VI. Developments in Hong Kong and Macau

Hong Kong

During the Commission's 2016 reporting year, the growing influence of the Chinese central government and Communist Party and suspected activity by Chinese authorities in Hong Kong—notably the disappearance, alleged abduction, and detention in mainland China of five Hong Kong booksellers—raised fears regarding Hong Kong's autonomy within China as guaranteed under the “one country, two systems” policy enshrined in the Basic Law, which prohibits mainland Chinese authorities from interfering in Hong Kong's internal affairs. Tensions over the Chinese government's role in Hong Kong and the future of Hong Kong's political system contributed to the growth of “localist” political sentiment, with candidates seen as localist or supportive of self-determination for Hong Kong winning seats in Hong Kong's September 2016 Legislative Council elections.

UNIVERSAL SUFFRAGE AND DEMOCRATIC REFORM

Hong Kong's Basic Law guarantees freedom of speech, religion, and assembly; promises Hong Kong a “high degree of autonomy”; prohibits Chinese authorities from interfering in Hong Kong's internal affairs; and affirms that the International Covenant on Civil and Political Rights (ICCPR) applies to Hong Kong. The Basic Law also states that its “ultimate aim” is the election of Hong Kong's Chief Executive and Legislative Council (LegCo) “by universal suffrage.” Forty out of 70 LegCo members are elected directly by voters and 30 by functional constituencies, which are composed of trade and business interest groups, corporations, professionals, and religious and social organizations. The electors of many functional constituencies reportedly have close ties to or are supportive of the Chinese government.

After the fall 2014 pro-democracy demonstrations and the June 2015 defeat of the Hong Kong government's proposed electoral reforms, some political groups and activists in Hong Kong called for greater self-determination or independence for Hong Kong, due in part to fears regarding Chinese government control over Hong Kong and mainland Chinese economic and cultural influence in Hong Kong. Pro-democracy activists, students, and veterans of the 2014 pro-democracy demonstrations founded new political organizations that contested the November 2015 District Council elections, a February 2016 LegCo by-election, and the September 2016 LegCo elections. Some of these groups advocated for a referendum on Hong Kong's political system after 2047 or expressed outright support for independence.

In response to calls for independence and self-determination, in March and April 2016 Chinese government officials declared Hong Kong independence unacceptable, asserted that discussing the idea violated Hong Kong's laws, and said that founding pro-independence groups “severely contravened the national constitution and Hong Kong's Basic Law and relevant enacted laws.” Hong Kong government officials also said that advocating independence “is contrary to the Basic Law.” Chinese officials blamed “sepa-
ratist forces for a February 2016 riot in the Mong Kok area of Hong Kong in which protesters—including members of a localist organization—allegedly attacked police after government officials tried to close down unlicensed street food vendors.

In July 2016, the Electoral Affairs Commission issued a new “confirmation form” for LegCo candidates to sign, confirming that they will uphold the Basic Law and explicitly listing three Basic Law provisions emphasizing Hong Kong’s inalienability from China. The Hong Kong government appeared to say those not signing the form would be ineligible for nomination, and those lying on the form are “liable to criminal sanction.” At least 12 candidates refused to sign, and at least 21 political groups wrote a joint statement demanding the government withdraw the form, denouncing its use as “political censorship” and “interference in fair and just elections.” Elections officials disqualified six pro-independence candidates, drawing heavy criticism, including from lawyers, political organizations, and students. Several localist or pro-democracy candidates reported government obstruction in mailing campaign materials, saying officials in several government departments questioned the legality of their use of phrases such as “self-determination” and “independence.”

In Hong Kong’s September 4 LegCo general election, the first since the 2014 pro-democracy protests, opposition parties gained seats, including candidates seen as “localist” or supportive of self-determination for Hong Kong. Pro-democratic and localist candidates, both opposed to the Chinese government and pro-establishment parties in Hong Kong, together won a total of 30 out of 70 seats—an increase of 3 from the 2012 LegCo elections. Localist candidates reportedly received 19 percent of all geographical constituency votes, winning six seats. Afterward, the Chinese central government reiterated its opposition “to any form of ‘Hong Kong independence’ activities inside or outside the Legislative Council,” declaring that “Hong Kong independence . . . endangers state sovereignty and security.”

