

VI. Developments in Hong Kong and Macau

Hong Kong

During the Commission's 2015 reporting year, massive pro-democracy demonstrations ("Occupy Central" or the "Umbrella Movement") took place from September through December 2014, drawing attention to ongoing tensions over Hong Kong's debate on electoral reform and Hong Kong's autonomy from the Chinese central government under the "one country, two systems" approach. The Commission observed developments raising concerns that the Chinese and Hong Kong governments may have infringed on the rights of the people of Hong Kong, including in the areas of political participation and democratic reform, press freedom, and freedom of assembly.

UNIVERSAL SUFFRAGE AND AUTONOMY

Hong Kong's Basic Law guarantees freedom of speech, religion, and assembly; promises Hong Kong a "high degree of autonomy"; and affirms the International Covenant on Civil and Political Rights (ICCPR) applies to Hong Kong.¹ The Basic Law also states that its "ultimate aim" is the election of Hong Kong's Chief Executive (CE) "by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures" and of the Legislative Council (LegCo) "by universal suffrage."² The CE is currently chosen by a 1,200-member Election Committee,³ largely consisting of members elected in functional constituencies made up of professionals, corporations, religious and social organizations, and trade and business interest groups.⁴ Forty LegCo members are elected directly by voters and 30 by functional constituencies.⁵ The electors of many functional constituencies, however, reportedly have close ties to or are supportive of the Chinese government.⁶

Despite committing in principle to allow Hong Kong voters to elect the CE by universal suffrage in 2017, the Chinese government's framework for electoral reform⁷ restricts the ability of voters to nominate CE candidates for election. Under this framework, laid out in an August 31, 2014, decision by the National People's Congress Standing Committee (NPCSC), a 1,200-person Nominating Committee (NC), formed similarly to the Election Committee,⁸ would select two to three candidates, each of whom would ultimately require approval by a majority of NC members.⁹ Voters would then choose from among these two to three candidates in the CE election.¹⁰ The current Election Committee is dominated by members supportive of the central government.¹¹ The Hong Kong government announced that any potential reforms would be in "strict conformity" with the NPCSC decision.¹² Pro-democratic legislators pledged to veto any bill adhering to the NPCSC decision,¹³ which some described as "fake universal suffrage,"¹⁴ and demanded the NPCSC withdraw or revise its decision.¹⁵

On June 18, 2015, the LegCo voted down the Hong Kong government's electoral reform proposal. All 27 pro-democratic legislators and 1 pro-Beijing legislator voted against the proposal,¹⁶ denying the measure the two-thirds majority required for passage.¹⁷ Be-

cause the reform proposal was defeated, future elections, including the 2017 CE¹⁸ and 2016 LegCo¹⁹ elections, will continue to use the current electoral methods. The Hong Kong government rejected calls to restart the electoral reform process, saying that doing so would be “legally infeasible and impracticable.”²⁰

FALL 2014 PRO-DEMOCRACY DEMONSTRATIONS

International rights non-governmental organizations (NGOs), domestic and international media organizations, and other observers expressed concern over aspects of the Hong Kong government and police response to massive pro-democracy demonstrations in fall 2014,²¹ citing threats to the rights of the people of Hong Kong to the freedoms of speech, assembly, and association guaranteed under the Basic Law and international law.²²

Pro-democratic activists called for protests against the NPCSC’s August 31 decision. The “Occupy Central with Love and Peace” protest group initially called for limited duration civil disobedience demonstrations to begin on a holiday.²³ A separate university student class boycott culminated in hundreds of activists attempting to occupy a courtyard outside government headquarters on September 26 and 27, 2014.²⁴ Thousands of people gathered near government headquarters to support the students.²⁵ On September 28, police fired tear gas and pepper spray on crowds that had occupied a major thoroughfare near government headquarters,²⁶ prompting tens of thousands of people to join the demonstrations over the next few days and occupy additional major streets in areas beyond the initially planned Central District.²⁷ Protesters remained encamped at three separate protest sites until the Hong Kong government enforced a civil court order to clear the majority of protesters in November and December.²⁸

During the largely non-violent demonstrations,²⁹ there were reports of violence between police, protesters, and counter-protesters. Some observers reported police at times used “excessive”³⁰ or “unjustifiable”³¹ force against protesters, journalists, and onlookers.³² In one incident, police officers were filmed kicking a handcuffed activist.³³ The police officers involved were immediately suspended and later arrested on suspicion of assault.³⁴ Observers also reported several instances of protesters attacking police, including one instance on December 1 in which protesters reportedly beat a police officer unconscious.³⁵ Journalists’ organizations said that in some instances, police witnessed counter-protesters attacking pro-democracy demonstrators, but did not protect them or promptly arrest the attackers.³⁶ Hong Kong police and a police watchdog body received over 2,000 complaints regarding police conduct during the demonstrations and began investigating the complaints.³⁷

Journalists, media organizations, and NGOs reported dozens of incidents of attacks and threats against journalists covering the demonstrations.³⁸ Media organizations reported several instances of police intimidating, threatening, or using “unnecessary force” against reporters covering the protests, even when reporters displayed press credentials.³⁹ Pro-democracy media websites suffered numerous cyberattacks during the demonstrations.⁴⁰

Hong Kong police reportedly selectively enforced the law, arresting pro-democracy advocates and demonstrators as a form of har-

assment and “political prosecution.”⁴¹ Police arrested more than 40 protesters, activists, and legislators⁴² for unauthorized assemblies,⁴³ but released them without charge, reserving the right to prosecute them later.⁴⁴ In one instance, police charged four prominent protest leaders in July 2015 with obstructing police officers at a non-violent June 2014 protest against the central government.⁴⁵ One of the protesters said the timing of the charges was meant to “deter [them] from further political protests,”⁴⁶ while another described it as “white terror.”⁴⁷ The lawyer of one of the protesters said police were holding out the threat of additional prosecution against activists and protesters, including for actions and events over a year in the past, in order to forestall future demonstrations.⁴⁸ Police reportedly interpreted Hong Kong’s Crimes Ordinance⁴⁹ broadly to justify ordering the removal of online content encouraging participation in the fall 2014 demonstrations,⁵⁰ characterized by police as “incit[ing] others on the Internet to commit illegal acts.”⁵¹ Critics worried that by exploiting the Ordinance’s ambiguous language (regarding “access to [a] computer with criminal or dishonest intent”)⁵² to arrest some activists, police may be “criminalizing legitimate, protected speech.”⁵³

