

VI. Developments in Hong Kong and Macau

Findings

- The Commission observed a further erosion of Hong Kong’s autonomy and fundamental freedoms under the “one country, two systems” framework. The Hong Kong government sought to advance changes to the territory’s extradition ordinance to allow the surrender of individuals to mainland China and to empower the Chief Executive to make decisions on fugitive arrangements on a case-by-case basis without a vetting process in the Legislative Council (LegCo). If passed, the bill would expose local and foreign citizens transiting, visiting, or residing in Hong Kong to the risk of being extradited to mainland China.
- A series of large-scale anti-extradition bill and pro-democracy demonstrations took place in Hong Kong beginning in late March 2019. Protests continued despite the Hong Kong government’s decision to suspend—but not withdraw—consideration of the extradition bill. Protesters demanded that the government withdraw the extradition bill, retract the characterization of protests on June 12 as a “riot,” drop charges against all arrested protesters, establish an independent commission of inquiry on police conduct, and enact democratic reforms toward universal suffrage in Hong Kong’s Chief Executive and LegCo elections.
- International and Hong Kong human rights groups, journalists, and crowd-control experts noted that the Hong Kong Police Force (HKPF) used excessive force and inappropriately operated crowd-control equipment in instances during the 2019 protests. The HKPF fired projectiles including rubber bullets, bean bag rounds, and pepper balls at close range; launched tear gas canisters into crowded and enclosed areas and from high buildings, did not give warning before firing tear gas, and struck individuals with tear gas canisters; and misused batons against protesters, causing blunt force trauma. The HKPF’s use of force contravened international standards enumerated in the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, both of which require officials to avoid using force, or where necessary, use the minimum extent of force at a proportionate level.
- The Chinese central government employed propaganda, disinformation, and censorship in an apparent attempt to shape reporting on the Hong Kong protests, attributing the protests to influence by “foreign forces,” and signaling threats to protesters in Hong Kong. Central government authorities issued directives to delete or promote certain content on all websites and news media platforms and detained and harassed citizens in mainland China who showed support for the Hong Kong protests on their social media accounts. The Chinese government’s restrictions on expression violate Article 19 of the International Covenant on Civil and Political Rights guaranteeing the right to freedom of expression.

Developments in Hong Kong and Macau

- Over the past year, the Hong Kong government continued to reject the candidacy of LegCo and local election nominees such as **Lau Siu-lai** and **Eddie Chu Hoi-dick** based on their political beliefs and associations, violating Article 21 of the Hong Kong Bill of Rights Ordinance guaranteeing the right to “vote and be elected at genuine periodic elections.”
- The Hong Kong government continued to pursue criminal charges against leaders and participants of public demonstrations, including the 2014 pro-democracy protests (“Umbrella Movement”). In April 2019, a Hong Kong court found nine leaders of the Umbrella Movement guilty of charges related to “public nuisance” and sentenced **Benny Tai Yiu-ting** and **Chan Kin-man** to one year and four months in prison and **Raphael Wong Ho-ming** and **Shiu Ka-chun** to eight months in prison.
- The Commission did not observe progress in Macau toward universal suffrage in the 2019 Chief Executive (CE) election. Former Macau Legislative Assembly president Ho Iat Seng—running as the only candidate—won the CE election on August 25, 2019. Ho received 392 out of 400 possible votes from the CE Election Committee, many of whose members are considered to be supporters of the central government.

Recommendations

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

- Reassess whether Hong Kong authorities are “legally competent,” in accordance with the U.S.-Hong Kong Policy Act of 1992, to enforce the U.S.-Hong Kong Extradition Treaty and other obligations in the act, including support for U.S. businesses and the protection of human rights.
- Enact the Hong Kong Human Rights and Democracy Act (S. 417/H.R. 3856, 115th Cong., 1st Sess.) to monitor the state of Hong Kong’s autonomy from mainland China, punish human rights violators, and reaffirm U.S. government support for democracy in Hong Kong.
- Continue to advocate for Hong Kong pro-democracy advocates who are serving prison sentences for their role in peaceful demonstrations, such as Chan Kin-man. Ask Chinese authorities about the whereabouts and condition of Hong Kong bookseller **Gui Minhai**, a Swedish citizen whom Chinese authorities are holding in arbitrary detention in mainland China.
- Emphasize in meetings with Chinese and Hong Kong officials that the continued erosion of Hong Kong’s autonomy, which is guaranteed in both the 1984 Sino-British Joint Declaration and the Basic Law under the “one country, two systems” policy, threatens the underpinnings of U.S. policy toward Hong Kong, particularly Hong Kong’s separate treatment under U.S. law.
- Urge the Chinese and Hong Kong governments to restart the electoral reform process and work toward implementing Chief Executive and Legislative Council elections by universal suffrage, in accordance with Articles 45 and 68 of the Basic

Developments in Hong Kong and Macau

Law and Article 25 of the International Covenant on Civil and Political Rights (ICCPR).

○ Call on the Chinese and Macau governments to set a timeline for implementing elections in Macau for Chief Executive and the Legislative Assembly by universal suffrage, as required under Article 25 of the ICCPR.

DEVELOPMENTS IN HONG KONG AND MACAU

Introduction: Hong Kong's Autonomy

Hong Kong's autonomy from the central government of the People's Republic of China (PRC) under the "one country, two systems" policy is defined by the 1984 Sino-British Joint Declaration (Declaration) and the Basic Law of the Hong Kong Special Administrative Region (Basic Law). In the Declaration, the governments of the PRC and the United Kingdom agreed that the Hong Kong government, under the "one country, two systems" framework,¹ "will enjoy a high degree of autonomy, except in foreign and defence affairs" and be "vested with executive, legislative and independent judicial power . . ."² The Basic Law, the constitutional document of Hong Kong, details the implementation of social³ and economic⁴ systems, the protection of fundamental rights and freedoms,⁵ and the executive,⁶ legislative,⁷ and judicial systems in Hong Kong.⁸ The Basic Law enshrines the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights, and international labor conventions as they apply to Hong Kong.⁹ The United States-Hong Kong Policy Act of 1992 commits the United States to treating Hong Kong as a separate customs territory from the rest of China, so long as Hong Kong remains "sufficiently autonomous."¹⁰ According to the act, "[s]upport for democratization" is fundamental to U.S. policy in Hong Kong¹¹ and human rights "are directly relevant to United States interests in Hong Kong" and "serve as a basis for Hong Kong's continued economic prosperity."¹²

Erosion of Political Autonomy in Hong Kong

During its 2019 reporting year, the Commission observed a further erosion of Hong Kong's autonomy and fundamental freedoms under the "one country, two systems" framework.¹³ Chinese government influence over the territory, and Hong Kong officials' willingness to comply with the interests of the Chinese government, continued an accelerated trend of decreased autonomy observed in recent years.¹⁴

CHIEF EXECUTIVE ADVANCES CENTRAL GOVERNMENT POLICIES

The Chief Executive (CE) of Hong Kong pursued policies that aligned with the interests of the Chinese central government. There were no signs within the past year of electoral reform to grant universal suffrage to Hong Kong people in electing the CE.¹⁵ **Carrie Lam Cheng Yuet-ngor** was elected CE in 2017 by a 1,194-member Election Committee consisting of many members who are widely considered to be supporters of the central government.¹⁶ Lam's government promoted and implemented policies consistent with the central government's policy objectives this past year, especially greater economic integration with mainland China through the new Guangzhou-Shenzhen-Hong Kong High Speed Rail (opened in September 2018),¹⁷ a new Hong Kong-Zhuhai-Macau bridge (opened in October 2018),¹⁸ and the Greater Bay Area (GBA) project (official plan released in February 2019).¹⁹ The

Developments in Hong Kong and Macau

GBA project is a central government plan to create an innovation hub for science and technology by integrating the economic activities of cities in Guangdong province, Macau, and Hong Kong—three jurisdictions with separate customs, legal, and monetary systems.²⁰ One Hong Kong-based observer expressed concern that the GBA project may negatively impact Hong Kong’s autonomy, turning it into “just another Chinese city” that may not warrant special economic treatment by the United States.²¹

National Anthem Bill

After passing the PRC National Anthem Law in mainland China in September 2017,²² the National People’s Congress Standing Committee (NPCSC) added the PRC National Anthem Law to Annex III of the Basic Law of Hong Kong and Macau in November 2017,²³ requiring the Hong Kong and Macau governments to prepare local national anthem legislation in accordance with the central government’s law.²⁴ Chinese laws do not apply to Hong Kong except for those listed in Annex III.²⁵ In January 2019, the Hong Kong government introduced the National Anthem Bill to the Legislative Council amid concerns that the bill would stifle freedom of expression in Hong Kong.²⁶ According to the bill, those who “misuse” or “insult” the Chinese national anthem could face a fine of up to HK\$50,000 (approximately US\$6,370), imprisonment for three years, or both.²⁷ Observers said that the move by the central government to use Annex III to insert a law unrelated to defense and foreign affairs was “unprecedented”²⁸ and warned that more laws passed by the NPCSC may become applicable to Hong Kong in the future.²⁹ In June 2019, the Constitutional and Mainland Affairs Bureau decided not to send the National Anthem Bill to its second reading in the LegCo before the end of the legislative calendar year, which ended in July 2019.³⁰

