

# HUMAN RIGHTS SITUATION IN HONG KONG:

## HONG KONG WATCH BRIEFING ON HUMAN RIGHTS DEVELOPMENTS: JANUARY 2023

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### KEY FIGURES

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Of the **8625** complaints made against Hong Kong judges or judicial officers in 2022, not one was upheld.<sup>1</sup>

In the past two years, Hong Kong's workforce has contracted by **140,000**.<sup>2</sup>

Over **144,000** Hong Kongers have emigrated to the UK since the launch of the BNO visa.<sup>3</sup>

**944** civil servants, amounting to a rate of **0.54%**, quit their jobs between April and June 2022.<sup>4</sup>

Hong Kong reported a **7.4%** turnover rate among academic staff, the highest since the 1997/1998 academic year.<sup>5</sup>

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### EXECUTIVE SUMMARY

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#### POLITICAL PRISONERS: ARRESTS, CHARGES, & TRIALS

- Jimmy Lai's International Lawyers Request Urgent Meeting with UK Prime Minister
- Man Jailed for Posts Calling for Independence and Boycott of COVID-19 Regulations
- Lester Chong and Nine Others Jailed
- Helena Wong Released from Prison
- Six Arrested for Selling "Seditious Books"

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<sup>1</sup> <https://hongkongfp.com/2023/01/19/not-one-of-8625-complaints-against-hong-kong-judiciary-upheld-in-2022/>

<sup>2</sup> <https://www.scmp.com/news/hong-kong/hong-kong-economy/article/3207723/hong-kong-talent-headhunting-scheme-attracts-thousands-applicants-including-hk-2-million-plus-earners>

<sup>3</sup> <https://hongkongfp.com/2023/02/01/over-144000-hongkongers-move-to-uk-in-2-years-since-launch-of-bno-visa-scheme/>

<sup>4</sup> <https://hongkongfp.com/2023/01/13/over-900-hong-kong-civil-servants-quit-in-3-months-in-2022-govt-document-reveals/>

<sup>5</sup> <https://news.mingpao.com/pns/%e8%a6%81%e8%81%9e/article/20230130/s00001/1675013815085/%e5%85%ab%e5%a4%a77-4-%e6%95%99%e5%93%a1%e9%9b%a2%e8%81%b7-%e5%9b%9e%e6%ad%b8%e5%be%8c%e6%96%b0%e9%ab%98-%e5%b6%ba%e5%a4%a7-%e7%a7%bb%e6%b0%91%e4%b8%8d%e5%a4%9a%e6%8c%96%e8%a7%92%e4%b8%8d%e5%b0%91-%e7%a7%91%e5%a4%a7-%e9%83%a8%e5%88%86%e4%ba%ba%e8%bd%89%e8%81%b7%e5%bb%a3%e5%b7%9e%e5%88%86%e6%a0%a1>

- Woman Sentenced to Three Months in Jail for Chanting “Seditious” Slogans
- Cardinal Zen Visits Vatican

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- Australian Judge Patrick Keane Dismisses Criticism of his Appointment to Court of Final Appeal
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- Apple Introduces Censorship to Hong Kong
- Ming Pao Criticised for Comic

#### A GREAT PURGE UNDERWAY

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- Hong Kong Magazine Editor Missing and Arrested in China
- 944 Civil Servants Quit Jobs in Three Months
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- No Protest Rallies Approved In Last Three Years due to COVID-19 Concerns
- No Need for COVID-19 Independent Enquiry
- Next Digital Listing to be Cancelled
- Hong Kong Retires LeaveHomeSafe COVID-19 Tracing App
- HK\$6 Billion Money Laundering Syndicate Smashed
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## OTHER DEVELOPMENTS

- US Extends Deferred Enforced Departure (DED) for Hong Kong Residents
- UK Publishes Six-Monthly Report on Hong Kong
- Bar Human Rights Committee (BHRC) of England and Wales Publishes Report on Judicial Independence in Hong Kong
- Hong Kong to be Reviewed by Committee on Economic, Social and Cultural Rights
- Commonwealth Parliamentary Association disinvites Hong Kong pro-Beijing Lawmakers
- Task Force Launched To Promote Hong Kong Reopening
- Cathay Pacific Doubles Number of Flights to Mainland China
- Over 144,000 Hong Kongers Have Emigrated to UK on BNO Visa
- Hong Konger Commits Suicide in London

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## POLITICAL PRISONERS: ARRESTS, CHARGES & TRIALS

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### **Jimmy Lai's International Lawyers Request Urgent Meeting with UK Prime Minister**

Jimmy Lai's international legal team have requested to urgently meet with the UK Prime Minister Rishi Sunak. Lai, who is a British citizen, has been in jail since December 2020, serving multiple sentences including a 13-month sentence for participating in a peaceful candlelit vigil to mark the 1989 Tiananmen massacre, a 14-month sentence for participating in peaceful protests in 2019, and currently a sentence of almost six years on fabricated charges of fraud.