Protesters and pro-democracy activists reported sustained harassment and intimidation during and after the demonstrations, including hacking of their email accounts or phones, by groups reportedly connected to the Chinese government.⁵⁴ Sources reported Chinese intelligence services hired former Hong Kong police officers to surveil people perceived to oppose the Chinese government, including pro-democratic legislators.⁵⁵

Some protesters and activists were unable to travel to mainland China or Macau due to their participation in the demonstrations.⁵⁶ In November, Chinese authorities prevented three student protest leaders from flying to Beijing municipality to meet Chinese officials.⁵⁷ Pro-democracy advocates claimed the Chinese and Hong Kong governments had assembled “blacklists” of activists banned from entering mainland China.⁵⁸

PRESS FREEDOM

This past year, continuing pressure from the Chinese and Hong Kong governments, including pressure to self-censor, and violence and intimidation reportedly resulted in further deterioration of Hong Kong’s press freedom. Reporters Without Borders lowered Hong Kong’s ranking from 61st to 70th out of 180 countries in its 2015 press freedom index.⁵⁹ Nearly 90 percent of journalists surveyed by a journalists’ union believed press freedom in Hong Kong worsened over the last year.⁶⁰

Journalists at some publications reported editorial interference resulting in self-censorship and punishment. After TVB News aired a video reporting the beating of a handcuffed activist by several police officers,⁶¹ an editor temporarily deleted the video’s voiceover, later altering it to cast doubt on police use of force.⁶² TVB management reportedly punished several journalists who signed a petition condemning the editorial change.⁶³ Two of the punished editors and several other journalists resigned, claiming dissatisfaction with TVB management.⁶⁴ In February 2015, journalists at newspaper Ming Pao protested after the editor-in-chief unilaterally decided to

downplay a report on the violent suppression of the 1989 Tiananmen protests.⁶⁵

The Hong Kong and Chinese central governments reportedly pressured journalists to give favorable coverage to opponents of the pro-democracy demonstrations.⁶⁶ Many media owners have commercial interests in mainland China and connections to the Chinese government.⁶⁷ Pro-democracy media organizations reportedly faced difficulties operating without support from government or business patrons.⁶⁸ Pro-democracy media company Next Media and its journalists have been the targets of repeated attacks, threats, and harassment.⁶⁹ In January 2015, attackers firebombed Next Media publication *Apple Daily*'s headquarters and the home of its prominent pro-democratic publisher.⁷⁰

Macau

POLITICAL AND PRESS FREEDOMS

Although Macau's Basic Law does not mention "universal suffrage,"⁷¹ it ensures the applicability of the International Covenant on Civil and Political Rights (ICCPR) in Macau.⁷² During the Commission's 2015 reporting year, Macau did not make progress toward "an electoral system based on universal and equal suffrage . . ." in line with the ICCPR, and no steps were taken to withdraw the reservation to Article 25(b) of the ICCPR,⁷³ as repeatedly recommended by the UN Human Rights Committee.⁷⁴ Macau's Legislative Assembly voted against discussing electoral reform to further democratize its elections, with some lawmakers saying Macau's political development depends on central government decisions.⁷⁵ A December 2014 opinion survey indicated that 60 percent of Macau residents supported universal suffrage for Chief Executive elections.⁷⁶

Civil society activists in Macau reported intimidation⁷⁷ from the Macau and Chinese governments meant to pressure activists to "tone down" their activities, reportedly because of fear of pro-democratic unrest in Hong Kong spreading to Macau.⁷⁸ The Macau Journalists Association reportedly received anonymous complaints from reporters at public broadcaster Teledifusão de Macau that self-censorship had worsened.⁷⁹

This past year, Macau authorities blocked some Hong Kong journalists, activists, and others from entering the territory for political reasons.⁸⁰ Citing threats to internal security,⁸¹ Macau immigration authorities refused to allow several Hong Kong reporters to enter Macau to report on Chinese President and Communist Party General Secretary Xi Jinping's visit in December 2014.⁸² A prominent pro-democratic Hong Kong legislator protested after authorities barred her from entering Macau "for security reasons" while she was on vacation in January 2015.⁸³ Macau's Secretary for Security denied that the Macau government had a "blacklist" banning certain people from entering Macau.⁸⁴

CORRUPTION AND MACAU'S AUTONOMY

During the Commission's 2015 reporting year, the Macau government expanded coordination with Chinese authorities, in part to fight financial crimes connected to Macau's gambling industry and

to cooperate with the central government's anticorruption campaign. Macau continued to be a center for violations of mainland China's currency controls, in part through fraudulent use of UnionPay bank cards at mainland-registered point-of-sale terminals.⁸⁵ From January to March 2015, illegal UnionPay transactions in Macau totaled MOP 260 million (US\$32.5 million).⁸⁶ Macau's gambling regulator requires gaming operators to report "high value transactions"⁸⁷ of MOP 500,000 (US\$62,000) or greater,⁸⁸ a reporting threshold higher than international anti-money laundering standards.⁸⁹

To combat the use of UnionPay bank cards in evading mainland China's capital controls, in November 2014, the Monetary Authority of Macau announced plans to create a "reciprocal surveillance mechanism"⁹⁰ providing the Chinese Ministry of Public Security access to UnionPay money transfer data in Macau.⁹¹ Macau's Commission Against Corruption said in April 2015 that Macau authorities would cooperate with Chinese authorities in "fugitive manhunt and asset recovery activities."⁹² Officials from the Central Commission for Discipline Inspection reportedly are stationed in the central government's Macau liaison office as part of the central government's campaign against corruption.⁹³

