which Beijing’s apparatchiks consider to be ‘soft resistance’.¹⁶

Hong Kong court rules in favour of equal housing rights for same-sex couples

The Hong Kong Court of Appeal upheld two rulings granting equal housing rights to same-sex couples, the latest developments in a series of recent legal victories for the Hong Kong LGBTQ community.

The government had challenged two High Court rulings that it was “unconstitutional and unlawful” for the city’s housing authority to exclude same-sex couples who married abroad

¹³

<https://hongkongfp.com/2023/10/03/man-with-white-flowers-arrested-in-hong-kong-on-chinas-national-day-holiday>

¹⁴

<https://www.reuters.com/world/china/hong-kong-leader-focuses-economy-property-policy-address-2023-10-25/>
¹⁵ <https://www.aljazeera.com/news/2023/10/25/hong-kong-to-introduce-own-national-security-law-in-2024>

¹⁶

<https://www.hongkongwatch.org/all-posts/2023/10/25/planned-article-23-security-legislation-will-target-foreign-businesses-independent-media-and-criminalise-freedom-of-expression>

from public housing. The government had also sought to block a ruling that grants equal inheritance rights to same-sex couples.

The court of appeal upheld the rulings, following a High Court decision in September that, while stopping short of granting same-sex marriage, acknowledged the need for the government to create “access to an alternative legal framework in order to meet basic social requirements” for same-sex couples.¹⁷

MEDIA FREEDOM IN THE CROSS HAIRS

Hong Kong denies visa to scholar of Tiananmen Square massacre

Rowena He, formerly associate professor at the Chinese University of Hong Kong and an academic scholar on the 1989 Tiananmen Square massacre, was fired from her position after the city’s immigration authorities declined an extension to her visa. The Immigration Department asked for details of Ms. He’s previous work at Harvard University while reviewing her case, and rejected her application in late October.¹⁸

Ms. He has published numerous articles on China’s democracy movements. Her 2014 book *Tiananmen Exiles: Voices of the Struggle for Democracy in China* was removed from Hong Kong’s public libraries in May.¹⁹

Hong Kong police request the removal of ‘seditious’ Jimmy Lai documentary from YouTube

A transparency report from Google has revealed that the company received a request from the Hong Kong Police Force to remove 5 videos featuring ‘The Hong Konger’, a documentary about imprisoned *Apple Daily* founder Jimmy Lai, from the video sharing site YouTube. Google denied the request, which was made in April earlier this year.

¹⁷

<https://www.reuters.com/world/asia-pacific/hong-kong-court-rules-that-gay-couples-get-equal-housing-rights-2023-10-17/>

¹⁸

<https://hongkongfp.com/2023/10/30/chinese-university-fires-tiananmen-crackdown-scholar-after-hong-kong-govt-rejects-visa-extension/>

¹⁹ <https://www.ft.com/content/c58cebc8-1c88-4ba7-affe-1eb212990c2f>

Since being uploaded to Google’s video sharing site by American research organisation Acton Institute on April 19, the English-language version of the free-to-view feature-length documentary has amassed 2.8 million views.²⁰

The police alleged that the content was seditious in nature and violated the Crimes Ordinance, Cap. 200, and would amount to criminal contempt of Court as Mr. Lai’s trial was ongoing.²¹

Chinese security forces urged imprisoned Hong Kong radio host to become pro-Beijing YouTuber

Former Hong Kong radio host Edmund Wan reported to the international press that he was approached by Chinese state security towards the end of his 32-month jail sentence, and encouraged to set up a YouTube channel upon his release to ‘tell good stories about China’.²²

Mr. Wan was arrested in November 2020 on charges of sedition and money laundering, related to criticism of the Chinese government on his radio show and crowd-funding the education of Hong Kong protesters in Taiwan.²³ Upon his release, he relocated to Canada and exposed the attempt by Chinese security forces to recruit him.²⁴

Chinese diplomats put pressure on media freedom event at the UNHRC

Chinese diplomats at the country’s permanent mission to the U.N. in Geneva sent a letter pressuring all countries to refrain from participating in “Media Freedom in Hong Kong”, an event showing solidarity with freedom of the press in Hong Kong during a session of the UN Human Rights Council.²⁵

The Chinese diplomats claimed in the letter that the adoption of the National Security Law in the Hong Kong SAR had led to better protections for all fundamental rights and freedoms of Hong Kong residents, including freedom of the press.

