

VI. Developments in Hong Kong and Macau

Hong Kong

During the Commission's 2017 reporting year, interference by the Chinese central government in Hong Kong's political and legal affairs, in particular with regard to the Hong Kong judiciary's disqualification of six opposition lawmakers, further undermined the "one country, two systems" policy meant to ensure Hong Kong's autonomy as guaranteed under Hong Kong's Basic Law. The March 2017 Chief Executive election was not held by universal suffrage; the 1,194-member Election Committee selected Carrie Lam Cheng Yuet-ngor, the Chinese government's preferred candidate, to be Hong Kong's fourth Chief Executive. In August, the Hong Kong government successfully appealed to increase the sentences issued to pro-democracy activists through judicial review; some international human rights organizations and local pro-democracy groups asserted the prosecution of these cases was politically motivated.

CHIEF EXECUTIVE ELECTION

Hong Kong's fifth Chief Executive (CE) election took place on March 26, 2017.¹ It was the first since the fall 2014 pro-democracy protests and the June 2015 defeat of the Hong Kong government's electoral reform proposal.² The fall 2014 protests began after the National People's Congress Standing Committee (NPCSC) issued an August 2014 decision restricting the ability of candidates to freely run for CE.³ The 2017 CE election was held under the same procedure as the 2012 election, as set forth in the 2014 NPCSC decision.⁴ The UN Human Rights Committee (the Committee) has repeatedly urged Hong Kong to enact reforms to implement elections by universal suffrage⁵ in accordance with Article 25 of the International Covenant on Civil and Political Rights,⁶ which applies to Hong Kong under the Basic Law.⁷ During the fall 2014 pro-democracy protests, the Committee reiterated its concerns over restrictions on the ability of candidates to freely run for election.⁸

In December 2016, approximately 107,000 electors voted to elect most members of the Election Committee,⁹ which both nominates candidates and elects the CE.¹⁰ The Election Committee's 38 subsectors consist of members of trade and business interest groups—including corporations—as well as district and legislative councilors, religious bodies, and national legislators.¹¹ A majority of the Election Committee is reportedly supportive of the central government and its policies.¹² In the December subsector elections, pro-democracy organizations won a record high of 326 seats out of 1,194.¹³ Three candidates qualified¹⁴ to run in the CE election: former Financial Secretary John Tsang Chun-wah; former judge Woo Kwok-hing; and former Chief Secretary Carrie Lam Cheng Yuet-ngor.¹⁵

As in the 2012 CE election,¹⁶ the Chinese central government reportedly sought to determine the outcome of the election by instructing Election Committee members to support Lam, its preferred candidate, over other candidates¹⁷ and declaring its power to disregard election results.¹⁸ In February 2017, NPCSC Chair-

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man Zhang Dejiang and other central government representatives reportedly met with Election Committee members in Shenzhen municipality, Guangdong province, telling them the central government supported only Lam in the election.¹⁹ Later in February, Hong Kong's first CE and current Chinese People's Political Consultative Conference Vice Chairman Tung Chee-hwa reportedly said that the Chinese government would not appoint anyone it deemed unacceptable.²⁰ All 30 legal sector members of the Election Committee issued a joint statement in response to Tung's remarks, condemning "any attempt to exert pressure or influence . . . [the] Election Committee . . ."²¹ In March, Zhang reportedly asserted the central government's "right to step in" to the CE election²² and said the central government required the CE to "love the country and love Hong Kong."²³ Other central government officials reiterated the central government's interest in the election, emphasizing the central government's "substantive power" to appoint a CE²⁴ who meets the central government's criteria.²⁵

On March 26, 2017, the Election Committee selected former Chief Secretary Carrie Lam Cheng Yuet-ngor as the next CE; Lam won 777 of 1,194 votes.²⁶ Pro-democracy legislators, activists, and international rights organizations criticized the restricted nature of the election and the central government's interference in the campaign,²⁷ in part for violating Hong Kong's Basic Law.²⁸