Macau officials held talks with Chinese authorities in February on potential regulations governing transfer of offenders or suspects to mainland China.⁹⁴ The UN Human Rights Committee reiterated its concern that implementation of these regulations must ensure offenders' protection under the ICCPR.⁹⁵ In July, mainland anticorruption authorities reportedly worked with Macau law enforcement officials to detain a fugitive corruption suspect in Macau, returning him to Guangdong province.⁹⁶ Some Macau legal experts criticized Macau authorities,⁹⁷ referring to two previous rulings from Macau's highest court holding that, due to the lack of an extradition agreement between Macau and mainland China, Macau authorities were not permitted to detain individuals wanted for extradition to mainland China.⁹⁸

Notes to Section VI—Developments in Hong Kong and Macau

¹ Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China [Zhonghua renmin gongheguo xianggang tiebie xingzhengqu jiben fa], passed 4 April 90, effective 1 July 97, arts. 2 (“high degree of autonomy”), 27 (freedoms of speech and assembly), 32 (freedom of religion), 39 (applicability of the International Covenant on Civil and Political Rights).

² *Ibid.*, arts. 45 (Chief Executive), 68 (Legislative Council).

³ *Ibid.*, art. 45, annex I, instrument 2.

⁴ *Ibid.*, art. 45, annex I, instrument 2; Legislative Council of the Hong Kong Special Administrative Region, Legislative Council Ordinance (Cap. 542) [Di 542 zhang lifa hui tiaoli], amended 17 July 15, sec. 20; Tanna Chong, “Legco Election 2016: How a Handful of Voters Elect 30 Hong Kong Lawmakers,” *South China Morning Post*, 6 February 14.

⁵ Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China [Zhonghua renmin gongheguo xianggang tiebie xingzhengqu jiben fa], passed 4 April 90, effective 1 July 97, art. 68, annex II, instrument 4; Legislative Council of the Hong Kong Special Administrative Region, Legislative Council Ordinance (Cap. 542) [Di 542 zhang lifa hui tiaoli], 1 October 12, secs. 20ZC, 21(c); Tanna Chong, “LegCo Election 2016: How a Handful of Voters Elect 30 Hong Kong Lawmakers,” *South China Morning Post*, 6 February 14; Stuart Lau, “Can Trade-Based Seats Continue To Function?” *South China Morning Post*, 8 February 14.

⁶ Freedom House, “Freedom in the World 2014—Hong Kong,” last visited 6 September 14. See also Te-Ping Chen, “Beijing Debate Stirs Hong Kong Poll,” *Wall Street Journal*, 6 September 12; “Hong Kong's Pro-Democracy Parties Fail To Capitalize on Anti-Beijing Mood in Key Vote,” *Associated Press*, reprinted in *Washington Post*, 10 September 12.

⁷ Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tiebie xingzhengqu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui chansheng banfa de jue ding], adopted 31 August 14, reprinted in *Xinhua*.

⁸ Hong Kong Special Administrative Region Government, “2017 Make It Happen! Method for Selecting the Chief Executive by Universal Suffrage, Consultation Report and Proposals,” April 2015, chap. 4; Chris Buckley and Alan Wong, “Hong Kong Presents Plan for Elections, Offering Little to Democrats,” *New York Times*, 22 April 15.

⁹ Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tiebie xingzhengqu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui chansheng banfa de jue ding], adopted 31 August 14, reprinted in *Xinhua*, 2(2). See also Hong Kong Special Administrative Region Government, “2017 Make It Happen! Method for Selecting the Chief Executive by Universal Suffrage, Consultation Report and Proposals,” April 2015, chap. 4.

¹⁰ *Ibid.*

¹¹ Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tiebie xingzhengqu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui chansheng banfa de jue ding], adopted 31 August 14, reprinted in *Xinhua*; Michael Martina and James Pomfret, “Hong Kong Braces for Protests as China Rules Out Full Democracy,” *Reuters*, 31 August 14; Chris Buckley and Michael Forsythe, “China Restricts Voting Reforms for Hong Kong,” *New York Times*, 31 August 14.

¹² Hong Kong Special Administrative Region Government, “2017 Seize the Opportunity—Method for Selecting the Chief Executive by Universal Suffrage Consultation Document,” January 2015, sec. 2.07.

¹³ Alan Wong, “Hong Kong Leaders Insist Election Will Follow Beijing's Rules,” *New York Times*, 6 January 15; “Govt. Launches Second Consultation on Reform,” *Radio Television Hong Kong*, 8 January 15; Joyce Ng, “27 Pan-Democrat Lawmakers United in Pledge To Veto Political Reforms,” *South China Morning Post*, 10 March 15. See also Emma Graham-Harrison, “Hong Kong's Draft Election Law Gives Little Ground to Protesters' Demands,” *Guardian*, 22 April 15.

¹⁴ “Lawmakers Heckle Hong Kong Chief Over Political Reform Plan,” *Radio Free Asia*, 26 March 15; Tony Cheung et al., “Hong Kong Government Sticks to Rigid Beijing Framework in 2017 Election Proposal,” *South China Morning Post*, 22 April 15.

¹⁵ Joyce Ng, “27 Pan-Democrat Lawmakers United in Pledge To Veto Political Reforms,” *South China Morning Post*, 10 March 15; “Central Government: Don't Make Unprincipled Concessions” [Zhongyang: bu zuo wu yuanze rangbu], *Ming Pao*, 20 April 15.

¹⁶ James Pomfret and Clare Baldwin, “Mystery Walk-Out in Hong Kong Vote Brings Heavy Defeat for Beijing,” *Reuters*, 18 June 15; “Political Reform Rejected by Large 28:8 Margin” [28:8 zheng gai da bi shu foujue], *Ming Pao*, 18 June 15. The final vote was 8 in favor of the proposal and 28 against; 31 pro-Beijing legislators left the LegCo chamber as voting was taking place. “Hong Kong Reform Package Rejected as Pro-Beijing Camp Walk Out in ‘Miscommunication,’” *South China Morning Post*, 19 June 15.