RESTRICTIONS ON PRO-DEMOCRACY CANDIDATES IN ELECTIONS

The Hong Kong government continued to reject the candidacy of Legislative Council (LegCo) and local election nominees based on their political beliefs and association. In October 2018, the Hong Kong government denied **Lau Siu-lai**, one of the six elected lawmakers who lost their seats in 2016 and 2017, from running in the November 2018 LegCo by-election for Kowloon West, the district in which she had previously won her seat.³¹ The election officer Franco Kwok Wai-fun cited the High Court ruling of July 2017 that disqualified Lau from LegCo, stating that she could not sincerely take her oath of office.³² Kwok also cited Lau’s past support for “self-determination” in Hong Kong as a ground for disqualification.³³ Similarly, in December 2018, the Hong Kong government rejected pro-democracy lawmaker **Eddie Chu Hoi-dick**’s nomination to run as a candidate in the village representative election for Yuen Kong San Tsuen in Yuen Long district, based on his past promotion of “democratic self-determination” for Hong Kong.³⁴ Enoch Yuen, the election officer who invalidated Chu’s nomination, said that Chu’s political stance and remarks cast doubt on whether he “acknowledged PRC’s sovereignty over [Hong Kong] and hence whether he genuinely upheld the [Basic Law].”³⁵ The government’s rejection of certain candidates from running in elections violates

Developments in Hong Kong and Macau

Article 21 of the Hong Kong Bill of Rights Ordinance and Article 25 of the ICCPR guaranteeing the right “to vote and to be elected at genuine periodic elections.”³⁶

2019 Anti-Extradition Bill and Pro-Democracy Demonstrations

The Extradition Bill. The Hong Kong government formally introduced an extradition bill in the Legislative Council (LegCo) on April 3, 2019.³⁷ The proposed changes to the **Fugitive Offenders Ordinance** and the **Mutual Legal Assistance in Criminal Matters Ordinance** would allow case-based arrangements for the extradition of suspects to jurisdictions with which it has no extradition agreements, including mainland China.³⁸ Civil society groups,³⁹ businesses,⁴⁰ lawyers,⁴¹ and international human rights organizations⁴² expressed concern that the amendments would compromise the rule of law in Hong Kong and subject the people of Hong Kong to the opaque criminal justice system in mainland China where they could face unfair trials, torture, and other serious human rights violations.

Widespread Protests. A series of large-scale anti-extradition bill and pro-democracy demonstrations took place in Hong Kong beginning in late March 2019.⁴³ On June 9, an estimated 1.03 million Hong Kong people according to organizers (240,000 according to the Hong Kong police), participated in demonstrations against the extradition bill.⁴⁴ On June 12, the scheduled date of the second reading of the bill in LegCo,⁴⁵ tens of thousands of demonstrators surrounded government offices in the Admiralty district of Hong Kong demanding that the government withdraw the extradition bill from consideration.⁴⁶ Police officers deployed rubber bullets, tear gas, pepper spray, and a water cannon against protesters amid clashes⁴⁷ and Hong Kong Police Commissioner Stephen Lo declared the protest a “riot.”⁴⁸ LegCo canceled the scheduled meeting.⁴⁹ On June 16, a day after the government suspended the bill from consideration,⁵⁰ an estimated two million people (338,000 according to the Hong Kong police) participated in a demonstration⁵¹ and made five demands of the government: 1) withdraw the extradition bill; 2) investigate police violence; 3) drop charges against all arrested protesters; 4) retract the characterization of the June 12 protests as a “riot”; and 5) compel the resignation of Chief Executive Carrie Lam.⁵² Over the following months, anti-extradition bill protesters and groups such as lawyers,⁵³ civil servants,⁵⁴ financial workers,⁵⁵ airport staff,⁵⁶ medical professionals,⁵⁷ teachers,⁵⁸ and students⁵⁹ separately organized peaceful marches,⁶⁰ rallies,⁶¹ strikes,⁶² fundraising campaigns⁶³ and other forms of demonstrations⁶⁴ in different districts in Hong Kong. Protesters expanded demands to include the establishment of an independent commission of inquiry on police conduct⁶⁵ and democratic reforms toward universal suffrage in Hong Kong’s Chief Executive and LegCo elections.⁶⁶

Developments in Hong Kong and Macau

2019 Anti-Extradition Bill and Pro-Democracy Demonstrations— Continued

Excessive Use of Force by Hong Kong Police Force. International and Hong Kong human rights groups,⁶⁷ journalists, and crowd-control experts⁶⁸ noted that the Hong Kong Police Force (HKPF) used excessive force and inappropriately operated crowd-control equipment in some instances during the 2019 protests. The HKPF fired projectiles including rubber bullets, beanbag rounds, and pepper balls at close range;⁶⁹ launched tear gas canisters into crowded and enclosed areas and from high buildings, did not give warning before firing tear gas, and struck individuals with tear gas canisters;⁷⁰ and misused batons against protesters, causing blunt force trauma.⁷¹

International and local journalist associations expressed concerns about the HKPF's treatment of journalists during protests, including firing tear gas at reporters, physically and verbally assaulting journalists, and conducting unjustified searches.⁷² The HKPF's use of force contravened international standards enumerated in the United Nations Code of Conduct for Law Enforcement Officials⁷³ and the Basic Principles on the Use of Force and Firearms for Law Enforcement Officials,⁷⁴ both of which require officials to avoid using force, or where necessary, use the minimum extent of force at a proportionate level. The Office of the UN High Commissioner for Human Rights "reviewed credible evidence of law enforcement officials employing less-lethal weapons in ways that are prohibited by international norms and standards," and urged the Hong Kong government to not only "investigate these incidents immediately" but also to "act with restraint."⁷⁵

Gang Attacks and Violence. Groups of men, some confirmed to be members of criminal syndicates with suspected links to the Chinese Communist Party,⁷⁶ attacked Hong Kong residents and protesters on various occasions.⁷⁷ Notably, on July 21, a mob armed with wooden poles, rattan sticks, and metal pipes indiscriminately attacked residents at the Yuen Long MTR subway station, resulting in 45 people being hospitalized.⁷⁸ Police officers did not arrive on scene and respond until around 45 minutes after the attack, which prompted accusations from observers of police apathy and collusion with the attackers.⁷⁹ Ten days prior to the attack, an official from the Liaison Office of the Central People's Government in Hong Kong had urged local community leaders to "prevent protesters from causing trouble in Yuen Long."⁸⁰ Some anti-extradition bill protesters engaged in radical actions during demonstrations, such as vandalizing government buildings,⁸¹ violently clashing with HKPF officers,⁸² and assaulting two individuals identified as a public security official from mainland China and a reporter for Global Times, a Party-run news outlet.⁸³

Developments in Hong Kong and Macau

2019 Anti-Extradition Bill and Pro-Democracy Demonstrations—Continued

Selective Arrests and Prosecution. By September 1, the HKPF had reportedly arrested more than 1,100 participants, activists, and pro-democracy LegCo members in connection with the protests.⁸⁴ Charges included “rioting,”⁸⁵ “unlawful assembly,”⁸⁶ “assaulting a police officer,”⁸⁷ “possessing offensive weapons,”⁸⁸ and other offenses.⁸⁹ Prosecutors, lawyers, and protesters expressed concern that arrests and prosecution of anti-extradition bill demonstrators were selective and politically driven.⁹⁰ For example, in contrast to the 23 people linked to criminal syndicates arrested in connection with the July 21 Yuen Long attack who were charged with “unlawful assembly,” hundreds of arrested demonstrators were charged with “rioting,” a charge carrying a punishment of up to ten years.⁹¹

Central Government Manipulation of the Media. The central government employed propaganda, disinformation, and censorship in an apparent attempt to shape reporting on the Hong Kong protests,⁹² attributing the protests to influence by “foreign forces,”⁹³ and signaling threats to protesters in Hong Kong.⁹⁴ Central government authorities reportedly issued directives to delete or promote certain content on all websites and news media platforms⁹⁵ and detained and harassed citizens in mainland China who showed support for the Hong Kong protests on their social media accounts.⁹⁶ The Chinese government’s restrictions on expression violate Article 19 of the International Covenant on Civil and Political Rights guaranteeing the right to freedom of expression.⁹⁷

Government Prosecution in Hong Kong Courts

The Hong Kong government continued to pursue prosecutions against leaders and participants of public demonstrations, including the 2014 pro-democracy protests, also known as the “Umbrella Movement,” this past year.⁹⁸