BASIC LAW INTERPRETATION AND DISQUALIFICATIONS OF LEGISLATIVE COUNCILORS

After pro-democracy candidates gained seats in the September 2016 Legislative Council (LegCo) elections, and after repeated warnings from the central government about the unacceptability of calls for Hong Kong independence or self-determination,²⁹ the Chinese central government and Hong Kong government sought to prevent opposition legislators from taking office. During the October 2016 oath-taking ceremony for the new LegCo, two "localist" legislators-elect, Sixtus "Baggio" Leung Chung-hang and Yau Wai-ching, altered their oaths, swearing allegiance to the "Hong Kong nation" and using what some considered to be profanity and a derogatory term to refer to China.³⁰ The Hong Kong government filed for judicial review to disqualify the two from taking office.³¹

On November 7, 2016, the National People's Congress Standing Committee (NPCSC) issued an interpretation of Hong Kong's Basic Law, holding that oaths of office under Article 104 of the Basic Law are legal commitments to both Hong Kong and China³² and prohibiting those whose oaths are determined to be invalid from retaking the oath.³³ The NPCSC issued the interpretation, the fifth since 1997, without receiving a request from the Hong Kong government or Court of Final Appeal.³⁴ The interpretation came while a Hong Kong court was considering the Hong Kong government's case against legislators-elect Leung and Yau.³⁵ The Hong Kong judge hearing the case ruled in the government's favor, finding that Leung and Yau "declin[ed] to take the LegCo Oath" and disqualifying the two.³⁶ The judge held that his decision would have been the same regardless of the NPCSC interpretation.³⁷ In August 2017, the Court of Final Appeal rejected Leung and Yau's appeal.³⁸

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On December 2, 2016, Hong Kong officials filed a lawsuit to disqualify four additional pro-democracy legislators—Nathan Law Kwun-chung, Lau Siu-lai, Edward Yiu Chung-yim, and Leung Kwok-hung (also known as “Long Hair”)—asserting that their previously accepted oaths were invalid.³⁹ On July 14, 2017, a Hong Kong court disqualified the legislators from office on grounds that included violating Article 104 of the Basic Law according to a retroactive application of the November 2016 NPCSC interpretation.⁴⁰

Lawyers,⁴¹ legislators,⁴² and rights organizations⁴³ strongly criticized the NPCSC interpretation. One legal association contended that the NPCSC interpretation “deeply damaged the rule of law and Hong Kong’s autonomy” by interfering in Hong Kong’s domestic laws.⁴⁴ The Hong Kong Bar Association criticized the interpretation, arguing that the NPCSC interpretation “[gives] the impression that the NPCSC is effectively legislating for Hong Kong.”⁴⁵ On November 8, more than 1,000 lawyers and activists held a silent march to protest the interpretation’s infringement on the autonomy of Hong Kong’s legal system.⁴⁶

GOVERNMENT LEGAL ACTION AGAINST POLITICAL OPPOSITION

The Hong Kong government continued to pursue legal cases against participants in the 2014 pro-democracy protests and members of the political opposition.⁴⁷ The day after the Chief Executive election, Hong Kong police charged nine protest leaders, student activists, and politicians—including two Legislative Councilors—in connection with the 2014 protests.⁴⁸ Legislators, international rights organizations, and Hong Kong and international scholars questioned the timing of the announcement, suggesting that Hong Kong officials made the decision for political reasons.⁴⁹ The Hong Kong government denied that there were political considerations or that Carrie Lam was involved in the decision.⁵⁰ In April 2017, police charged localist legislator Cheng Chung-tai with desecrating the Chinese and Hong Kong flags⁵¹ during an October 2016 LegCo session,⁵² when pro-government legislators prevented Leung and Yau from retaking their oaths by walking out of the LegCo chamber, after which Cheng turned the flags on several legislators’ desks upside down in protest.⁵³ Also in April, Hong Kong police charged Leung and Yau for “unlawful assembly” in connection with an attempt to enter the LegCo chamber in November 2016.⁵⁴

This past year, the Hong Kong government successfully appealed to increase the sentences issued to pro-democracy activists through judicial review from the Court of Appeal in Hong Kong. In August 2017, the Court of Appeal ruled in favor of government prosecutors and sentenced pro-democracy leaders Joshua Wong Chi-fung, Nathan Law Kwun-chung, and Alex Chow Yong-kang to between six and eight months’ imprisonment on charges of inciting or participating in “unlawful assembly” for their activities during the 2014 protests outside of government headquarters.⁵⁵ A lower court had previously sentenced Wong and Law to community service, which the two had completed, and given Chow a suspended sentence.⁵⁶ According to the Hong Kong Legislative Council Ordinance, the prison terms bar them from running in LegCo elections for five years.⁵⁷ The presiding judges stated that the sentences for the three were meant to serve as a deterrent.⁵⁸ During the same week,

