



## Hong Kong Watch Briefing April 2020

### Headlines:

Beijing is using the coronavirus as cover to ram through draconian measures and arrest prominent activists for “unlawful assembly”:

- The politically motivated arrests of 15 of the most prominent democracy campaigners in Hong Kong on 18<sup>th</sup> April, including Martin Lee Chu-ming, considered the ‘grandfather’ of democracy in Hong Kong, and media entrepreneur Jimmy Lai, owner of the largest pro-democracy newspaper Apple Daily, represents a concerted effort by the Chinese Communist Party to use the world’s focus on the COVID-19 pandemic strangle dissent in the city.
- This group of prominent activists and former lawmakers were arrested under the Public Order Ordinance, legislation that gives the Hong Kong Police excessive power to proscribe protests as “unlawful assemblies” and has consistently been described by the United Nations as a clear breach of human rights. The alleged crimes, of which they stand accused, include organising a march against the Government’s extradition bill on 18th August last year which 1.7 million people attended.
- These arrests come in the same week Beijing declared that its Liaison Office in Hong Kong is not bound to Article 22 of Hong Kong’s Basic Law, which ensures that no Chinese Government department can interfere in the affairs of the Hong Kong Special Administrative Region.
- The Chinese Liaison Office in Hong Kong has called for the enactment of national security legislation, which would breach the Hong Kong Government’s obligation to comply with the International Covenant on Civil and Political Rights.
- The Hong Kong Police Force has been accused of abusing new COVID-19 powers to suppress protests, including using the new measures to disperse protesters gathered outside the Prince Edward subway station.

- **Businesses sympathetic to the city’s democracy movement have reported a rise in harassment from the Hong Kong Police as a result of new COVID-19 powers.**
- **The Chinese Government’s Hong Kong and Macau Affairs Office has threatened to bar more Hong Kong legislators from office.**
- **Three of Hong Kong’s senior judges have warned that the independence of Hong Kong’s judiciary is under assault from the Chinese Communist Party.**
- **Since June, 7,165 protestors have been arrested by the Hong Kong police force.**
- **The Hong Kong Government continues to use outdated and vague common law charges to arrest pro-democracy activists, including the unprecedented use of sedition charges against pro-democracy politician Cheng Lai-King after she broke a doxing injunction to call for a police officer who blinded a journalist in the protests to be investigated.**
- **The Chinese Government announced the expulsion of American journalists working for the Washington Post, the Wall Street Journal, and the New York Times, from mainland China, Macau, and Hong Kong.**

**Hong Kong Watch regularly updates a database on the detention of protestors in Hong Kong, which can be found here: <https://www.hongkongwatch.org/protest-prosecution>**

## **In-depth:**

### **Mass arrests of prominent democracy activists as Beijing declares Hong Kong Liaison Office free to interfere**

On April 18<sup>th</sup> the Hong Kong Police Force arrested 14 high-profile democracy activists on charges of illegal assembly, including Martin Lee Chu-Ming, the grandfather of Hong Kong’s democracy and the prominent barrister Margaret Ng.<sup>1</sup>

This group of prominent activists and former lawmakers were arrested under the Public Order Ordinance, legislation that gives the Hong Kong Police excessive power to proscribe protests as “unlawful assemblies” and has consistently been described by the United

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<sup>1</sup> <https://www.scmp.com/news/hong-kong/politics/article/3080529/least-12-hong-kong-opposition-veterans-arrested-police-over>

Nations as a clear breach of human rights. The alleged crimes, of which they stand accused, include organising a march against the Government's extradition bill on 18th August last year which 1.7 million people attended.

The arrests took place just hours after China's top representative office in the semi-autonomous city declared it is not bound by Hong Kong's constitutional restrictions that bar Chinese government from interfering in local affairs.<sup>2</sup>

In a statement on the arrests, the former Foreign Secretary and Hong Kong Watch Patron Rt. Hon Malcolm Rifkind said:

*"The arrest of Martin Lee, the grandfather of Hong Kong's democracy, barrister Margaret Ng and other prominent mainstream pro-democracy politicians in Hong Kong today is a truly appalling attack on the very heart of Hong Kong's freedoms, the rule of law and autonomy guaranteed to the people of Hong Kong under the Joint Declaration and the Basic Law.*

