



# CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

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Hong Kong's Civil Society:  
From an Open City to a City of Fear



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# Hong Kong's Civil Society: From an Open City to a City of Fear

## INTRODUCTION

This report examines how a once vibrant civil society in Hong Kong changed dramatically in the two years after the imposition of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("National Security Law"), which became effective in 2020. It provides the equivalent of an oral history. The interviews excerpted in this report provide insight into how the crackdown has transformed Hong Kong, including measures the authorities have taken to silence dissent; challenges faced by people detained for speaking out against political persecution; the condition of civil society after the forced closure of the most influential independent media outlets and the largest civic organizations; and the implications of this repression for Hong Kong people who have left and for those who have stayed.

## SUMMARY

The interviews captured in this report provide evidence that the government of the People's Republic of China has dismantled Hong Kong's civil society in order to crush the social basis of resistance. Civil society reached a high degree of organization and mobilization during the series of large-scale protests in 2019 against an extradition bill that would have allowed authorities to transfer criminal defendants to mainland China. In response, the Chinese government, acting through Hong Kong authorities, pursued actions and policies that smothered Hong Kong's once autonomous and influential civil society organizations. The more than 10,000 people arrested by police included civil society leaders, community organizers, and professionals. The key tool in this effort was the National Security Law, enacted on June 30, 2020, by the central government, which allows authorities to target individuals in Hong Kong under charges of "terrorism," "subversion," "secession," and "collusion" with foreign forces. Hong Kong authorities also used a colonial-era sedition law to level charges against dissenting voices, however moderate, including in one case for clapping hands in court. In addition to locking up individuals and shutting down organizations, authorities have used cooptation and stepped up regulation of various self-governing professional sectors.

## 1. Background and Methodology

The Office of the UN High Commissioner for Human Rights includes among the ranks of civil society actors as “human rights defenders, human rights NGOs, bar associations, student clubs, trade unions, university institutes, bloggers, environmental rights activists, or charities working with discriminated groups.”<sup>1</sup> In its concluding observations on the fourth periodic report of Hong Kong’s compliance with the International Covenant on Civil and Political Rights in July 2022, the UN Human Rights Committee expressed concern “at the excessive number of civil society organizations . . . , which have relocated or ceased to operate” and the use of “deregistration” and “the filing of criminal charges” against organization leadership and called on authorities to “take concrete steps to repeal the current National Security Law and, in the meantime, refrain from applying the Law.”<sup>2</sup>

This report gives voice to a broad cross-section of Hong Kong’s once vigorous civil society. Commission staff conducted direct interviews from March to June 2022 with 42 individuals including current and former lawyers, medical workers, educators, social workers, trade union organizers, legislators, district councilors, Christian clerics, student activists, local journalists, foreign correspondents, and international and local non-governmental organization staff. Staff conducted interviews in English or Cantonese, and translated Cantonese into English. This report is informed by each person interviewed and quotes 33 of them. Interviewees approved the interview excerpts delineated in text boxes in the report.

*Note on anonymity:* Some civil society activists and analysts interviewed for this report, both in and outside of Hong Kong, asked to not have their names associated with their quotes to preserve anonymity. Some interviewees expressed concern that talking with Commission staff risks exposure to the charge of “collusion” with foreign forces under the National Security Law, which claims extraterritoriality, and could put at risk family members, former colleagues, and fellow activists who remain in Hong Kong.<sup>3</sup> Descriptions have replaced real names and titles for those interviewees who requested anonymity.



Below is a list of interviewees in the order that they are presented in the report:

1. A former convenor of the Civil Human Rights Front
2. A union organizer since the 1980s
3. A Protestant minister and veteran civil society leader
4. William Nee, Research and Advocacy Coordinator at Chinese Human Rights Defenders
5. Patrick Poon, Visiting Researcher at the Institute for Comparative Law of Meiji University in Tokyo, Japan; advisor to the 29 Principles
6. A professor with expertise in civil society
7. A former student leader
8. Ivan Law, former Vice Chair of the Hospital Authority Employees Alliance
9. Simon Lee, former executive with Next Digital (parent company of Apple Daily)
10. An activist doctor
11. A former democratically elected legislator
12. A former legislator from a functional constituency
13. A defense lawyer
14. Samuel Bickett, American lawyer, human rights activist
15. Ching Cheong, veteran journalist with 15 years of experience at the Party- and state-run newspaper *Wen Wei Po*
16. A former editor at Apple Daily with more than 20 years of experience in journalism
17. A former staff member of Radio Television Hong Kong
18. An investigative journalist with a global media organization
19. Louisa Lim, journalist and Senior Lecturer at the University of Melbourne
20. A former Liberal Studies teacher
21. A Christian cleric knowledgeable about the Catholic Church in Hong Kong
22. A pastor at the frontline of protests
23. A professor of Social Sciences in exile
24. A professor with expertise in Chinese and Hong Kong politics
25. A former social worker at the frontline of protests
26. Fermi Wong, founder and former Executive Director of Hong Kong Unison
27. Claire, a Hong Kong graduate student

28. A professor in Hong Kong
29. An American student of human rights law at the University of Hong Kong
30. Kwong Chung Ching, former election campaigner in Hong Kong
31. A former District Councilor
32. A professor of Hong Kong civil society
33. Timothy Lee Hin-long, ousted elected District Councilor

## **2. Interviews and Analysis**

### **a. Hong Kong: Where Civil Society Once Thrived**

Until the imposition of the National Security Law, civil society organizations had wide latitude to operate in Hong Kong. Civil society organizations and activists worked on a wide range of topics such as democratic elections, human rights, land use, business monopolies, minimum wages, and environmental sustainability. They also championed rights protection for minorities and LGBTQ communities. A 2004 study by the Central Policy Unit of the Hong Kong government estimated that 550,000 to 710,000 Hong Kong residents participated in volunteer activity, which “contributed greatly to the city’s overall quality of life and opportunities for personal development.”<sup>4</sup>

Civic groups that advocated for political, social, and economic causes, unlike those that provide social services, were reluctant to accept government funding which could potentially undermine their autonomy and freedom to criticize government policies.<sup>5</sup> This consideration led them to join together to raise donations from the public and attract attention to their causes.<sup>6</sup> A notable example is the Civil Human Rights Front, an umbrella organization of pro-democracy groups set up in 2002, that mobilized large-scale annual demonstrations to mark the new year on January 1 and Hong Kong’s handover to China on July 1.<sup>7</sup> The Hong Kong Alliance in Support of Patriotic Democratic Movements of China, established in 1989, held an annual candlelight vigil on June 4 at Victoria Park to commemorate the Tiananmen massacre.<sup>8</sup> Two particularly large trade unions were tightly tied to both umbrella organizations. The Confederation of Trade Unions, which was

founded in 1990 and expanded to include 75 affiliated unions, was tied to both the Front and the Alliance with a shared founder, Lee Cheuk-yan.<sup>9</sup> The Professional Teachers' Union, which was set up in 1974 and grew to have about 95,000 members, was a member of the Front, the Alliance, and the Confederation.<sup>10</sup>

*“Hong Kong’s civil society used to be captured by images of mass protests that appeared on headline news. On January 1, July 1, and October 1, tens of thousands, hundreds of thousands, even millions, dressed in either all black or all white, as instructed by organizers, slowly flowed out of Victoria Park and inched toward the central government offices. On June 4, the sea of lighted candles that flickered in Victoria Park sent a message to the world that ‘we will never forget.’*

*“Behind news cameras, each annual demonstration required member groups to boost turnout by setting up street booths, hanging street banners, distributing pamphlets, holding seminars, collecting signatures, and coordinating resources. For the rest of the year, civic organizations remained active by meeting regularly to discuss government policies and shared concerns, write policy recommendations, conduct training, and share ideas with like minds.*

*“Hong Kong could enjoy a liberal society without democracy because of the government’s blessing. Government officials were eager to bargain with civic groups both to enhance governance and to respect the promise of ‘Hong Kong people ruling Hong Kong’ under ‘one country, two systems.’ Civic groups fighting for a variety of causes, from universal suffrage to economic justice and equality for minorities, blossomed and won some policy changes. The*

*flip side is that, as soon as those in power stop practicing political tolerance, the civil society easily loses its way.”*

