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Findings

- Two United Nations committees reviewed Hong Kong’s compliance with its human rights obligations, finding that the Hong Kong government had “de facto abolished the independence of the judiciary” through the National Security Law (NSL), and calling for the repeal of the NSL and sedition provisions under the Crimes Ordinance. In particular, the Human Rights Committee noted several areas of concern, including—the potential for the transfer of defendants to mainland China; the excessive and unchecked power of the chief executive and the police regarding enforcement measures; and the lack of legal certainty concerning the definition of “national security” and grounds for extraterritorial application.
- In May 2023, Chief Executive John Lee proposed a bill that would change the composition of District Councils, which are community-level bodies that advise the government on matters affecting residents in each district. Although District Councils have limited influence in policymaking, they serve as the last institution through which residents can directly choose their representatives. Under the reform plan, the number of directly elected seats would be significantly reduced, and all candidates would be subject to a vetting process designed to exclude candidates considered to be disloyal to the government.
- Hong Kong authorities continued to prosecute individuals for violating the National Security Law, under which basic procedural rights, such as trial by jury and presumption of innocence, are disregarded. Hong Kong extended the restrictions on procedural rights to crimes that the government deems to involve national security, augmenting authorities’ ability to punish people for peacefully exercising their universally recognized rights. Hong Kong authorities also applied the law extraterritorially, charging people with criminal offenses for actions committed outside of Hong Kong, creating a chilling effect that had a global reach.
- The prison system augmented the enforcement of the “deradicalization program” that is designed to treat political prisoners as extremists and to instill in them a sense of hopelessness and fear, deterring them from future political activism. The program uses tactics including mandatory propaganda movie-watching, confession sessions, and corporal punishment, all of which escalated drastically this past year, according to one former detainee.
- After the prosecution unsuccessfully tried to prevent a foreign lawyer from representing pro-democracy entrepreneur Jimmy Lai in a criminal case, John Lee sought an intervention from the National People’s Congress Standing Committee, which issued an interpretation affirming the chief executive’s power to certify whether a foreign lawyer should be admitted in a particular case. While the interpretation did not create a blanket ban on foreign lawyers, some analysts were concerned

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that the interpretation had the broader effect of allowing the chief executive to “bypass unwelcome court decisions” and giving them unchecked power “to rule by decree” over a broad range of issues.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to take the following actions:

- Continue to support Hong Kong pro-democracy activists who have been charged, detained, or imprisoned under the National Security Law or for other political reasons, including **Joshua Wong, Jimmy Lai, Albert Ho, Cyd Ho, Lee Cheuk-yan, Leung Kwok-hung, Benny Tai, Claudia Mo, Tam Tak-chi, Tiffany Yuen, Lester Shum, Andy Li, and Tony Chung.**
- Develop a strategy to implement the measures suggested by 50 independent U.N. human rights experts in a joint letter dated July 2020, which included creating a special session to evaluate China’s human rights violations; establishing an impartial and independent mechanism to monitor, analyze, and report on China’s human rights practices; and engaging in dialogue with China to demand that it fulfill its human rights obligations.
- Fully implement the sanctions in the Hong Kong Human Rights and Democracy Act (Public Law No. 116-76) and the Hong Kong Autonomy Act (Public Law No. 116-149), including those for financial institutions and individuals complicit in the dismantling of Hong Kong’s autonomy and rights protections and the PRC government’s violation of the 1984 Sino-British Declaration, an international treaty. Congress should pass the Hong Kong Judicial Sanctions Act (S. 3177 / H.R. 6153, 118th Cong.), which requires a review of all sanctions with possible application in these areas. Congress likewise should pass the Hong Kong Economic and Trade Office (HKETO) Certification Act (S. 490 / H.R. 1103, 118th Cong.), which requires the President to remove the extension of certain privileges, exemptions, and immunities to the HKETO if Hong Kong no longer enjoys a high degree of autonomy from the PRC. Work with allies and partners at the U.N. and other multilateral organizations to issue frequent public statements and engage in other diplomatic efforts to seek the release of political prisoners and address violations of international human rights standards.
- Work to speed up processing times for refugee cases already in the system and consider expanding the annual cap on refugees admitted to the U.S. in an increased effort to protect those fleeing PRC persecution. Prioritize steps to remove barriers to properly vetted Hong Kong residents receiving U.S. visas, particularly those attempting to exit Hong Kong for fear of political persecution. Pass the Hong Kong Safe Harbor Act (S. 295 / H.R. 461) and the Hong Kong People’s Freedom and Choice Act of 2021 (H.R. 4276).
- Advocate for freer and more transparent access by foreign journalists to Hong Kong and Macau.