*I know some of them personally and I know these individuals are not radicals or 'rioters', they are highly-respected internationally-renowned establishment politicians known for their commitment to the rule of law and basic freedoms. The international community must speak out very clearly to show Beijing that these arrests are unacceptable and will be regarded as an assault not only on Hong Kong's freedoms but on the international rules-based order itself."<sup>3</sup>*

Lord Christopher Patten, the last British Governor of Hong Kong also criticised the arrests and the claims from Beijing that its Liaison Office is not bound by the Hong Kong Basic Law:

*"With the world's attention focused on the appalling covid-19 epidemic, Beijing and its subservient government in Hong Kong have taken yet another step towards burying one-country, two-systems. The arrest of some of the most distinguished leaders over decades of the campaign for democracy and the rule of law in Hong Kong is an unprecedented assault on the values which have underpinned Hong Kong's way of life for years. It is extraordinary that 14 distinguished Hong Kong citizens have been singled out by the police for taking part in demonstrations, the first of which was attended by 1.7 million of Hong Kong's citizens. This is not the rule of law. This is what authoritarian governments do. It becomes ever more clear, week by week and day by day, that Beijing is determined to throttle Hong Kong. The world should make clear how this further undermines any residual trust that we still have in the Chinese Communist dictatorship.*

*This assault on Hong Kong's freedoms comes hard on the heels of ludicrous attempts in the last few days by Beijing's officials to argue that the Hong Kong and Macao Affairs Office, and the Liaison Office in Hong Kong, are not the same as the rest of the Beijing Government and can interfere in Hong Kong's affairs without breaching the Joint Declaration and the Basic Law. This is a reckless argument which shows that Xi Jinping is determined to abandon the policies pursued by his predecessors, even at the cost of destroying Hong Kong's way of life. It should be*

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<sup>2</sup> <https://www.scmp.com/news/hong-kong/politics/article/3080506/beijings-liaison-office-says-it-has-right-handle-hong-kong>

<sup>3</sup> <https://www.hongkongwatch.org/all-posts/2020/4/18/patten-rifkind-other-politicians-and-hong-kong-watch-condemn-mass-arrests-of-democracy-activists>

*rejected immediately by all those governments and parliaments around the world who know the importance of safe-guarding the high degree of autonomy which is guaranteed by the Basic Law.”<sup>4</sup>*

The arrests have received international condemnation with statements released from the US State Department, the Canadian Government, the European Commission, the Chair of ASEAN parliamentarians for human rights, the co-Chairs of the Hong Kong Parliamentary Party Group.<sup>5</sup>

The Hong Kong Government has also faced criticism from the international legal community, with the International Bar Association, the International Bar Association’s Human Rights Institute, the Bar Human Rights Committee of England and Wales, and the International Commission of Jurists stating that:

*‘The right to peaceful protest is protected under the Joint Declaration and the Basic Law. As part of the ‘One Country, Two Systems’ policy, the Hong Kong Basic Law guarantees freedoms that are not available to those in mainland China until 2047. Hong Kong residents are guaranteed the rights to ‘freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration’. Article 21 of the International Covenant on Civil and Political Rights (“ICCPR”) provides that “[t]he right of peaceful assembly shall be recognised.” The Basic Law expressly preserves the ICCPR as applicable to the Hong Kong Special Administrative Region. The State has a duty to protect and facilitate such protest, and the Public Order Ordinance must be implemented in conformity with Hong Kong’s obligations under the ICCPR.’<sup>6</sup>*

The British Government, a co-signatory and guarantor of the Sino-British Joint Declaration, commenting on the arrests has said “the right to peaceful protest is fundamental to Hong Kong’s way of life and as such is protected in both the Joint Declaration and the Basic Law.” The UK Foreign Office also called for the authorities in Hong Kong to “focus on rebuilding trust through a process of meaningful political dialogue.”<sup>7</sup>

Writing in the New York Post, Hong Kong Watch co-founder and Chair Ben Rodgers said:

“The West mustn’t lose sight of what’s happening, even as we deal with the pandemic and its economic aftershocks. The British government, with its legal responsibility for Hong Kong, and the United States, with its vast influence, must speak out — and act. One first step might be to sanction officials in Beijing and Hong Kong responsible for this strangling of freedom.