Later this year he will go on trial for charges of colluding with foreign forces, under the National Security Law, as well as sedition. He is likely to spend the rest of his life in prison. Lai's trial has been adjourned until September 2023 because the Hong Kong government ignored a decision by Hong Kong's Court of Final Appeal to allow his British barrister, Tim Owen, KC, to represent him and instead sought Beijing's "interpretation" and revoked the barrister's work visa; Lai's legal team describe the case against him as "deeply concerning" and "emblematic".<sup>6</sup>

In January, Lai's son Sebastien met with the Minister of State at the UK's Foreign, Commonwealth and Development Office (FCDO), Anne-Marie Trevelyan MP, and with senior Parliamentarians, including Hong Kong Watch Patron Lord Alton of Liverpool and with Sir Iain Duncan Smith MP, who raised the case with Prime Minister Rishi Sunak during Prime Minister's Question Time in the House of Commons.

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<sup>6</sup> <https://www.bbc.com/news/world-asia-china-64206948>

### **Man Jailed for Posts Calling for Independence and Boycott of COVID-19 Regulations**

Wong Chun-kit, 42, has been jailed for 8 months for publishing social media posts that called for the city's independence, the use of violence and a boycott of Covid-19 regulations. This judgement used the sedition law, which dates from the colonial era. He had made Facebook, Instagram and Twitter posts between January 30, 2021 and November 21, 2022.

Some of these posts mentioned “revolution,” “starting a war” and “uprising”. He encouraged people to take inspiration from the man who stabbed and injured a police officer on July 1, 2021 and took his own life afterwards, and also published posts that urged others not to use the Hong Kong government's COVID-19 contact-tracing app LeaveHomeSafe, not to get vaccinated and not to wear a mask.<sup>7</sup>

### **Lester Chong and Nine Others Jailed**

Lester Chong (魔王), the Hong Kong singer, and nine others, have been jailed for up to four years and four months after being convicted of rioting in Yau Ma Tei during the 2019 anti-extradition bill protests. One of the defendants is between 5 to 6 months pregnant, and the judge refused to consider this as a mitigating circumstance in the sentence. The court stated that it had to hand down a heavy sentence and send a correct message, even though the decision may destroy the defendants' lives.

Barrister Jeremy Cheung, who represents Chong, said that Hong Kong will not see social incidents of the same sort after the implementation of the national security law and with the upcoming legislation of Article 23.<sup>8</sup>

### **Helena Wong Released from Prison**

Hong Kong democrat Helena Wong (黃碧雲) has been released from prison after completing a 28-day jail term. In December 2022, she pleaded guilty in two cases concerning a House Committee meeting and a LegCo meeting in 2020.

However, she tested positive for COVID-19 before her release and will undergo self-isolation at home in compliance with the Hong Kong government's isolation order. In her Facebook post since she returned home, she wrote that she will take rest and then make preparations for the case of the 47 democrats. Wong is one of the 17 democrats who has not plead guilty in this case, which is scheduled to begin in February 2023.<sup>9</sup>

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<sup>7</sup><https://hongkongfp.com/2023/01/05/hong-kong-delivery-worker-jailed-for-8-months-over-seditious-posts-calling-for-independence-boycott-of-covid-19-curbs/>

<sup>8</sup><https://hongkongfp.com/2023/01/09/2019-protests-hong-kong-court-jails-singer-and-9-others-for-up-to-4-years-and-4-months-for-rioting-in-yau-ma-tei/>

<sup>9</sup><https://hongkongfp.com/2023/01/09/hong-kong-democrat-helena-wong-released-from-prison-will-isolate-at-home-after-catching-covid-19/>

### **Six Arrested for Selling “Seditious Books”**

Police raided a Lunar New Year market to arrest six people who were selling books related to the 2019 protest movement. Police said the six individuals were “members of an anti-government organisation” and held them in custody on suspicion of engaging in “acts with seditious intention.” They also seized 43 copies of the book and other “seditious” items in a raid on the stall, homes and a printing shop. Critics have said this is a move to spread “terror”.<sup>10</sup>

### **Woman Sentenced to Three Months in Jail for Chanting “Seditious” Slogans**

Chiu Mei-ying (趙美英), 68, has been sentenced to three months in jail after being convicted of “uttering seditious words” under the sedition law. She had applauded and chanted phrases that accused a magistrate of “non-compliance with the law, deciding the case arbitrarily, out-of-line behaviour and delivering unfair judgement” during the trial against Tiananmen vigil activist Chow Hang-tung (鄒幸彤) in January 2022.<sup>11</sup>

### **Cardinal Zen Visits Vatican**

90-year old Cardinal Joseph Zen Ze-Kiun (陳日君) was granted permission to leave Hong Kong to attend the funeral of Pope Emeritus Benedict XVI at the Vatican. His passport had been held by authorities since his arrest in 2022 and his trip abroad lasted less than one week. Zen has been a lifelong advocate for democracy in Hong Kong and a critic of the Vatican’s deal with China. He was fined in November 2022 for failing to correctly register the 612 Humanitarian Relief Fund, a now-defunct organisation which helped protestors with financial and medical aid, in which he served as a trustee.<sup>12</sup>

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## THE STATE OF THE RULE OF LAW

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### **Overseas Lawyers May be Blocked Within Six Months**

Hong Kong’s Secretary for Justice, Paul Lam (林定國), has promised to amend legislation to block overseas lawyers from involvement in national security trials within the first six months of the year. Nevertheless, he said he planned to consult the legal profession and the public, and was prepared to listen to “constructive” viewpoints.