Sebastien Lai, son of detained Apple Daily founder and proprietor Jimmy Lai, was among the speakers at the event, which drew a sizable crowd of journalists and diplomats despite the protestations of China.²⁶

²⁰

<https://hongkongfp.com/2023/10/26/google-denies-hong-kong-police-request-to-remove-seditious-film-about-media-tycoon-jimmy-lai-from-youtube/>

²¹ <https://transparencyreport.google.com/government-removals/government-requests/HK?hl=en>

²² <https://www.rfa.org/english/news/china/giggs-10022023143717.html>

²³ <https://www.amnesty.org.uk/urgent-actions/veteran-radio-host-sentenced-peaceful-activism>

²⁴ <https://www.rfa.org/english/news/china/giggs-10022023143717.html>

²⁵ <https://www.rfa.org/english/news/afcl/fact-check-hong-kong-national-security-law-10172023162145.html>

²⁶ <https://www.hrw.org/news/2023/09/29/beijings-increasingly-desperate-attempts-squelch-un-criticism>

China re-elected to UN Human Rights Council

China secured its sixth term on the UN Human Rights Council, one of 15 countries to serve a three-year term from the 1st of January 2024. Peru and Russia failed to secure a seat, with Russia having withdrawn from the Council following the invasion of Ukraine. The vote was conducted via secret ballot.²⁷

China's re-election to the HRC had been vigorously opposed by human rights groups including the Inter-Parliamentary Alliance on China (IPAC) and Human Rights Watch. IPAC had garnered support from MPs in 15 countries to write to their foreign ministries urging them to vote against Chinese inclusion in the HRC.²⁸

Despite its presence on the HRC, China has rejected every universal periodic review recommendation to allow UN investigators access, and refused to reply to 19 visit requests relating to ongoing human rights abuses in Xinjiang and Hong Kong, among others.²⁹

Detained ex-editor of Apple Daily issues public apology over Chinese espionage claims

The former editor-in-chief of *Apple Daily*, Ryan Law, issued a public apology in the Chinese-language newspaper *Ming Pao* for publishing reports alleging that two business executives were Chinese spies.³⁰

Mr. Law pleaded guilty to conspiring to commit collusion with a foreign country in a landmark national security case last November, and remains imprisoned following the denial of his application for bail.³¹ He has been detained on national security grounds since his arrest in June 2021.

²⁷

http://english.scio.gov.cn/internationalexchanges/2023-10/12/content_116740099.htm#:~:text=China%20secured%20its%20sixth%20term,2019%2C%20and%202021%2D2023.

²⁸

<https://www.theguardian.com/world/2023/oct/08/campaigners-aim-to-lower-support-for-china-on-un-human-rights-council>

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<https://www.theguardian.com/world/2023/oct/08/campaigners-aim-to-lower-support-for-china-on-un-human-rights-council>

³⁰

<https://finance.mingpao.com/fin/instantf/20231017/1697552032389/%E5%89%8D%E8%98%8B%E6%9E%9C%E6%97%A5%E5%A0%B1%E7%B8%BD%E7%B7%A8%E8%BC%AF%E7%BE%85%E5%81%89%E5%85%89-%E7%99%BB%E5%A0%B1%E5%90%91%E4%B8%AD%E5%9C%8B%E5%89%B5%E6%96%B0%E5%90%91%E5%BF%83%E5%A4%AB%E5%A9%A6%E9%81%93%E6%AD%89>

³¹

<https://hongkongfp.com/2021/06/19/hong-kong-apple-daily-top-editor-executive-to-remain-behind-bars-ahead-of-security-law-trial-as-court-denies-bail/>

The apology relates to two 2019 reports in *Apple Daily* on businessman Xiang Xin and his wife Kung Ching, who were arrested in Taiwan in connection with a Chinese espionage case. The two Chinese nationals were permitted to return to the PRC on 12 October, with Mr. Law's apology published less than a week later.³²

STATE SECURITY AND ECONOMY

Democratic Party absent from local elections after 'patriotic' electoral reform

The Democratic Party will be absent from local elections for the first time since 1994 under electoral reforms designed to ensure that only "patriots administer Hong Kong." The new rules stipulate that, to qualify for District Council elections, candidates must secure endorsements from at least nine members of local committees.