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Hong Kong

Introduction

Following the enactment of the National Security Law (NSL) in 2020, residents left Hong Kong in large numbers, and many businesses likewise have relocated.¹ In response, Chief Executive John Lee made assurances that the government valued the rule of law,² but the government continued to restrict fundamental rights and carry out political prosecutions, and further implemented a program that treats political prisoners as extremists.

United Nations Reviews of Treaty Obligations

This past year, the United Nations Human Rights Committee (HRC) and Committee on Economic, Social and Cultural Rights (CESCR) conducted reviews concerning the Hong Kong government's obligations under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), respectively, and subsequently issued concluding observations.³ Notably, the committees were critical of the language and enforcement of the NSL, finding that the Hong Kong government had “de facto abolished the independence of the judiciary”⁴ and calling for the repeal of the NSL and sedition provisions under the Crimes Ordinance.⁵ In particular, the HRC noted several areas of concern, including—the potential for the transfer of defendants to mainland China; the excessive and unchecked power of the chief executive and the police regarding enforcement measures; and the lack of legal certainty concerning the definition of “national security” and grounds for extraterritorial application.⁶ The HRC also implicitly disagreed with several rulings by Hong Kong's highest court, as they undermined a range of fundamental rights; these rulings include—

- abandoning the “presumption of bail” in national security cases;
- extending due process restrictions to crimes not provided in the NSL; and
- affirming the chief executive's emergency power to bypass the legislature and enact regulations that carry criminal penalties.⁷

The CESCR likewise highlighted that the Hong Kong government had applied the NSL in a way that undermined education and cultural rights, noting with concern the censorship of academic work and satiric content and the dismissal and arrest of students, school faculty, and content creators.⁸

In response, the Hong Kong government “strongly objected” to the “so-called concluding observations,” characterizing the committees' criticisms as “unsubstantiated” and “utterly perplexing,” while attempting to justify its restrictive measures by saying that rights are “not absolute.”⁹

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Party Control over Hong Kong Further Formalized

As announced in a March 2023 institutional reform plan, the Hong Kong and Macao Work Office of the Chinese Communist Party Central Committee was established under the name of the preexisting Hong Kong and Macao Affairs Office of the State Council, which it replaced.¹⁰ This is akin to the organizational arrangement in mainland China wherein Party officials exert de facto control over a function through a body bearing the name of a government agency.¹¹ Observers interviewed by Voice of America said that the reform plan was intended to strengthen and formalize Party leadership as the Party replaces the government, predicting that Party interference in Hong Kong's affairs would become more apparent going forward.¹²

District Council Reform

In May 2023, Chief Executive John Lee Ka-chiu proposed a bill that would change the composition of District Councils,¹³ community-level bodies that advise the government on matters affecting residents in each district.¹⁴ Under Lee's plan, the number of directly elected seats would be reduced to 88, about 19 percent of the total 470 seats, representing a drop from 94 percent in 2019.¹⁵ The remaining councilors would be selected by pro-government committees.¹⁶ The proposal also introduced a screening mechanism to vet candidates and another mechanism for monitoring and punishing district councilors for performance that "falls short of the public expectation."¹⁷ The changes, intended to protect "national security," were a response to the 2019 elections in which most of the district council seats were won by pro-democracy candidates, whom a Chinese official had described as "anti-China destabilizing forces."¹⁸ While Lee denied that the reform would undermine democracy, observers noted that the new system would render the elections undemocratic and would limit the government's ability to gauge the public's needs.¹⁹

Arbitrary Application of Criminal Provisions

Hong Kong authorities continued to prosecute individuals for violating various criminal provisions and the NSL, under which basic procedural rights, such as trial by jury and presumption of innocence, are disregarded.²⁰ Hong Kong extended the restrictions on procedural rights to persons charged with crimes deemed by the government to involve national security,²¹ augmenting authorities' ability to punish people for peacefully exercising their universally recognized rights, including the following:

FREEDOM OF SPEECH

In September 2022, District Court Judge Kwok Wai-kin sentenced five speech therapists each to one year and seven months in prison for publishing three children's books with "seditious intent."²² The defendants were **Lorie Lai Ming-ling, Melody Yeung Yat-yee, Sidney Ng Hau-yi, Samuel Chan Yuen-sum, and Marco Fong Tsz-ho.**²³ The books were stories about sheep being harmed by wolves, where the wolves represented the Hong

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Kong and PRC governments.²⁴ The judge found that publishing the books was “a brainwashing exercise” and sowed “the seed of instability ... in the PRC and HKSAR,” adding in dictum that it was “morally wrong for [the defendants] to say that Hong Kong and PRC are separate”²⁵ Previously, Judge Kwok was suspended from handling political cases by the former chief justice for making biased comments in a different case, but he was reinstated by the new chief justice, Andrew Cheung, who had a record of issuing decisions supportive of the government’s position.²⁶

In another case, **Ma Chun-man** appealed his five years and nine months’ sentence on the charge of “inciting secession” for using slogans during the 2019 protests that advocated for Hong Kong independence.²⁷ Ruling on the appeal, the High Court in August 2022 reduced the sentence to five years, but maintained that the offense was of a serious nature since “the mere absence of force or threat of force did not make the circumstances less serious.”²⁸

FREEDOM OF THE PRESS

Judge Kwok Wai-kin also presided over the trial of two former editors of the now-defunct news outlet Stand News in which they were accused of publishing 17 articles with “seditious intent.”²⁹ The defendants were editor-in-chief **Chung Pui-kuen** and acting chief editor **Patrick Lam**.³⁰ Defense counsel asserted: “If the press were in danger of breaking the law whenever they criticised the government, then they might just as well just give up their jobs.”³¹ The judge admitted large volumes of previously unproduced evidence proffered by the prosecution mid-trial.³² For example, in February 2023, three months into the trial, the judge admitted four boxes of additional documents over the objection of the defense counsel, who argued that the submissions were unfairly late and that she was not afforded the opportunity to review them.³³

As of May 2023, **Jimmy Lai Chee-ying**, founder of pro-democracy newspaper Apple Daily, remained in detention, serving a prison term of five years and nine months on fraud charges related to a commercial lease and awaiting trial on national security charges for allegedly calling on foreign countries to sanction the PRC and Hong Kong officials.³⁴ Lai requested that the trial be terminated on the grounds that his case would be heard by a panel of judges instead of a jury.³⁵ Three High Court judges denied his request, saying that they were not biased against him.³⁶ In a letter dated March 2023, a group of five U.N. experts expressed “grave concern relating to the arrest, detention and multiple prosecutions of Jimmy Lai and the forced closure of the news outlet Apple Daily which appear to be related to his criticism of the Chinese government and his support for democracy in [the] Hong Kong SAR.”³⁷

FREEDOM OF ASSOCIATION

In November 2022, the West Kowloon Magistrates Court convicted six trustees of the 612 Humanitarian Fund, whose aim was “to provide legal, humanitarian and financial support to protesters during the 2019 protests,”³⁸ for failing to apply for registration for the fund.³⁹ The trustees were **Joseph Zen Ze-kiun**, **Margaret Ng Ngoi-yee**, **Hui Po-keung**, **Cyd Ho Sau-lan**, **Denise Ho Wan-see**, and **Sze Ching-wee**.⁴⁰ The judge found that the fund’s “polit-

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ical nature” made it ineligible for exemption from registration as a charitable fund and dismissed the defendants’ argument that the government’s interpretation of the law violated their right of free association.⁴¹

As of May 2023, rights lawyer **Tonyee Chow Hang-tung** was serving a prison term on charges of “unauthorized assembly” related to the annual vigils commemorating the violent suppression of the 1989 Tiananmen protests.⁴² In December 2022, the High Court overturned one of her convictions, holding that the police failed to consider measures that could facilitate an assembly before categorically banning it.⁴³ The prosecution appealed the decision, and a hearing was scheduled for August 2023 before the Court of Final Appeal.⁴⁴