UMBRELLA MOVEMENT PROSECUTIONS

Since the end of the Umbrella Movement in 2014, the Hong Kong government has filed 48 legal cases against 33 pro-democracy leaders.⁹⁹ Of these cases, 23 were brought against 16 LegCo members.¹⁰⁰ From November to December 2018, nine leaders of the Umbrella Movement (“the Umbrella Nine”), **Benny Tai Yiu-ting, Chu Yiu-ming, Chan Kin-man, Lee Wing-tat, Shiu Ka-chun, Tanya Chan, Raphael Wong Ho-ming, Tommy Cheung Sau-yin, and Eason Chung Yiu-wah,** were tried on public nuisance-related charges under common law, which carry up to seven years in prison, a much heavier penalty compared to a maximum of three months in prison under statutory law.¹⁰¹ In April 2019, the Hong Kong District Court found all nine guilty¹⁰² and sentenced Tai and Chan to one year and four months’ imprisonment¹⁰³ and Shiu and Wong to eight months’ imprisonment.¹⁰⁴ On August 15, Tai was released on bail pending appeal.¹⁰⁵

International human rights organizations and observers warned that the charges and verdicts against the Umbrella Nine not only infringed on the rights of Hong Kong people to the freedom of as-

Developments in Hong Kong and Macau

sembly and expression,¹⁰⁶ but also serve as precedent to prosecute other Umbrella Movement participants and pro-democracy protesters.¹⁰⁷ Sophie Richardson, China Director at Human Rights Watch, said that prosecutions against pro-democracy leaders “raise further questions about Hong Kong authorities’ moves to politicize the courts.”¹⁰⁸ The Hong Kong-based Progressive Lawyers Group assessed in a report that, “the resort to criminal proceedings to criminalize the pro-democracy movement to an unprecedented extent in Hong Kong has given rise to serious concerns of political persecution through prosecution.”¹⁰⁹

PROSECUTIONS AGAINST PARTICIPANTS IN THE NOVEMBER 2016 PROTESTS

The Hong Kong government continued prosecuting nine leaders of the November 2016 demonstrations against the central government’s National People’s Congress Standing Committee (NPCSC) interpretation of the Basic Law,¹¹⁰ which requires public officials to take their oaths “sincerely” and “solemnly.”¹¹¹ The central government issued the interpretation while a Hong Kong court was considering the Hong Kong government’s case against legislators-elect Sixtus “Baggio” Leung and Yau Wai-ching, who altered their oaths during an oath-taking ceremony in October 2016.¹¹² Nine leaders and participants in the demonstrations, including **Avery Ng Man-yuen, Dickson Chau Ka Fat, Sammy Yip Chi Hin, Chan Man Wai, Lo Tak Cheong, Cheng Pui Lun, Chow Shu Wing, Derek Lam, and Ivan Lam**, were tried on a variety of charges such as “inciting unlawful assembly,” “unlawful assembly,” “obstructing police,” and “assaulting police” from July to November 2018.¹¹³ In May 2019, a court found six out of nine guilty in connection with their roles in the protests.¹¹⁴

Fundamental Freedoms

The Hong Kong government continued to violate fundamental freedoms enshrined in the Basic Law this past year. The central government’s interference in Hong Kong’s political affairs, and the Hong Kong government’s limitations on the freedoms of expression, association, and assembly, raised alarms among foreign governments,¹¹⁵ local groups,¹¹⁶ and international human rights organizations.¹¹⁷

• **Hong Kong Designated as “Partly Free.”** Freedom House’s 2019 Freedom in the World report, citing the lack of universal suffrage in the electoral process and limitations to civil and political rights, rated Hong Kong as “partly free” with a score of 59 out of 100 in its aggregate freedom score (100 being “most free”).¹¹⁸ In the 2019 World Press Freedom Index by Reporters Without Borders, Hong Kong’s press freedom ranking fell three places to 73 out of 180 territories assessed.¹¹⁹ The Hong Kong Journalists Association’s surveys on press freedom in 2018 found that public perception of press freedom in Hong Kong was at an all-time low, while journalists perceived the central government’s interference in Hong Kong to be the major contributing factor in the erosion of press freedom.¹²⁰

Developments in Hong Kong and Macau

- **Government Ban of Hong Kong National Party.** On September 24, 2018, the Hong Kong Secretary for Security officially banned the **Hong Kong National Party** (HKNP), a small pro-independence political party,¹²¹ by applying a provision in the Societies Ordinance¹²²—a British colonial-era law intended to prohibit organizations like the Chinese Communist Party and the Nationalist Party (Kuomintang)¹²³—that allows the prohibition of a group on grounds related to “national security” and “public safety.”¹²⁴ According to U.K.-based human rights organization Hong Kong Watch, the Societies Ordinance places “excessive restrictions on freedom of expression and association” against the government’s political opposition and should be revised to better define what constitutes a “national security threat.”¹²⁵

- **Government Denial of Victor Mallet’s Visa Renewal.** In October 2018, Hong Kong authorities denied the visa renewal request of Financial Times Asia editor **Victor Mallet**,¹²⁶ sparking an international outcry regarding the increasingly restrictive press environment in Hong Kong and the negative implications for foreign journalists working in the city.¹²⁷ Reports tied the rejection to Mallet’s role as the vice president of the Foreign Correspondent’s Club of Hong Kong (FCCHK) in hosting an event months earlier, which featured **Andy Chan**, pro-independence advocate, founder of the HKNP, and critic of the central government in mainland China.¹²⁸ Human rights organizations condemned the Hong Kong government’s treatment of Mallet as retaliation for facilitating the FCCHK event.¹²⁹

- **Increased Pressure on Artists, Writers, and Singers.** Freedom of expression in Hong Kong’s entertainment and creative arts sectors came under pressure in the past year. In November 2018, organizers Hong Kong Free Press, Amnesty International, and Reporters Without Borders canceled a show in Hong Kong featuring dissident artist **Badiucao**, an Australian cartoonist of Chinese descent, over “safety concerns” after authorities from the central government reportedly made threats against the artist.¹³⁰ In the same month, the Tai Kwun Center for Heritage and Arts in Hong Kong reportedly canceled two events featuring Chinese dissident novelist **Ma Jian**, but later reversed the decision and hosted Ma as originally scheduled.¹³¹ Reports in April 2019 revealed that Apple Music’s mainland China services removed a song by pop star **Jacky Cheung** with references to the 1989 Tiananmen protests and songs by Hong Kong singers **Denise Ho** and **Anthony Wong**, who were supporters of the 2014 pro-democracy protests in Hong Kong.¹³²

Macau

Macau’s Basic Law does not provide for elections by “universal suffrage,”¹³³ although its provisions ensure the applicability of the International Covenant on Civil and Political Rights (ICCPR) in Macau¹³⁴ and guarantee Macau a “high degree of autonomy” within China.¹³⁵ During its 2019 reporting year, the Commission did not observe progress in Macau toward universal suffrage in the

Developments in Hong Kong and Macau

2019 Chief Executive (CE) election.¹³⁶ Former Macau Legislative Assembly president Ho Iat Seng—running as the only candidate—won the CE election on August 25, 2019.¹³⁷ Ho received 392 out of 400 possible votes from the CE Election Committee, many of whose members are considered to be supporters of the central government.¹³⁸

This past year, the Macau government continued to “securitize” the city against pro-democracy forces that might challenge the central government’s rule. In September 2018, the government established a new National Defense Commission to “[safeguard] national security” and assess the city’s broader “social stability” out of concerns regarding pro-independence advocacy in Hong Kong.¹³⁹ In October 2018, the Macau Legislative Assembly (AL) approved the government’s plans for a Cybersecurity Bill, which critics said would undermine freedom of expression in the city and allow the Macau government to “monitor, sensor, block and delete online speech.”¹⁴⁰ In June 2019, the AL passed the Cybersecurity Bill into law,¹⁴¹ effective December 2019.¹⁴²

In January 2019, the AL passed an amendment to the Macau Special Administrative Region’s 1999 National Anthem Law (effective June 2019), making acts disrespectful of the Chinese national anthem punishable by up to three years in prison.¹⁴³ Three pro-democracy legislators voted against the bill, in particular citing their opposition to the provision that some interpret as requiring local media outlets to assist the government in carrying out “promotion” (*xuanchuan*) campaigns for the national anthem.¹⁴⁴ The Macau Journalists Association also opposed the same provision, declaring that the media is not “the propaganda machine of the regime, and it has no obligation to cooperate.”¹⁴⁵

Notes to Section VI—Developments in Hong Kong and Macau

¹Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, preamble. See also Instrument 8 under Annex III of the Basic Law on “one country, two systems” as a guiding policy for the establishment of the Hong Kong Special Administrative Region.

²Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, adopted December 19, 1984, item 3(2)–(3).

³Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, passed April 4, 1990, effective July 1, 1997, arts. 136–149.

⁴*Ibid.*, arts. 105–127.

⁵*Ibid.*, arts. 24–42.

⁶*Ibid.*, arts. 43–65.

⁷*Ibid.*, arts. 66–79.

⁸*Ibid.*, arts. 80–96.

⁹*Ibid.*, art. 39.