—A former convenor of the Civil Human Rights Front

*“The Confederation of Trade Unions was formed in 1990 by leaders of a group of independent trade unions, supported by the Christian Industrial Committee which had been helping workers to organize in the 1980s. At the time, Hong Kong’s factories relocated across the border and left behind unpaid workers. Once established, the confederation worked not just with blue-collar laborers, but also white-collar workers such as teachers, social workers, medical staff, civil servants, and other professionals. This laid down the human and knowledge infrastructure for the wave of unionization from 2019 to 2020.”*

—A union organizer since the 1980s

*“The civil society allowed the rest of Hong Kong to function smoothly. Civic groups contributed to social stability by bringing together citizens who needed help and those who could contribute money, time and expertise. They also improved governance by serving as conduits between officials and communities and channeling complaints to responsible offices.”*

—A Protestant minister and veteran civil society leader



*“Good old Hong Kong was an ecosystem that had something to offer everyone: efficient and clean bureaucracy, courteous and professional police, an excellent education system for locals and expats, world-class universities, free media, an exciting arts scene, and cultural events.*

*Hong Kong was a great place for China-watching. It was where journalists, academics, international non-governmental organizations, local groups, and China-based ones gathered to learn from one another, exchange ideas, receive training, and just to have fun. Liberal Chinese would come to seek education and carry out human rights work, while corrupt officials would come park their dirty money. Of course, it had plenty to offer those who worked in international finance.”*

—William Nee, Research and Advocacy Coordinator at China Human Rights Defenders

### ***The 2019 Anti-Extradition Protest***

Civil society provided a network for the mass mobilization of the 2019 anti-extradition protest. Beyond the Civil Human Rights Front’s city-wide demonstrations, professional groups—including medical staff, social workers, civil servants, lawyers, airline crew, teachers, accountants, surveyors, architects, and financial sector staff—organized separate rallies.<sup>11</sup> Some professionals, especially medics, social workers, and lawyers, volunteered their professional expertise and service.<sup>12</sup> Restaurants and churches offered shelter.<sup>13</sup> Car owners from different social classes delivered supplies to protest sites and took protesters to safety.<sup>14</sup> Construction workers donated helmets.<sup>15</sup> Passersby filmed police abuses and shared footage on social media.<sup>16</sup> As a New York Times headline puts it, “behind Hong Kong’s protesters,” there was “an army of volunteer pastors, doctors and artists.”<sup>17</sup>

In June and August of 2019, up to 2 million out of a population of 7.4 million demonstrated against the bill providing for extradition to mainland China.<sup>18</sup> In November 2019, 1.6 million voters cast their ballots for pro-democracy candidates in District Council elections, which were viewed as a referendum on protest demands.<sup>19</sup> From late 2019 until the crackdown, about 4,000 new unions were registered, with a vision to use strikes as the next non-violent means of dissent.<sup>20</sup>

By the time the Chinese central government enacted the National Security Law in Hong Kong on June 30, 2020, most activities of civil society organizations had moved from public view, as during the 2019 protests, to meeting rooms of district councils and civic organizations. The number of protesters declined precipitously after the police arrested over 10,000 individuals on charges of unlawful assembly, rioting, possession of weapons, arson, and other offenses from June 2019 to June 2020.<sup>21</sup> Authorities used the COVID-19 pandemic as an excuse to prohibit protests, including the annual candlelight vigil on June 4.<sup>22</sup>

## **b. Dismantling Civil Society**

With the National Security Law, the targets of the crackdown expanded from protesters to organizations.<sup>23</sup> From July 2020 to June 26, 2022, 203 individuals were arrested either by the Hong Kong Police Force National Security Department or under the National Security Law.<sup>24</sup> Between 2021 and June 2022, the National Security Law also directly and indirectly forced over 58 independent organizations to shutter or disband—in some cases after top officers were arrested or received threats.<sup>25</sup> Examples include the following:

- The most influential decades-old organizations at the core of the city's civil society; in particular, the Civil Human Rights Front, the Alliance in Support of Patriotic Democratic Movements of China, the Hong Kong Confederation of Trade Unions, and the Hong Kong Professional Teachers' Union;<sup>26</sup>
- Independent media, including Apple Daily, Stand News, Citizen News, and FactWire;<sup>27</sup>
- Pro-democracy religious groups, for example, the Hong Kong Pastors Network and the Good Neighbour North District Church;<sup>28</sup>

- New groups established in 2019 and 2020, such as the 612 Humanitarian Relief Fund, Wall-fare, and Student Politicism, to provide assistance to the arrested;<sup>29</sup>
- New unions formed in 2019 and 2020, including the General Union of Hong Kong Speech Therapists and the Hospital Authority Employees Alliance;<sup>30</sup>
- Professional groups established after the 2014 Umbrella Movement, such as the Progressive Lawyers’ Group and Médecins Inspirés;<sup>31</sup>
- Pro-democracy organizations including 18 District Councils Liaison and Community Sha Tin;<sup>32</sup>
- Human rights monitoring organizations, such as Civil Rights Observer, China Human Rights Lawyers Concern Group, and Amnesty International;<sup>33</sup> and
- University student unions.<sup>34</sup>

This wave of repression reflects an accelerated version of the crackdown within mainland China on organizations that are perceived to be receiving overseas funding and involved in what scholars Fengshi Wu and Kin-man Chan have described as “the democratic movement, religious mobilization, ethnic separatism, human rights, or anything that is seen as damaging China’s international image and internal regime legitimacy.”<sup>35</sup>

*“The National Security Law means the end of political space for civil society organizations. The Chinese Communist Party thinks that it is in a life-and-death struggle with foreign forces in Hong Kong. It is determined to make the civil society collapse.*

*“I was alarmed that the National Security Law adopts the same language, almost verbatim, as the mainland national security legislation on registration of non-governmental organizations, religious affairs, internet security, and more.*

*“The National Security Law is intentionally vague—the vaguer the law is, the easier it is to control people as they are left to second guess what could get them arrested and thus exercise self-censorship. By creating a highly intimidating environment, authorities have everyone worried that she will be next.*

*“The police are making arrests not only under the National Security Law, but also for sedition.<sup>36</sup> Sedition is a speech crime, similar to incitement in mainland China, under Hong Kong’s own colonial-era law. Almost anything can fall under sedition. Alan Au Ka-lun, a moderate but widely popular public intellectual, was arrested for sedition.<sup>37</sup> Six people were arrested for clapping hands in court to show support for Chow Hang-tung, a leader of the Alliance in Support of Patriotic Democratic Movements in China.<sup>38</sup>*

*“This repression takes an approach shocking to Hong Kong but familiar in mainland China: targeting the most influential first and then working down the list, making mass arrests at 6 a.m., putting on mass trials, and denying bail. Hong Kong is not yet as bad as mainland China in that the arrested still have access to family and lawyers, but it is heading toward more and more ‘mainlandization.’”*

—Patrick Poon, Visiting Researcher, Institute of Comparative Law, Meiji University, Tokyo

*“The crackdown came so fast and so heavy-handed that Hong Kong people were not prepared for it. For example, the Alliance in Support of Patriotic Democratic Movements of China had barely begun discussions as to whether they should dissolve on their own or resist to the end. Before they had a*

*chance to come to a decision, key officers were arrested, forcing the closure of the organization as well.”*

—A professor with expertise in civil society

*“After the imposition of the National Security Law, I continued to set up street booths to distribute pamphlets and connect like-minded residents. However, I was followed, my phone was hacked. A friend whose dad was a civil servant warned me that I must stop or I would be arrested. The arrests of all five members of the General Union of Hong Kong Speech Therapists that published children’s books mocking suppression sent chills down my bones.<sup>39</sup> No one wanted to be the key person of any organization anymore.”*

—A former student leader

*“Hong Kong experienced the strongest wave of unionization in history in 2019 and 2020 when about 4,000 unions were registered. The enthusiasm was driven by the protest, as earlier general strikes had had limited results, and street movements were hitting a bottleneck.*

*“Soon, the Labour Department’s Registry of Trade Unions came after various unions. The Registry used to never ask questions about membership and activities. They created new positions filled by trusted individuals to review all unions. The registry has the power to demand that unions hand over membership data and review whether a union has taken actions not consistent with registration purposes. They sent letters asking us to explain*



*activities deemed political and unrelated to union registration, including strikes, street booths, film screenings, and participation in the primary. These unions disbanded, and organizers left Hong Kong.”*

—Ivan Law, former Vice Chair of Hospital Authority Employees Alliance

*“The Hong Kong Government has been cutting off media’s and civic organizations’ access to funds as a tactic to suppress civil society.*