We can’t afford to allow such a vital global financial center to collapse into tyranny. And we can’t allow China to shirk its legal commitments with such impunity. A

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<sup>4</sup> <https://www.hongkongwatch.org/all-posts/2020/4/18/patten-rifkind-other-politicians-and-hong-kong-watch-condemn-mass-arrests-of-democracy-activists> & <https://news.rthk.hk/rthk/en/component/k2/1521395-20200418.htm>

<sup>5</sup> <https://www.hongkongwatch.org/all-posts/2020/4/18/patten-rifkind-other-politicians-and-hong-kong-watch-condemn-mass-arrests-of-democracy-activists>

<sup>6</sup> <https://www.barhumanrights.org.uk/hong-kong-arrests-of-pro-democracy-figures-condemned-by-international-legal-community/>

<sup>7</sup> <https://www.gov.uk/government/news/hong-kong-protests-foreign-office-statement-18-april-2020>

pandemic shouldn't cause us to forget our values. If anything, growing evidence of Chinese Communist malfeasance in the pandemic's early stages is a reminder of why we should care about what happens in Hong Kong."<sup>8</sup>

### **Beijing calls for the enactment of national security legislation**

The Chinese Liaison Office in Hong Kong this week called for the enactment of Article 23 national security legislation, which was previously shelved in 2003.<sup>9</sup>

Luo Huining, Head of the Hong Kong Liaison Office in a speech commemorating China's National Security Education Day said "there's a need to put effort into maintain the national security legal system and enforcement system as soon as possible."<sup>10</sup>

The vague and draconian terminology within the national security legislation previously drew 500,000 people to the streets shortly after the SARS outbreak in 2003.

Calls by the Chinese Liaison Office in Hong Kong for the enactment of Article 23 legislation are alarming. National security concerns must not be used to justify the erosion of human rights and the rule of law in Hong Kong. Although Hong Kong already has strong laws protecting national security (and prohibiting many of the acts listed in Article 23), the local government is under pressure to add to this body of law by explicitly proscribing 'subversion' and 'secession'.<sup>11</sup>

Hong Kong Watch published an in-depth report in 2018 which underlines that such broad-brush measures would likely not meet the local government's obligation to comply with the International Covenant on Civil and Political Rights (ICCPR) and to protect the rule of law, which is essential to Hong Kong's autonomy and its status as an international financial centre.<sup>12</sup>

At this sensitive time in Hong Kong's history, it is critical that human rights, the rule of law, and the city's free economy are not compromised in the name of national security. Hong Kong needs a robust response to the threat of Coronavirus and the beginning of political reforms which will bring about reconciliation, not more divisive and draconian legislation.

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<sup>8</sup> [https://nypost.com/2020/04/19/beijings-latest-outrageous-crackdown-on-hong-kong-freedoms/?utm\\_source=facebook\\_sitebuttons&utm\\_medium=site+buttons&utm\\_campaign=site+buttons&fbclid=IwAR2l390KzPgDTNTH0kybEkvCL9VrPkWWBkp4eXnxHecNjjXdxgfjmuqyR5s](https://nypost.com/2020/04/19/beijings-latest-outrageous-crackdown-on-hong-kong-freedoms/?utm_source=facebook_sitebuttons&utm_medium=site+buttons&utm_campaign=site+buttons&fbclid=IwAR2l390KzPgDTNTH0kybEkvCL9VrPkWWBkp4eXnxHecNjjXdxgfjmuqyR5s)

<sup>9</sup> <https://www.theguardian.com/world/2020/apr/15/china-official-hong-kong-luo-huining-pushes-national-security-law>

<sup>10</sup> <https://uk.reuters.com/article/uk-china-hongkong-security/top-china-official-in-hk-urges-national-security-law-as-soon-as-possible-idUKKCN21X0CH>

<sup>11</sup> Calls by the Chinese Liaison Office in Hong Kong for the enactment of Article 23 legislation a

<sup>12</sup> <https://www.hongkongwatch.org/all-posts/2018/11/1/new-report-balancing-national-security-and-the-rule-of-law-article-23-of-the-basic-law>

## **Hong Kong and the Coronavirus**

Despite initially limiting the spread of COVID-19 through much of the population of Hong Kong opting for voluntary self-isolation and the early closing of all museums, schools, and universities, the number of cases in Hong Kong has risen rapidly in the last few weeks from 127 cases and three fatalities to 1,013 cases and four fatalities (14/04/2020).<sup>13</sup>