¹⁰United States-Hong Kong Policy Act, 22 U.S.C., chap. 66 (1992), sec. 5722, item (a).

¹¹*Ibid.*, sec. 5701, item 5.

¹²*Ibid.*, sec. 5701, item 6.

¹³For more information on Hong Kong's “one country, two systems” policy, see National People's Congress, “Explanations on ‘The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Draft)’ and Its Related Documents,” March 28, 1990. This document is also included as Instrument 8 under Annex III of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

¹⁴See, e.g., Benedict Rogers, “Hong Kong Needs the World's Help,” *The Diplomat*, April 3, 2019; Maya Wong, Human Rights Watch, “China's Fast Train to Erode Hong Kong's Autonomy,” June 17, 2018; Stephan Ortmann, “Xi Jinping's New Era and Hong Kong's Declining Autonomy,” *Asia Dialogue*, University of Nottingham Asia Policy Institute, October 26, 2017.

¹⁵Freedom House, “Hong Kong” in *Freedom in the World 2019*, February 2019.

¹⁶Richard Bush, Brookings Institution, “Another Hong Kong Election, Another Pro-Beijing Leader—Why It Matters,” March 29, 2017. See also CECC, *2017 Annual Report*, October 5, 2017, 319–20.

¹⁷Eric Cheung, “Launch of HK-China High-Speed Rail Link Goes Smoothly, but Fears Remain,” *CNN*, September 23, 2018. See also “Neidi yu Xianggang Tebie Xingzhengqu guanyu zai Guang Shen Gang Gaotie Jiulong Zhan sheli kou'an shishi 'yidi liangjian' de hezuo anpai” [Cooperation plan for mainland and Hong Kong Special Administrative Region regarding the implementation of “co-location” at the Guangzhou-Shenzhen-Hong Kong High Speed Rail West Kowloon Station], November 18, 2017, reprinted in National People's Congress, December 28, 2017.

¹⁸“Hong Kong-Zhuhai Bridge: World's Longest Sea Bridge Opens to Quiet Start,” *BBC*, October 24, 2018; Luis Liu and An Baijie, “Bridge Hailed as Key to Bay Area,” *China Daily*, October 24, 2018.

¹⁹“Gaiyao” [About], Greater Bay Area official website, accessed May 23, 2019; “Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area (English),” Greater Bay Area official website, accessed May 23, 2019; Kimmy Chung and Catherine Wong, “Greater Bay Area Has Potential to Rival Both Silicon Valley and Wall Street, Says Hong Kong Leader Carrie Lam at Beijing Forum,” *South China Morning Post*, March 25, 2019.

²⁰David Tweed, Yanan Zhao, and Edwin Chan, “China Plans to Turn Hong Kong and Macau into a Silicon Valley Rival,” *Time*, February 19, 2019; Kimmy Chung and Catherine Wong, “Greater Bay Area Has Potential to Rival Both Silicon Valley and Wall Street, Says Hong Kong Leader Carrie Lam at Beijing Forum,” *South China Morning Post*, March 25, 2019.

²¹“China's Master-Plan Rings Alarm Bells in Hong Kong,” *Economist*, February 21, 2019; Kimmy Chung and Catherine Wong, “Greater Bay Area Has Potential to Rival Both Silicon Valley and Wall Street, Says Hong Kong Leader Carrie Lam at Beijing Forum,” *South China Morning Post*, March 25, 2019.

²²*Zhonghua Renmin Gongheguo Guoge Fa* [PRC National Anthem Law], passed September 1, 2017, effective October 1, 2017.

²³Liu Huan, “Guoge Fa lieru Xianggang, Aomeng Tebie Xingzhengqu Jiben Fa Fujian San” [National Anthem Bill listed in Annex 3 of the Basic Laws of Hong Kong and Macau Special Administrative Regions], *Xinhua*, November 4, 2017; National People's Congress, *Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Guanyu Zengjia “Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Jiben Fa” Fujian San Suolie Quanguoxing Falu De Jueding* [National People's Congress Standing Committee Decision on Adding a National Law to Annex Three of the “PRC Hong Kong Special Administrative Region Basic Law”], passed November 4, 2017.

²⁴Hong Kong Special Administrative Region, “LCQ1: Enactment of a Local National Anthem Law,” November 1, 2017; Ben Blanchard and Alexandra Harney, “China Extends National Anthem ‘Disrespect’ Law to Hong Kong,” *Reuters*, November 4, 2017; “Luoshi ‘Guoge Fa’ de Aomen Tequ Fagui (Yi)” [Realizing the “National Anthem Law” in Macau SAR Legislation (part 1)], *Look News*, February 11, 2019.

²⁵Ambrose Leung, Research Office, Information Services Division, Legislative Council, Secretariat, “Applying National Laws in Hong Kong,” December 30, 2015.

²⁶Legislative Council, “National Anthem Bill,” January 23, 2019; Jessie Pang, “Hong Kong Moves to Make Disrespecting Chinese National Anthem a Crime,” *Reuters*, January 22, 2019; Natasha Khan, “Hong Kong Moves to Criminalize Disrespect of China's National Anthem,” *Wall Street Journal*, January 9, 2019; Holmes Chan, “Hong Kong Gov't Puts National Anthem Bill

Developments in Hong Kong and Macau

to Legislature, Says Law ‘Easy to Understand and Follow,’” *Hong Kong Free Press*, January 23, 2019.

²⁷Jessie Pang, “Hong Kong Moves to Make Disrespecting Chinese National Anthem a Crime,” *Reuters*, January 22, 2019; Legislative Council, “National Anthem Bill,” January 23, 2019, part 3, clauses 6–7; *Criminal Procedure Ordinance* (Cap. 221), sec. 113B, schedule 8, level of fines for offenses.

²⁸Kevin Carrico, Hong Kong Watch, “Legal Malware: Hong Kong’s National Anthem Ordinance,” March 28, 2019.

²⁹Violet Law, “Hong Kong’s Legislature Take Up China National Anthem Bill,” *Associated Press*, January 23, 2019.

³⁰Kris Cheng, “Hong Kong Bill Criminalising Mockery of National Anthem to be Delayed Until at Least October,” *Hong Kong Free Press*, June 20, 2019.

³¹Holmes Chan, “‘Gov’t Twisted My Words’: Lau Siu-lai Leads Democrats in Protest against Her Election Ban,” *Hong Kong Free Press*, October 13, 2018.

³²Holmes Chan, “Hong Kong Bans Democrat Lau Siu-lai from Standing in Legislative By-Election,” *Hong Kong Free Press*, October 12, 2018.

³³*Ibid.*

³⁴Tom Grundy, “Hong Kong Bans Pro-Democracy Lawmaker Eddie Chu from Running in Village Election,” *Hong Kong Free Press*, December 2, 2018.

³⁵*Ibid.* See item 8 in the Returning Officer’s decision.

³⁶*Hong Kong Bill of Rights Ordinance* (Cap. 383), art. 21; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art 25.

³⁷Legislative Council of the Hong Kong Special Administrative Region, “Legislative Council Brief: Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019,” SBCR 1/2716/19, item 16. The first reading is the formal introduction date of the bill. Austin Ramzy, “Despite Fears about China, Hong Kong Pushes Ahead on Extradition Bill,” *New York Times*, April 3, 2019.

³⁸Legislative Council of the Hong Kong Special Administrative Region, “Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019,” Explanatory Memorandum, para. 1(b); Legislative Council of the Hong Kong Special Administrative Region, “Legislative Council Brief: Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019,” SBCR 1/2716/19, items 7(b), 13(b), 15(a)(ii), 17. See also Hong Kong Bar Association, “A Brief Guide to Issues Arising from the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019,” June 6, 2019; Michael C. Davis, “Debate over Hong Kong’s Proposed Extradition Law Devolves into a Scuffle in the Legislative Council,” *Washington Post*, May 11, 2019.

³⁹“Gang minjian tuanti fan xiuding taofan tiaoli danyou Xianggang cheng guoji jiaohuan renzhi jidi” [Hong Kong civil groups oppose revision to fugitive bill, worry Hong Kong will become a location for hostage exchanges], *Voice of America*, February 21, 2019.

⁴⁰American Chamber of Commerce in Hong Kong, “Press Release: Fugitive Offenders Ordinance,” March 29, 2019; Nikki Sun, “Pressure Rises for Hong Kong to Drop Extradition Law Proposal,” *Nikkei Asian Review*, March 11, 2019.

⁴¹Hong Kong Bar Association, “Observations of the Hong Kong Bar Association (‘HKBA’) on the Security Bureau’s Proposal to Amend the Mutual Legal Assistance in Criminal Matters Ordinance, Cap. 525 (‘MLAO’) and the Fugitive Offenders Ordinance, Cap. 503 (‘FOO’),” March 4, 2019; Jason Y. Ng, Progressive Lawyers Group, “Dangerous and Unnecessary: Why Hong Kong’s Extradition Proposal Is a Legislative Menace,” *Hong Kong Free Press*, March 3, 2019.