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the Court of Appeal decided in the government's favor to lengthen the sentences of 13 pro-democracy activists to between 8 and 13 months' imprisonment after a lower court had sentenced them to community service on charges including "unlawful assembly" for storming the LegCo chamber to protest a government development plan in June 2014.⁵⁹ While the Hong Kong government and two local legal organizations denied claims of political interference in the judicial review of these cases,⁶⁰ some international human rights organizations and local pro-democracy groups asserted that the prosecutions were politically motivated.⁶¹ The UN Human Rights Committee noted in its 2013 review of the Hong Kong government's compliance with the International Covenant on Civil and Political Rights that the "unlawful assembly" provisions within the Public Order Ordinance under which the pro-democracy activists were charged "may facilitate excessive restriction to the Covenant rights."⁶²

PRESS FREEDOMS

Hong Kong journalists and journalists' organizations reported a continued worsening of press freedom in Hong Kong in this past year, noting concerns over self-censorship, government restrictions on reporters, and the 2015 abductions and disappearances of five Hong Kong booksellers by mainland Chinese authorities. According to the Hong Kong Journalists Association (HKJA), 72 percent of reporters surveyed felt that press freedom in Hong Kong had deteriorated in 2016.⁶³ Respondents reported concerns over self-censorship, interference by media owners, and the 2015 abductions and disappearances of five Hong Kong booksellers.⁶⁴ The international press freedom organization Reporters Without Borders (RSF) announced in April 2017 that it would open an Asia office in Taiwan, rather than Hong Kong, reportedly due in part to fears over RSF staff safety.⁶⁵ Hong Kong dropped four places in RSF's World Press Freedom Index, to 73rd in the world.⁶⁶

The Hong Kong government continued⁶⁷ to restrict the ability of online media to freely report. In December 2016, the Office of the Ombudsman called on the Hong Kong government to grant access to government events and information services to online-only media and criticized the government's failure to provide such access since announcing a review of its policy in 2014.⁶⁸ Also in December, Hong Kong officials prevented a journalist for an online publication from reporting at the vote count center for the Election Committee subsector elections.⁶⁹ In March 2017, the government banned online-only media from reporting at Chief Executive election events.⁷⁰ International and Hong Kong rights organizations criticized the government's continued obstruction of online journalists.⁷¹

Macau

Macau's Basic Law does not provide for elections by "universal suffrage,"⁷² though its provisions ensure the applicability of the International Covenant on Civil and Political Rights (ICCPR) in Macau⁷³ and guarantee Macau a "high degree of autonomy" within China.⁷⁴ During the 2017 reporting year, the Commission did not observe progress in Macau toward "an electoral system based on

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universal and equal suffrage . . .” in line with the ICCPR,⁷⁵ as recommended by the UN Human Rights Committee.⁷⁶ During the September 2017 Macau Legislative Assembly elections, pro-democracy legislators won 4 seats out of 14 directly elected seats, making up a minority in the 33-member chamber, where 12 legislators are selected by professional sector associations and 7 are appointed by Macau’s Chief Executive.⁷⁷

In December 2016, the Macau Legislative Assembly (AL) passed revisions to the AL Electoral Law,⁷⁸ including new provisions requiring candidates and legislators to swear to uphold Macau’s Basic Law and declare their loyalty to the Macau Special Administrative Region, and making those who “do not defend the Basic Law of [Macau] or are not loyal to [Macau] . . .” ineligible to be elected.⁷⁹ The amendment gave the power to determine candidates’ eligibility to the Legislative Assembly Electoral Affairs Commission, a Macau administrative agency.⁸⁰ The amendment came in response to the National People’s Congress Standing Committee (NPCSC) November 2016 interpretation of Hong Kong’s Basic Law.⁸¹ Three pro-democracy legislators voted against the amendment, with one asserting that localist political sentiments were not present in Macau.⁸² Some legal experts and at least one pro-democracy political organization criticized the amendment for threatening Macau voters’ rights to freely vote and run for election,⁸³ in particular the lack of clearly defined criteria that would prove a candidate’s disloyalty to Macau or the Basic Law.⁸⁴