¹⁷ Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China [Zhonghua renmin gongheguo xianggang tiebie xingzhengqu jiben fa], passed 4 April 90, effective 1 July 97, annex I(7).

¹⁸ Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Spe-

cial Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tebie xingzhengqu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui chansheng banfa de jue ding], adopted 31 August 14, reprinted in Xinhua, sec. 4. See also Hong Kong Information Services Department, “LegCo To Vote on Electoral Reform Package To Amend Method for Selection of Chief Executive of HKSAR,” 15 June 15.

¹⁹Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage [Quanguo renda changweihui guanyu xianggang tebie xingzhengqu 2012 nian xingzheng zhangguan he lifa hui chansheng banfa ji youguan puxuan wenti de jue ding], adopted 29 December 07, para. 4; Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tebie xingzhengqu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui chansheng banfa de jue ding], adopted 31 August 14, reprinted in Xinhua, sec. 4.

²⁰Hong Kong Information Services Department, “LCQ4: The Government’s Work on Constitutional Reform,” 24 June 15; Hong Kong Information Services Department, “LCQ5: Constitutional Development,” 24 June 15.

²¹See, e.g., Human Rights Watch, “Hong Kong: Free Peaceful Protesters; Avoid Excessive Force,” 30 September 14; Hong Kong Journalists Association, “Six News Unions Strongly Condemn Assaults on Journalists at Blue Ribbons Movement,” 26 October 14; International Federation of Journalists, “Hong Kong Police Breach Police General Orders,” 27 November 14; Amnesty International, “Hong Kong: Heavy-Handed Policing Will Only Inflammate Protests,” 28 November 14; “Hong Kong Lawmakers Arrested Over Democracy Protests,” Agence France-Presse, reprinted in Business Insider, 2 March 15.

²²Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzhengqu jiben fa], passed 4 April 90, effective 1 July 97, arts. 27 (freedoms of speech and assembly), 39 (applicability of ICCPR); International Covenant on Civil and Political Rights, adopted and proclaimed by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 19 (freedom of speech), 21 (freedom of assembly), 22 (freedom of association).

²³James Pomfret and Yimou Lee, “Hong Kong Clashes, Arrests Kick-Start Plans To Blockade City,” Reuters, 27 September 14.

²⁴James Pomfret et al., “Hong Kong Students Storm Government HQ To Demand Full Democracy,” Reuters, 26 September 14; Phila Siu et al., “Occupy Central Won’t Start Early, Says Benny Tai, After Student Clashes With Police Leave Dozens Injured,” South China Morning Post, 27 September 14.

²⁵Phila Siu et al., “Occupy Central Won’t Start Early, Says Benny Tai, After Student Clashes With Police Leave Dozens Injured,” South China Morning Post, 27 September 14.

²⁶See, e.g., Hong Kong Bar Association, “Statement of the Hong Kong Bar Association on the Use of Force by the Hong Kong Police at Harcourt Road on September 28, 2014” [Xianggang da lushi gonghui xinwen fabu xianggang jingfang zai 2014 nian 9 yue 28 ri dui jijie yu xiaque dao zhi shiwei renshi shiyong wuli], 29 September 14; Human Rights Watch, “Hong Kong: Free Peaceful Protesters; Avoid Excessive Force,” 30 September 14; Hong Kong Professional Teachers’ Union, “The PTU Statement of Strong Condemnation on Violence Imposed by the Government on Citizens and Calling for Teachers To Strike,” 28 September 14.

²⁷Chris Buckley and Alan Wong, “Crackdown on Protests by Hong Kong Police Draws More to the Streets,” New York Times, 28 September 14; Austin Ramzy and Alan Wong, “Hong Kong Protesters Defy Officials’ Call To Disperse,” New York Times, 29 September 14; Jennifer Ngo and Ernest Kao, “We Only Started Protesting After Police Fired Tear Gas, Some Say,” South China Morning Post, 30 September 14.

²⁸“Hong Kong Protest Vote Canceled Amid Warnings, Attacks on Journalists,” Radio Free Asia, 27 October 14; Hong Kong Information Services Department, “Incidents and Cases Relating to Illegal Occupation,” 9 November 14; Chris Buckley and Alan Wong, “As Hong Kong Occupy Protests Wind Down, Many Make One Last Visit,” New York Times, 10 December 14; Samuel Chan et al., “‘Occupy Is Over’: Hong Kong Chief Executive Announces End to Protests as Causeway Bay Is Cleared,” South China Morning Post, 15 December 14. A handful of protesters later returned and set up tents on sidewalks outside the Legislative Council building, staying until after the government’s proposal was defeated in June 2015. Alan Wong, “Pro-Democracy Demonstrators Decamp in Hong Kong,” New York Times, Sinosphere (blog), 23 June 15.

²⁹Chris Buckley and Alan Wong, “Hong Kong Police Remove Protesters’ Camp After a Night of Chaotic Clashes,” New York Times, 25 November 14.

³⁰See, e.g., Human Rights Watch, “Hong Kong: Free Peaceful Protesters; Avoid Excessive Force,” 30 September 14; Maya Wang, Human Rights Watch, “Dispatches: Caught on Film—Excessive Use of Force by Hong Kong Police,” 15 October 14; Emily Tsang, “More Occupy Central Protesters Claim To Have Been Beaten by Police,” South China Morning Post, 3 November 14.

³¹Amnesty International, “Hong Kong: Heavy-Handed Policing Will Only Inflammate Protests,” 28 November 14.

³²See, e.g., Jennifer Ngo and Samuel Chan, “Student Pepper-Sprayed and Beaten Brands Police a ‘Gang of Thugs,’” South China Morning Post, 17 October 14; “Chair of Student-Government Talks Pledges To Remain Impartial Despite Past CY Leung Links,” South China Morning Post, 20 October 14; Emily Tsang, “More Occupy Central Protesters Claim To Have Been Beaten by Police,” South China Morning Post, 3 November 14; Amnesty International, “Hong Kong: Heavy-Handed Policing Will Only Inflammate Protests,” 28 November 14.