⁴²Human Rights Watch, “Hong Kong: Scrap Proposed Extradition Changes,” October 10, 2018.

⁴³Holmes Chan, “In Pictures: 12,000 Hongkongers March in Protest against ‘Evil’ China Extradition Law, Organizers Say,” *Hong Kong Free Press*, March 31, 2019.

⁴⁴Jennifer Creery, “Over a Million Attend Hong Kong Demo against Controversial Extradition Law, Organisers Say,” *Hong Kong Free Press*, June 9, 2019; Bonnie Au, “Bird’s-Eye View of Hong Kong Protest against Extradition Law Proposal,” *South China Morning Post*, June 10, 2019.

⁴⁵Holmes Chan, “Hong Kong Extradition Bill to Bypass Legislative Committee Scrutiny, as Gov’t Fast-Tracks Controversial Law,” *Hong Kong Free Press*, May 20, 2019; Legislative Council of the Hong Kong Special Administrative Region, “Legislative Council Agenda, Wednesday 12 June 2019 at 11:00 am,” A 18/19–36, June 12, 2019.

⁴⁶Sum Lok-kei, “Hong Kong Extradition Bill: Thousands of Protesters Block City Streets and Prepare for Worst as Riot Police Gather Nearby,” *South China Morning Post*, June 12, 2019; “Bricks, Bottles, and Tear Gas: Protesters and Police Battle in Hong Kong,” *New York Times*, June 11, 2019; Julia Hollingsworth, “Hong Kong Police Declare China Extradition Protest ‘A Riot’ as Rubber Bullets and Tear Gas Fired at Crowd,” *CNN*, June 12, 2019.

⁴⁷Julia Hollingsworth, “Hong Kong Police Declare China Extradition Protest ‘A Riot’ as Rubber Bullets and Tear Gas Fired at Crowd,” *CNN*, June 12, 2019; Helen Roxburgh, “In Pictures: Protests over China Extradition Law Paralyse Hong Kong as Police Deploy Pepper Spray, Water Cannon,” *Agence France-Presse*, reprinted in *Hong Kong Free Press*, June 12, 2019.

⁴⁸Government of Hong Kong Special Administrative Region, “Jingfang caiqu xingdong zhizhi baodong” [Police take actions to stop riot], June 12, 2019; Shanshan Kao and Chieu Luu, “Hong Kong Police Chief Declares Anti-Extradition Bill Protests a ‘Riot,’ Raising Stakes for Those Arrested,” *South China Morning Post*, June 12, 2019; Julia Hollingsworth, “Hong Kong Police Declare China Extradition Protest ‘A Riot’ as Rubber Bullets and Tear Gas Fired at Crowd,” *CNN*, June 12, 2019.

⁴⁹Government of the Hong Kong Special Administrative Region, “Council Meeting Not to Be Held Today,” June 12, 2019.

⁵⁰“As It Happened: Carrie Lam Backs Down and ‘Suspends’ Hong Kong Extradition Bill, Sets No New Timeframe,” *South China Morning Post*, June 15, 2019.

Developments in Hong Kong and Macau

⁵¹Helen Regan, Ben Westcott, Steve George, and James Griffith, “Hong Kong Protest Sees Hundreds of Thousands Call for City’s Leader to Step Down,” *CNN*, June 16, 2019; “Huge Turnout by Protesters Keeps Heat on Hong Kong’s Leader,” *New York Times*, June 16, 2019.

⁵²“[6.16 da youxing] Minzhen: jin 200 wan ren jingfang: gaofengqi 33.8 wan ren” [[June 16 demonstrations] CHRF: close to 2 million people; police: 338,000 people at height], *Stand News*, June 16, 2019; Civil Human Rights Front (Minjian renquan zhenxian), “Lin Zheng xia tai, chehui efa, mingri sanba” [Step down, Carrie Lam! Withdraw the extradition bill! Strike tomorrow!], Facebook post, June 16, 2019.

⁵³See, e.g., Kris Cheng, “Thousands of Hong Kong Lawyers Stage Rare Protests Urging End to Political Prosecutions during Anti-Gov’t Demos,” *Hong Kong Free Press*, August 7, 2019.

⁵⁴See, e.g., Kimmy Chung, Su Xinqi, and Alvin Lum, “Hong Kong Civil Servants Embarrass Government with Protest against Extradition Bill and Determination to ‘Stand Together with Citizens,’” *South China Morning Post*, August 3, 2019.

⁵⁵See, e.g., Ng Kang-chung, “Banker Flash Mob in Hong Kong as Financial Sector Workers Gather in Chater Garden to Protest against Government Handling of Extradition Bill Crisis,” *South China Morning Post*, August 1, 2019.

⁵⁶See, e.g., Lily Kuo, “Hong Kong Airport Staff Stage Protest against Yuen Long Attack,” *Guardian*, July 26, 2019.

⁵⁷See, e.g., Felix Tam and Greg Torode, “Thousands of Hong Kong Civil Servants Defy Government to Join Protests,” *Reuters*, August 1, 2019; “Hong Kong Hospital Workers Protest against Police Violence,” *Channel News Asia*, August 13, 2019.

⁵⁸See, e.g., Kanis Leung and Simone McCarthy, “More than 22,000 March in Teachers’ Rally Supporting Hong Kong’s Young Protesters, Organizers Say,” *South China Morning Post*, August 17, 2019.

⁵⁹See, e.g., Holmes Chan, “Video: Exiled Activists Send Messages of Support for Hong Kong Protesters, as Students and Teachers Rally in Central,” *Hong Kong Free Press*, August 17, 2019.

⁶⁰See, e.g., Kris Cheng, “Thousands of Hong Kong Lawyers Stage Rare Protests Urging End to Political Prosecutions during Anti-Gov’t Demos,” *Hong Kong Free Press*, August 7, 2019; Kanis Leung and Simone McCarthy, “More than 22,000 March in Teachers’ Rally Supporting Hong Kong’s Young Protesters, Organizers Say,” *South China Morning Post*, August 17, 2019.

⁶¹See, e.g., Jennifer Creery, “‘Democracy Now, Free Hong Kong’: Thousands of Protesters Urge G20 to Back Anti-Extradition Law Movement,” *Hong Kong Free Press*, June 26, 2019; Holmes Chan, “Video: Exiled Activists Send Messages of Support for Hong Kong Protesters, as Students and Teachers Rally in Central,” *Hong Kong Free Press*, August 17, 2019.

⁶²See, e.g., Kate Leung and Vimvam Tong, “Hong Kong Shops, Workers in Rare Strike to ‘Defend Freedom,’” *Reuters*, June 12, 2019; Kanis Leung, Tony Cheung, and Kimmy Chung, “Hong Kong Braces for Largest Citywide Strike in Decades as 14,000 People from 20 Sectors Vow to Join Industrial Action to Protest against Government,” *South China Morning Post*, August 4, 2019.

⁶³See, e.g., Rowland Manthorpe, “Hong Kong Protesters Raise £1.5m in a Day to Fund Global Ad Campaign,” *Sky News*, August 13, 2019; Mary Hui, “Hong Kong’s Entrepreneurial Protesters Are Crowdfunding Everything from Doctors to Legal Fees,” *Quartz*, July 16, 2019.

⁶⁴See, e.g., Kris Cheng, “In Pictures: ‘Liberate Hong Kong’—Anti-Extradition Protesters Stage Consulate ‘Marathon’ to Lobby Leaders,” *Hong Kong Free Press*, June 26, 2019; “Protesters Form Human Chain across Hong Kong,” *RTHK*, August 23, 2019.

⁶⁵“Cong ‘Taofan Tiaoli’ dao wu da suqiu: Xianggang shiwei zui xin quanjing” [From “Extradition Bill” to five major demands: most recent overview of Hong Kong protests], *BBC*, August 23, 2019; “Xianggang Zhi Lu shengming: wu da suqiu, que yi buke” [Hong Kong Way statement: five major demands, not one less], *inMedia HK*, August 23, 2019; “HKFP Lens: Hongkongers Hit the Streets Again Demanding Independent Inquiry into Police Conduct,” *Hong Kong Free Press*, July 21, 2019.

⁶⁶“Cong ‘Taofan Tiaoli’ dao wu da suqiu: Xianggang shiwei zui xin quanjing” [From “Extradition Bill” to five major demands: most recent overview of Hong Kong protests], *BBC*, August 23, 2019; “Xianggang Zhi Lu shengming: wu da suqiu, que yi buke” [Hong Kong Way statement: five major demands, not one less], *inMedia HK*, August 23, 2019; Amy Qin, “Hong Kong Protesters Are Fueled by a Broader Demand: More Democracy,” *New York Times*, July 8, 2019.

⁶⁷Amnesty International, “How Not to Police a Protest: Unlawful Use of Force by Hong Kong Police,” ASA 17/0576/2019, June 21, 2019; Chinese Human Rights Defenders et al., “Open Letter from 35 NGOs Calling for an Independent Commission of Inquiry into Use of Force by Hong Kong Police on June 12, 2019,” June 30, 2019.