The Macau Portuguese and English Press Association sought clarification from the government over other provisions in the revised law that define “electoral propaganda” and set penalties for publishing such material prior to the beginning of a campaign period.⁸⁵ The Association raised concerns that, due to the law’s broad definition of “electoral propaganda,” election reporting could be penalized under the revised law.⁸⁶

RESTRICTIONS ON MOVEMENT AND TRAVEL

During this reporting year, the Macau government continued to deny entry to some pro-democracy politicians and activists from Hong Kong. Macau’s Internal Security Framework Law allows authorities to refuse entry to non-residents “considered inadmissible or who constitute a threat to the stability of internal security,” but does not define inadmissibility or what would pose a threat to Macau’s security.⁸⁷ Around the time of Premier Li Keqiang’s visit to Macau in October 2016, Macau authorities prevented Hong Kong activists, a filmmaker, and at least one politician from entering Macau, claiming they threatened Macau’s “internal security.”⁸⁸ In December 2016 and January 2017, Macau authorities barred two former and one current pro-democracy Hong Kong legislators, saying they presented “threats to Macau’s internal security and stability.”⁸⁹ After Macau authorities barred another Hong Kong legislator from entering in April, a Macau pro-democracy activist suggested that authorities wanted “to prevent Hong Kong activists from affecting the political atmosphere in Macau.”⁹⁰ Around the time of a May visit to Macau by NPCSC Chairman Zhang Dejiang, Macau authorities prevented at least four members of the Democratic Party of Hong Kong from entering Macau.⁹¹ Also in May,

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Macau authorities expelled two Hong Kong activists after they entered Macau as tourists; police reportedly asked the Hong Kong activists if they had had contact with Macau pro-democracy activists.⁹² In August, Macau authorities prevented four journalists from entering Macau to cover the aftermath of a typhoon,⁹³ and denied entry to pro-democracy Hong Kong legislator Helena Wong Pik-wan.⁹⁴

In February 2017, a Macau art gallery canceled a performance by a Tibetan painter and advised him not to travel to Macau, reportedly under pressure from the Macau government over his art.⁹⁵ The artist said a Chinese military official contacted the gallery and warned that the artist was “on a blacklist” prohibiting his entry into Macau.⁹⁶

Notes to Section VI—Developments in Hong Kong and Maucau

¹Hong Kong Information Services Department, “Chief Executive Election Result” [Xingzheng zhangguan xuanju jieguo], 26 March 17.

²James Pomfret and Clare Baldwin, “Mystery Walk-Out in Hong Kong Vote Brings Heavy Defeat for Beijing,” Reuters, 18 June 15; “Political Reform Rejected by Large 23:8 Margin” [23:8 zheng gai da bi shu foujue], Ming Pao, 18 June 15. See also Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa], passed 4 April 90, effective 1 July 97, annex I, instrument 2; CECC, 2015 Annual Report, 8 October 15, 325–26.

³Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tebie xingzheng qu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui changsheng banfa de jue ding], issued 31 August 14, sec. 4; Michael Forsythe, “U.N. Urges China To Allow Free Elections in Hong Kong,” New York Times, 23 October 14; Stephanie Nebehay, “U.N. Rights Watchdog Calls for Open Elections in Hong Kong,” Reuters, 23 October 14.

⁴Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tebie xingzheng qu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui changsheng banfa de jue ding], issued 31 August 14, sec. 4; Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage [Quanguo renda changweihui guanyu xianggang tebie xingzheng qu 2012 nian xingzheng zhangguan he lifa hui chansheng banfa ji youguan puxuan wenti de jue ding], issued 29 December 07, para. 4; Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa], passed 4 April 90, effective 1 July 97, art. 45, annex I, instrument 2.