The rise in cases has been attributed to expats returning to Hong Kong, many of them students, from countries where the virus has spread faster and more substantially in Europe, North America, and from mainland China. This increase in cases has led to the Hong Kong Government announcing similar measures to countries in Europe, including the closing of bars and restaurants, as well as limiting public gatherings to four people or less.<sup>14</sup>

The Hong Kong police have been accused by human rights groups of using these new restrictions on public gatherings “to suppress expression and peaceful assemblies”. This includes using the measures to disperse protesters gathered outside the Prince Edward subway station on 31<sup>st</sup> March to mark seven months since riot police officers stormed the station beating passengers indiscriminately.<sup>15</sup>

Civic Party leader Alvin Yeung has also accused the police of using these new powers to target and harass businesses deemed to be sympathetic towards the city's anti-government protesters with spot checks.<sup>16</sup>

Under the new measures restaurants must ensure that customers are limited to four to a table and the customers are at least 1.5 meters apart. The police can enter establishments whenever they see fit to check whether the rules are being followed and demand to see customers' identification. Anyone found breaching the new rules risks a fine and imprisonment.

## **The Chinese Government threatens to bar lawmakers from office**

The Hong Kong and Macau Affairs Office of the Chinese Government has suggested that Hong Kong lawmakers in the Legislative Council could be barred from office for filibustering government legislation.<sup>17</sup>

The statement issued on April 13<sup>th</sup> accused lawmakers who have opposed government legislation of potentially ‘violating their oaths’. It is the first statement issued by the Hong Kong and Macau Affairs Office since Xia Baolong, a close aide of President Xi Jinping was

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<sup>13</sup> <https://www.worldometers.info/coronavirus/>

<sup>14</sup> <https://www.ft.com/content/35c8fb72-ab36-4df7-8d38-68aa02b767e4> & <https://www.scmp.com/news/hong-kong/health-environment/article/3077301/coronavirus-hong-kong-limit-restaurant-tables>

<sup>15</sup> <https://qz.com/1829892/hong-kong-police-use-coronavirus-rules-to-limit-protests/>

<sup>16</sup> <https://news.rthk.hk/rthk/en/component/k2/1518246-20200401.htm>

<sup>17</sup> <https://www.bloombergquint.com/politics/china-says-hong-kong-lawmakers-stall-tactics-could-breach-oaths>

installed as its director. Xia received international condemnation in 2014 and 2015 for waging an ideological war against Christians in Zhejiang Province while he presided over the region, tearing down 2,000 crosses and demolishing entire churches.<sup>18</sup>

Lawmakers were previously barred in 2016 and 2018 from taking their seats when the Standing Committee of the National People's Congress issued a controversial 'Interpretation' of Basic Law Article 104. This provided the legal basis for the disqualification of elected legislators on the basis that they failed to properly take their legislative council oaths.<sup>19</sup>

Pan-democrat lawmakers have said the offices' missives were in breach of "one country, two systems" as Basic Law Article 22 states that: "No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law".<sup>20</sup>

The Hong Kong Bar Association also criticised the statement on these grounds, saying that the comments, which touch on affairs administered by Hong Kong Basic Law "could easily be perceived as interference in contravention of the principle of one country, two systems."<sup>21</sup>

Tam Yiu-chung, Hong Kong's sole representative on the National People's Congress Standing Committee defended the statement and suggested it was a sign of things to come if pan-democrats do well in the upcoming Legco elections. "If (the opposition) wins half of the seats, the legislature would be over", he said.<sup>22</sup>

### **Senior judges warn that Hong Kong's judiciary is under assault**

Three of Hong Kong's senior judges have warned that the independence of Hong Kong's judiciary is under assault from the Chinese Communist Party.

Speaking to Reuters off the record in a piece published on 14<sup>th</sup> April, judges and lawyers say there are signs Beijing is trying to limit the authority of Hong Kong courts to rule on core constitutional matters. And people close to the Chief Justice of the Court of Final Appeal, Geoffrey Ma, say he has to contend with Communist Party officials pushing Beijing's view that the rule of law ultimately must be a tool to preserve one-party rule.<sup>23</sup>

Some in the city's legal establishment are now bracing for the possibility that China will begin to meddle in the appointment of new judges, following objections by some pro-Beijing

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<sup>18</sup> <https://www.theguardian.com/world/2020/feb/13/chinas-new-hong-kong-chief-xia-baolong-hardliner-churches-xi-jinping-ally>