⁶⁸Javier C. Hernández et al., “Did Hong Kong Police Abuse Protesters? What Videos Show,” *New York Times*, June 30, 2019; K.K. Rebecca Lai and Austin Ramzy, “1,800 Rounds of Tear Gas: Was the Hong Kong Police Response Appropriate?,” *New York Times*, August 18, 2019; Simon Parry, “The Truth about Tear Gas: How Hong Kong Police Violated All Guidelines for the ‘Non-Lethal Weapon,’” *South China Morning Post*, August 16, 2019.

⁶⁹Amnesty International, “How Not to Police a Protest: Unlawful Use of Force by Hong Kong Police,” ASA 17/0576/2019, June 21, 2019; Mike Ives, “Extradition Protesters in Hong Kong Face Tear Gas and Rubber Bullets,” *New York Times*, June 12, 2019; Kris Cheng, “Hong Kong Police Shoot Projectiles at Close Range in Tai Koo, as Protester Suffers Ruptured Eye in TST,” *Hong Kong Free Press*, August 12, 2019.

⁷⁰K.K. Rebecca Lai and Austin Ramzy, “1,800 Rounds of Tear Gas: Was the Hong Kong Police Response Appropriate?,” *New York Times*, August 18, 2019.

⁷¹Amnesty International, “How Not to Police a Protest: Unlawful Use of Force by Hong Kong Police,” ASA 17/0576/2019, June 21, 2019; Committee to Protect Journalists, “Hong Kong Police Attack Journalists with Batons, Tear Gas amid Protests,” June 14, 2019.

⁷²Reporters Without Borders, “Violence against Journalists Escalates in Hong Kong,” August 14, 2019; Committee to Protect Journalists, “Hong Kong Police Attack Journalists with Batons, Tear Gas amid Protests,” June 14, 2019; Jennifer Creery, “Anti-Extradition Protests: Hong Kong

Developments in Hong Kong and Macau

Press Watchdog Files Police Complaint Alleging Abuse against 26 Journalists,” *Hong Kong Free Press*, June 16, 2019; Su Xinqi, “Hong Kong Journalism Groups Accuse Police of Assaulting Reporters and Photographers during Extradition Bill Clashes in Mong Kok,” *South China Morning Post*, July 8, 2019; Jeffie Lam, Zoe Low, and Danny Mok, “‘More than 1,500’ Join Journalists’ Silent March in Hong Kong, Accusing Police of Mistreating Media during Extradition Bill Protests and Demanding Carrie Lam Steps In to Defend Press Freedom,” *South China Morning Post*, July 14, 2019.

⁷³ Code of Conduct for Law Enforcement Officials, adopted by UN General Assembly resolution 34/169 of December 17, 1979, art. 3.

⁷⁴ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba (August 27–September 7, 1990), A/CONF.144/28/Rev.1, principle 9. See also Amnesty International, “How Not to Police a Protest: Unlawful Use of Force by Hong Kong Police,” ASA 17/0576/2019, June 21, 2019; Chinese Human Rights Defenders et al., “Open Letter from 35 NGOs Calling for an Independent Commission of Inquiry into Use of Force by Hong Kong Police on June 12, 2019,” June 30, 2019.

⁷⁵ UN Office of the High Commissioner for Human Rights, “Press Briefing Note on Hong Kong, China,” August 13, 2019.

⁷⁶ Gerry Shih, “China’s Backers and ‘Triad’ Gangs Have a History of Common Foes. Hong Kong Protesters Fear They Are Next,” *Washington Post*, July 23, 2019; Laignee Barron, “Suspected ‘Triad’ Gangs Mark Dangerous New Phase in Hong Kong’s Crisis,” *Time*, July 23, 2019.

⁷⁷ Gerry Shih, “China’s Backers and ‘Triad’ Gangs Have a History of Common Foes. Hong Kong Protesters Fear They Are Next,” *Washington Post*, July 23, 2019; Reporters Without Borders, “Violence against Journalists Escalates in Hong Kong,” August 14, 2019; Mary Hui, “Armed Thugs Returned to the Streets of Hong Kong to Attack Protesters,” *Quartz*, August 5, 2019; Alice Woodhouse, George Hammond, Joe Leahy, and Nicolle Liu, “Hong Kong Protest Organisers Attacked by Thugs,” *Financial Times*, August 29, 2019.

⁷⁸ Yanan Wang, “Who Are the Men in White behind Hong Kong’s Mob Attack?,” *Associated Press*, July 24, 2019; Laignee Barron, “Suspected ‘Triad’ Gangs Mark Dangerous New Phase in Hong Kong’s Crisis,” *Time*, July 23, 2019; Jeffie Lam, Danny Mok, and Alvin Lum, “At Least 45 Injured as Rod-Wielding Mob Dressed in White Rampage through Yuen Long MTR Station, Beating Screaming Protesters,” *South China Morning Post*, July 22, 2019.

⁷⁹ Jeffie Lam, Danny Mok, and Alvin Lum, “At Least 45 Injured as Rod-Wielding Mob Dressed in White Rampage through Yuen Long MTR Station, Beating Screaming Protesters,” *South China Morning Post*, July 22, 2019; Laignee Barron, “Suspected ‘Triad’ Gangs Mark Dangerous New Phase in Hong Kong’s Crisis,” *Time*, July 23, 2019.

⁸⁰ James Pomfret, Greg Torode, and David Lague, “Chinese Official Urged Hong Kong Villagers to Drive Off Protesters before Violence at Train Station,” *Reuters*, July 26, 2019.

⁸¹ Karen Zhang et al., “Protesters Storm and Vandalise Legislative Council as Anarchy and Violence Engulf Hong Kong Government Centre,” *South China Morning Post*, July 1, 2019; “Hong Kong Police Clear Protesters Occupying Legislature after Day of Unprecedented Violence and Chaos,” *South China Morning Post*, July 2, 2019; Holmes Chan, “The Writing on the Wall: Understanding the Messages Left by Protesters during the Storming of the Hong Kong Legislature,” *Hong Kong Free Press*, July 4, 2019; “Hong Kong’s Violent Protests against Chinese Rule,” *Economist*, July 25, 2019.

⁸² Karen Zhang et al., “Protesters Storm and Vandalise Legislative Council as Anarchy and Violence Engulf Hong Kong Government Centre,” *South China Morning Post*, July 1, 2019; Holmes Chan, “Hong Kong Police Officer Shoots Live Round amid Clashes with Protesters in Tsuen Wan,” *Hong Kong Free Press*, August 25, 2019; Jessie Yeung, Sandi Sidhu, and Rebecca Wright, “A Gun Shot, Petrol Bombs and Water Cannons Mark Violent Escalation in Hong Kong Protests,” *CNN*, August 26, 2019.

⁸³ Brendon Hong, “Hong Kong Protesters Capture Alleged Infiltrators in Airport Chaos,” *Daily Beast*, August 14, 2019; Gerry Shih and Timothy McLaughlin, “After Airport Mayhem, Hong Kong Protesters Face Tipping Point in Battle for Hearts and Minds,” *Washington Post*, August 14, 2019.

⁸⁴ Gary Cheung, “Mass Arrests of Hong Kong Protesters by Police Could Backfire in Long Run, Say Academics,” *South China Morning Post*, September 3, 2019; Holmes Chan and Tom Grundy, “Hong Kong Lawmakers Jeremy Tam and Au Nok-hin Arrested, as Police Continue Round-Up of Democrats,” *Hong Kong Free Press*, August 30, 2019.

⁸⁵ See, e.g., Jasmine Siu, Alvin Lum, Danny Lee, and Su Xinqi, “First Wave of Alleged Hong Kong Rioters—Including Teacher, 16-Year-Old and Cathay Pacific Pilot—Released on Bail with Most Handed Curfew,” *South China Morning Post*, July 31, 2019; Brian Wong and Chris Lau, “Hong Kong Protests: Two More Demonstrators Charged with Rioting over Clash with Police in Kowloon Bay,” *South China Morning Post*, August 28, 2019.

⁸⁶ See, e.g., Michelle Wong, Clifford Lo, and Phila Siu, “Hong Kong Police Target High-Profile Activists Joshua Wong, Andy Chan and Agnes Chow in Wave of Arrests amid Anti-Government Protests,” *South China Morning Post*, August 30, 2019.

⁸⁷ See, e.g., Holmes Chan and Tom Grundy, “Hong Kong Lawmakers Jeremy Tam and Au Nok-hin Arrested, as Police Continue Round-Up of Democrats,” *Hong Kong Free Press*, August 30, 2019.

⁸⁸ See, e.g., Kris Cheng, “Hong Kong Protesters Charged with Possessing Offensive Weapons at Yuen Long Protest Denied Bail,” *Hong Kong Free Press*, July 30, 2019.