⁵UN Human Rights Committee, Concluding Observations on the Third Periodic Report of Hong Kong, China, adopted by the Committee at its 107th session (11–28 March 2013), CCPR/C/CHN-HKG/CO/3, para. 6. See also UN Office of the High Commissioner for Human Rights, General Comment No. 25: The Right To Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, CCPR/C/21/Rev.1/Add.7, 12 July 96, para. 21.

⁶International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 25.

⁷Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa], passed 4 April 90, effective 1 July 97, art. 39. Article 39 of the Basic Law holds that “[t]he provisions of the International Covenant on Civil and Political Rights . . . as applied to Hong Kong shall remain in force”

⁸Michael Forsythe, “U.N. Urges China To Allow Free Elections in Hong Kong,” New York Times, 23 October 14; Stephanie Nebehay, “U.N. Rights Watchdog Calls for Open Elections in Hong Kong,” Reuters, 23 October 14; Decision of the Standing Committee of the National People’s Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xianggang tebie xingzheng qu xingzheng zhangguan puxuan wenti he 2016 nian lifa hui changsheng banfa de jue ding], issued 31 August 14.

⁹Stuart Lau et al., “Hong Kong Financial Secretary Tsang Resigns, Paving Way for Tilt at City’s Top Job,” South China Morning Post, 13 December 16; Joyce Ng et al., “Pro-Democracy Camp Takes Record Quarter of Seats on Election Committee That Will Choose Hong Kong’s Leader,” South China Morning Post, 12 December 16. Three subsectors—religious bodies, National People’s Congress delegates, and Legislative Councilors—separately chose a total of 166 Election Committee members. Electoral Affairs Commission, “2016 Election Committee Subsector Elections—Facts and Figures,” last visited 15 March 17; Electoral Affairs Commission, “2016 Election Committee Subsector Elections—Election Results,” 12 December 16.

¹⁰Legislative Council of the Hong Kong Special Administrative Region, Chief Executive Election Ordinance (Cap. 569) [Di 569 zhang xingzheng zhangguan xuanju tiaoli], amended 9 February 12, secs. 7, 16.

¹¹Ibid., Schedule; Legislative Council of the Hong Kong Special Administrative Region, Legislative Council Ordinance (Cap. 542) [Di 542 zhang lifa hui tiaoli], amended 1 October 12, sec. 20; Electoral Affairs Commission, “2016 Election Committee Subsector Elections—Facts and Figures,” last visited 15 March 17.

¹²Freedom House, “Freedom in the World 2017—Hong Kong,” last visited 17 March 17; Ng Kang-chung and Gary Cheung, “As Aspirants for Hong Kong’s Top Job Announce Their Bids, Focus Turns to Where Beijing’s Favour Lies,” South China Morning Post, 17 January 17; Kelvin Chan, “Hong Kong Set To Pick New Leader Anointed by Beijing,” Associated Press, 21 March 17.

¹³Kris Cheng, “Pro-Democracy Camp Wins More Than a Quarter of Seats on Chief Exec. Election Committee,” Hong Kong Free Press, 12 December 16; Joyce Ng et al., “Pro-Democracy Camp Takes Record Quarter of Seats on Election Committee That Will Choose Hong Kong’s Leader,” South China Morning Post, 12 December 16. Three members of the Election Committee hold two seats each, reducing the number of members to 1,194. Kris Cheng, “Explainer: Why

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Hong Kong's Leadership Race Is Neither Free, Fair, Nor Representative," Hong Kong Free Press, 27 February 17.

¹⁴Legislative Council of the Hong Kong Special Administrative Region, Chief Executive Election Ordinance (Cap. 569) [Di 569 zhang xingzheng zhangguan xuanju tiaoli], amended 9 February 12, sec. 16(2).

¹⁵Hong Kong Information Services Department, "Three Validly Nominated Candidates for Chief Executive Election" [Xingzheng zhangguan xuanju gong you san ming huo youxiao timing houxuanren], 1 March 17; Kris Cheng, "Explainer: Why Hong Kong's Leadership Race Is Neither Free, Fair, Nor Representative," Hong Kong Free Press, 27 February 17. A fourth candidate, Regina Ip Lau Suk-ye, did not win enough nominations to qualify. Ng Kang-chung and Jeffie Lam, "Regina Ip 'Squeezed Out' of Hong Kong Chief Executive Race," South China Morning Post, 1 March 17.