FREEDOM OF CIVIC PARTICIPATION

High Court Judges Andrew Chan, Alex Lee, and Johnny Chan presided over a trial in a case where the prosecution accused 47 people of “conspiracy to commit subversion” for their role in an unofficial primary election in July 2020, which took place ahead of the Legislative Council election.⁴⁵ Although the primary proceeded peacefully,⁴⁶ the prosecution described it “as an unlawful scheme to seriously disrupt, undermine and interfere with the performance of duties and functions of the political powers that be.”⁴⁷ Among those detained are Nobel Peace Prize nominee **Joshua Wong Chi-fung**, law professor **Benny Tai Yiu-ting**, journalist and Legislative Council member **Claudia Mo Man-ching**, labor union leader **Carol Ng Man-yee**, and social activist **Leung Kwok-hung**.⁴⁸

June 4th Arrests

Hong Kong police detained at least 31 people in connection with their commemoration on June 4, 2023, of the violent suppression of the 1989 Tiananmen protests, and lodged a range of criminal charges including “breaching public peace,” “disorderly conduct,” and “seditious acts.”⁴⁹ Some of those detained were carrying flowers or candles or holding a copy of a play that depicted the Tiananmen protests.⁵⁰ Ahead of the anniversary, the Hong Kong government refused to clarify whether public mourning was illegal and deployed some 6,000 police across the city to conduct “stop and search” operations.⁵¹ Volker Turk, the U.N. High Commissioner for Human Rights, found the Hong Kong government’s actions alarming and called for the “release of anyone detained for exercising freedom of expression & peaceful assembly.”⁵²

Deradicalization Program in Prisons

In June 2023, the Washington Post published an article based on interviews with 13 former inmates convicted of protest-related offenses and two employees at the Hong Kong Correctional Services Department, who provided details about the implementation of a deradicalization program, officially termed “targeted rehabilitation,” over this past year.⁵³ The program targets detainees under the age of 21 and is designed to weaken their desire to engage in political activities and encourage them to leave Hong Kong.⁵⁴ Daily reports on high-profile prisoners were prepared by prison guards

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with the help of counterterrorism teams.⁵⁵ Inmates enrolled in the program were asked to watch propaganda films, learn Chinese history to “enhance their sense of nationality,” and write apology letters and read them aloud in front of their parents.⁵⁶ One interviewee said he and other inmates were beaten by prison guards for failing to recite prison regulations.⁵⁷ Psychological evaluations used to detect self-harm tendencies transformed into confession sessions where detainees were “pushed to express remorse over their political actions and acknowledge that their views were extreme.”⁵⁸ Reacting to this development, a former detainee observed that the current program was a drastic escalation from what he experienced when he was imprisoned between 2021 and 2022.⁵⁹

Extraterritorial Jurisdiction of the NSL

Hong Kong authorities invoked national security charges for acts committed outside of Hong Kong, deterring participation in protest activities abroad.⁶⁰ Examples included the following:

- In August 2022, the Security Bureau condemned three people living abroad—Elmer Yuen Gong-yi, Victor Ho Leung-mau, and Baggio Leung Chung-hang—for allegedly having committed subversion under the NSL by establishing a committee to organize elections outside of Hong Kong.⁶¹ The Bureau further urged the public to disassociate themselves from people who contravene the law.⁶² Shortly thereafter, Yuen’s daughter-in-law, whom the Hong Kong Free Press identified as a “pro-Beijing lawmaker,” announced in a newspaper advertisement that she was severing family ties with Yuen.⁶³
- In November 2022, a Portuguese national, Wong Kin-chung, who had been living in the United Kingdom, was arrested by national security police after he returned to Hong Kong to look after his mother, who suffers from dementia.⁶⁴ Wong was reportedly a leader of the Hong Kong Independence Party and had made social media posts that called for Hong Kong’s independence.⁶⁵
- In March 2023, national security police arrested a student living in Japan who had returned to Hong Kong to renew her identity card.⁶⁶ Police alleged that she had “incited secession” by “posting about Hong Kong independence on social media.”⁶⁷ After Japan’s chief cabinet secretary expressed concern over the case, the Hong Kong office of the PRC Ministry of Foreign Affairs called his comment an intervention in internal affairs and warned of “severe retaliation by 1.4 billion Chinese people.”⁶⁸