<sup>19</sup> <https://www.hongkongwatch.org/all-posts/2018/3/7/political-screening-in-hong-kong-a-report-on-the-disqualification-of-candidates-and-lawmakers>

<sup>20</sup> <https://www.scmp.com/news/hong-kong/politics/article/3079802/beijing-free-speak-out-about-hong-kong-legislature-say-pro>

<sup>21</sup> <https://af.reuters.com/article/worldNews/idAFKCN21W1L3>

<sup>22</sup> <https://www.scmp.com/news/hong-kong/politics/article/3079802/beijing-free-speak-out-about-hong-kong-legislature-say-pro>

<sup>23</sup> <https://uk.reuters.com/article/uk-hongkong-politics-judiciary-specialre/special-report-hong-kong-judges-battle-beijing-over-rule-of-law-as-pandemic-chills-protests-idUKKCN21W1C5>

lawmakers in Hong Kong to two recent appointments on the top court. The search is currently underway for at least one new justice for the top court.<sup>24</sup>

### **The arrest and prosecution of politicians using unprecedented charges**

At the end of March, the Hong Kong Police took the unprecedented step to arrest pro-democracy politician Cheng Lai-King on charges of 'seditious intent' for calling for a police officer who blinded a journalist in the protests to be investigated and brought to justice.<sup>25</sup>

District councillor Cheng Lai-king was arrested at home on March 26, two days after sharing a message on Facebook that revealed the identity of a police officer allegedly responsible for firing a projectile at Indonesian reporter Veby Mega Indah last autumn. Ms Cheng called on the officer to turn himself in. Instead, she was charged with "sedition" and faces a fine of up to HK\$5,000 (\$640) and two years in jail. The police officer in question remains on active duty.

Writing in the *Financial Times*, Hong Kong Watch Chair Benedict Rogers said:

*"The case reveals how Hong Kong politics have spiralled downwards since protests began a year ago. A journalist doing her job was blinded in one eye by a police officer firing indiscriminately. Yet Hong Kong's police, who say they have identified the officer, refuse to hold him accountable. The victim, Ms Veby, meanwhile filed a December lawsuit seeking information from the police. But her March deadline to pursue a private prosecution passed.*

*With no justice in sight, Ms Cheng broke a court injunction against doxing police officers. In turn, the government responded with absurd charges last used in 1952. The case highlights three wider issues: the impunity of Hong Kong's police; the collapse of trust in government and the rise of vigilante justice; and the misuse of archaic laws to settle political scores."*<sup>26</sup>

Cheng's case does not stand in isolation but is part of a wider pattern of politicised prosecution in Hong Kong which we have been documenting for some time. In March, former pro-democracy lawmaker Au Nok-hin was separately convicted of assault for using a loudspeaker during one of the major protests last year.<sup>27</sup>

The secretary of justice, who is also chief prosecutor in Hong Kong, is selectively abusing a range of vague and outdated common law charges to intimidate and lock up political opponents. The Hong Kong government has repeatedly weaponized this legislation to punish dissent in recent years. Their campaign of lawfare against the pro-democracy movement threatens to undermine the rule of law.

It is worth emphasizing that not a single police officer has been prosecuted or even investigated over police violence, despite reams of video footage of police severely beating unarmed protesters, spraying teargas, pepper spray, and rubber bullets at close range into

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<sup>24</sup> <https://uk.reuters.com/article/uk-hongkong-politics-judiciary-specialre/special-report-hong-kong-judges-battle-beijing-over-rule-of-law-as-pandemic-chills-protests-idUKKCN21W1C5>

<sup>25</sup> <https://www.wsj.com/articles/hong-kong-police-arrest-opposition-politician-under-colonial-era-law-11585226921>

<sup>26</sup> <https://www.ft.com/content/1f2b82e4-742a-11ea-90ce-5fb6c07a27f2>

<sup>27</sup> <https://hongkongfp.com/2020/04/06/hong-kong-democrat-au-nok-hin-convicted-of-assault-after-using-loudhailer-near-cop/>



people's faces and on a few occasions using live ammunition. Not even the police officer who deliberately drove his motorbike into crowds has been disciplined, nor have those responsible for permanently blinding Indonesian journalist Veby Megah Indah, shot in the eye with a rubber bullet.