*“In the crackdown, the police have targeted Apple Daily and its parent company Next Digital, the 612 Humanitarian Relief Fund, the Good Neighbour North District Church, and many other organizations that were successful at crowdfunding. They arrested 612 trustees, investigated the church’s funds for ‘money laundering,’ and froze their bank accounts. In addition, there are concerns over whether individuals contributing to the above civil society organizations will be held criminally liable. Although small organizations, independent journalists, and news platforms can still rely on crowdfunding to continue their operations, government officials have already suggested that they would tighten public fund-raising.”*

—Simon Lee, former executive with Next Digital (parent company of Apple Daily)

Smaller, less influential organizations still exist. However, they find it increasingly difficult to operate. An example is independent bookstores, formed by dismissed journalists and other professionals, that Hong Kong Free Press described as “offer[ing] freedom of

thought [and] community.”<sup>40</sup> Hillway Culture and two other small independent bookstores were excluded from the Trade Development Council’s official book fair.<sup>41</sup> They organized their own “HongKongers’ Book Fair” for July 14–19, 2022.<sup>42</sup> The night before the fair was supposed to start, the venue owner canceled the event citing lease violations.<sup>43</sup>

### **c. Striking Down Resistance: The Basis for Restrictions on Civil Society**

Luo Huining, Director of the Liaison Office of the central government of Hong Kong, spoke of striking down any “hard resistance” and regulating “soft resistance.”<sup>44</sup> In discussing “hard resistance,” Luo explained that “those who clamor for ‘an end to one-party rule’” and “reject the leadership of the Party” posed “existential threats” and represented “the real enemies.”<sup>45</sup> Then-Chief Executive Carrie Lam likewise denounced protesters against the extradition bill and critics of the National Security Law as “enemies of the people.”<sup>46</sup> As Luo left “soft resistance” undefined,<sup>47</sup> the vice-president of a Beijing-based think tank opined that the term applied to the ideological domain, covering conduct such as “disseminating false information, manufacturing fear, maliciously attacking the SAR and central governments, or maliciously misinterpreting the Basic Law.”<sup>48</sup>

These statements by officials were echoed by state-affiliated news outlets. Ta Kung Pao named as threats “some politicians who entered the Special Administrative Region’s political system through elections, some university professors who flaunt Western democracy theory, and some media that claim press freedom.”<sup>49</sup> People’s Daily called out the Hong Kong Bar Association, labeling it a “street rat.”<sup>50</sup> People’s Daily with Xinhua also branded the Professional Teachers’ Union a “malignant tumor.”<sup>51</sup> Central officials and Hong Kong pro-establishment legislators reportedly highlighted the need to “reform” the judicial, media, religious, education, social work, and medical sectors.<sup>52</sup> The net is widely cast because, according to Steve Tsang, director of the SOAS China Institute in London, Xi Jinping “basically sees Hong Kong as rebel territory.”<sup>53</sup>

*“In essence, anyone who refuses to be bought or yield to the powers that be but insists on professional principles and critical thinking is seen as an enemy.”*

—An activist doctor

*“People talk about how they do not know where the red line is. What we face is worse than a red line, it is a ‘red net’ widely cast to catch as many as possible. This ‘red terror’ in Hong Kong is worse than Chiang Kai-shek’s dictatorship known as the ‘white terror’ in Taiwan.<sup>54</sup> Chiang wanted to maintain the façade of freedom under international pressure; thus, he still allowed local elections and suspended repression during campaign times. In Hong Kong, the government abolished free and fair elections after the District Council elections in 2019. Now, ‘elections’ are held only to rubber-stamp handpicked ‘patriots.’”*

—Patrick Poon, Visiting Researcher, Institute of Comparative Law, Meiji University, Tokyo

*“The Chinese government’s crackdown on Hong Kong today is worse than the British Hong Kong government’s repression of the communist riots of 1966 and 1967. There was a political unit in the police that targeted the opposition, but there was no criminalization of speech.*

*“As an illustration of who is in command today, party-controlled newspapers Ta Kung Pao and Wen Wei Po attack individuals and organizations and then the national security police follow orders and make arrests.”<sup>55</sup>*

—A former democratically elected legislator

#### **d. Regulating Professionals and Professional Sectors**

Luo Huining’s reference to the campaign to strike at “hard resistance” is anticipated to be accompanied by measures to regulate “soft resistance,” including increased government oversight of the media and education sectors.<sup>56</sup> Article 9 of the National Security Law requires the Hong Kong government to “strengthen ... supervision and regulation over matters concerning national security, including those relating to schools, universities, social organisations, the media, and the internet.”<sup>57</sup> Days after Xi Jinping’s Hong Kong speech on July 1, 2022, in which he said that “political power must be in the hands of patriots,”<sup>58</sup> the Liaison Office organized “mainland Chinese-style” seminars on “learning, promoting and implementing the ‘spirit of Xi’s important speech’” with different social sectors, including the civil service, social work, education, business, information technology, political parties and community groups.<sup>59</sup>

As illustrated by various professional sectors to be discussed below, regulation of “soft” resistance also refers to threats and incentives to undermine self-governing organizations and demobilize dissent. The Chinese Communist Party has long practiced “united front” or “co-optation” to bring non-Party Hong Kong people to its side by building personal

relationships and handing out titles.<sup>60</sup> The authorities have intensified this campaign under the National Security Law.<sup>61</sup>

Authorities have taken different approaches to neutralizing “soft resistance” in different professional sectors. Within each sector, while key organizers on the front lines of protests have faced arrest, other members have been subjected to co-optation. The following subsections address the effects on the legal, media, education, religious, social work, and medical sectors.

*“Authorities have tightened the leash on professions that provide human services. As it turned out, the very existence of a professional organization has made it easy for authorities to interfere, not just through licensing and qualification requirements, but also through election of governing boards. This is how lawyers, teachers, social workers, accountants, surveyors, doctors, nurses, architects, and more are kept in check.”*

—A former legislator from a functional constituency

### ***Corrupting Prosecutors, Judges, and the Rule of Law***

In 2019, Hong Kong people protested a bill that would allow extradition to mainland China, fearing potential due process violations.<sup>62</sup> Observers have noted that authorities had already begun to erode the judicial system by the time the National Security Law was enacted. A 2021 report by Georgetown University Law Center’s Center for Asian Law documented “concerns over judicial independence” in national security cases.<sup>63</sup> Among the 203 arrested for national security or sedition, 123 have been formally charged.<sup>64</sup> Their due process rights—including the right to an attorney of one’s own choosing, the right to bail, the right to a trial by jury—are now in doubt.<sup>65</sup> When Foreign Correspondents’ Club of Hong Kong President Keith Richburg explained why he cancelled the 2022 human rights



press awards, he expressed concerns that the club could be investigated for “aiding, promoting and celebrating sedition” and they “won’t get a fair hearing before a national security law judge.”<sup>66</sup> He added that the government understands the rule of law to mean “the police can go out and arrest you for almost anything. That’s what’s scary about things now.”<sup>67</sup>

*“Hong Kong people were not psychologically prepared for the total collapse of the rule of law and the co-optation of judges. With the Umbrella Movement, the courts still put on the public face of justice. With the 2019 cases, the courts have fully followed political orders. Thus, if we want to understand why the civil society collapsed so quickly, we first need to understand why the rule of law, which once seemed to be well established in Hong Kong, could be so readily compromised.”*

—A professor with expertise in civil society

*“Many Hong Kongers were not originally that fearful of the National Security Law. Based on what happened to the Umbrella Movement of 2014, they thought that the coming arrests would be limited to the most prominent public figures. While they knew that the Department of Justice would readily follow orders to prosecute as many people as possible with the heaviest charges, they still believed in the independence of judges. They expected to be released on bail while pending trial, that trial would be based on evidence, and that sentences would conform to international human rights standards as stipulated in the Basic Law. Their faith was shaken by*

*the mass arrests of the 47 involved in an election primary on February 28, 2021, and denial of bail to the majority.*<sup>68</sup>

—Patrick Poon, Visiting Researcher, Institute of Comparative Law, Meiji University, Tokyo