This announcement follows from the Hong Kong government’s attempts to prevent British lawyer Tim Owen, KC from representing Jimmy Lai in his upcoming national security trial.

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<sup>10</sup><https://www.theguardian.com/world/2023/jan/18/hong-kong-police-arrest-six-seditious-book-lunar-new-year-fair>

<sup>11</sup><https://hongkongfp.com/2023/01/31/68-year-old-hong-kong-women-to-serve-3-month-jail-term-over-seditious-words-after-giving-up-appeal/>

<sup>12</sup><https://apnews.com/article/pope-francis-hong-kong-religion-vatican-city-1935fe912dd0747b028a4753aac65bf0>

After Hong Kong's top court approved of Owen as Lai's counsel, the Hong Kong government requested Beijing's interpretation of the national security law, expressing concerns over whether foreign lawyers could work on national security cases. The Bar Association has warned against a blanket ban on overseas lawyers taking on sensitive cases and insisted it would not be "conducive to the administration of justice and rule of law" in the city. Lai's trial has been adjourned from December 2022 to September 2023.

Beijing ruled later that the city's leader and the Committee for Safeguarding National Security, headed by the Chief Executive John Lee Ka-chiu (李家超), should decide whether foreign lawyers were allowed to participate in national security trials.<sup>13</sup> This marks a new low in the state of rule of law and judicial independence in Hong Kong.

### **Beijing and Hong Kong Slam US diplomat's Criticism of National Security Interpretation**

The US consul general to Hong Kong and Macau, Gregory May, criticised the Standing Committee of the National People's Congress' (NPCSC) interpretation of the Hong Kong national security law. He argued that this interpretation confirmed that Hong Kong's leader and national security committee could decide whether foreign lawyers can take part in national security cases and "could further undermine the independence of Hong Kong's judiciary system."

The Hong Kong government issued a statement condemning and objecting to May's criticisms, and said that the interpretation would not harm the independence of Hong Kong courts.<sup>14</sup>

### **Australian Judge Patrick Keane Dismisses Criticism of his Appointment to Court of Final Appeal**

Patrick Keane, a former Australian high court judge, has taken up his appointment to the Hong Kong Court of Final Appeal. Legal professionals have raised concerns about the message his appointment sends in light of Beijing's increasing crackdown on rights and freedoms in Hong Kong, and that this lends credibility to Beijing.

Nevertheless, Keane said that he weighed up the role carefully and believed foreign judges should not "vacate the field" and that it is better to play a role. He argued that "given how successful the court has been in its role in upholding the rule of law, one should be very slow indeed to decline the opportunity to serve on such a successful court". Hong Kong's Chief Executive John Lee Ka-chiu (李家超) praised Keane's appointment, saying it reflected a

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<sup>13</sup><https://www.scmp.com/news/hong-kong/politics/article/3207862/legislation-block-overseas-lawyers-hong-kong-national-security-trials-could-be-force-within-6-months>

<sup>14</sup><https://hongkongfp.com/2023/01/26/terrible-playbook-beijing-and-hong-kong-slam-us-diplomats-criticism-of-national-security-interpretation/>

“high degree of confidence” in Hong Kong’s legal system.<sup>15</sup>

### **Lawmakers’ Names Omitted from LegCo Meeting Minutes**

This month, Hong Kong’s Legislative Council (LegCo) changed the way it reports minutes of panel meetings, and now omits lawmakers’ names, even though these are the meetings where public business is primarily conducted. This makes it much harder for citizens to seek government accountability because they do not know who has said what in the meetings. The move has been criticised by multiple media outlets and the Hong Kong Journalists Association.

The LegCo has already reduced the number of directly elected seats, made it mandatory for candidates to be nominated by a pro-Beijing Election Committee, and introduced mandatory screenings by national security police and by an eligibility review committee.<sup>16</sup> This move is the latest step in reducing government transparency, accountability, and reducing the public’s trust in the government.

### **No Complaint Against Hong Kong Judiciary Upheld in 2022**

According to a report by Hong Kong’s judiciary, not a single one of the 8625 complaints made against judges or judicial officers last year was deemed to be justified or partly justified. In addition, defendants had to wait almost a year (356 days), on average, to have a criminal proceed from first appearance to a hearing at the district court.