As the last governor of Hong Kong, Lord Patten, said in his recent Inaugural Paddy Ashdown Memorial Lecture, "If some of the police and the government seem to be flouting the rule of law, is it a surprise that others follow this appalling example?"<sup>28</sup>

### **Hong Kong Court of Appeal partially upholds Carrie Lam's face mask ban**

As health experts in Hong Kong are campaigning for the use of face masks to be made mandatory to tackle the spread of COVID-19, the Hong Kong Court of Appeal partially upheld the Chief Executive's face mask ban which was brought in last year to target pro-democracy protests.<sup>29</sup>

The court's judgement stated that the Chief Executive could use anti-mask legislation to ban face masks at unlawful gatherings, but that it was unenforceable and failed the proportionality test at legal gatherings. The judgement also recognised that the current ban made no provision for bystanders or people who joined a lawful protest and did not realise that authorisation had been revoked.<sup>30</sup>

The judgement rules the Emergency Regulations Ordinance constitutional. This means that the executive branch is given license to take emergency powers in situations when the Chief Executive deems there to be 'public danger'. This term is undefined in the legislation, open to the Chief Executive's interpretation, and the court ruling may therefore hand too much power to the executive branch.

### **Democracy protests and arrests update**

Since June 2019, 7,165 people in Hong Kong have been arrested. Among them, more than 4,600 were aged 19-30 and around 1,200 were under 18.<sup>31</sup>

Hong Kong Watch regularly updates a database on the detention of protestors in Hong Kong, which can be found here: <https://www.hongkongwatch.org/protest-prosecution>

Observing new government regulations that limit public gatherings to groups of four or less, protestors demonstrated outside Chief Executive Carrie Lam's residence against her receiving a pay rise and in favour of an unemployment subsidy.<sup>32</sup>

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<sup>28</sup> <https://www.hongkongwatch.org/all-posts/2020/3/5/benedict-rogers-the-world-must-respond-to-hong-kongs-latest-politicized-arrests>

<sup>29</sup> <https://hongkongfp.com/2020/04/09/breaking-appeal-court-rules-hong-kongs-mask-ban-is-constitutional-at-unauthorised-protests/>

<sup>30</sup> <https://www.theguardian.com/world/2020/apr/09/hong-kong-court-upholds-face-masks-ban-despite-coronavirus>

<sup>31</sup> <https://www.hongkongwatch.org/protest-prosecution>

<sup>32</sup> <https://qz.com/1829892/hong-kong-police-use-coronavirus-rules-to-limit-protests/>

Hong Kong lawmakers across the spectrum condemned the readiness for her administration's readiness to take pay rises at a time of economic downturn.<sup>33</sup>

Initially defending her 2.3 per cent pay rise to a monthly salary of HK\$343,000 (\$44,000 USD), Carrie Lam conceded to the protestors calls and announced that her whole ministerial team would take a 10 per cent pay cut in the coming year.<sup>34</sup>

As a result of new restrictions tackle COVID-19, Hong Kongers have taken pro-democracy protests online. This includes on Nintendo's popular Animal Crossing: New Horizons game which allows users to create islands with banners and invite others to join them. Activists have been using it to continue protests online. The game has been banned by Beijing.<sup>35</sup>

On March 31<sup>st</sup> dozens were arrested at Prince Edward MTR Station as a group gathered to mark seven months since the Hong Kong Police stormed the station to arrest protestors. The protest was the first to take place after the Government restricted the size of public gatherings to four people or less.<sup>36</sup>

Hong Kong Police fired tear gas and arrested protestors on March 21<sup>st</sup> in Yuen Long as they gathered to mark the eight month anniversary of a gang attack at Yuen Long MTR Station. Zachary Wong, a Democratic Party councillor, was among those arrested and Democratic Party lawmakers Andrew Wan and Roy Kwong were both pepper-sprayed by the police.<sup>37</sup>

Human rights groups have cast doubt on official Hong Kong police statistics which recorded the police's use of batons at the Anti-Extradition Bill protests which have taken place since June. The Hong Kong Police record 104 times that officers used their batons.<sup>38</sup>

Icarus Wong, founder of Civil Rights Observer, has said that the figure failed to indicate how frequently officers had used their batons and whether the weapon was used excessively. Amnesty International also questioned how the figure was obtained; stating that footage of protestors alone showed a much higher use of police batons on protestors.<sup>39</sup>

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<sup>33</sup> <https://www.scmp.com/comment/opinion/article/3079416/carrie-lam-has-finally-done-good-job-coronavirus-relief-pity-about>