³³Emily Tsang et al., “Police Launch Probe After Alleged Beating of Civic Party’s Ken Tsang Caught on Camera,” *South China Morning Post*, 15 October 14; “Police Actions in Hong Kong Protests Spark Outrage,” Associated Press, reprinted in *Washington Post*, 15 October 14; Simon Denyer, “Hong Kong Opens Probe Into ‘Vicious’ Video Showing Police Kicking Protester,” *Washington Post*, 15 October 14.

³⁴Michael Forsythe and Austin Ramzy, “7 Officers Arrested in Beating of a Protester in Hong Kong,” *New York Times*, 26 November 14. The activist criticized authorities’ handling of the case, particularly police refusal to name the accused officers and the delay in prosecution. See Laura Mannering, “Hong Kong Protester ‘Beaten by Police’ Slams Case Delay,” *Agence France-Presse*, reprinted in *Yahoo! News*, 17 April 15; “Ken Tsang, Activists Mark 300 Days of Non-Action,” *Radio Television Hong Kong*, 11 August 15.

³⁵Danny Lee, “Caught on Camera: Suspected Police Officer Knocked Unconscious by Occupy Protesters as Fighting Erupts,” *South China Morning Post*, 1 December 14.

³⁶Andrew Browne et al., “Clashes Break Out at Hong Kong Protest Site,” *Wall Street Journal*, 3 October 14; Amnesty International, “Hong Kong: Women and Girls Attacked as Police Fail To Protect Peaceful Protesters,” 3 October 14; International Federation of Journalists, “Hong Kong Union Condemns Deliberate Attacks on Media by Anti-Occupy Protesters,” 8 October 14; Foreign Correspondents’ Club of Hong Kong, “FCC Condemns Attacks on Journalists Covering H.K. Protests,” last visited 17 October 14; Hong Kong Journalists Association et al., “Letter to Commissioner of Police,” 26 October 14.

³⁷Samuel Chan, “Police Watchdog Has Reviewed 20 Per Cent of Occupy Complaints—But Has Nearly 2,000 Still To Go,” *South China Morning Post*, 6 March 15.

³⁸Hong Kong Journalists Association, “Six News Unions Strongly Condemn Assaults on Journalists at Blue Ribbons Movement,” 26 October 14; PEN American Center, “Threatened Harbor: Encroachments on Press Freedom in Hong Kong,” 16 January 15, Appendix, 40–44; International Federation of Journalists, “China’s Media War: Censorship, Corruption & Control,” January 2015, 54, 58–59. See also Clare Jim, “Anti-Occupy Mob Roughs Up Hong Kong Journalists,” *Reuters*, 25 October 14.

³⁹See, e.g., Hong Kong Journalists Association et al., “Six Press Unions Complain Against Police Over Use of Force Against Journalists,” 15 October 14; Hong Kong Independent Media Network et al., “Four Online Media Groups’ Joint Statement on Clearing of Lung Wo Road: Strongly Condemning Violent Police Attack on Journalists, Warning Authorities Are Trampling Press Freedom,” 15 October 14; International Federation of Journalists, “Hong Kong Police Breach Police General Orders,” 27 November 14; Hong Kong Journalists Association, “Journalists Caught Between Two Fires: Hong Kong Media Faces Serious Harassment and Self-Censorship,” July 2015, 10–11, 13.

⁴⁰Parmy Olson, “The Largest Cyber Attack in History Has Been Hitting Hong Kong Sites,” *Forbes*, 20 November 14; PEN American Center, “Threatened Harbor: Encroachments on Press Freedom in Hong Kong,” 16 January 15, 16–17; Emily Tsang, “Hong Kong Cyberattacks Spiked During Protests, Academic’s Study Finds,” *South China Morning Post*, 27 February 15.

⁴¹“Hong Kong Lawmakers Arrested Over Democracy Protests,” *Agence France-Presse*, reprinted in *Business Insider*, 2 March 15.

⁴²Samuel Chan and Jeffie Lam, “Eleven More Occupy Activists Face ‘Arrest by Appointment’ at Hong Kong Police HQ,” *South China Morning Post*, 26 February 15; “Hong Kong Lawmakers Arrested Over Democracy Protests,” *Agence France-Presse*, reprinted in *Business Insider*, 2 March 15; Hong Kong Information Services Department, “LCQ7: Arrests and Prosecutions in Relation to Public Order Events,” 25 March 15.

⁴³Legislative Council of the Hong Kong Special Administrative Region, Public Order Ordinance (Cap. 245) [Di 245 zhang gong’an tiaoli], amended 25 April 13, sec. 17A.

⁴⁴“Hong Kong Lawmakers Arrested Over Democracy Protests,” *Agence France-Presse*, reprinted in *Business Insider*, 2 March 15; Peter So, “Democratic Party Lawmakers Among Fresh Arrests of Key Occupy Central Figures,” *South China Morning Post*, 3 March 15.

⁴⁵Phila Siu, “Student Activists Joshua Wong and Nathan Law Charged With Obstructing Police in Hong Kong Protest,” *South China Morning Post*, 14 July 15; Tony Cheung and Joyce Ng, “Student Activist Joshua Wong Faces Charges Over Hong Kong ‘White Paper’ Protest Last Year,” *South China Morning Post*, 7 July 15. Authorities reportedly charged the four protesters under the Offences against the Person Ordinance. Legislative Council of the Hong Kong Special Administrative Region, Offences against the Person Ordinance (Cap. 212) [Di 212 zhang qin hai renshen zui tiaoli], amended 30 June 97, sec. 36(b) (“Any person who . . . assaults, resists, or wilfully obstructs any police officer in the due execution of his duty or any person acting in aid of such officer . . . shall be guilty of an offence . . .”). See also “Joshua Wong and Three Others Arraigned Today, Again Protesting and Burning ‘White Paper’” [Huang zhifeng deng si ren jin titang zaici shiwei fenshao ‘baipishu’], *Ta Kung Pao*, 17 July 15.