The judiciary added that four “social event court cases” generated 8595 of the complaints. The number of complaints also increased by 295%, as the government only received 2205 complaints in 2021.<sup>17</sup>

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## **MEDIA FREEDOM IN THE CROSS HAIRS**

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### **Hong Kong’s Chief Executive Says People Use Journalism to Pursue Political Aims, Personal Benefit, or “Launder Money”**

At a press meeting, Chief Executive John Lee Ka-chiu (李家超) explained that there are two layers to the issue of “fake news”. The first is “harmful or false information” which he hoped the industry could “self-regulate” and the second is “fake news” which threatened national security. Lee argued that there have been “improvements in the media’s professionalism”

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<sup>15</sup><https://www.theguardian.com/world/2023/jan/17/australian-justice-appointed-to-hong-kong-court-argues-foreign-judges-shouldnt-vacate-the-field>

<sup>16</sup><https://hongkongfp.com/2023/01/29/omitting-lawmakers-names-from-hong-kongs-legislature-meeting-minutes-does-little-to-build-trust-in-government/>

<sup>17</sup>

<https://hongkongfp.com/2023/01/19/not-one-of-8625-complaints-against-hong-kong-judiciary-upheld-in-2022/>

since the implementation of the National Security Law.

Nevertheless, he added that “people are using journalistic work as a cover to do other things, including some with political objectives, or even personal aims... some fled the city after raising funds from the public, and cases of money laundering exist.” Lee did not give examples.<sup>18</sup>

Since the passing of the National Security Law, Hong Kong’s journalists have faced systematic attacks and restrictions, including many individuals who are now in jail or on trial. Numerous outlets had to shut down. Hong Kong authorities are expected to publish research on a proposed “fake news law” and is set to pass its own security under Article 23 of the Basic Law.

### **Stand News Trial Continues**

Chung Pui-kuen (鍾沛權), the former editor-in-chief of Stand News, is on trial for publishing 17 allegedly seditious articles. The prosecution argued that he promoted the July 2020 primaries, and three candidates’ unlawful political agendas, by reporting on them through Stand News. Chung argued that covering an allegedly illegal event should not be criminalised. The 2020 primaries resulted in the separate arrests of 47 democrats under the national security law, who will face a trial that is set to begin in February 2023.<sup>19</sup>

The court also presented several satirical images published by Stand News, and Chung explained to the prosecutor that satire “uses the people in power as a symbol”. The lead prosecutor, Laura Ng, called pro-democracy protestors “terrorists” and argued that Stand News articles encouraged the idea of state subversion before the implementation of the national security law.<sup>20</sup>

### **Citizen News Removes All Online Content**

Although the online outlet Citizen News (眾新聞) ceased operating one year ago, it removed all its online contents from its website and social media platforms this month. A former editor said that the move was due to the company winding up. The chief writer said that the outlet closed to protect its staff as they could no longer gauge where “legal boundaries” lay. Citizen News was the third major outlet to close following the introduction of the National Security Law in 2020.<sup>21</sup>

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<sup>18</sup><https://hongkongfp.com/2023/01/17/hong-kongs-john-lee-says-some-are-using-journalism-as-cover-to-laundry-money-pursue-political-objectives/>

<sup>19</sup><https://hongkongfp.com/2023/01/12/covering-hong-kong-democrats-primary-should-not-be-a-crime-ex-stand-news-chief-editor-tells-sedition-trial/>

<sup>20</sup><https://hongkongfp.com/2023/01/26/political-comics-and-protest-related-articles-questioned-in-sedition-trial-against-hong-kong-outlet-stand-news/>

<sup>21</sup><https://hongkongfp.com/2023/01/04/one-year-after-its-closure-hong-hong-media-outlet-citizen-news-removes-all-online-content-as-firm-winds-up/>



### **The Points Overseas Newspaper Launched**

Since the passing of the National Security Law in Hong Kong, the environment for journalists has become increasingly hostile. Many outlets closed and journalists were arrested or left the city. The Points (稜角) is a newly-established Chinese-language newspaper that is entirely based overseas and formed by activists-in-exile and Hong Kong journalists who worked for now-disbanded outlets and who have also left the city.<sup>22</sup> The Points' Twitter account has been blocked.

### **Apple Introduces Censorship to Hong Kong**

Apple users in Hong Kong recently found that they were unable to use the popular code-sharing website GitLab on the Safari app, and received a warning that the site was blocked for their own safety. The access was restored and the issue flagged with Apple, who will not say how or why the site was censored. The access was temporarily cut off thanks to Apple's use of Tencent - a Chinese company - to operate the safe browsing filter for Safari users in China on Apple's behalf, and now in Hong Kong.<sup>23</sup>

### **Ming Pao Criticised for Comic**

Hong Kong newspaper Ming Pao (明報) has been criticised over a comic strip, by the artist Zunzi (Wong Kei-kwan, 黃紀鈞), which poked fun at Beijing's recent interpretation of the Hong Kong National Security Law. In the comic, one of the characters said the interpretation did not grant the chief executive extra powers, but "only confirmed that the chief executive and the committee could do whatever they want." This criticism is the latest in a string of government attacks on Ming Pao, and freedom of the press in Hong Kong.<sup>24</sup>

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## **THE GREAT PURGE UNDERWAY**

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### **Japanese Photographer Denied Entry**

Japanese Photographer Michiko Kiseki was questioned and then denied entry into Hong Kong. She previously held a photo exhibition and published a photo book featuring the 2019 anti-extradition protests, which authorities referred to. On Twitter, she wrote that "I've learned the hard way that 'the freedom in Hong Kong is gone'".<sup>25</sup>