Hong Kong’s prosecutors and judges previously showed sensitivity to the free speech rights of public order defendants, consistent with common law tradition.<sup>69</sup> In the aftermath of the 2014 Umbrella Movement, former deputy director of the Hong Kong and Macau Affairs Office Chen Zuo'er and local pro-establishment politicians complained that judges had released the majority of protest-related defendants or given lenient sentences to the convicted few.<sup>70</sup> In contrast, defendants in cases arising from the 2019 protests have received heavy sentences for exercising their protected rights to free speech and assembly.<sup>71</sup> Prosecutors under then-Secretary for Justice Teresa Cheng used as “evidence of criminal intent” the possession of daily items or tools such as “scissors, wire cutters, slingshots, plastic zip ties, Allen wrenches, heat-resistant gloves, cigarette lighters, aerosol cans, goggles, respirators, wooden boards, aluminum poles, and laser lights” by young people wearing black clothes and a face mask, standing amid a chanting crowd.<sup>72</sup> Judges have similarly “portrayed acts of civil disobedience as potential threats to society” and speak of “a need to deter criminal acts, even when little mayhem or violence took place [in the past.]”<sup>73</sup>

*“Hong Kong’s rule of law has been turned into a fiction. There is no fair trial for political cases. Whatever the prosecution asks, it gets. Whatever the defense asks, it gets shut down. It is heartbreaking to see judges inflict injustice in the name of justice.*

*“The turning point was the case of Jimmy Lai, publisher of the shuttered Apple Daily, before the Court of Final Appeal in December 2020: the prosecution threatened that, if Lai was granted bail, they would re-arrest him and send him across the border.*

*“In protest-related cases, conviction is guaranteed unless a defendant can prove himself or herself innocent. A defendant can be convicted of rioting for merely possessing a respirator or goggles or wearing black, without any need for evidence that she or he committed violent acts.*

*“Given that conviction is almost a foregone conclusion, defense lawyers face a moral dilemma. Do we advise our clients to plead guilty to get the one-third reduction in sentence? Or do we advise them not to plead guilty to crimes that they did not commit?*

*“In National Security Law cases, defendants believe that handpicked judges are certain to convict them. Many of those who have been denied bail for over a year have lost the stomach to fight. However, the same offence carries two to three categories of sentencing: ten years to life imprisonment for principal offenders, three to ten years for active participants, and short-term detention up to three years for other participants. The conventional one-third sentencing discount cannot reduce the actual sentence to less than the minimum of each category. If a defendant is put in the lower category, it may make sense to plead guilty. But if a defendant is deemed to have committed an offence of a grave nature, then one should not plead guilty. Yet defendants do not know which category they are in ahead of trial. Because of this, lawyers do not know how to advise clients. It is so unfair.*

*“How did we come to this? In early trials of 2019 cases, some defendants were given the benefit of the doubt and were acquitted or given sentences along traditional standards. Then trouble followed. Prosecutors would seek review of acquittal and review of sentences. Soon, judges who had presided*

*over such cases were not assigned new cases, transferred to other positions, or made to retire early. In contrast, conviction-minded judges were readily rewarded with more cases and promoted to higher courts.*

*“The situation is the same in the Department of Justice. Public prosecutors who insisted on longstanding professional principles have left for private practice. Those still on the job have aggressively pursued prosecutions.*

*“Thus, interference with judicial independence has taken place not in ways that people think. Government officials or the national security office do not have to call up judges and instruct them on how to adjudicate. Judges know what is expected of them. There is no need for direct interference.*

*“The profession will be brought to its knees. Many colleagues have left. Some of us have stayed on to represent our clients. We sometimes do wonder: Are we merely giving a veneer of legitimacy to the broken rule of law?”*

—A defense lawyer

In the name of legal aid “reform,” defendants who receive legal aid no longer have the right to choose legal representation but have to take on government-appointed lawyers.<sup>74</sup> At the same time, various support groups that once provided legal fee assistance, such as the 612 Humanitarian Relief Fund, have been closed with trustees or officers arrested.<sup>75</sup> Additionally, defendants face the risk of subsequently being assessed the prosecution’s costs in relation to certain pretrial issues that the court deems “civil” in nature. Tong Ying-kit, whose case was the first under the National Security Law, in addition to a nine-year sentence, was handed down court orders to pay HK\$1.38 million (approximately US\$176,000) in costs to the Department of Justice for his unsuccessful pretrial habeas corpus application and review of the denial of a jury trial.<sup>76</sup>

In a case seen as a “testament to the unchecked power of the police” and a “litmus test of what remains of Hong Kong’s independent judiciary,” American lawyer Samuel Bickett was arrested, convicted, and sentenced for assaulting a police officer.<sup>77</sup> Bickett had intervened to stop a man from hitting a teenager with an extendable baton.<sup>78</sup> The man later turned out to be an off-duty police officer but denied being one when repeatedly asked at the scene.<sup>79</sup>

*“On April 22, 2022, I applied to the Court of Final Appeal (CFA) seeking to overturn my unlawful conviction and imprisonment. But on May 10, the CFA’s registrar replied and refused to even grant a hearing, despite the case plainly meeting the low legal standard for CFA review (presenting a ‘reasonably arguable claim’). On June 5, I applied again, this time bypassing the registrar and applying directly to the Appeal Committee made up of judges. I am currently waiting for a ruling on that application, but it increasingly appears that the CFA has decided to avoid hearing controversial cases where it could be forced to rule against Beijing’s interests.”*

—Samuel Bickett, American lawyer, human rights activist<sup>80</sup>

Defense lawyers in political cases have faced unprecedented pressure simply for discharging their duties. Former bar chair Paul Harris left Hong Kong after an opinion piece in Party-run China Daily criticized Harris for posing an “existential threat” to the profession,<sup>81</sup> and the national security police summoned him for questioning on the eve of his exit.<sup>82</sup> Human rights lawyer Michael Vidler left the city after a national security judge, Stanley Chan, used a defendant’s possession of Vidler & Co.’s business card as a reflection of the organized nature of the protest.<sup>83</sup> Vidler interpreted the judge’s comment as “a call to action by the national security police against [his] firm” and found it “horrific” that he “could be associated with the crimes to which [his] clients were accused.”<sup>84</sup>



Meanwhile, the Bar Association was under pressure to steer away from its traditional role as a “politicized organization”<sup>85</sup> that spoke out against the joint checkpoint arrangement at the Hong Kong railway terminal as having “irreparably breached” the integrity of the Basic Law<sup>86</sup> and characterized the National Security Law as being “irreconcilable with the rights guaranteed ... by the Basic Law.”<sup>87</sup> In the recent leadership election in January 2022, the association chose as chairman Victor Dawes, who has refrained from criticizing the National Security Law and oversaw the issuance of statements that repeated the government’s talking points.<sup>88</sup>

### *Eradicating Independent Journalism*

Hong Kong, which Global Voices described as having once been “a beacon for free press,” has seen its press freedom rankings plunge from 18th in 2002, to 54th in 2011 and 2012, 80th in 2021, and 148th in 2022, according to Reporters Without Borders.<sup>89</sup> In June 2021, Hong Kong’s Security Bureau froze Apple Daily’s assets, forcing the decision to close Apple Daily.<sup>90</sup> Also in June 2021, national security police arrested five of Apple Daily’s top executives, two of whom were denied bail under the National Security Law.<sup>91</sup> In late December 2021, Stand News and its editors suffered the same fate under the sedition law.<sup>92</sup> This triggered Citizen News to close on its own days later.<sup>93</sup>

*“I had worked for the pro-Beijing media outlet Wen Wei Po for 15 years.*

*“Beijing’s United Front campaign began as soon as the Sino-British Joint Declaration was inked in 1984. The director of the New China News Agency Xu Jiatusun started with a friendly approach by wining and dining newspaper owners and executives. He successfully won over Sing Tao Daily, a formerly pro-Taiwan newspaper, and Ming Pao, a mainstream newspaper with well-educated readers. In 1989 during the Tiananmen protests, even the Ta Kung Pao and Wen Wei Po rebelled. In the 1990s, the Chinese Communist Party sent trusted media personnel to various media to exert direct control over*

*editorial policy. For example, Robert Kuok acquired the English-language South China Morning Post. Bill Chan, a pro-Beijing news executive, subsequently took over and reined in TVB News and NOW TV news. The Hong Kong Economic Journal was left as the only paper that would not tone down criticism, until its founder Lam Hang-chi sold his control in 2006.*

*“Hong Kong’s independent media scene would have been rather subdued by the 1990s if not for Jimmy Lai’s Apple Daily, which emerged as the most prominent pro-democracy outlet.”*