<sup>34</sup> <https://www.scmp.com/comment/opinion/article/3079454/carrie-lams-belated-pay-cut-sends-right-signal>

<sup>35</sup> <https://time.com/5818993/animal-crossing-china-removed/>

<sup>36</sup> [https://news.rthk.hk/rthk/en/component/k2/1518054-20200331.htm?archive\\_date=2020-03-31](https://news.rthk.hk/rthk/en/component/k2/1518054-20200331.htm?archive_date=2020-03-31)

<sup>37</sup> [https://news.rthk.hk/rthk/en/component/k2/1516012-20200321.htm?archive\\_date=2020-03-21](https://news.rthk.hk/rthk/en/component/k2/1516012-20200321.htm?archive_date=2020-03-21)

<sup>38</sup> <https://hongkongfp.com/2020/04/08/meaningless-hong-kong-rights-groups-dispute-police-claim-of-104-cases-of-baton-use-at-protests/>

<sup>39</sup> <https://hongkongfp.com/2020/04/08/meaningless-hong-kong-rights-groups-dispute-police-claim-of-104-cases-of-baton-use-at-protests/>

## **UN special rapporteurs criticise the Hong Kong Police**

In April two UN special rapporteurs made public their letter to the Chinese and Hong Kong Governments, accusing the Hong Kong police of firing tear gas at pro-democracy protesters last year in an “uncontrolled and allegedly malicious manner”.<sup>40</sup>

The two independent experts appointed by the United Nations stated that after sending their inquiries to the Chinese delegation at an assembly 60 days ago on January 29, they received no response from the governments of either the People’s Republic of China or the Hong Kong Special Administrative Region (SAR).<sup>41</sup>

## **The Hong Kong Police considers invoking anti-terror legislation**

The Hong Kong Police is currently considering whether to invoke anti-terror legislation to deal with the protest movement in Hong Kong. The ordinance, which has never been used, was enacted in Hong Kong in 2002 in line with a UN resolution after the September 11 attacks in the United States and spells out terrorism-related offences.<sup>42</sup>

The UN ordinance defines a “terrorist act” as an action that causes serious violence against a person, serious damage to property, endangers a person’s life, creates a serious risk to the health or safety of the public, seriously interferes with an electronic system, or seriously disrupts an essential service, facility or system.<sup>43</sup>

It also categorises terrorism as actions or threats intended to compel the government or an international organisation, or to intimidate the public, for the purpose of advancing a political, religious or ideological cause.<sup>44</sup>

If invoked, the chief executive could make an application to the Court of First Instance for an order to specify a person as a terrorist or terrorist associate.<sup>45</sup>

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<sup>40</sup> [https://www.scmp.com/news/hong-kong/politics/article/3078182/hong-kong-police-fired-tear-gas-anti-government-protesters?utm\\_source=HRIC%20Updates&utm\\_campaign=3e56b04e80-EMAIL\\_CAMPAIGN\\_2018\\_12\\_04\\_11\\_54\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_b537d30fde-3e56b04e80-259225545](https://www.scmp.com/news/hong-kong/politics/article/3078182/hong-kong-police-fired-tear-gas-anti-government-protesters?utm_source=HRIC%20Updates&utm_campaign=3e56b04e80-EMAIL_CAMPAIGN_2018_12_04_11_54_COPY_01&utm_medium=email&utm_term=0_b537d30fde-3e56b04e80-259225545)

<sup>41</sup> [https://www.scmp.com/news/hong-kong/politics/article/3078182/hong-kong-police-fired-tear-gas-anti-government-protesters?utm\\_source=HRIC%20Updates&utm\\_campaign=3e56b04e80-EMAIL\\_CAMPAIGN\\_2018\\_12\\_04\\_11\\_54\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_b537d30fde-3e56b04e80-259225545](https://www.scmp.com/news/hong-kong/politics/article/3078182/hong-kong-police-fired-tear-gas-anti-government-protesters?utm_source=HRIC%20Updates&utm_campaign=3e56b04e80-EMAIL_CAMPAIGN_2018_12_04_11_54_COPY_01&utm_medium=email&utm_term=0_b537d30fde-3e56b04e80-259225545)

<sup>42</sup> <https://www.scmp.com/news/hong-kong/law-and-crime/article/3074348/hong-kong-protests-police-consider-invoking-anti>