### **Hong Kong Magazine Editor Missing and Arrested in China**

Chen Zhiming (陳志明), chief editor of Hong Kong magazine Exclusive Character (獨家人物), has been missing in Mainland China since September 2022 and has been arrested on

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<sup>22</sup> <https://points-media.com/about-us/>

<sup>23</sup> <https://theintercept.com/2023/01/26/apple-china-censorship-hong-kong-gitlab/>

<sup>24</sup> <https://hongkongfp.com/2023/01/06/hong-kong-newspaper-ming-pao-criticised-by-no-2-official-over-comic-strip-about-beijing-ruling-on-security-law/>

<sup>25</sup> <https://www.nippon.com/en/news/yji2023011101083/>

suspicion of “running an illegal business.” This is not the first time that an editor has been arrested and charged with “running an illegal business.”<sup>26</sup>

Chen’s mother has been unable to reach him and the Hong Kong Police did not file a missing person report. Colleagues suspect that Chen was in trouble for reporting on the COVID-19 pandemic in Mainland China, and an alleged human trafficking case, which are sensitive topics for the regime.<sup>27</sup>

#### **944 Civil Servants Quit Jobs in Three Months**

According to a Civil Service Bureau document, 944 civil servants quit their jobs between April and June 2022. This amounts to a resignation rate of 0.54%. Additionally, the government department with the most vacancies was the Hong Kong Police Force, with 6,312 openings as of March 2022. Four other departments also had over 500 openings. Teachers in particular have been facing great pressure to implement national security education and new guidelines, in addition to other new pressures of the job, resulting in many vacancies.<sup>28</sup>

#### **Turnover Rate of 7.4% Among Academic Staff**

In the 2021/22 academic year, Hong Kong reported a 7.4% turnover rate among academic staff, the highest since the 1997/1998 academic year, which was when the handover took place. Lingnan University and the Hong Kong University of Science and Technology had higher turnover rates, at 11.6% and 10% respectively. Although a large number of Hong Kongers are leaving the city, the president of Lingnan University said it was not clear that the turnover rate was related to emigration.<sup>29</sup>

#### **Activist Fined After Failed Legal Bid Against Police**

Chan Ki-Kau (陳基裘), a 77 year-old Hong Kong pro-democracy activist had launched a legal challenge against the Hong Kong Police Force over their display of identification during the 2019 protests. He filed charges in 2019, which have been dismissed by the court, and ordered to pay a fine of HK\$510,000 to the Department of Justice. The fine was eventually reduced by HK\$2000.<sup>30</sup>

<sup>26</sup> <https://www.rfa.org/english/news/china/hk-editor-01262023153952.html>

<sup>27</sup> <https://hongkongfp.com/2023/01/28/chief-editor-of-hong-kong-magazine-exclusive-character-reportedly-missing-in-mainland-china/>

<sup>28</sup> <https://hongkongfp.com/2023/01/13/over-900-hong-kong-civil-servants-quit-in-3-months-in-2022-govt-document-reveals/>

<sup>29</sup> <https://news.mingpao.com/pns/%e8%a6%81%e8%81%9e/article/20230130/s00001/1675013815085/%e5%85%ab%e5%a4%a77-4-%e6%95%99%e5%93%a1%e9%9b%a2%e8%81%b7-%e5%9b%9e%e6%ad%b8%e5%be%8c%e6%96%b0%e9%ab%98-%e5%b6%ba%e5%a4%a7-%e7%a7%bb%e6%b0%91%e4%b8%8d%e5%a4%9a%e6%8c%96%e8%a7%92%e4%b8%8d%e5%b0%91-%e7%a7%91%e5%a4%a7-%e9%83%a8%e5%88%86%e4%ba%ba%e8%bd%89%e8%81%b7%e5%bb%a3%e5%b7%9e%e5%88%86%e6%a0%a1>

<sup>30</sup> <https://thewitnesshk.com/2019%E5%B9%B4%E5%8F%B8%E6%B3%95%E8%A6%86%E6%A0%B8%E9%80%9F%E9%BE%8D%E5%B0%8F%E9%9A%8A%E7%84%A1%E5%B1%95%E7%A4%BA%E7%B7%A8>

### **Hong Kong Police Watchdog Dismisses Complaint Filed by Protester**

A Hong Kong reporter who was allegedly shot at with a police projectile during a protest in 2019 filed a complaint that the use of force was “not unreasonable.” In video footage, it is evident that the reporter had charged forward and touched the officer’s hand, after being told to leave the scene, and was shot afterwards.