⁴⁶Alan Wong, “Student Leaders Charged Over Hong Kong Protest,” *New York Times*, *Sinosphere* (blog), 14 July 15.

⁴⁷Tony Cheung and Joyce Ng, “Student Activist Joshua Wong Faces Charges Over Hong Kong ‘White Paper’ Protest Last Year,” *South China Morning Post*, 7 July 15.

⁴⁸Alan Wong, “Student Leaders Charged Over Hong Kong Protest,” *New York Times*, *Sinosphere* (blog), 14 July 15.

⁴⁹Legislative Council of the Hong Kong Special Administrative Region, Crimes Ordinance (Cap. 200) [Di 200 zhang xingshi zuixing tiaoli], amended 30 June 97, sec. 161.

⁵⁰Alan Wong, “Hong Kong Police Accuse Man of Inciting Protests,” *New York Times*, 19 October 14; Jennifer Zhang, “Police Are Using Hong Kong’s Computer Crime Law To Crack Down on Pro-Democracy Organizers,” *Quartz*, 27 October 14; Michael Forsythe and Alan Wong, “In Hong Kong, Fears of a Police Crackdown Online,” *New York Times*, 28 October 14; Bryan Harris, “Surge in Web Posts Taken Down by Hong Kong Police Sparks Censorship Fears,” *South China Morning Post*, 15 February 15.

⁵¹Hong Kong Information Services Department, “Opening Remarks by Police Chief Superintendent at Press Conferences,” 19 November 14.

⁵²Legislative Council of the Hong Kong Special Administrative Region, Crimes Ordinance (Cap. 200) [Di 200 zhang xingshi zuixing tiaoli], amended 30 June 97, sec. 161.

⁵³Bai Lin, “Suspected of Using a Computer With Dishonest Intent, Faculty of Orchid Gardening Member Arrested for Saying ‘Wat Wing-yin Should Go to Hell’” [She bu chengshi shiyong diannao cheng “qu yingyan ying miemen” lanhua xi chengyuan bei bul], Apple Daily, 28 May 15; Charis Heung, “Security Bureau Trying To Expand Computer Law, Say Experts,” EJIInsight, 2 June 15; Jennifer Zhang, “Hong Kong Social Media Activists Under Fire as Key Electoral Policy Vote Approaches,” Global Voices Online, 11 June 15.

⁵⁴Suzanne Sataline, “Hong Kong Activists Fear They Are Being Monitored by Beijing,” Guardian, 14 December 14; Verna Yu, “Hong Kong’s ‘Occupy’ Leaders Now Face Quiet but Persistent Harassment,” Christian Science Monitor, 18 February 15.

⁵⁵David Lague et al., “Special Report—How China Spies on Hong Kong’s Democrats,” Reuters, 15 December 14.

⁵⁶See, e.g., Lai Ying-kit, “Four More Occupy Student Protesters ‘Barred From Entering Mainland China,’” South China Morning Post, 17 November 14; William Wan and Kris Cheng Lok-chit, “Hong Kong Protesters Denied Entry Into China,” Washington Post, 24 November 14; Tony Cheung and Elizabeth Cheung, “Mainland Travel Ban on Protesters Is ‘Burning Bridges’ With Hong Kong Youth,” South China Morning Post, 11 December 14; “Scholarism’s Tiffany Chin Sze-man Refused Entry to Kunming, Returned to Hong Kong, Another Member Wong Wai-kei Refused Entry to Shenzhen” [Xuemin sichao qian siwen rujing kunming bei ju fan xianggang ling yi chengyuan huang weiji bei ju rujing shenzhen], Radio Free Asia, 19 February 15.

⁵⁷“Hong Kong Democracy Protest Leaders To Fly to Beijing,” Agence France-Presse, reprinted in Channel News Asia, 14 November 14; “Hong Kong Activists Denied Permit To Go to Beijing,” Associated Press, reprinted in New York Times, 15 November 14; “More Hong Kong Students on Blacklist as Protesters Await Road Clearances,” Radio Free Asia, 17 November 14.

⁵⁸“Report of Central Government Drawing Up List of Five Hundred People Barred From Entering China” [Chuan zhongyang zao ding jin rujing wubai ren mingdan], Sing Tao Daily, 16 November 14; Isabella Steger, “Democracy Activists Worry Hong Kong Government Is Keeping a Travel ‘Blacklist,’” Wall Street Journal, China Real Time Report (blog), 5 January 15.

⁵⁹Reporters Without Borders, “2015 World Press Freedom Index,” 12 February 15.

⁶⁰Hong Kong Journalists Association, “Press Freedom Index Survey 2014” [Xinwen ziyou zhishu diaocha 2014], March 2015, 24.

⁶¹“Open Letter From TVB News Bureau Reporters Group” [Yi qun wuxian xinwen bu zhide de gongkai xin], InmediaHK, 15 October 14; Hong Kong Journalists Association et al., “Seven News Unions Throw Their Weight Behind TVB Journalists,” 15 October 14; Danny Mok, “TVB Journalists Quit Over Coverage of Alleged Police Attack on Occupy Protester,” South China Morning Post, 26 February 15.

⁶²Ibid.

⁶³“TVB Punishes Staff After Anti-Censorship Petition: Report,” EJIInsight, 14 November 14; International Federation of Journalists, “Staff Exodus From Hong Kong Broadcaster as News Service Compromised,” 4 March 15.

⁶⁴Danny Mok, “TVB Journalists Quit Over Coverage of Alleged Police Attack on Occupy Protester,” South China Morning Post, 26 February 15; International Federation of Journalists, “Staff Exodus From Hong Kong Broadcaster as News Service Compromised,” 4 March 15.

⁶⁵“Removal of Tiananmen Crackdown Story Prompts Questions in Hong Kong,” Radio Free Asia, 3 February 15; “Ming Pao Staff Question Chief Over Tiananmen Story Call,” EJIInsight, 3 February 15; Chris Buckley and Alan Wong, “Hong Kong Newspaper Staff Protests Editor’s Shifting of Tiananmen Article,” New York Times, Sinosphere (blog), 4 February 15.