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Restrictions on Representation by Foreign Counsel

Hong Kong and PRC authorities placed restrictions on legal representation in national security cases, further strengthening the government's influence over court cases. In October 2022, a trial court granted British lawyer Timothy Owen permission to represent Jimmy Lai Chee-ying, who was facing national security charges, including conspiracy to collude with a foreign country.⁶⁹ Under Hong Kong law, a court has discretion to allow a lawyer who is not admitted to the Hong Kong bar to provide legal representation in a particular case if he or she has relevant experience in advocacy in court.⁷⁰ The Secretary for Justice challenged the trial court's decision, arguing that foreign lawyers were unfit to handle cases involving national security.⁷¹ The government's appeal was dismissed both by the Court of Appeal and Court of Final Appeal, Hong Kong's highest court.⁷² Immediately after the Court of Final Appeal's decision, Chief Executive John Lee asked the National People's Congress (NPC) Standing Committee to interpret the NSL, citing concerns that foreign lawyers might be subject to pressure by countries that were "hostile" to the NSL.⁷³ The NPC Standing Committee is authorized to interpret the NSL under Article 65 of the law, but similar interpretations in the past were reportedly perceived by the public as acts undermining judicial independence.⁷⁴

In December, the NPC Standing Committee issued an interpretation of the NSL, holding that courts should ask the chief executive to certify whether a foreign lawyer should be admitted; otherwise, a determination would be made by the Committee for Safeguarding National Security (an entity created by the NSL and chaired by the chief executive).⁷⁵

In March 2023, the Hong Kong government proposed a legislative amendment that would create a presumption against admitting foreign lawyers in national security cases and would require foreign lawyers and courts to obtain a certificate from the chief executive before making or granting an application for admission.⁷⁶ In support of the government's position, Secretary for Justice Paul Lam Ting-kwok said the right to choose lawyers was not absolute, adding that the chief executive would not disclose the reasons when rejecting overseas lawyers in specific cases, as doing so could pose national security risks.⁷⁷

While these official actions did not create a blanket ban on foreign lawyers, some analysts expressed concern that the NPC Standing Committee's interpretation had the broader effect of allowing the chief executive and his Committee to "bypass unwelcome court decisions" and giving them unchecked power "to rule by decree" over a broad range of issues.⁷⁸ The Legislative Council unanimously passed the government's proposed amendment in May 2023.⁷⁹

Intimidation of Rights Lawyers

In December 2022, Reuters reported on an exodus of human rights lawyers following the passage of the NSL.⁸⁰ One Hong Kong lawyer reported that "she knew of at least 80 Hong Kong lawyers who had moved to Britain."⁸¹ Michael Vidler, for example, decided to leave Hong Kong after a judge named his law firm in a judgment, which Vidler interpreted as a call for national security police to investigate him.⁸² Despite Vidler's efforts to keep his travel ar-

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rangements private, a group of reporters from PRC-backed media outlets “descended on [him] as a mob at the check-in counter, taking photos of [his] travel documents,” leading him to believe that the reporters had access to information provided by official sources.⁸³ Vidler’s departure followed that of Paul Harris, who left after being questioned by national security police and who was similarly harassed by reporters from PRC-affiliated media outlets.⁸⁴ Other means of intimidation included “[a]nonymous threats sent by text message and email[,] GPS tracking devices placed under a car, and Chinese ‘funeral money’ sent to an office.”⁸⁵

Academic Freedom

In his October 2022 policy address, Chief Executive John Lee called for an “enhanced School Development and Accountability framework” to bolster staff accountability and enhance national education, including raising awareness of safeguarding national security.⁸⁶ As part of the policy, the Education Bureau extended the national security test requirement for new public school teachers to teachers at all subsidized schools and kindergartens, beginning in the 2023–2024 school year.⁸⁷ A teacher from Hong Kong said it was the first time that teachers were required to take political attitude tests.⁸⁸