The Independent Police Complaints Council (IPCC) concluded that there was insufficient evidence to support his accusation of excessive use of force and dismissed the complaint. The reporter expressed disappointment that his complaint was rejected.<sup>31</sup>

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## STATE SECURITY AND ECONOMY

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### **Zheng Yanxiong Appointed Head of China Liaison Office**

When Hong Kong’s National Security Agency was founded in 2020, Zheng Yanxiong (郑雁雄) was appointed as its head. He oversaw the implementation of the National Security Law, which has since been used to prosecute dozens of activists. Zheng has now been appointed to become the head of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, promoting him to becoming Beijing’s top representative in Hong Kong.<sup>32</sup>

### **Hong Kong’s Exchange Fund Records US\$25.8 billion Loss**

Hong Kong’s Exchange Fund, used to defend the Hong Kong dollar from attacks by short-sellers, reported the worst year on record in 2022 as it lost HK\$202.4 billion (US\$25.8 billion). Since the fund began disclosing annual results in 2000, this is the worst result, far surpassing the fund’s annual loss of HK\$75 billion in 2008 amid the global financial crisis, and the HK\$15.8 billion loss in 2015 in the wake of the Chinese stock market crash.<sup>33</sup>

### **No Protest Rallies Approved In Last Three Years due to COVID-19 Concerns**

The Secretary for Security Chris Tang (鄧炳強) has stated that the reasons Hong Kong authorities have not approved any demonstrations in the last three years was due to COVID-19 health concerns. He added that he disagreed that people were less willing to express their views since the implementation of the National Security Law in 2020, and that

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[%E8%99%9F%E6%95%97%E8%A8%B4-%E9%A6%AC%E5%B1%8E%E5%9F%94%E9%99%B3%E4%BC%AF/](https://hongkongfp.com/2023/01/31/hong-kong-police-watchdog-dismisses-complaint-filed-by-protester-hit-by-projectile-during-2019-protest/)

<sup>31</sup><https://hongkongfp.com/2023/01/31/hong-kong-police-watchdog-dismisses-complaint-filed-by-protester-hit-by-projectile-during-2019-protest/>

<sup>32</sup><https://hongkongfp.com/2023/01/15/beijing-appoints-national-security-hardliner-zheng-yanxiong-to-head-hong-kong-office/>

<sup>33</sup><https://www.scmp.com/business/article/3208465/hong-kong-exchange-fund-reports-worst-year-record-2022-it-lost-us258-billion-amid-perfect-storm-hkma>

Hong Kong will seek to enact its own security law next year at the latest.<sup>34</sup>

### **No Need for COVID-19 Independent Enquiry**

This month, a University of Hong Kong microbiologist called for an independent probe into Hong Kong's COVID-19 response as a way to prepare for future pandemics. Nevertheless, the Chief Executive John Lee Ka-chiu (李家超) announced that he sees no need to conduct an independent inquiry into the government's response to the Covid-19 pandemic, though officials will review and learn from their experiences.<sup>35</sup>

### **Next Digital Listing to be Cancelled**

Next Digital's listing on the Hong Kong stock exchange will be cancelled on Thursday 2 February 2023. Trading in the company's stocks has been suspended since June 17, 2021, when it was valued at HK\$764.6 million.

Next Digital is the parent company of pro-democracy tabloid Apple Daily, which has already closed down following a police raid and the arrest of Jimmy Lai, its owner. Lai is also the founder of Next Digital.<sup>36</sup>

### **Hong Kong Retires LeaveHomeSafe COVID-19 Tracing App**

The LeaveHomeSafe app, introduced in November 2020, as a tool to trace COVID-19 infections in Hong Kong, was retired on 8 January because it has "completed its historical mission." The authorities added that all visit records in the system had been deleted, but the app can still be used to register for PCR tests. Over the last two years, the public was required to use the app to enter restaurants and other businesses.<sup>37</sup>

### **HK\$6 Billion Money Laundering Syndicate Smashed**

The Hong Kong Customs have smashed a money-laundering syndicate and operations centre worth HK\$6 billion (US\$ 766 million), which is the highest recorded amount. They also arrested 9 people, held an operation at a residential premise, and sought to freeze HK\$15 million of assets. All nine have been released on bail and face a maximum penalty of HK\$5 million and 14 years in jail.<sup>38</sup>

### **Hong Kong Faces Worker Shortage**

Although Hong Kong prepares to reopen and welcome more tourists, the service industries

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<sup>34</sup><https://hongkongfp.com/2023/01/30/no-protest-rallies-approved-in-3-years-due-to-health-concerns-say-hong-kong-security-chief/>

<sup>35</sup> <https://news.rthk.hk/rthk/en/component/k2/1685866-20230131.htm>

<sup>36</sup><https://hongkongfp.com/2023/01/06/hong-kong-listing-of-apple-daily-parent-company-next-digital-to-be-cancelled/>

<sup>37</sup><https://hongkongfp.com/2023/01/09/covid-19-hong-kong-retires-contact-tracing-app-leavehomesafe-amid-easing-of-restrictions/>

<sup>38</sup><https://hongkongfp.com/2023/01/18/hong-kong-customs-smash-hk6-billion-laundering-syndicate-highest-on-record/>

are not prepared for the expected increase in business. Since the COVID-19 border closures and strict social distancing rules, tourism-related businesses have suffered. Many hotels and restaurants were forced to shorten hours for workers, reduce pay, and let employees go. Those workers left Hong Kong or moved to other industries. It has been harder to hire in the service industry, and workers are able to ask for higher salaries than before.<sup>39</sup>

### **Hong Kong Talent Scheme Opens**

A new talent scheme launched to attract immigration to Hong Kong has already received 5800 applications in its first two weeks. Of these, 800 applicants earn more than HK\$ 2 million (US\$ 255,000) each year. This new scheme hopes to make up for the number of people who have left Hong Kong's workforce, which has contracted by 140,000 in the last two years.<sup>40</sup>