—Ching Cheong, veteran journalist

*“The authorities always wanted to rein in the independent press in Hong Kong. Nevertheless, the 2021 crackdown signals a drastic change of policy: constrain those media that could be controlled and exterminate those that could not. The former includes Cable TV China News, Now TV, and Radio Television Hong Kong. The latter are Apple Daily, Stand News, Citizen News, and the Hong Kong Journalists Association. This distinction is based on each organization’s editorial position; it does not matter what they actually publish.*

*“The Apple Daily experienced a crackdown ahead of other media because of Jimmy Lai’s pro-democracy position. In 2013, the paper began to suffer from an advertising boycott. In 2014, gangsters surrounded the paper’s building. At the time, we could still call the police and seek redress through legal channels. In 2019, the paper’s website was repeatedly attacked. Staff’s Hong Kong IDs, staff cards, and photos were put on offshore websites. It is noteworthy that the photos were identical to those on our Home Return*

*Permits to mainland China, suggesting that Chinese authorities could be involved.*

*“After the imposition of the National Security Law in 2020, the Apple Daily moderated its news and commentaries. But this did not help avoid extermination.*

*“On August 10, 2020, 200 police raided the Apple Daily headquarters. They arrested Jimmy Lai and four senior executives on suspicion of conspiracy to commit fraud, because the newspaper’s premises were used as a mailing address for another firm. The police’s hidden intention was to seize 25 boxes of documents. Apple Daily had a charity fund to help pay tuition for students in need, especially students who fell out with their parents because of political differences. The police suspected that the paper paid students to make petrol bombs. The police also wanted to check if those charged with rioting were on our list.*

*“During that raid, we at the news section were not too worried. The police cordoned off the news desks. We thought that the escalated suppression was limited to using unreasonable charges to harass the newspaper. We thought that all we had to do was strictly follow regulations. It didn’t occur to us that the regime’s ultimate goal was extermination.*

*“There was a sharp turn from bad to worse on December 2, 2020. Jimmy was re-arrested and denied bail. He was granted bail briefly but was soon denied again. Even then, we thought that authorities were targeting Jimmy only, and that there would still be space for news.*

*“In April 2021, pro-establishment people were spreading the word that the national security police were going to shut down the Apple Daily and make arrests. By then, it had become clear that the paper itself—not just Jimmy—was framed as the enemy. Staff conducted seminars and consulted with*

*lawyers on how we should respond. Should Apple Daily keep printing or fold on its own? The decision was to keep printing while dropping sensational stories and adding pro-establishment figures in interviews. I was more worried than others. Lawyers and colleagues based their assessment on past experience. But the National Security Law presents a whole new game without any bottom line. If the authorities could arrest 47 election candidates on February 28 and deny most of them bail, they clearly wouldn't care about any ramifications from taking down Apple Daily.*

*“After Apple Daily’s closure, rumor spread that Stand News would be next. But friends at Stand News thought that Apple Daily’s problem was Jimmy’s alleged collusion with foreign forces. They should be able to survive so long as they stayed clear of collusion. In the end, police took down Stand News with sedition charges in late December 2021. Former Apple Daily executives were also charged with sedition. As sedition involves a much lower bar for arrests and convictions, there was clearly no space for news. Citizen News thus decided to close down on its own in early January 2022.”*

—A former editor at Apple Daily with more than 20 years of experience in journalism

*“Before its closure, Apple Daily, a subsidiary of Next Digital, had more than 600,000 paid subscribers and a cash balance sufficient to sustain the operation financially. On June 20, 2021, Next Digital announced the decision to shut down the group’s newspaper, publications, and all online presence in Hong Kong as a direct result of the banks freezing the company’s funds on the order of the Hong Kong government.*

*“The authorities did not stop there. Less than a month after the closure of Apple Daily, the Hong Kong government’s Financial Secretary Paul Chan made use of a provision under the Company Ordinance to appoint a public accountant, Clement Chan, as a special inspector to scrutinize Next Digital’s accounts. In September 2021, the Financial Secretary decided to present a winding-up petition to liquidate Next Digital based on the inspector’s interim report, citing public interest.*

*“The liquidators appointed by Hong Kong’s High Court have further tried to take over Apple News Taiwan, which has been running independently. In June 2022, the court-appointed liquidators attempted to block the sale of Apple News Taiwan to a Taiwan consortium, saying it was an ‘unauthorized sale.’”*

—Simon Lee, former executive with Next Digital (parent company of Apple Daily)

*“Radio Television Hong Kong was built up as a public broadcaster over half a century but was abruptly turned into a propaganda tool in just three months under the previous broadcasting director, Patrick Li Pak-chuen.<sup>94</sup> Before Li’s appointment, the Public Affairs team had editorial autonomy to produce programs on any controversial issues, including the Liaison Office’s interference in Hong Kong and police abuse. These days, the management exercises micro-censorship over every interviewee, every interview, every quote, every line, every caption, every piece of footage. The programs at Radio Television Hong Kong may look the same, but the spirit is not there anymore.*



*“I resigned because I didn’t want to take the oath for civil servants and effectively become a party cadre. The oath and the new code of conduct together mean that you could be easily fired for simply posting a pro-democracy message on your Facebook account.*

*“Staff who stay know that they can no longer produce programs or interview people as before but only follow dictates from above. They hope that they do not have to do anything evil. If they can defend this bottom line, that alone would be a significant contribution.”*

—A former staff member of Radio Television Hong Kong

*“I am an American investigative journalist with three decades of experience in Hong Kong and China. I left Hong Kong as it had become impossible to do my work.*

*“In 2019, after I emerged from an interview with Jimmy Lai [publisher of the shuttered Apple Daily] at his residence, I was rudely followed and had my photo taken by reporters from the pro-Beijing Oriental Daily News. After that, my phone calls would be cut off whenever I mentioned some sensitive words, especially ‘Huawei’ (I had written articles critical of Huawei). When I was walking with pro-democracy figures to cover a demonstration in the summer of 2019, pro-establishment reporters aggressively took photos of me. When I interviewed a well-known author on Hong Kong at the Foreign Correspondents’ Club, someone was standing outside the window watching us. This scared the interviewee who no longer wanted to be quoted. I led hiking trips that attracted pro-democracy hikers; then pro-establishment people inquired about our conversations. All this created incredible stress for me. If I couldn’t talk to people, it would be difficult to do investigative*

*reporting. I also didn't want to cause trouble for people without the ability to do anything to help. I felt relieved when I landed at Dulles Airport. Then, one day later, a former colleague, who worked for Huawei in Shenzhen and with whom I had had no contact for a long time, suddenly sent me a message asking me where I was and how I was doing. This suggested that they lost track of me when I left Hong Kong, and perhaps only knew when I landed in the U.S. and turned on my phone."*

—An investigative journalist with a global media organization

*"I grew up in Hong Kong and I am a permanent resident there. But I do not think that it is safe for me to return, given the subject matter of the books that I have written—*Indelible City: Dispossession and Defiance in Hong Kong*, and *The People's Republic of Amnesia: Tiananmen Revisited*.<sup>95</sup> It's very hard to cover Hong Kong nowadays because the very fact of communication with foreign journalists is being used in court cases to deny bail requests. That means there's a degree of risk to the interviewee in even reaching out to ask for an interview."*

—Louisa Lim, journalist and Senior Lecturer at the University of Melbourne

### ***Disciplining Educators and Cultivating Patriots***

Young people, once immersed in civil society organizing, have joined civic organizations and even created their own. According to one observer, young students have long “played an important role in social activism” and “driven the agenda of civil society.”<sup>96</sup> University

student unions supported Chinese students in 1989 and were key members and participants in the Civil Human Rights Front and the Alliance in Support of Patriotic Democratic Movements of China.<sup>97</sup> Teenage secondary students became the public faces of protest when Joshua Wong Chi-fung’s generation rallied against national education in 2012 and again for universal franchise in the 2014 Umbrella Movement.<sup>98</sup>

In the wake of the 2019 protests, former chief executives Tung Chee-hwa and Carrie Lam Cheng Yuet-ngor blamed the liberal studies curriculum.<sup>99</sup> Authorities have suspended arrested teachers and deregistered teachers for using materials that “defam[e] the nation and undermin[e] students’ sense of national identity.”<sup>100</sup> The Hong Kong Professional Teachers’ Union disbanded in August 2021 after several unidentified people with close contacts in the central government unequivocally told union leaders that the group must “cease to exist.”<sup>101</sup> Hong Kong Secretary for Security Chris Tang Ping-keung accused the union of harboring violent forces that endangered national security and vowed to “launch an attack [on the union] from all directions.”<sup>102</sup>