Democratic Party chair Lo Kin-hei said he and other members could not secure enough nominations to proceed.³³

Alongside stringent new endorsement requirements, the electoral overhaul drastically reduced the number of directly elected members of Hong Kong's District Councils to less than one-fifth of the total.³⁴

Further information about these reforms is available in the Hong Kong Watch Briefing on Electoral Reforms and the Erosion of Democracy in Hong Kong also published in October.³⁵

Hong Kong introduces economic policies to revive property market, boost birth rate

Chief Executive John Lee used his annual policy address to announce a cut in stamp duties on home sales, following four months of consecutive falls in house prices and a consequent slowdown in real estate and land transactions. Hong Kong's property market has struggled in

³²

<https://hongkongfp.com/2023/10/18/detained-ex-editor-of-hong-kong-apple-daily-newspaper-issues-apology-over-false-chinese-espionage-allegations/>

³³

<https://www.theguardian.com/world/2023/oct/31/hong-kong-leader-defends-elections-after-largest-pro-democracy-party-shut-out>

³⁴

https://www.eeas.europa.eu/eeas/hong-kong-statement-spokesperson-changes-district-council-electoral-system_en

³⁵

<https://www.hongkongwatch.org/all-posts/2023/10/3/hong-kong-watch-publishes-briefing-on-electoral-reforms-and-the-erosion-of-democracy-in-hong-kong>

recent months due to the increasing exodus of residents and international workers, and also due to fallout from the ongoing crisis in mainland China's real estate sector.³⁶

Mr. Lee also used his address to announce a number of measures to revive Hong Kong's birth rate, which at 0.8 is among the lowest in the world. These include a one-off bursary of HK\$20,000 (US\$2,556) to parents of newborns, and the prioritisation of families with newborns in the queue for public housing.³⁷

Beijing and Hong Kong agree to promote cross-border financing

China's National Development and Reform Commission (NDRC), and Hong Kong's de facto central bank, the Hong Kong Monetary Authority (HKMA), signed a Memorandum of Understanding on supporting cross-border financing by mainland enterprises on 18 October.³⁸

Under the accord, the two authorities are to support eligible Chinese companies in issuing yuan-denominated bonds in Hong Kong. Following a series of defaults on offshore bonds by Chinese real estate companies, and interest rate hikes by the Federal Reserve, bonds denominated in U.S. dollars, euros or Japanese yen issued in Hong Kong decreased by 54% last year to \$89.2 billion. Of that total, mainland issuers accounted for 93%, according to the HKMA.³⁹

Canadian banks blocking Hong Kongers' access to an estimated C\$1.5 billion in pension savings

Research by Hong Kong Watch has revealed that Manulife and Sun Life are blocking thousands of BNO visa holders from accessing an estimated C\$1.5 billion⁴⁰ worth of pension savings, with over 90% of customers applying for MPF withdrawal being rejected on the grounds that the BNO visa is either not a valid document or does not show permission to reside outside Hong Kong.⁴¹

³⁶ <https://www.ft.com/content/6f61934f-9dad-4c13-a761-f93c4de4bdd0>

³⁷

<https://hongkongfp.com/2023/10/25/hong-kong-policy-address-hk20000-handout-for-new-parents-to-boost-citys-record-low-birth-rate/>

³⁸

<https://www.caixinglobal.com/2023-10-20/china-and-hong-kong-agree-to-promote-cross-border-financing-102118505.html>

³⁹ <https://asia.nikkei.com/Spotlight/Caixin/Beijing-and-Hong-Kong-agree-to-promote-cross-border-financing>

⁴⁰

<https://www.hongkongwatch.org/all-posts/2023/10/24/canadian-banks-blocking-hong-kongers-access-to-an-estimated-c15-billion-in-pension-savings>