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## **OTHER DEVELOPMENTS**

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### **US Extends Deferred Enforced Departure (DED) for Hong Kong Residents**

The US Biden Administration announced Extending and Expanding Eligibility for Deferred Enforced Departure for Certain Hong Kong Residents (DED), which will prevent the deportation of Hong Kongers from the United States until February 5, 2025.<sup>41</sup> The scheme was launched in August 2021 in support of the human rights and fundamental freedoms of the residents of Hong Kong, and after the passing of the National Security Law in 2020, which undermined and eroded the rights and freedoms of people in Hong Kong.<sup>42</sup>

The extension of DED comes off the back of a joint-campaign by Hong Kong NGOs of which Hong Kong Watch played a leading role through our advocacy work. This included support for an open letter signed by 47 organisations working in the USA and led by the Hong Kong Democracy Council. The letter highlighted that the political instability in Hong Kong shows no sign of slowing down, and that the DED “offered eligible individuals crucial immunities from deportation and the right to seek employment here.”<sup>43</sup>

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<sup>39</sup><https://www.bloomberg.com/news/articles/2023-01-19/hong-kong-worker-shortage-ruins-reopening-for-restaurants-shops#xj4y7vzkg>

<sup>40</sup><https://www.scmp.com/news/hong-kong/hong-kong-economy/article/3207723/hong-kong-talent-headhunting-scheme-attracts-thousands-applicants-including-hk2-million-plus-earners>

<sup>41</sup><https://www.whitehouse.gov/briefing-room/presidential-actions/2023/01/26/memorandum-on-extending-and-expanding-eligibility-for-deferred-enforced-departure-for-certain-hong-kong-residents/>

<sup>42</sup><https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/05/memorandum-on-the-deferred-enforced-departure-for-certain-hong-kong-residents/>

<sup>43</sup><https://www.hkdc.us/press-release/joint-letter-to-president-biden%3A-renew-and-expand-d.e.d.-for-hong-kong-ers>

### **UK Publishes Six-Monthly Report on Hong Kong**

The UK's Foreign, Commonwealth & Development Office (FCDO) has published a report covering developments in Hong Kong from January to June 2022. It highlighted that "Hong Kong's autonomy is declining, and the pervasive, chilling effect of the National Security Law seeps into all aspects of society." It also detailed the systematic erosion of freedoms and ongoing crackdown on free speech, the free press, and free assembly. Finally, it criticised China's failure to comply with the Sino-British Joint Declaration.<sup>44</sup>

Hong Kong Watch welcomed the publication of this report and recommended increased pressure from the UK Government for the release of Jimmy Lai, who is a UK citizen, and other political prisoners, as well as the removal of the remaining UK judges from the Hong Kong Court of Final Appeal.<sup>45</sup>

### **Bar Human Rights Committee (BHRC) of England and Wales Publishes Report on Judicial Independence in Hong Kong**

The BHRC has released a Special Report on Judicial Independence in Hong Kong SAR, assessing the current situation and critical challenges to judicial independence in Hong Kong for members of the judiciary, the legal profession, and civil society. It highlighted that "the imposition of the Hong Kong National Security Law on Hong Kong by Beijing has fundamentally changed the constitutional landscape with profound implications for the legal system and for fundamental freedoms and human rights in Hong Kong."<sup>46</sup>

### **Hong Kong to be Reviewed by Committee on Economic, Social and Cultural Rights**

Hong Kong SAR's implementation of the International Covenant on Economic, Social and Cultural Rights will be reviewed by the UN Committee on Economic, Social and Cultural Rights in February 2022.<sup>47</sup>

Hong Kong Watch made a submission to the Committee, highlighting that the institutionalised restrictions on media freedom in Hong Kong since 2021, including the results from surveys of journalists which reveal that the situation has drastically deteriorated in recent years, due to the National Security Law, the fake news law, and surveillance. Journalists have been attacked, harassed, and arrested under the National Security Law and the Sedition Law.

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<sup>44</sup><https://www.gov.uk/government/publications/six-monthly-report-on-hong-kong-january-to-june-2022/six-monthly-report-on-hong-kong-1-january-to-30-june-2022>

<sup>45</sup><https://www.hongkongwatch.org/all-posts/2023/1/12/hong-kong-watch-welcomes-the-publication-of-the-fcdo-six-monthly-report-on-hong-kong-and-calls-for-further-action-from-the-uk-government>

<sup>46</sup><https://barhumanrights.org.uk/bhrc-publishes-new-report-on-judicial-independence-in-hong-kong-sar-applying-aba-judicial-monitor-toolkit/>

<sup>47</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2573&Lang=enhttps://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2573&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2573&Lang=enhttps://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2573&Lang=en)

Through restrictions on media freedom, the Hong Kong Government has not only violated the right of everyone to take part in cultural life, they have also systematically limited the freedom indispensable for future creative activity through these restrictions. This is also a violation of cultural rights, as there is not the freedom necessary to exercise them. These are violations of Article 15 of the International Covenant on Economic, Social and Cultural Rights.