The hard crackdown on the education sector goes hand-in-hand with a softer policy to produce “flag-waving patriots.”<sup>103</sup> Article 10 of the National Security Law requires the Hong Kong government to “promote national security education” and “raise awareness” of “the obligation to abide by the law.”<sup>104</sup> The Hong Kong government has presented curriculum guidelines for national security education to “develop in students ... a sense of national identity, as well as ... responsibility for safeguarding national security.”<sup>105</sup> Educational establishments from kindergarten to universities are launching national security education.<sup>106</sup> In contrast to the liberal approach to cultivating critical thinking, officials want teachers to teach facts and not ask students to analyze them or assess their contexts.<sup>107</sup>

*“Liberal Studies has been blamed for flaming protests since its introduction in 2009. It is worth noting that the subject was promoted by the first Chief*

*Executive, Tung Chee-hwa, and defended by subsequent governments until 2019.*

*“What mattered most was that political issues could be legitimately and systematically debated in the classroom. A Chinese University study shows that Liberal Studies did not radicalize students or mobilize political participation. Rather, the critical thinking requirement encouraged students to think outside of their social status and identity politics, and to discuss public issues from multiple perspectives.*

*“In 2019, the Education Bureau began to follow up on anonymous complaints about teachers. Some colleagues used Apple Daily stories as teaching materials, and they received complaints. Some teachers were also investigated for personal posts on social media.*

*“Under the National Security Law, I still felt that I could continue to stick to the professional practice of examining issues from multiple perspectives. With sedition charges against Stand News, however, it became impossible to teach critical thinking. Any words we uttered in the classroom could be picked on. For teachers, it is not physical repression that hits us, but the psychological pressure to teach the National Security Law ‘through our own mouths.’*

*“I left Hong Kong in 2021 because of the rapidly deteriorating situation in education and politics. The stress took a toll on my mental health. I was worried that I would make wrong decisions with serious consequences.”*

—A former Liberal Studies teacher

According to interviewees, efforts to cultivate “patriots” may work with young children but are not expected to be effective for teenagers and older students who have personal experience of the protest and crackdown.

*“Young people over the age of Form Three [equivalent to 9th grade] who personally experienced the movement should be able to preserve the memory. Little kids could be more vulnerable to ‘patriotic education.’”*

—A professor with expertise in civil society

*“A teacher friend’s 3-year-old kindergartener came home one day and said that he wanted to become a police officer when he grew up. My friend was in a bind. If he said that the police beat people, then he was worried that the kid would repeat the line in school and get the family into trouble. If he didn’t correct his son, then the boy would be subject to deeper and deeper brainwashing. Indeed, another month later, he began to spontaneously sing the national anthem at home.”*

—A Christian cleric knowledgeable about the Catholic Church in Hong Kong

*“A friend said that his 5-year-old boy came home one day declaring that he loved the People’s Republic’s national flag and felt emotionally attached. When the son was asked why he felt that way, he replied that schoolteachers*

*told students to report back if parents criticized the flag. Small kids are white sheets of paper; it is scary that the authorities could write anything on them.”*

—A pastor on the front lines of protests

Christian schools are not immune to “patriotic education.” In Hong Kong, 292 of over 1,000 pre-schools and kindergartens, 312 of 508 primary schools, and 265 of 449 secondary schools, are Catholic or Protestant.<sup>108</sup> A cleric in Hong Kong reportedly said that Christian schools have to comply with the requirement of teaching the National Security Law; otherwise, the parishes associated with schools could be held accountable and shut down.<sup>109</sup>

*“With over 2,000 schools and principals enjoying much autonomy in running each school, it may look like the school system is too decentralized to rein in one by one.*

*“However, the government has infiltrated schools by simultaneously undercutting and co-opting sponsoring bodies. As early as 2004, the government imposed a ‘school-based management policy’ with the ‘Education (Amendment) Ordinance’ to wrest control over individual schools from churches. At the same time, success at influencing churches has facilitated interference with individual schools. When authorities hold sway over a school principal, they can shape not just the curriculum, but also the church on campus.*

*“The Liaison Office has not shied away from winning over principals of elite schools one by one by wining and dining them. Some principals privately*

*said that they have been invited to join the Chinese Communist Party and attend training in Shenzhen: ‘If you come, you will see a lot of friends there’—meaning that other principals have joined.”*

—A Christian cleric knowledgeable about the Catholic Church in Hong Kong

### *Universities*

Universities became targets of control after the 2014 Umbrella Movement owing in part to the fact that two of the initiators were former professors Benny Tai of Hong Kong University and Chan Kin-man of Chinese University, along with Reverend Chu Yiu-ming.<sup>110</sup> In the aftermath of the 2019 protests, university teaching staff Allan Au Ka-lun and Hui Po-keung were arrested for national security violations or sedition.<sup>111</sup> Peter Baehr, a retired academic who worked at Lingnan University in Hong Kong for 21 years, noted that university senior management have readily become “opportunists and weathervanes” and “the chief drivers of repression.”<sup>112</sup> From 2019 to 2021, administrators forced student unions to disband, and removed from campus memorials that commemorate the Tiananmen Square Massacre, including the “Pillar of Shame” and the “Goddess of Democracy,” along with the democracy wall posters.<sup>113</sup>

*“All the universities have surrendered. The government has intervened in university administration through appointments and funding. The president is beholden to the Chief Executive. The president can then dominate the university council, faculty heads, and department heads.*

*“Research freedom on Hong Kong politics will likely be restricted unless you can work on safe topics such as public policy or public administration.*



*“The most nerve-racking moment for me was when the national security police arrested four Hong Kong University students in August 2021. They were charged with ‘advocating terrorism’—which carries up to 10 years in jail—simply because they took part in a student union meeting that passed a motion mourning a man who had killed himself after stabbing a police officer.<sup>114</sup> The students had apologized and retracted the motion. They had already been punished with suspension by the university.”*

—A Social Sciences professor in exile

*“Authorities are cleansing the academic sector. Ta Kung Pao and Wen Wei Po have attacked academics as academics, along with academic institutions. Although Professors Benny Tai and Chan Kin-man were attacked and arrested in 2014, it was in their role as movement organizers rather than as academics. The current crackdown is a new phenomenon.*

*“The most chilling is a surgical operation against the University Grants Council that is fundamental to academic productivity. The goal is to challenge the very criteria of academic assessments that determine resource allocation and promotion. The Council long followed international standards, with foreign academics as reviewers. Assessments are based on having publications in English-language journals and having publishers with international rankings. The use of international standards is what has given Hong Kong academics a certain degree of autonomy in their professional pursuits. Now the Chinese government wants to change the game of academic assessment altogether, rewriting who gets to make*

*standards of assessment, what counts as good scholarship, who gets hired, and who gets tenure.”*

—A professor with expertise in Chinese and Hong Kong politics

*“Department and university student unions have long been training grounds for civil society activists. The forced closure of student organizations will cut off the continuous supply of new blood to any remaining civic groups.”*

—A former convenor of the Civil Human Rights Front

### ***Making Christian Churches “Patriotic”***

When the National Security Law was enacted in 2020, the Hong Kong Sheng Kung Hui (Anglican Church) publicly embraced it <sup>115</sup> while the Hong Kong Christian Council raised no objection.<sup>116</sup> A clergyman told the South China Morning Post that “what has been happening on the mainland will happen in Hong Kong too.” <sup>117</sup> In late 2021, the Liaison Office organized an unprecedented meeting for Catholic Patriotic Association (CPA) leaders to brief senior Hong Kong Catholic clergymen on Xi Jinping’s view of religion with “Chinese characteristics.” <sup>118</sup> In a January 2022 series appearing in the state-controlled media outlet Ta Kung Pao, barrister Lawrence Ma Yan-Kwok proposed the establishment of a new government department to manage religious affairs.<sup>119</sup> In the mainland, the CPA and the Protestant Three-Self Patriotic Movement are under the jurisdiction of the Chinese Communist Party.<sup>120</sup>

A minority of vocal Christians have faced warnings and arrest. Lo Hing-choi, president of the Baptist Convention of Hong Kong, posted a message critical of the law on the convention’s website but took it down the next day after Ta Kung Pao attacked him for