⁶⁶Lam Hei, “2014: A Watershed Year for Hong Kong Media,” in International Federation of Journalists, “China’s Media War: Censorship, Corruption & Control,” 27 January 15, 64–66.

⁶⁷Freedom House, “Freedom of the Press 2015—Hong Kong,” 28 April 15.

⁶⁸Madeline Earp, Committee to Protect Journalists, “For Clues to Censorship in Hong Kong, Look to Singapore, Not Beijing,” 27 April 15.

⁶⁹Hong Kong Journalists Association et al., “Five Press Unions United in Condemning Malicious Harassment of Journalists and the Media,” 13 October 14; Thomas Chan and Danny Mok, “Apple Daily Boss May Take Court Action Over Anti-Occupy Protests at Newspaper,” South China Morning Post, 14 October 14; Samuel Chan, “Soy Sauce Attack on Apple Daily,” South China Morning Post, 23 October 14; Emily Tsang, “Hong Kong Cyberattacks Spiked During Protests, Academic’s Study Finds,” South China Morning Post, 27 February 15.

⁷⁰“Attackers Firebomb Home, Offices of Hong Kong Pro-Democracy Media Mogul,” Radio Free Asia, 12 January 15; “Hong Kong Pro-Democracy Tycoon’s Home, Business Attacked,” Associated Press, reprinted in Washington Post, 12 January 15; International Federation of Journalists, “Death Threats for Pro-Democracy Newspaper Apple Daily in Hong Kong,” 12 January 15.

⁷¹Basic Law of the Macao Special Administrative Region of the People’s Republic of China [Zhonghua renmin gongheguo aomen tebie xingzhengqu jiben fal], passed 31 March 93, effective 20 December 99, arts. 47, 68, annexes I, II.

⁷²Ibid., art. 40.

⁷³International Covenant on Civil and Political Rights (ICCPR), adopted and proclaimed by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 25(b). Article 25(b) of the ICCPR guarantees the right “to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage . . .”

⁷⁴UN Human Rights Committee, International Covenant on Civil and Political Rights, Concluding Observations on the Initial Report of Macao, China, Adopted by the Committee at its 107th Session (11–28 March 2013), CCPR/C/CHN-MAC/CO/1, 29 April 13, para. 7; UN Human Rights Committee, International Covenant on Civil and Political Rights, Report on Follow-up

to the Concluding Observations of the Human Rights Committee, CCPR/C/112/2, 8 December 14, 23.

⁷⁵Catarina Pinto, “Lawmakers Say ‘No’ to Debating Political Reform,” *Macau Daily Times*, 19 November 14.

⁷⁶Catarina Pinto, “Study: Local Residents Support Universal Suffrage,” *Macau Daily Times*, 18 December 14; “Democracy-Lite Still on the Menu,” *Macau Business*, 19 December 14.

⁷⁷Viviana Chan, “New Macau Fears Greater Intimidation” [Novo macau teme maior intimidação], *Jornal Tribuna de Macau*, 12 November 14; “‘Apple Daily’ Reporter Barred From Entering Macau, Jason Chao: Proves HK Gov’t Made Blacklist” [“Pingguo” jizhe bei ju rujing aomen zhou tingxi: zhengming gang fu zhizuo hei mingdan], *Apple Daily*, 30 April 15.

⁷⁸Jason Chao, “Human Rights Issues in Macau 2014,” Jason Chao’s Pressroom (blog), 11 December 14; Farah Master and James Pomfret, “China Tightens Grip on Macau as Dissent Rises in Gambling Hub,” *Reuters*, 18 December 14; André Jegundo, “Activists Say That Beijing Has Tightened Control” [Activistas dizem que pequim apertou controlo], *Jornal Tribuna de Macau*, 6 January 15.

⁷⁹International Federation of Journalists, “China’s Media War: Censorship, Corruption & Control,” 27 January 15, 63; High Representative of the European Union for Foreign Affairs and Security Policy, European Commission, “Joint Report to the European Parliament and the Council Macao Special Administrative Region: 2014 Annual Report,” 24 April 15, 5–6.

⁸⁰See, e.g., Catarina Pinto, “HK Activists and Reporters Refused Entry,” *Macau Daily Times*, 22 December 14; International Federation of Journalists, “China’s Media War: Censorship, Corruption & Control,” 27 January 15, 67; André Jegundo, “Abuses in Application of Internal Security Law Denounced” [Denunciados abusos na aplicação da lei da segurança interna], *Jornal Tribuna de Macau*, 10 April 15; “Already Criticized by Name by CY Leung, Jacky Lim Refused Entry to Macau” [Zeng bei liang zhenying dianming piping lin hongda rujing aomen bei ju], *Apple Daily*, 29 April 15.

⁸¹Internal Security Framework Law of the Macau Special Administrative Region [Aomen tebie xingzhengqu neibu bao’an gangyao fa], issued and effective 4 December 02, art. 17, para. 1, item 4; International Federation of Journalists, “Macau Government Continues To Deny Entry to Journalists,” 15 December 14.

⁸²International Federation of Journalists, “Macau Government Continues To Deny Entry to Journalists,” 15 December 14; Peter So et al., “Hong Kong Activists on Mission To Reach Xi Jinping Turned Back at Macau Ferry Terminal,” *South China Morning Post*, 20 December 14.

⁸³“Emily Lau Prevented From Entering Macau” [Emily lau impedida de entrar em macau], *Jornal Ponto Final*, 5 January 15; Catarina Mesquita, “Secretary for Security Denies Existence of Blacklist” [Secretário para a segurança nega existência de lista negra], *Jornal Ponto Final*, 14 January 15.