In December 2022, the Education Bureau updated the Guidelines on Teachers’ Professional Conduct, adding language requiring teachers to “consciously safeguard national security, social order and public interest.”⁸⁹ The guidelines further require teachers to report any illegal or immoral conduct to school administrators and prohibit them from “[advocating] the disruption of social order” or getting involved in acts that violate the NSL or other laws.⁹⁰ In explaining the guidelines, the Secretary for Education said in an interview that it would be unprofessional for teachers to “casually talk about” the 1989 Tiananmen protests either in class or on social media.⁹¹ A former secondary school teacher said that the guidelines’ lack of clarity around the scope of permissible speech created a gray area that increased the risk that a teacher would be the subject of a complaint.⁹² A former education official similarly expressed that the guidelines reduce teachers’ professional autonomy and make them subservient to the government.⁹³

The Education Bureau also rolled out a new curriculum for junior secondary school that emphasizes national security and omits content about “freedom, rule of law, social justice, [and] democracy,” requiring students to learn about the political structure of China and not of other countries.⁹⁴ The new curriculum was intended to complement the now-redesigned high school version of the subject.⁹⁵

At the university level, students at the University of Hong Kong reported that the school had asked them to take a course about national security, a requirement that was prescribed by regulations.⁹⁶ An expert conjectured that it was part of a program in which the government would push ideological education emphasizing that “national security takes precedence over human rights and freedoms.”⁹⁷ The university also installed a new program requiring library patrons to register before accessing some politically sensitive books or archival materials, which a Hong Kong policy researcher

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said would create a perception of being monitored that could “deter researchers from pursuing certain sensitive topics.”⁹⁸

According to official figures, an increasing number of students were leaving public universities before completing their courses, continuing a trend that began in the 2019–2020 academic year.⁹⁹ A similar uptick was seen in academic staff departures.¹⁰⁰ One professor observed that “the imposition of the NSL was the decisive factor [for virtually all faculty departures],” adding that the “NSL de facto put an end to academic freedom. Academics either self-censor or leave . . . [F]aculty members now have to consider if they can cover a topic or not, and if something they say will be reported by a student to the NSL police.”¹⁰¹

Staffing Shortages in the Public Sector

As in the education sector, civil servants and healthcare professionals resigned from their positions at a rate that may affect the government’s capacity to provide public services, potentially affecting people’s rights to public health and security. A union leader attributed the increased resignation rates of civil servants to factors such as stress brought on by “the chief executive’s new initiatives, including the launch of key performance indicators (KPIs), and an emergency mobilisation protocol,” the latter of which may require overtime work and deployment during days off.¹⁰² In the public health sector, the increasing attrition rate lowered the physician-to-patient ratio, averaging 2 physicians per 1,000 people, which was far below other developed countries, as the Secretary for Health recognized.¹⁰³ The shortage of staff also lengthened the average wait time to over eight hours in the accident and emergency departments during peak influenza season.¹⁰⁴

To address the staff shortage, Chief Executive John Lee proposed requiring “qualified healthcare professionals to serve in public healthcare institutions for a specified period of time, and admitting qualified non-locally trained dentists and nurses.”¹⁰⁵ The proposed work-hour requirement drew criticism from a former government official, who said that it would become another “push factor that prompts more doctors and nurses to leave public hospitals.”¹⁰⁶ The government’s efforts to attract foreign-trained doctors resulted in 10 successful recruitments as of March 2023, below the 100-doctor target.¹⁰⁷ A medical student studying in the U.K. commented that with the disbandment of the HA Employees Alliance (a union for public hospital employees) in June 2022, doctors no longer had a channel to exercise their rights, which disincentivizes them from working in Hong Kong.¹⁰⁸ A former union leader said that the high salary being offered to medical professionals in Hong Kong is offset by a heavier workload.¹⁰⁹

Suppression of the Press

The International Federation of Journalists (IFJ) released an October 2022 report with findings¹¹⁰ that were consistent with declining press freedom and public confidence in news media in Hong Kong.¹¹¹ The report identified 12 media outlets that closed in response to the NSL and noted that “the continuing exodus of journalists and news outlets . . . [and] the loss of independent on-the-