“hijacking the churches.”<sup>121</sup> The Hong Kong Pastors Network’s “Hong Kong 2020 Gospel Declaration” was likewise subject to criticism by Ta Kung Pao and Wen Wei Po,<sup>122</sup> forcing key initiators Wong Siu-yung and Yeung Kin-keung to flee the city<sup>123</sup> and the network to dissolve.<sup>124</sup> Party-run media outlet People’s Daily denounced churches that provided first aid and shelter during the 2019 protests.<sup>125</sup> The police raided the premises of the Good Neighbour North District Church—a “high-profile participant in the anti-extradition movement”<sup>126</sup>—and froze its bank account, driving its pastor, Roy Chan, to go into exile.<sup>127</sup> National security police arrested Cardinal Joseph Zen Ze-kai and other trustees of the 612 Humanitarian Relief Fund on a charge of “collusion with foreign forces” in May 2022.<sup>128</sup> In 2022, the Justice and Peace Commission of the diocese canceled annual Catholic masses commemorating June 4.<sup>129</sup>

*“In today’s Hong Kong, Christian buildings still stand. They still look the same on the outside. However, they have been taken over inside. There is no need to shut down the church like the Apple Daily.*

*“The Chinese Communist Party has long infiltrated the Catholic Church. Since at least 2010, silently chosen seminarians from the ‘patriotic church’ in mainland China have been taken to the Philippines for further education and sent to work as priests in Hong Kong. At this moment, there are around 20 young mainland Chinese priests serving in the Diocese of Hong Kong. Given the lack of local-born clergy, the increasing number of mainland clergy will eventually assimilate the Church in Hong Kong into the mainland patriotic church system. Local priests have no power to resist.*

*“To illustrate the extent of successful co-optation, the Catholic Church in 2018 had prepared teaching materials for 1st grade students that say that*

*Jesus was a Jewish patriot and so Chinese Catholics should be Chinese patriots.*

*“The current bishop, Stephen Chow Sau-yan, tries to strike a balance between not voicing any criticisms and totally surrendering. The Anglican Church’s Secretary General Rev. Peter Koon Ho-ming is an example of total submission. He has become a political loyalist by serving on the ‘patriots’-only Legislative Council. However, in dealing with the Chinese Communist Party, there is no middle ground—the bottom line will only be pushed further down. The diocese’s statement on Cardinal Zen’s arrest is illustrative: ‘We have always upheld the rule of law. We trust that in the future we will continue enjoying religious freedom in Hong Kong under the Basic Law.’ Cardinal Zen grew up in Shanghai and personally experienced how the Communist Party took over the church and persecuted clerics. The church has failed to heed his warnings.*

*“On June 4, 2022, the police monitored at least two churches that traditionally held the annual vigil mass. Police officers stood by the entrance and listened in to what the priests said in daily mass. Out of fear of the National Security Law, all priests will dutifully exercise self-censorship and avoid preaching against the government.*

*“On July 5, Reuters reported that Monsignor Javier Herrera-Corona, the top Vatican diplomat in Hong Kong, told Catholic missionaries in the city that they should prepare for tighter control over the Church in Hong Kong.<sup>130</sup> Hong Kong is no longer the Catholic beachhead it used to be. The Vatican has transferred half a tonne of files from its Hong Kong archive to Rome in the past three years. These files contain private communications with underground mainland clerics, missionary activity, and details of persecution of Catholics in the mainland. This is alarming, as it is the first*

*time ever that a Vatican official acknowledged that Hong Kong's religious freedom is under severe threat."*

—A Christian cleric knowledgeable about the Catholic Church in Hong Kong

*"Hong Kong's Protestant churches were once united in their support for Chinese students' fight for democracy and freedom in 1989. In a statement issued on May 21, 1989, 16 churches issued a bold open letter:*

*'As Christians, we believe that freedom and human rights are God given, and that democracy is a necessary condition for realizing freedom and human rights. As members of the Chinese nation, we are united with the people in mainland China. We must shoulder the burden of national responsibilities in concrete ways, participating to advance China's political reform and clamping down on corruption so as to facilitate China's march toward a brighter future.'*<sup>131</sup>

*"However, after the June 4 massacre and Deng Xiaoping's designation of the protests as 'counter-revolutionary riots,' various churches withdrew from pro-democracy groups. Many church leaders were conservative to begin with and became more so in the aftermath. The Anglican Church has since become staunchly pro-establishment. Others turned silent on Hong Kong politics in the hope of protecting their work inside China. There are fewer and fewer of us who have maintained a pro-democracy stance. In 2019, many disillusioned young people left the church.*

*"It is thus immensely important that Cardinal Joseph Zen has served as an icon for Hong Kong's democracy movement over the years. And it is a major indicator that even Zen was arrested. We thought that Zen's international*

*stature and moral authority could offer some protection for the pro-democracy Christian community under the crackdown. The regime has demonstrated that they exercise no restraint in repressing critics.*

—A Protestant minister and veteran civil society leader

*“I participated in the 2014 Umbrella Movement and the 2019 Anti-Extradition Protest.*

*“Many churches in Chinese communities, in Hong Kong or Taiwan or North America, teach a narrow and misleading interpretation of separation of religion and politics that is divorced from society. Churches in Hong Kong discourage, even disallow, political participation and political discussion. The Christian faith is restricted to the spiritual sphere. I grew up feeling puzzled. I later learned that the Bible is full of political accounts, and that the history of the church is filled with political leaders driven by the Christian faith such as Martin Luther King. It is thus my conviction to serve as a voice for the prophets.*

*“The two Christian associations—the Hong Kong Christian Council and the Hong Kong Chinese Christian Churches Union—have long been pro-establishment. The former’s membership is based on denominations while the latter is based on individual churches. In 2019 and 2020, some of us set up the Hong Kong Pastors Network based on individual pastors. We garnered over 3,000 signatures for the ‘Hong Kong 2020 Gospel Declaration’:*

*‘In the face of a totalitarian regime that distorts facts, controls the media, and buries the truth, the Church courageously rejects all falsehood, and points out what the regime has done wrong.’<sup>132</sup>*

*“Ta Kung Pao and Wen Wei Po attacked the organizers by name for violating the National Security Law.*

*“In this intimidating environment in which the government tells lies every day, there is no more space to point out truths versus lies. The church will survive only because pastors continue to preach Christianity as merely a spiritual matter.”*

—A pastor on the front lines of protests

### *Undercutting Social Workers*

During the 2019 protests, some members of Hong Kong Social Workers’ General Union formed a volunteer group named “Battlefield Social Workers” to “monitor police behavior, liaise between protesters and the force, as well as provide emotional support at demonstrations.”<sup>133</sup> Hong Kong authorities, however, arrested about 20 social workers who volunteered their professional services at protest sites in 2019 for allegedly rioting, or obstructing or assaulting the police.<sup>134</sup> In an August 2021 article, Party media outlet Wen Wei Po accused social workers of “sheltering rioters.”<sup>135</sup> In one case of a targeted social worker, the Department of Justice appealed the acquittal of Jackie Chen, a member of the Battlefield group and a council member of the union, for whom the presiding magistrate found a lack of evidence to prove that she had been rioting.<sup>136</sup> In other high-profile cases of arrested social workers, Hui Lai-ming was acquitted of obstructing the police.<sup>137</sup> In June 2020, Magistrate Don So Man-lung sentenced Lau Ka-tung to one year in prison, ruling that the presence of social workers at the scene contributed to chaos and “fundamentally dealt a blow” to police work,<sup>138</sup> but the Hong Kong High Court later reduced Lau’s sentence to eight months on appeal.<sup>139</sup>

Tighter regulation followed. In the 2021 electoral overhaul, the National People’s Congress removed social workers from representation in the Election Committee that nominates and



elects legislators to the Legislative Council and the Chief Executive.<sup>140</sup> The sole social worker who passed national security vetting and now sits on these bodies, Tik Chi-yuen, claimed that he is not a pro-establishment member but is widely seen to be one.<sup>141</sup> In 2022, the government amended the Social Workers Registration Ordinance to deregister for life any social workers convicted of crimes “endangering national security,” which include not just the National Security Law crimes of “terrorism,” “subversion,” “secession,” and “collusion with foreign forces,” but also sedition, treason, and “other legal loopholes.”<sup>142</sup> While the Under Secretary for Labour and Welfare Ho Kai-ming emphasized that the amendment was not meant to “introduce fear,” social workers reportedly expressed concern that the amendment would impact the profession by indirectly weakening autonomy and contributing to social workers’ mental stress.<sup>143</sup> Two Hong Kong scholars of civil society development in mainland China observed in 2012 that while the mainland government tolerated social welfare organizations working “in specific issue areas such as poverty reduction, elderly care, and women’s and children’s programs and basic education . . .,” PRC authorities had cracked down on groups advocating on issues that the government deemed to be politically sensitive.<sup>144</sup> As Hong Kong becomes more like the rest of the PRC, it seems likely that the government will similarly respond to social workers and social welfare groups engaged in unauthorized areas of advocacy and social support.