⁸⁴Catarina Mesquita, “Secretary for Security Denies Existence of Blacklist” [Secretário para a segurança nega existência de lista negra], *Jornal Ponto Final*, 14 January 15; “‘Apple Daily’ Reporter Barred From Entering Macau, Jason Chao: Proves HK Gov’t Made Blacklist” [“Pingguo” jizhe bei ju rujing aomen zhou tingxi: zhengming gang fu zhizuo hei mingdan], *Apple Daily*, 30 April 15. Authorities prevented a one-year-old child from entering Macau because his name was similar to that of someone else prohibited from entering Macau. “1-Year-Old Refused Entry to Macau Because of ‘Constituting Threat to Stability,’ Father: Absolutely Ridiculous” [1 sui er yin dui “wending goucheng weixie” bei ju rujing aomen fu: hao huangmiu], *Apple Daily*, 19 December 14; “Entry Prohibition on Child Was an ‘Error’” [Proibição de entrada a criança foi um “erro”], *Jornal Tribuna de Macau*, 29 December 14.

⁸⁵“Mainlanders Indicted on Illegal UnionPay Transactions,” *Macau Business Daily*, 30 January 15; Catarina Pinto, “UnionPay Bogus Transactions Reach MOP260 Million,” *Macau Daily Times*, 4 March 15.

⁸⁶Catarina Pinto, “UnionPay Bogus Transactions Reach MOP260 Million,” *Macau Daily Times*, 4 March 15.

⁸⁷Gaming Inspection and Coordination Bureau, Instruction No. 2/2006 Preventive Measures for the Practice of the Crimes of Money Laundering and the Financing of Terrorism [Di 2/2006 hao zhishi qingxi heiqian ji zizhu kongbu zhuyi fanzui de yufang cuoshi], issued and effective 13 November 06, Definitions.

⁸⁸*Ibid.*, sec. 6, specifically 6.1.

⁸⁹Asia-Pacific Group on Money Laundering and Offshore Group of Banking Supervisors, “Mutual Evaluation Report on Macao, China,” 24 July 07, 155, 225.

⁹⁰Monetary Authority of Macau, “Deterrence and Handling of Cross-Border Criminal Activities Related to Mainland Bank Cards and Mainland POS Machines,” 21 November 14.

⁹¹Niall Fraser, “Macao Shares Plunge as China Launches Major Crackdown on Flow of Illicit Funds,” *South China Morning Post*, 17 December 14; Niall Fraser, “Chinese Officials To Meet Macau Regulators as Mainland Tightens Screws on Gambling Hub,” *South China Morning Post*, 18 January 15; Zhang Yan, “Macao Casinos Targeted in the Fight Against Graft,” *China Daily*, 21 January 15.

⁹²Commission Against Corruption, “Commissioner Cheong Weng Chon Pays Visit to Beijing,” 3 April 15.

⁹³Farah Master and James Pomfret, “Beijing’s Glare Deepens Crisis in Macau,” *Reuters*, 18 February 15.

⁹⁴Huang Weixiong, “Mainland and Macau Urge Mutual Assistance in Criminal and Judicial Matters” [Neidi aomen cu xingshi sifa huzhu], *Macao Daily*, 9 March 15; Flora Fong, “Criminal Accord With Mainland Sought” [Pedido acordo penal com continente], *Hoje Macau*, 10 March 15. See also Sandra Lobo Pimentel, “Handover of Criminals to Mainland Must Follow Humanitarian Tradition” [Entrega de infractores ao continente deve seguir tradição humanista], *Jornal Ponto Final*, 25 February 15.

⁹⁵UN Human Rights Committee, International Covenant on Civil and Political Rights, Report on Follow-up to the Concluding Observations of the Human Rights Committee, CCPR/C/112/2,

8 December 14, 23–24; UN Human Rights Committee, International Covenant on Civil and Political Rights, Concluding Observations on the Initial Report of Macao, China, Adopted by the Committee at its 107th Session (11–28 March 2013), CCPR/C/CHN–MAC/CO/1, 29 April 13, para. 11; UN Human Rights Committee, International Covenant on Civil and Political Rights, Concluding Observations of the Human Rights Committee—Portugal (Macao), CCPR/C/79/Add.115, 4 November 99, para. 14.

⁹⁶Guangdong Province Discipline Inspection Commission and Guangdong Province Supervision Department, “Guangdong ‘Red Notice’ Figure Wu Quanshen Seized and Brought to Justice” [Guangdong “hong tong” renyuan wu quanshen bei ji’na gui’an], 23 July 15; He Na, “One of 100 Most-Wanted Fugitives Caught in Macao,” China Daily, 25 July 15. Macau’s Secretary for Security reportedly said that the fugitive’s expulsion was due to his lack of residence permit and that he was not extradited or handed over to mainland police. Macau authorities reportedly canceled the man’s temporary Macau residence permit and expelled him to mainland China. Lan Huilong, “Deported by Macau Police, Only Village Official Captured Under Red Notice” [Bei aomen jingfang quzhu chujing hongse tongji ling weiyi cungan luowang], Southern Metropolitan Daily, 29 July 15; Patricia Silva Alves, “Government Withdraws Residence Permit for Fugitive Wanted by Interpol” [Governo retirou autorização de residência a fugitivo procurado pela interpol], *Jornal Ponto Final*, 30 July 15.

⁹⁷Patricia Silva Alves, “Arrest of Fugitive: Sonia Chan Says That Authorities ‘Will Act in Accordance With the Law’” [Detenção de fugitivo: sónia chan acredita que autoridades “vão agir de acordo com a lei”], *Jornal Ponto Final*, 28 July 15; Patricia Silva Alves, “Government Withdraws Residence Permit for Fugitive Wanted by Interpol” [Governo retirou autorização de residência a fugitivo procurado pela interpol], *Jornal Ponto Final*, 30 July 15.

⁹⁸Court of Final Appeal of the Macau Special Administrative Region, Case No. 12/2007 [Di 12/2007 hao an], issued 20 March 07, Summary; Court of Final Appeal of the Macau Special Administrative Region, Case No. 3/2008 [Di 3/2008 hao an], issued 12 February 08, Summary, 3. In both cases, the Macau Court of Final Appeal held that without explicit extradition guidelines and without an extradition agreement between Macau and mainland China, Macau authorities could not detain individuals sought by Interpol for handover to mainland China.