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Disappearances of Mighty Current Booksellers—Continued

Mighty Current co-owner and British citizen Lee Bo disappeared from Hong Kong on December 30, 2015. Lee called his wife the same day from Shenzhen municipality, Guangdong province, and told her he would not return “anytime soon.” In January 2016, Hong Kong police received a letter from the Guangdong public security bureau confirming Lee was in mainland China. In a February 29 interview with state-funded news media under apparent coercion, Lee said he had not been abducted, but did not explain specifically how he entered China without his travel document, and said he had decided to renounce his British citizenship. On March 24, Lee briefly appeared in Hong Kong and requested that Hong Kong authorities cancel his missing-person case before returning to mainland China. Lee maintained he went to mainland China to assist Chinese authorities in the investigation into Gui’s case. Before his disappearance, Lee told Gui’s daughter he feared “special agents from China” had abducted Gui “for political reasons.” In an October 2015 interview, Lee said he had avoided traveling to mainland China ever since Chinese authorities imprisoned another Hong Kong publisher, and that Chinese security officials had hacked his email and were surveilling him.

Three other Hong Kong residents and employees of Mighty Current and Causeway Bay Books—Lui Bo, Cheung Chi-ping, and Lam Wing-kei—disappeared in October 2015 while in or traveling to Shenzhen and Dongguan municipalities in Guangdong. On February 16, Guangdong security officials told Hong Kong police that Lui, Cheung, and Lam were under “criminal compulsory measures” on suspicion of “illegal activities in the Mainland,” reportedly including “illegal business activity.” Guangdong authorities later released all three on bail. In early March 2016, Lui and Cheung arrived separately in Hong Kong, requested that Hong Kong police cancel their missing-persons cases, and then returned to mainland China.

Lam returned to Hong Kong on June 14 and requested the same, but on June 16, he held a press conference revealing the details of his detention. Lam said that after Chinese officials detained him on October 24 while crossing from Hong Kong into Shenzhen, authorities sent him to Ningbo municipality, Zhejiang province, where he was held incommunicado for five months before being transferred to Shaoguan municipality, Guangdong. Lam alleged that the agency that detained him and the other four booksellers reported directly to the Chinese central government. Lam said that Chinese authorities allowed him to return to Hong Kong on bail on the condition that he hand over a hard drive containing information on Causeway Bay Books’ mainland Chinese customers. Lam expressed fear for his safety after returning to Hong Kong, requesting police protection after he reported being followed repeatedly by unidentified individuals.
Disappearances of Mighty Current Booksellers—Continued

International human rights groups and non-governmental organizations,78 Hong Kong activists and lawyers,79 and foreign governments80 denounced the disappearances of Lee and the others as damaging to the "one country, two systems" policy and threatening to Hong Kong's autonomy, and criticized the February 2016 televised "confessions" of Gui, Lui, Cheung, and Lam as violations of their right to a fair trial.81 The British government said Lee's involuntary removal to mainland China "constitutes a serious breach of the Sino-British Joint Declaration . . ."82 Hong Kong political parties and elected officials expressed support for Lam and condemned his detention;83 the Civic Party called it "the most serious case of political abduction" since Hong Kong's 1997 return to Chinese sovereignty.84

PRESS FREEDOM

During the 2016 reporting year, press freedom in Hong Kong reportedly continued to worsen due to government restrictions, violence against journalists, and pressure on reporters and editors from media ownership, including owners with financial ties to mainland China.85 A Hong Kong Journalists Association (HKJA) survey on press freedom found that 85 percent of journalists believed press freedom had deteriorated in 2015.86 In February 2016, several media organizations accused the Hong Kong government of "obstructing press freedom" after officials at the vote-counting location for a Legislative Council by-election refused to admit reporters from online news websites.87 The HKJA filed a complaint against the government with the Ombudsman in June.88 On March 8, at least four journalists were injured while covering unrest between police and protesters in Mong Kok.89 One of the four accused police of using unnecessary force after several officers reportedly beat and kicked him.90