<sup>43</sup> <https://www.elegislation.gov.hk/hk/cap575>

<sup>44</sup> <https://www.elegislation.gov.hk/hk/cap575>

<sup>45</sup> <https://www.elegislation.gov.hk/hk/cap575>

## **Freedom of the press**

In March 2020 the Chinese Government announced the expulsion of American journalists working for the Washington Post, the Wall Street Journal, and the New York Times, from mainland China, Macau, and Hong Kong. While the wording of the Chinese Foreign Ministry's statement does not cover US journalists currently working in Hong Kong for those particular publications, the announcement has added to wider concerns around the erosion of press freedom in Hong Kong, and the possibility of future expulsions of journalists once their current multi-year work visas expire.<sup>46</sup>

Responding to a letter from the patrons of Hong Kong Watch and the former Governor of Hong Kong Lord Christopher Patten, the Foreign Secretary said:

*'The suggestion by the Chinese MFA that this measure may apply in Hong Kong is a cause of particular concern. The Sino-British Declaration is clear. It sets out that immigration decisions are the sole responsibility of the Hong Kong Special Administrative Government, and freedom of the press is guaranteed. It is imperative that these rights and freedoms are fully respected.'*<sup>47</sup>

When asked in a press conference whether she would follow the direction of Beijing and expel US journalists with Hong Kong residency, Chief Executive Carrie Lam has refused to comment on the matter stating only "we will act in accordance with the law".<sup>48</sup>

## **A record number of Hong Kong Police quit as recruitment numbers fall in line with public support**

From June last year, when the protests started over the Extradition Bill, to February, a total of 446 police officers quit the force, an increase of 38 per cent from a year earlier.<sup>49</sup>

The police recruited 766 people in the period, down from 1,341 and far fewer than the target of more than 1,800.<sup>50</sup>

Hong Kong's police force is showing signs of attrition with resignations increasing and recruitment declining as public support for the police in the city is at its lowest level since 1997.<sup>51</sup>

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<sup>46</sup> <https://www.scmp.com/news/china/diplomacy/article/3075647/china-revokes-press-credentials-american-journalists-3-us>

<sup>47</sup> Letter from Foreign Secretary Rt. Hon Dominic Raab MP to Hong Kong Chair and Co-founder Ben Rodgers, 2<sup>nd</sup> April 2020, available: [https://twitter.com/hk\\_watch/status/1245633643797602304?s=20](https://twitter.com/hk_watch/status/1245633643797602304?s=20)

<sup>48</sup> <https://hongkongfp.com/2020/03/28/carrie-lam-refuses-say-whether-hong-kong-will-bar-permanent-residents-journalism-taiwan-opens-doors/>

<sup>49</sup> <https://www.straitstimes.com/asia/east-asia/hk-police-struggle-with-recruitment-as-more-quit-force>

<sup>50</sup> <https://www.straitstimes.com/asia/east-asia/hk-police-struggle-with-recruitment-as-more-quit-force>

<sup>51</sup> <https://www.straitstimes.com/asia/east-asia/hk-police-struggle-with-recruitment-as-more-quit-force>

The struggle to recruit police officers comes despite the Hong Kong Government approving a 7 per cent increase in police manpower and the recent budget raising police operating expenses by 24.7 per cent.<sup>52</sup>

Ms Cathy Yau, who left the force after the protests began, and later was elected as a district councillor, said that she was one of the 446 officers and it pointed to a potential “manpower problem” in the future.<sup>53</sup>

Ms Yau has backed calls for an independent inquiry into the policing of the protests as the only solution to deal with the unpopularity of the Hong Kong Police.

### **Legislative council election**

The legislative council election will be held in September 2020. The legislative council is far from being democratic, but the elections remain very significant.

### **Protest update:**

There remain regular localised protests each month on 21st and 31st for “July 21 Yuen Long attack” on civilians and “August 31 police attack” on civilians on commuter trains.

### **The core demands:**

- a) democratic reforms and universal suffrage
- b) an independent inquiry into police brutality; and
- c) an amnesty for protest related offences.

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<sup>52</sup> <https://www.scmp.com/news/hong-kong/law-and-crime/article/3079045/nearly-450-hong-kong-police-officers-quit-unexpectedly>

<sup>53</sup> <https://www.straitstimes.com/asia/east-asia/hk-police-struggle-with-recruitment-as-more-quit-force>