⁸⁹ Brian Wong and Chris Lau, “Hong Kong Protests: Two More Demonstrators Charged with Rioting over Clash with Police in Kowloon Bay,” *South China Morning Post*, August 28, 2019; Holmes Chan and Tom Grundy, “Hong Kong Lawmakers Jeremy Tam and Au Nok-hin Arrested, as Police Continue Round-Up of Democrats,” *Hong Kong Free Press*, August 30, 2019.

⁹⁰ Alvin Lum and Tony Cheung, “Hong Kong Riot Charges Pushed Ahead in Unprecedented Hardline Move as Justice Chief Forgoes Usual Written Advice,” *South China Morning Post*, Au-

Developments in Hong Kong and Macau

gust 1, 2019; Mary Hui, “Armed Thugs Returned to the Streets of Hong Kong to Attack Protesters,” *Quartz*, August 5, 2019; Kris Cheng, “Thousands of Hong Kong Lawyers Stage Rare Protests Urging End to Political Prosecutions during Anti-Gov’t Demos,” *Hong Kong Free Press*, August 7, 2019.

⁹¹ Alvin Lum and Tony Cheung, “Hong Kong Riot Charges Pushed Ahead in Unprecedented Hardline Move as Justice Chief Forgoes Usual Written Advice,” *South China Morning Post*, August 1, 2019; Mary Hui, “Armed Thugs Returned to the Streets of Hong Kong to Attack Protesters,” *Quartz*, August 5, 2019; Kris Cheng, “Thousands of Hong Kong Lawyers Stage Rare Protests Urging End to Political Prosecutions during Anti-Gov’t Demos,” *Hong Kong Free Press*, August 7, 2019.

⁹² See, e.g., Steven Lee Myers and Paul Mozur, “China Is Waging a Disinformation War against Hong Kong Protesters,” *New York Times*, August 13, 2019; Nikhil Sonnad, “China Is Creating an Alternative Reality about the Hong Kong Protests, in Real Time,” *Quartz*, June 19, 2019.

⁹³ Hou Xiaochen, “Waijiaobu bo Mei Ying she Gang yanlun: juebu rongxu renhe waibu shili gaoluan Xianggang” [Foreign Ministry refutes U.S. and U.K.’s rhetorical meddling in HK: resolutely opposed to any foreign forces’ interference in Hong Kong], *Xinhua*, July 23, 2019; “China Says It Will ‘Not Tolerate Foreign Forces’ in Hong Kong,” *Hong Kong Free Press*, July 24, 2019; “Minitrue: To Foreign Media, on HK Coverage (Updated),” *China Digital Times*, August 20, 2019.

⁹⁴ See, e.g., Ministry of Foreign Affairs, “Foreign Ministry Spokesperson Hua Chunying’s Regular Press Conference on July 26, 2019,” July 26, 2019; Ministry of Foreign Affairs, “Foreign Ministry Spokesperson Hua Chunying’s Regular Press Conference on August 1, 2019,” August 1, 2019; Bernard Chan, “To Beijing, the Hong Kong Protest Unrest Is Now a Threat on a National Level,” *South China Morning Post*, August 30, 2019. Hong Kong Executive Council Convenor Bernard Chan emphasized that threats of response in Chinese official statements and state-run media articles cannot be ignored.

⁹⁵ See, e.g., “Minitrue: Delete Content Related to HK Protests,” *China Digital Times*, June 16, 2019; “Minitrue: Promote These Reports on Hong Kong,” *China Digital Times*, August 20, 2019. See also Nikhil Sonnad, “China Is Creating an Alternative Reality about the Hong Kong Protests, in Real Time,” *Quartz*, June 19, 2019.

⁹⁶ Frances Eve, Chinese Human Rights Defenders, “#StandWithHongKong Is Essentially a Crime in Mainland China,” September 3, 2019.

⁹⁷ Frances Eve, Chinese Human Rights Defenders, “#StandWithHongKong Is Essentially a Crime in Mainland China,” September 3, 2019; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art 19; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 29, 2019. China has signed but not ratified the ICCPR.

⁹⁸ Kong Tsung-gan, “Regularly Updated Overview of Trials of Hong Kong Pro-Democracy Leaders and Activists,” *Medium*, updated on May 22, 2019.

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ Holmes Chan, “Leading Hong Kong Umbrella Movement Activists Found Guilty of Public Nuisance,” *Hong Kong Free Press*, April 9, 2019; Amnesty International, “Umbrella Movement: End Politically Motivated Prosecutions in Hong Kong,” November 2018, 7. The public-nuisance related charges included “conspiracy to commit public nuisance,” “incitement to incite public nuisance,” and “incitement to commit public nuisance.”

¹⁰² *Hong Kong Special Administrative Region v. Tai Yiu Ting, Chan Kin Man, Chu Yiu Ming, Shiu Ka Chun, Cheung Sau Yin, Chung Yiu Wa, Raphael Wong Ho Ming, and Lee Wing Tat*, (2017) Hong Kong District Court 450, paras. 757–64.

¹⁰³ *Hong Kong Special Administrative Region v. Tai Yiu Ting, Chan Kin Man, Chu Yiu Ming, Shiu Ka Chun, Cheung Sau Yin, Chung Yiu Wa, Raphael Wong Ho Ming, and Lee Wing Tat*, (2017) Hong Kong District Court 568, paras. 90, 109, 144–45.

¹⁰⁴ *Ibid.*, paras. 109, 119, 128, 132, 146.

¹⁰⁵ Kris Cheng, “Jailed Hong Kong Umbrella Movement Leader Benny Tai Released on Bail Pending Appeal,” *Hong Kong Free Press*, August 15, 2019.

¹⁰⁶ Amnesty International, “Umbrella Movement: End Politically Motivated Prosecutions in Hong Kong,” November 2018, 8; Human Rights Watch, “Hong Kong: Drop Case against ‘Umbrella 9,’” November 14, 2018; Hong Kong Watch, “Breaking: Lord Patten Calls Occupy Trial Verdict ‘Appallingly Divisive,’ as the Trial Is Condemned by German Human Rights Committee Members,” April 8, 2019.

¹⁰⁷ Amnesty International, “Umbrella Movement: End Politically Motivated Prosecutions in Hong Kong,” November 2018, 9.

¹⁰⁸ Human Rights Watch, “Hong Kong: Drop Case against ‘Umbrella 9,’” November 14, 2018.

¹⁰⁹ Progressive Lawyers Group, *Hong Kong Rule of Law Report 2018*, March 2019, 16.

¹¹⁰ Nash Jenkins, “Hong Kong Protest Turns Violent as Anxiety over China’s Interference Rises,” *Time*, November 6, 2016.

¹¹¹ “Interpretation of Article 104 of Basic Law of Hong Kong SAR,” *Xinhua*, reprinted in *China Daily*, November 7, 2016, item 2(2).

¹¹² Nash Jenkins, “Hong Kong Protest Turns Violent as Anxiety over China’s Interference Rises,” *Time*, November 6, 2016.

¹¹³ Li Cai-yan, “‘Fan Shifa Youxing An’ bianfang jie’an zhi jingfang fei zhengdang shiyong wuli, kongfang: jingbu fang heli” [“Anti-Interpretation Demonstrations Case” Defense conclusion referred to the police’s improper use of force, prosecution: the police were reasonable], in *Media HK*, November 2, 2018; “Fan Shifa Youxing, kongfang: Wu Wenyuan shandong taren chongpo tiema” [Anti-Interpretation Demonstrations, prosecution: Avery Ng Man-yuen incited others to break through the barricade], *Ming Pao*, July 9, 2018.

Developments in Hong Kong and Macau

¹¹⁴Holmes Chan, “Avery Ng and Other Pro-Democracy Activists Convicted over 2016 Clashes outside Beijing Office,” *Hong Kong Free Press*, May 15, 2019.

¹¹⁵Bureau of East Asian and Pacific Affairs, U.S. Department of State, “2019 Hong Kong Policy Act Report,” March 21, 2019; UK Foreign and Commonwealth Affairs, “The Six-Monthly Report on Hong Kong: 1 July to 31 December 2018,” March 27, 2019.

¹¹⁶See, e.g., Progressive Lawyers Group, *Hong Kong Rule of Law Report 2018*, March 2019, 96–102; Hong Kong Journalists Association et al., “Joint Statement: The Death Knell for Freedom of Speech in Hong Kong,” November 9, 2018. The signatories to the November 2018 joint statement consist of the Hong Kong Journalists Association, Hong Kong Press Photographers Association, Independent Commentators Association, Journalism Educators for Press Freedom, Ming Pao Staff Association, Next Media Trade Union, and RTHK Programme Staff Union.

¹¹⁷See, e.g., Amnesty International, “Hong Kong: Final ‘Umbrella Nine’ Pro-Democracy Activists Sentenced,” June 10, 2019; Maya Wang, “Amid China’s Storm, Hong Kong Holds Fast to Its Umbrella,” *Globe and Mail*, April 26, 2019.

¹¹⁸Freedom House, “Hong Kong” in *Freedom in the World 2019*, February 2019.