⁴¹

<https://www.hongkongwatch.org/all-posts/2023/10/24/manulife-and-sun-life-reject-over-90-of-hong-kongers-who-have-tried-to-withdraw-their-mpf-pension-savings>

Hong Kong Watch conducted a survey of Hong Kongers in the UK and Canada to ascertain the extent of MPF rejections, the details of which can be found in the Hong Kong Watch Survey Analysis on Access to MPF for Hong Kongers.⁴² Further information about the involvement of Manulife and Sun Life is available in the Hong Kong Watch Briefing on the Role of Canadian Banks, both published in October.⁴³

OTHER DEVELOPMENTS

New Georgetown report finds official response to 2019 protests ‘extraordinarily harsh’

A new report from Georgetown Center for Asian Law, *The Hong Kong 2019 Protest Movement: a data analysis of arrests and prosecutions*, finds an ‘over-arching effort by the government to use the criminal justice system to punish 2019 protestors and deter further protests’, as well as a serious departure from past precedents and norms.⁴⁴ Sentences handed down in cases related to the protests were ‘extraordinarily harsh’ and placed the independence of Hong Kong’s judiciary under ‘extreme stress.’⁴⁵

The researchers who compiled the report sought to build a dataset of all verdicts and sentences arising from arrests related to the 2019 anti-extradition protests, for a period covering 9 June 2019 to 31 July 2021.

They found that prosecutors, judges, and magistrates faced significant political pressure to obtain convictions, with increasingly harsh sentences handed down to protestors and traditional protections and mitigations, such as on the basis of age, all but disappearing. The wait time to trial and the number of prisoners denied bail has also increased, meaning that many defendants are spending years behind bars despite not being convicted of any crime.⁴⁶

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<https://static1.squarespace.com/static/58ecfa82e3df284d3a13dd41/t/65379791e58a2529b62379f1/1698142098617/MPF+Survey+Analysis+%281%29+%281%29.pdf>

⁴³

https://static1.squarespace.com/static/58ecfa82e3df284d3a13dd41/t/6537996c977c977d9cdeb6f3/1698142572847/MPF+Canada+briefing_2023_FINAL_October2023+%28i%29+%282%29.pdf

⁴⁴

<https://www.law.georgetown.edu/law-asia/wp-content/uploads/sites/31/2023/10/GCAL-HK-2019-ARREST-DATA-REPORT-FINAL-OCT-2023.pdf>

⁴⁵

<https://www.theguardian.com/world/2023/nov/01/hong-kong-over-the-top-punishment-for-2019-democracy-protesters-report-finds>

⁴⁶

<https://www.law.georgetown.edu/law-asia/wp-content/uploads/sites/31/2023/10/GCAL-HK-2019-ARREST-DATA-REPORT-FINAL-OCT-2023.pdf>

Hong Kong civil society groups oppose HKSAR's membership application to RCEP

Chief Executive John Lee stated in a speech to the Belt and Road Initiative Forum in Beijing that Hong Kong would eye stronger economic and trade ties with the member states of the Association of Southeast Asian Nations (ASEAN), as part of his plan to “strive for Hong Kong’s swift accession to RCEP”.⁴⁷

Hong Kong Watch published a joint letter signed by 51 Hong Kong civil society groups on 31 October, urging the governments of Australia, Indonesia, Japan, Korea, Malaysia, New Zealand, and the Philippines to block the ratification of Hong Kong’s membership of the Regional Comprehensive Economic Partnership (RCEP).

RCEP members have weighed the human rights record of applicants when considering ratification of their membership. In February 2022, members rightly blocked Myanmar’s membership on human rights grounds following the military coup.

The full letter and list of signatories is available here.⁴⁸

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<https://hongkongfp.com/2023/10/19/asean-countries-a-priority-hong-kongs-john-lee-eyes-future-visits-trade-stronger-ties-with-southeast-asia/>

⁴⁸

<https://www.hongkongwatch.org/all-posts/2023/10/31/51-hong-kong-civil-society-groups-call-for-hksars-membership-application-of-rcep-to-be-blocked>