Trade union rights are important for cultural rights in the context of media freedom, as they ensure the rights of journalists and others to express themselves freely and have the necessary support network. By limiting the abilities of journalists and other trade unions in Hong Kong, the Hong Kong government is violating trade union rights, which is Article 8 of the International Covenant on Economic, Social and Cultural Rights, as well as cultural rights.<sup>48</sup>

### **Commonwealth Parliamentary Association disinvites Hong Kong pro-Beijing Lawmakers**

The UK branch of the Commonwealth Parliamentary Association (CPA) will be hosting a five-day event to discuss issues related to parliamentary democracy and practice, at which over 180 international lawmakers will attend, and is scheduled to take place in London in March 2023. The CPA initially invited Hong Kong lawmakers Dominic Lee (李梓敬) and Carmen Kan (簡慧敏), but later rescinded the invitation citing the city's "deteriorating situation".<sup>49</sup> The President of the Hong Kong Legislative Council criticised this decision, saying that it was an attempt to "derogate and sideline Hong Kong."<sup>50</sup>

Hong Kong Watch encouraged the CPA to reconsider these invitations and expressed the concerns raised by Hong Kongers in the UK.<sup>51</sup>

### **Task Force Launched To Promote Hong Kong Reopening**

The Hong Kong government has launched a new task force to promote Hong Kong after years of COVID-19 related isolation. It includes banking chiefs, tycoons, entrepreneurs and the South China Morning Post's editor-in-chief, of which many are foreign nationals.<sup>52</sup> In addition to the years of isolation related to Hong Kong's COVID-19 regulations, Hong Kong has dramatically changed since the imposition of the National Security Law in 2020 and rapid erosion of rights and freedoms since then. The task force's promotion of Hong Kong serves as propaganda and whitewashing of the Hong Kong government's actions.

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<sup>48</sup><https://www.hongkongwatch.org/all-posts/2023/1/18/hong-kong-watch-submission-to-un-committee-on-economic-social-and-cultural-rights-details-that-press-freedom-and-cultural-rights-are-under-attack-in-hong-kong>

<sup>49</sup> <https://www.uk-cpa.org/news-and-views/statement-on-the-westminster-seminar/>

<sup>50</sup><https://hongkongfp.com/2023/01/30/hong-kong-slams-uk-parliamentary-group-after-citys-lawmakers-uninvite-d-from-seminar/>

<sup>51</sup> [https://twitter.com/hk\\_watch/status/1618938022644559873?s=12&t=00mIN6EpfPrIongZfDC00Q](https://twitter.com/hk_watch/status/1618938022644559873?s=12&t=00mIN6EpfPrIongZfDC00Q)

<sup>52</sup><https://hongkongfp.com/2023/01/30/heads-of-intl-banks-business-elites-and-scmp-chief-join-govt-task-force-to-promote-hong-kong-reopening/>

### **Cathay Pacific Doubles Number of Flights to Mainland China**

Since the easing of Mainland China's COVID-19 restrictions, Hong Kong's flagship airline Cathay Pacific has more than doubled its number of flights between Hong Kong and Mainland airports. International arrivals to China (including those from Hong Kong) no longer need to quarantine, raising hopes of recovery for the industry. Nevertheless, all travellers will be required to test negative for COVID-19 via a PCR test within 48 hours before arriving in Hong Kong.<sup>53</sup>

### **Over 144,000 Hong Kongers Have Emigrated to UK on BNO Visa**

The UK Home Office has announced that over 144,500 Hong Kongers have moved to the UK since the launch of the British National Overseas (BNO) Visa scheme on 31 January 2021. The scheme allows BNO passport holders and their dependents to live and work in the UK for up to five years, which provides them a pathway towards permanent residency and citizenship. The scheme was expanded in November 2022 to include those with at least one parent who is a BNO passport holder to also apply to settle in the UK on their own.<sup>54</sup>

### **Hong Konger Commits Suicide in London**

Fion Yee-King Ho (何怡荷), 27, took her own life after struggling to settle in London after migrating from Hong Kong in April 2022. She had been battling with her mental health and struggled to make ends meet, despite living in a £900 "unhygienic" flat share in Richmond, London. She had not been to work and was not answering her phone, so a flatmate was asked to check on her, and discovered that she had committed suicide. She was pronounced dead in November 2022. Her case reveals the challenges some Hong Kongers face after relocation to the UK, and the inadequacy and inaccessibility of support.<sup>55</sup>

Hong Kong Watch and other BNO groups in the UK are urging the government to provide more mental health and housing support for Hong Kongers in the UK, especially those born after 1997 who have recently become eligible for the BNO Visa.

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<sup>53</sup> <https://edition.cnn.com/2023/01/05/business/cathay-pacific-doubles-flights-china-intl-hnk/index.html>

<sup>54</sup> <https://hongkongfp.com/2023/02/01/over-144000-hongkongers-move-to-uk-in-2-years-since-launch-of-bno-visa-scheme/>

<sup>55</sup> <https://www.mirror.co.uk/news/uk-news/dedicated-woman-27-took-life-29043376>