Concerns over editorial independence, journalistic integrity, and management decisions continued to grow during the past year, including at media companies with financial connections to mainland China.91 The purchase of the South China Morning Post (SCMP) by the Chinese company Alibaba Group, in particular, raised concerns that SCMP could face increased pressure to self-censor or avoid reporting on "sensitive" topics.92 One journalists' group expressed worries that SCMP's new ownership could restrict coverage of mainland China.93 Media observers and SCMP staff noted suspicions about an interview94 published in July 2016 with Zhao Wei,95 a legal assistant detained in mainland China as part of a crackdown on lawyers and rights advocates begun in and around July 2015.96 SCMP management refused to explain, reportedly even to SCMP reporters, how the paper was able to interview Zhao.97 Zhao's husband and lawyer said they could not contact her and doubted she had spoken freely with SCMP.98 This past year, other Hong Kong media outlets published alleged interviews with individuals detained in mainland China or televised their "confessions."99 Reporters from the newspaper Ming Pao100 and Hong Kong and international journalists' organizations101 criticized the abrupt April 2016 dismissal of a Ming Pao editor the day after the
paper published a report on Hong Kong business and government figures’ offshore bank accounts. Critics questioned Ming Pao’s explanation that the dismissal was due to budget cuts. Journalists’ organizations and current and former staff of the Hong Kong Economic Journal expressed concern that the July 2016 dismissal of a long-time pro-democratic columnist, Joseph Lian Yi-zheng, constituted political censorship. Lian had previously explored the possibility of Hong Kong independence in his columns.

Macau

POLITICAL AND PRESS FREEDOMS

Macau’s Basic Law does not provide for “universal suffrage,” though its provisions ensure the applicability of the International Covenant on Civil and Political Rights (ICCPR) in Macau and guarantee Macau a “high degree of autonomy” within China. During the 2016 reporting year, the Commission observed no progress in Macau toward “an electoral system based on universal and equal suffrage . . .” in line with the ICCPR as recommended by the UN Human Rights Committee. In August 2016, Macau’s Legislative Assembly passed revisions to the Legislative Assembly Electoral Law. As the Macau government previously announced, the revisions to the Electoral Law did not change the composition of the Legislative Assembly or the methods for Chief Executive elections provided for in the Basic Law. Several political organizations accused the Macau government of restricting their rights to assembly after authorities broke up or blocked demonstrations near government buildings. In June 2016, police reportedly investigated a pro-democracy activist for “aggravated disobedience” after he helped organize one such demonstration in May.

Following a controversial donation in May 2016 of Macau government funds to a mainland Chinese university connected to Macau’s Chief Executive, the Macau Journalists’ Association (AJM) alleged that media organizations reporting on the donation scandal engaged in self-censorship under pressure from Macau authorities. AJM noted that this was the latest in a series of “organized, large-scale incidents of press censorship, political manipulation of public opinion, and interference in internal media operations” since Macau’s 2012 political reforms.

CONCERNS REGARDING INTERREGIONAL EXTRADITION

During the past year, Macau officials continued negotiations with Chinese authorities on an agreement governing extraditions to and from mainland China. The Macau and Hong Kong governments also pursued an interregional extradition agreement. In December 2015, the Macau government introduced a bill in the Legislative Assembly (AL) that would be the basis for extradition agreements between Macau, mainland China, and Hong Kong. In May 2016, the AL rejected the extradition bill; the president of the AL declined to give a reason, only saying that the bill “has technical problems.” The Macau government withdrew the bill in June 2016, saying it needed more time to negotiate with the Hong
A United Nations committee, lawyers, and activists raised concerns over the proposed extradition agreements. The UN Committee against Torture, in its November 2015 review of Hong Kong’s and Macau’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, urged both regions to ensure that any extradition agreement—between the two regions or with mainland China—protect offenders or fugitives from torture or abuse. In light of concerns over the Macau government’s previous handover of fugitives to Chinese authorities and the 2015 disappearances of five Hong Kong booksellers, activists in Macau questioned the potential Macau-China agreement, in particular a reported provision allowing one side to request extradition for military crimes or “crimes . . . against the interests of national defense committed in mainland China,” even if such an act were not a crime in Macau. Some Macau lawyers expressed concern over the possibility that a Macau-Hong Kong agreement might allow for retroactive extradition requests.

FINANCIAL CRIME

The Monetary Authority of Macau continued coordinating with international and mainland Chinese financial agencies and the Chinese Ministry of Public Security to fight the use of mainland China-registered bank cards for money laundering and evading Chinese currency-export restrictions. In 2015, 1.22 billion Macau patacas (approximately US$153 million) in reportedly illegal UnionPay bank card transactions were run through unregistered point-of-sale devices in Macau. Macau police reported that illegal transactions using portable UnionPay devices in the first half of 2016 amounted to nearly 2.10 billion patacas (approximately US$262 million). In December 2015, Macau officials announced plans to launch a “real-time monitoring system” of bank card use for “high-risk” businesses located near casinos.
Notes to Section VI—Developments in Hong Kong and Macau

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