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ground reporting [will make] it harder for the global community and Hong Kong's own citizens to [monitor developments there]."¹¹² The IFJ noted that, due to NSL-related concerns, the report could no longer be published by the Hong Kong Journalists Association, breaking from a tradition that began in 1993.¹¹³

This trend of diminishing press freedom is echoed in the October 2022 announcement by Peter Langan that he and a team of journalists had resigned from the South China Morning Post (SCMP) after the newspaper allegedly refused to publish a report concerning human rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR).¹¹⁴ Specifically, the report showed that since 2016 (when the Chinese government reversed the one-child policy), there has been a nationwide drop in the use of sterilization and birth control devices across China except in the XUAR, indicating a policy of ethnic-based discrimination.¹¹⁵ After the announcement, the SCMP threatened Langan with unspecified actions for the continued use of the unpublished report, to which Langan responded that it would have been "unethical to conceal the killing of a valid piece of journalism . . ."¹¹⁶

Another veteran journalist, **Ronson Chan Ron-sing**, chair of the Hong Kong Journalists Association, was arrested at a homeowners' meeting that Chan was covering, on the charge of "obstructing a police officer" after he failed to produce his identification card as demanded by a police officer.¹¹⁷ Chan cited privacy concerns, referencing a 2019 incident where a police officer displayed Chan's ID card on a livestream video, thereby disclosing Chan's personal information.¹¹⁸

Censorship

The Hong Kong government directly or indirectly censored media content and restricted the manner of media distribution, including the following examples:

- Ahead of a bookfair scheduled for July 2022, the applications of at least three vendors that sold politically sensitive books were denied in an opaque approval process.¹¹⁹ The bookfair was organized by Hong Kong Trade Development Council, a statutory body created to promote trade in Hong Kong, which said "the books displayed were not vetted in advance but vendors were legally responsible for what they sold."¹²⁰ These vendors also expressed difficulty in finding alternative venues and printers willing to print their publications.¹²¹
- After the Film Censorship Ordinance was amended in November 2021 to provide for national security as a basis for censorship,¹²² Hong Kong authorities applied the law to censor films for political content.¹²³ For example, the Office for Film, Newspaper and Article Administration demanded that a half-second scene showing the 2014 Umbrella Movement be cut as a condition for a film to be released.¹²⁴ As of August 2022, authorities had denied permission to release or demanded redactions in at least 10 films.¹²⁵ In October, authorities similarly demanded redactions in three films produced in Taiwan but declined to disclose the basis of their decision.¹²⁶ While the films were non-political, they reportedly showed the flag of the

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Republic of China (Taiwan), a protest scene, and dialogue that referred to “the Republic of China.”¹²⁷

- According to a government report released in April 2023, the Leisure and Cultural Services Department has been reviewing library holdings since 2021, removing books that it deems to be “disadvantageous to national security.”¹²⁸ Four investigative journalists reported that Hong Kong libraries had 468 titles concerning political figures or political content as of the end of 2020, but a tally done in May 2023 showed that 195 of those titles had been removed, an almost 42 percent drop over two years.¹²⁹

- In May 2023, Hong Kong newspaper Ming Pao terminated a political satire cartoon series by Zunzi (pen name of Wong Kei-kwan) that had been running for four decades.¹³⁰ Ming Pao’s decision came after Zunzi’s cartoons had been repeatedly criticized by government officials.¹³¹ Secretary for Security Tang Ping-keung expressed agreement with the decision, saying that the newspaper should not let itself be used to mislead the public or “to incite dissatisfaction towards the government,”¹³² phrasing that resembles that of the criminal offense of seditious intention.¹³³

Macau

The U.N. Human Rights Committee reviewed Macau’s compliance with the International Covenant on Civil and Political Rights (ICCPR) and adopted its concluding observations in July 2022.¹³⁴ The Committee noted with concern the lack of legal safeguards against police abuse of surveillance, the harassment of journalists, the suppression of display of political messages, and undue restrictions on peaceful assembly.¹³⁵ The Committee further expressed serious concern that the Electoral Affairs Commission in 2021 disqualified 21 candidates from the Legislative Assembly election due to their perceived disloyalty to the government, relying on surveillance records obtained without the candidates’ knowledge.¹³⁶ The concluding observations likewise pointed out that the Macau government invoked “national security” in ways that undermined judicial independence and other substantive rights.¹³⁷