¹¹⁹Reporters Without Borders, “Hong Kong” in *World Press Freedom Index*, accessed June 12, 2019; Jennifer Creery, “Hong Kong Stumbles in Reporters Without Borders Press Freedom Index, Down 25 Places in 10 Years,” *Hong Kong Free Press*, April 18, 2019.

¹²⁰Hong Kong Journalists Association, “Public See New Low in Hong Kong’s Press Freedom; Beijing Viewed as the Major Factor in Decline,” April 16, 2019.

¹²¹Austin Ramzy, “Hong Kong Bans Pro-Independence Party,” *New York Times*, September 24, 2018.

¹²²Secretary for Security, Government of the Hong Kong Special Administrative Region, “Societies Ordinance (Chapter 151),” G.N. (E.) 52 of 2018, *Gazette* 22, no. 44 (September 24, 2018).

¹²³Austin Ramzy, “Hong Kong Bans Pro-Independence Party,” *New York Times*, September 24, 2018; Kris Cheng, “Explainer: How Hong Kong Is Seeking to Ban a Pro-Independence Party Using Existing National Security Laws,” *Hong Kong Free Press*, July 19, 2018.

¹²⁴*Societies Ordinance* (Cap. 151), sec. 8(1)–(2). See also Kris Cheng, “Explainer: How Hong Kong Is Seeking to Ban a Pro-Independence Party Using Existing National Security Laws,” *Hong Kong Free Press*, July 19, 2018.

¹²⁵Hong Kong Watch, “3 Reasons to Worry about the Decision to Ban the Hong Kong National Party,” July 20, 2018.

¹²⁶“Hong Kong Rejects Visa for FT Editor Victor Mallet,” *BBC*, October 6, 2018; “Hong Kong’s Move against Free Speech,” editorial, *Financial Times*, October 7, 2018.

¹²⁷See, e.g., Hong Kong Watch, “Gray Sergeant: The Expulsion of Victor Mallet Has Rightly Caused an International Outcry,” October 27, 2018; Reporters Without Borders, “After Hosting a Talk That Annoyed China, British Journalist Denied Entry to Hong Kong,” November 10, 2018.

¹²⁸Hong Kong Watch, “Gray Sergeant: The Expulsion of Victor Mallet Has Rightly Caused an International Outcry,” October 27, 2018; “Hong Kong Rejects Visa for FT Editor Victor Mallet,” *BBC*, October 6, 2018; Austin Ramzy, “Journalist’s Expulsion from Hong Kong ‘Sends a Chilling Message,’” *New York Times*, October 10, 2018.

¹²⁹See, e.g., Hong Kong Watch, “Gray Sergeant: The Expulsion of Victor Mallet Has Rightly Caused an International Outcry,” October 27, 2018; Reporters Without Borders, “After Hosting a Talk That Annoyed China, British Journalist Denied Entry to Hong Kong,” November 10, 2018.

¹³⁰Reporters Without Borders, “Hong Kong: Chinese Threats Lead to the Cancellation of an Exhibition by Cartoonist Badiucao,” November 3, 2018; James Griffiths, “Chinese Dissident Artist’s Hong Kong Show Canceled over ‘Safety Concerns,’” *CNN*, November 2, 2018.

¹³¹Vivienne Chow, “China’s ‘Red Line’ for Hong Kong’s Creative Freedom,” *Quartz*, November 11, 2018.

¹³²Holmes Chan, “Apple Music in China Removes Jacky Cheung Song with Reference to Tiananmen Massacre,” *Hong Kong Free Press*, April 9, 2019; “Zhang Xueyou ‘Renjian Dao’ zao dalu Apple Music xiajia yi yin anyu Liusi” [Jacky Cheung’s “The Path of Man” taken down by mainland’s Apple Music, reason might be its subtle reference to June 4th], *Stand News*, April 7, 2019. See also Shannon Liao, “Lawmakers Lash Out at Apple for Censoring a Song about Tiananmen Square Protests,” *Verge*, April 12, 2019.

¹³³*Zhonghua Renmin Gongheguo Aomen Tebie Xingzhengqu Jiben Fa* [Basic Law of the Macao Special Administrative Region of the People’s Republic of China], passed March 31, 1993, effective December 20, 1999, arts. 47, 68, annexes I, II; “Why Macau Is Less Demanding of Democracy Than Hong Kong,” *Economist*, September 15, 2017.

¹³⁴*Zhonghua Renmin Gongheguo Aomen Tebie Xingzhengqu Jiben Fa* [Basic Law of the Macao Special Administrative Region of the People’s Republic of China], passed March 31, 1993, effective December 20, 1999, art. 40.

¹³⁵*Ibid.*, arts. 12, 16, 22.

¹³⁶International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, 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 . . .”

¹³⁷Raquel Carvalho, “Ho Iat-seng Will Be New City Leader of Macau, China’s Gambling Hub,” *South China Morning Post*, August 25, 2019; “Ho Iat Seng Gets Backing from 95% of CE Election Committee Members,” *Macau News*, July 23, 2019.

¹³⁸Raquel Carvalho, “Ho Iat-seng Will Be New City Leader of Macau, China’s Gambling Hub,” *South China Morning Post*, August 25, 2019; “Ho Iat Seng Gets Backing from 95% of CE Election Committee Members,” *Macau News*, July 23, 2019.

¹³⁹“Macao Establishes New National Security Defence Commission,” *Economist Intelligence Unit*, September 7, 2018.

Developments in Hong Kong and Macau

¹⁴⁰Julie Zhu, “Cybersecurity: Government Banned from Collecting Internet Data,” *Macau Daily Times*, June 7, 2019; João Paulo Meneses, “Cybersecurity Bill: Security, the Key Word,” *Macau Business*, March 23, 2019. See also Cross-Border Chinese Q&A, Culture & Media Education Foundation, “Aomen zhengfu de ‘Wangluo Anquan Fa’ jian zhi hefang?” [What is the Macau government’s “Cybersecurity Law” aimed at?], in *Media HK*, January 24, 2018.

¹⁴¹Jane K.C. Wong, “Cybersecurity Law Passed as Gov’t Reassures It Will Not Censor Online Content,” *Macau Business*, June 6, 2019; Macau Special Administrative Region, Law No. 13/2019, *Wangluo Anquan Fa* [Cybersecurity Law], passed June 24, 2019, art. 28.

¹⁴²Macau Special Administrative Region, Law No. 13/2019, *Wangluo Anquan Fa* [Cybersecurity Law], passed June 24, 2019, art. 28; Angus Young, “Macau: Cybersecurity Law ‘Will Present Unprecedented Challenges to Local and Foreign Industries,’” *OneTrust DataGuidance*, June 27, 2019.

¹⁴³Macau Special Administrative Region, Law No. 1/2019, Amendment to Law No. 5/1999, *Guoqi, Guohui Ji Guoge De Shiyong Ji Baohu* [On the Use and Protection of the National Flag, National Emblem, and National Anthem], passed January 24, 2019; Emily Pottier, “Macau: National Anthem Law Amendments Passed, Disrespecting Anthem Punishable by up to 3 Years in Prison,” *Macau Business*, January 25, 2019; Yi Wei Wong, “Macau: National Anthem Law to Be Implemented in June 2019,” *Macau Business*, February 1, 2019.

¹⁴⁴“Li Hui xize xing tongguo Guoge Fa” [Legislative Assembly passed the National Anthem Law], *Zheng Bao (Jornal Cheng Pou)*, January 25, 2019; Macau Special Administrative Region, Law No. 1/2019, Amendment to Law No. 5/1999, *Guoqi, Guohui Ji Guoge De Shiyong Ji Baohu* [On the Use and Protection of the National Flag, National Emblem, and National Anthem], passed January 24, 2019, art. 4; Macau Special Administrative Region, Law No. 5/1999, *Guoqi, Guohui Ji Guoge De Shiyong Ji Baohu* [On the Use and Protection of the National Flag, National Emblem, and National Anthem], passed and effective December 20, 1999, amended January 29, 2019, art. 11. The new provision on the role of the media to promote (*xuanchuan*) the national anthem is found in section 7–C in Article 4 of the Amendment; it is Article 11 in the amended law. See also Kris Cheng, “Insults against Chinese National Anthem Banned in Macau, as Offenders Risk 3-Years Jail,” *Hong Kong Free Press*, January 26, 2019.

¹⁴⁵Journalist Association of Macau, “Jiu Xingai di 5/1999 Hao Falu ‘Guoqi, Guohui Ji Guoge De Shiyong Ji Baohu’ fa’an tijiao yijian” [Opinion submitted regarding Amendment to Law No. 5/1999 “On the Use and Protection of the National Flag, National Emblem, and National Anthem”], January 16, 2019, *Son Pou (Jornal Informação)* Facebook post, January 17, 2019; Yi Wei Wong, “Macau: Journalist Association of Macau Believes National Anthem Law Might Suppress Press Freedom,” *Macau Business*, January 17, 2019; Yi Wei Wong, “Macau: Draft National Anthem Law Unchanged despite Press Freedom Concerns,” *Macau Business*, January 18, 2019.