¹⁶See, e.g., "Beijing Lobbies in Push for a Leung Victory," South China Morning Post, 21 March 12; Keith Bradsher, "Beijing Switches Sides in the Race for Hong Kong's Chief Executive," New York Times, 21 March 12.

¹⁷See, e.g., John Lyons, "Beijing Works the Phones in Secret Push To Pick Hong Kong's Next Leader," Wall Street Journal, 28 February 17.

¹⁸Tony Cheung and Emily Tsang, "Beijing Has Last Word in Hong Kong Leadership Race, Delegates Told," South China Morning Post, 5 March 17; "Qiao Xiaoyang Says Central Government's Right To Appoint CE Is Substantive, but Not Targeted at Anyone in Particular" [Qiao xiaoyang zhi zhongyang dui teshou renming quan shi shizhixing dan bu zhendui teding na ren], Radio Television Hong Kong, 8 March 17.

¹⁹See, e.g., "In Recent Meeting With Pro-Establishment Camp in Shenzhen, Zhang Dejiang Says Central Government Only Backs Carrie Lam, Denies Handpicking" [Jinri shenzhen wu jianzhi pai zhang dejiang cheng zhongyang zhi cheng lin zheng founen qindian], Ming Pao, 6 February 17; "Information Confirms Zhang Dejiang Came South To 'Secure Votes,' Estimated Carrie Lam Still Has Not Reached Desired 700 Nominations" [Xiaoxi zheng zhang dejiang nanxia "gu piao" liao lin zheng 700 timing wei dabiao], HK01, 6 February 17; "Zhang Dejiang Meets Pro-Establishment Election Committee [Members]; Central Government Only Supports Carrie Lam" [Zhang dejiang jian jianzhi xuan wei zhongyang weiyi zhichi lin zheng], Sing Tao Daily, 7 February 17.

²⁰Gary Cheung et al., "Beijing Won't Appoint Winner of Chief Executive Race if It Finds Candidate 'Unacceptable,' Elder Statesman Tung Chee-hwa Warns," South China Morning Post, 22 February 17.

²¹"Legal Sector Election Committee Members: Deeply Concerned by Tung Chee-hwa's Remarks, Any Use of Threats To Attempt To Influence Nomination Could Constitute Incitement To Commit Crime" [Falü jie xuanwei: shengqie guanzhu dong jianhua yanlun renhe weixie shouduan tu yingxiang timing huo goucheng shanhua fanzui], Stand News, 23 February 17.

²²Venus Wu and Clare Jim, "China Has the Right To 'Step In' to Hong Kong Election, Top Official Says," Reuters, 6 March 17.

²³Tony Cheung and Emily Tsang, "Beijing Has Last Word in Hong Kong Leadership Race, Delegates Told," South China Morning Post, 5 March 17.

²⁴"Qiao Xiaoyang Says Central Government's Right To Appoint CE Is Substantive, but Not Targeted at Anyone in Particular" [Qiao xiaoyang zhi zhongyang dui teshou renming quan shi shizhixing dan bu zhendui teding na ren], Radio Television Hong Kong, 8 March 17.

²⁵"Wang Guangya: Central Government's Interest in CE Election Reasonable" [Wang guangya: zhongyang guanzhu teshou xuanju wukehoufei], Now News, 8 March 17.

²⁶Hong Kong Information Services Department, "Chief Executive Election Result" [Xingzheng zhangguan xuanju jieguo], 26 March 17.

²⁷Demosistö, "Response to the 5th Term Chief Executive Election" [Xianggang zhongzhi huiying di wu jie xingzheng zhangguan xuanju jieguo], reprinted in Facebook, 26 March 17; Civic Party, "Only Through Perseverance Can We See Hope" [Weiyou jianchi cai jian xiwang], 26 March 17; Maya Wang, Human Rights Watch, "Hong Kong's Non-Election," 27 March 17; Freedom House, "Hong Kong: Authorities Arrest Pro-Democracy Activists, Roll Back Rights," 27 March 17; "Residents Hold Sit-In Outside Liaison Office, Protesting Interference in Hong Kong Election" [Shimin zhonglianban wai jingzuo kangyi ganyu xianggang xuanju], Radio Free Asia, 2 April 17.