In August 2022, the government proposed to amend the Law on Safeguarding National Security, expanding its scope to cover non-violent acts and people outside of Macau, including those who are not residents of Macau.¹³⁸ The government also proposed applying the law to any “organization or group,” expanding beyond the political organizations and groups subject to the existing law.¹³⁹ Observers expressed concern that the amended law would be arbitrarily applied to speech and would criminalize contact with non-governmental organizations.¹⁴⁰

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¹Logan Wright, Atlantic Council, “Fractured Foundations: Assessing Risks to Hong Kong’s Business Environment,” March 7, 2023.

²“Hong Kong’s New Leader Says Rule of Law Is a Fundamental Value for City,” *Reuters*, June 30, 2022; “Hong Kong’s Lee Lauds Order after ‘Chaos’ in Sales Pitch for City,” *Al Jazeera*, October 19, 2022.

³U.N. Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Hong Kong, China, adopted by the Committee at its 3912th meeting (July 22, 2022), CCPR/C/CHN–HKG/CO/4, November 11, 2022; U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023.

⁴U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, para. 100.

⁵U.N. Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Hong Kong, China, adopted by the Committee at its 3912th meeting (July 22, 2022), CCPR/C/CHN–HKG/CO/4, November 11, 2022, paras. 14–16.

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¹²⁹ Zheng Luming, Chen Yiyang, Shi Jinyu, and Lin Li, “Shenji chu huguo’an hou tushuguan duo xiang zuopin xiajia tongji: She zhengzhi ziliao liangnian shao sicheng Tang Jiahua: Yi jieshi zhunze buying shuibian shencha” [After Audit Commission calls for protecting national security, many titles have been taken down from libraries: materials with political content dropped by 40 percent in two years; Ronny Tong: The government should interpret the standard and should not arbitrarily censor books], *Ming Pao*, May 15, 2023.

¹³⁰ Verna Yu, “Hong Kong Political Cartoonist Axed after 40 Years Following Criticism from Officials,” *Guardian*, May 11, 2023.

¹³¹ Verna Yu, “Hong Kong Political Cartoonist Axed after 40 Years Following Criticism from Officials,” *Guardian*, May 11, 2023.

¹³² Verna Yu, “Hong Kong Political Cartoonist Axed after 40 Years Following Criticism from Officials,” *Guardian*, May 11, 2023.

¹³³ *Crimes Ordinance* (Cap. 200), sec. 9(1).

¹³⁴ U.N. Human Rights Committee, Concluding Observations on the Second Periodic Report of Macao, China, adopted by the Committee at its 3912th meeting (22 July 2022), CCPR/C/CHN-MAC/CO/2, November 11, 2022.

¹³⁵ U.N. Human Rights Committee, Concluding Observations on the Second Periodic Report of Macao, China, adopted by the Committee at its 3912th meeting (22 July 2022), CCPR/C/CHN-MAC/CO/2, November 11, 2022, paras. 32, 34, 38.

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¹³⁶U.N. Human Rights Committee, Concluding Observations on the Second Periodic Report of Macao, China, adopted by the Committee at its 3912th meeting (22 July 2022), CCPR/C/CHN-MAC/CO/2, November 11, 2022, para. 42.

¹³⁷U.N. Human Rights Committee, Concluding Observations on the Second Periodic Report of Macao, China, adopted by the Committee at its 3912th meeting (22 July 2022), CCPR/C/CHN-MAC/CO/2, November 11, 2022, paras. 30, 34, 40.

¹³⁸Macau SAR Government, “Aomen Tebie Xingzhengqu xiugai ‘Weihu Guojia Anquan Fa’ zixun wenben,” [Consultation document for amending the “Law on Safeguarding National Security” by the Macau SAR Government], 2022, secs. 2.1, 2.2, 2.7.

¹³⁹Macau SAR Government, “Aomen Tebie Xingzhengqu xiugai ‘Weihu Guojia Anquan Fa’ zixun wenben,” [Consultation document for amending the “Law on Safeguarding National Security” by the Macau SAR Government], 2022, sec. 2.5.

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