²⁸See, e.g., Civic Party, "Civic Party Urges Central Government To Cease All Talk of Handpicking" [Gongmin dang cuqing zhongyang tingzhi yiqie qindian yanlun], reprinted in Facebook, 21 February 17; Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa], passed 4 April 90, effective 1 July 97, arts. 22 ("No department of the Central People's Government and no province, autonomous region, or municipality under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law."), 45 ("The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.").

²⁹See, e.g., Zha Wenye, "Hong Kong and Macao Affairs Office of the State Council: Resolutely Opposed to Any Talk or Action of 'HK Independence'" [Guowuyuan gang'aoban: jianjue fandui renhe "gang du" yanxing], Xinhua, 30 March 16, reprinted in Hong Kong and Macao Affairs Office of the State Council, 31 March 16. See also CECC, 2016 Annual Report, 6 October 16, 328–29.

³⁰Alan Wong, "At Hong Kong Swearing-In, Some Lawmakers Pepper Their Oath With Jabs," New York Times, Sinosphere (blog), 12 October 16; Tony Cheung et al., "Three Rejections and Multiple Deviations Mark Hong Kong Legislative Council Swearing-In," South China Morning Post, 12 October 16.

³¹Hong Kong Information Services Department, "Government Statement on Oath-Taking by Members-Elect of Legislative Council," 13 October 16; Stuart Lau et al., "Hong Kong Govern-

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ment Fails To Block Localist Duo From Retaking LegCo Oaths, but Wins Right To Seek Judicial Review,” South China Morning Post, 30 November 16; Kris Cheng, “Gov’t Seeks Unprecedented Legal Challenge To Prevent Localist Lawmakers From Retaking LegCo Oath,” Hong Kong Free Press, 18 October 16; Ellie Ng, “Gov’t Asks Court To Remove Two Elected Localist Lawmakers From Office,” Hong Kong Free Press, 25 October 16.

³²National People’s Congress Standing Committee, Interpretation of Article 104 of the “Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China” [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu “zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa” di yibailingsi tiao de jieshi], issued 7 November 16, 3; Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa], passed 4 April 90, effective 1 July 97, art. 158. Under Article 158 of the Basic Law, the National People’s Congress Standing Committee holds the power of interpretation of the Basic Law.

³³National People’s Congress Standing Committee, Interpretation of Article 104 of the “Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China” [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu “zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa” di yibailingsi tiao de jieshi], issued 7 November 16, 2(1, 4).

³⁴Progressive Lawyers Group, “The Progressive Lawyers Group’s Submissions in Relation to the Interpretation by the Standing Committee of the National People’s Congress on 7 November 2016,” 8 November 16, paras. 2, 3, 8; Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China [Zhonghua renmin gongheguo xianggang tebie xingzheng qu jiben fa], passed 4 April 90, effective 1 July 97, art. 158. Article 158 stipulates that the National People’s Congress Standing Committee (NPCSC) may issue interpretations upon request by the Hong Kong Court of Final Appeal (CFA), though the CFA held in a 1999 case that the NPCSC has “plenary and freestanding” power to interpret the Basic Law, with or without referral from Hong Kong courts. Cora Chan, “Legal Limits on Beijing’s Powers of Interpretation?” HKU Legal Scholarship Blog, University of Hong Kong Faculty of Law, 3 November 16.

³⁵Joyce Ng and Tony Cheung, “Beijing Pre-empting Court Ruling on Oath-Taking Case Will Be First Such Instance Involving Basic Law Interpretation,” South China Morning Post, 30 November 16; Ellie Ng, “Elected Localist Lawmakers Barred From Hong Kong Legislature as Gov’t Wins Legal Challenge,” Hong Kong Free Press, 15 November 16.

³⁶In the High Court of Hong Kong Special Administrative Region, Court of First Instance, Constitutional and Administrative Law List, No 185 of 2016, HCAL 185/2016 and Miscellaneous Proceedings, No 2819 of 2016, HCMP 2819/2016, 15 November 16, 108; Joyce Ng et al., “Barred Hong Kong Localists Vow To Keep Fighting After High Court Decision,” South China Morning Post, 16 November 16.

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