*“I volunteered in both the 2014 Umbrella Movement and the 2019 anti-extradition protest.*

*“I found that I could do something for Hong Kong simply by holding up my social worker ID and speaking into a megaphone. In 2014, I successfully defused tensions between protesters and counter-protesters. In 2019, many colleagues volunteered alongside me.*

*“We put on identifiable vests at protest sites. We tried to calm the temperature between police and protesters. Social workers on the front lines have to maintain neutrality. We don’t tell people what to do and what not to*

*do. We don't tell them to leave or stay. We explain options and consequences. People in confrontation with the police may panic and make wrong judgements that they later regret. In addition, we provided first aid, emotional counseling, and support for the arrested. Protesters trusted us and would seek us out when they needed assistance.*

*"The situation changed after July 21, 2019. Before then, the police's aim was to disperse crowds and so they let us facilitate protesters' retreat. From then on, they wanted to arrest as many protesters as possible. Social workers who tried to defuse tensions between police and protesters thus risked getting arrested for obstruction. We then focused on helping those already arrested: we asked for their names, ID numbers, and family telephone numbers to locate family and lawyers for them.*

*"Social workers served protesters over the years in our personal capacity and on our own time. Now those in power no longer make any distinction between what we do on the job and what we do on our own time.*

*"Like other professions, the government is proposing legal changes to undermine our self-governing authority in certifying qualifications."*

—A former social worker on the front lines of protest

*"Under the National Security Law, social work will go down like journalism. It will lose its soul. It will no longer be able to do advocacy work.*

*"The profession's code of conduct specifies that social workers promote human rights and social justice. We should follow the call of our conscience.*

*“In this sector, social welfare organizations are dependent on government funding and refrain from challenging government policies. What explains the vibrancy of civil society in previous decades was the mushrooming of autonomous groups that raised their own funds from international foundations, private charities, corporate sponsors, individual donations, and crowdfunding.*

*“In my first job as a social worker, I was fired for helping South Asian children find school places. Hong Kong was supposed to have a free education policy, and education is the most important pathway to overcoming inequality. However, Hong Kong schools discriminated against South Asians and denied them equal access. I searched for a new job with a social service organization that served South Asian children, but none existed. My former professor advised me: ‘If no organization hires you, then you open one yourself!’ Thus, I founded Unison and raised funding from private foundations. When school administrators and government officials were not responsive, I called journalists to write stories and legislators to press questions. We gradually achieved equal access to all levels of education and moved on to job opportunities with various branches of the civil service.*

*“With the National Security Law, funding has dried up. Organizations dare not seek resources from international foundations for fear of the charge of ‘collusion with foreign forces,’ from crowdfunding for fear of the charge of ‘money laundering,’ and do not collect donations from like minds because pro-democracy rallies have been criminalized. Civic groups have also lost their traditional allies as pro-democracy legislators have been arrested and responsive officials displaced. It is now too risky to question macro-structural inequality and criticize government policies.*

*“What remains are social welfare organizations that deliver remedial services as dictated by the government. The government is also subjecting*

*funding of social services organizations to annual review, making them more beholden to official policies.”*

—Fermi Wong, founder and former Executive Director of Hong Kong Unison <sup>145</sup>

### *Prioritizing the Medical Profession’s Political Obedience*

Medical workers, another sector that performed professional duties at protest sites in 2019, similarly faced arrest and obstacles. Their services were very much needed, as police inflicted debilitating injuries on protesters, using non-lethal crowd-control weapons in lethal ways, such as by launching tear gas canisters from a high rise into a crowd and firing rubber bullets and beanbag rounds at close range.<sup>146</sup> At the same time, the police obstructed access to medical treatment by rounding up suspected protesters at hospitals,<sup>147</sup> and by requiring emergency workers and ambulances to seek police permission for access or by blocking their paths.<sup>148</sup> Dr. Darren Mann, a medical doctor who lived in Hong Kong for 25 years, testified at the United Kingdom House of Lords that the Hong Kong police turned the city’s medical system into “an instrument of terror.”<sup>149</sup> During the raid of Polytechnic University in November 2019, volunteer doctors, nurses, and emergency medical technicians caring for injured students were arrested for allegedly taking part in a riot.<sup>150</sup>

The Hong Kong government’s response to the COVID-19 outbreak illustrates the official pressure on medical staff to prioritize political obedience over public health needs and professional standards. Early in the COVID-19 epidemic, between February 3 and 7, 2020, the newly formed Hospital Authority Employees Alliance (HAEA) organized a week-long strike to call for border closure to prevent imported cases.<sup>151</sup> The strikers’ demands mostly went unheeded. The government-affiliated Hong Kong Hospital Authority later sent letters to strikers asking for explanations for work absences during the strike week, and later advised strikers that funds would be deducted from their salaries equivalent to those

absences.<sup>152</sup> In September 2021, the HAEA received a letter from the Labour Department's Registry of Trade Unions asking for explanations of non-union activities.<sup>153</sup> The HAEA ultimately decided to disband in June 2022, similar to several other groups formed around the 2019 protests.<sup>154</sup> When the Omicron variant hit Hong Kong in early 2022, the city's healthcare system experienced a "predictable and preventable disaster," according to a virologist, especially among the unvaccinated elderly population.<sup>155</sup> Hong Kong authorities initially sent all positive cases to hospitals, thereby speeding up infection and contributing to extreme pressure on the healthcare system and causing morgues to overflow with corpses.<sup>156</sup> The government's response to the crisis included bringing in mainland health workers by bypassing the examination requirement for professional qualification, which, according to the Hong Kong Public Doctors' Association, is a critical pillar of the profession's self-ruling autonomy.<sup>157</sup>

*"What we witnessed is a purge of not just frontline protesters, but wider societal support networks. People who have been convicted include not only 'the valiants' who threw petrol bombs, but professionals who were at protest sites just to do their job, including first aiders. Many people with medical and first-aid training volunteered during the protests. A judge convicted a first aider because his mere presence had helped to 'shield and support' protesters by increasing their confidence and allowing them to carry on with their radical acts for longer.<sup>158</sup> Now anyone who was arrested but not charged in 2019 risks re-arrest and conviction.*

*"In August 2019, medical staff staged lunchtime sit-ins with the slogan 'Hong Kong police attempt to murder Hong Kong citizens.' They were so brave; such protests were spontaneously organized by individual medical staff.*

*"The Hong Kong Public Doctors' Association has been very cautious. The association has only issued statements directly relevant to the profession*

*and public health: police violence, the health impacts of tear gas and other police weapons, the oath-taking requirement, the Hospital Authority's handling of COVID cases, etc. These statements should not fall under the National Security Law. Nevertheless, all criticisms and suggestions were falling on deaf ears and so the association stopped issuing statements by the end of 2021.*

*“Tam Yiu-chung, the only Hong Kong delegate to the National People's Congress Standing Committee, blamed ‘yellow’ medical staff for the COVID outbreak. This suggests that the authorities have to create enemies.*

*“The Hospital Authority management has lost its autonomy to make professional decisions based on scientific knowledge and Hong Kong's realities. It now blindly follows the government's zero-COVID policy, as shown in, for example, the distribution of the Chinese traditional medicine ‘Lianhua Qingwen Jiaonang’ at hospitals.<sup>159</sup>*

—An activist doctor

*“In early February 2020, the Hospital Authority Employees Alliance organized a large-scale strike of 7,000 to 8,000 staff to demand that the government close borders to stop the spread of the coronavirus. In February 2021, the union's chair, Winnie Yu Wai-ming, was arrested and later denied bail is among one of the 47.*

*“The union issued various public statements and set up street stands to raise awareness on COVID policy. Our statements were always based on*

*professional expertise and scientific research, even including quotes from the government. But we were criticized as ‘the so-called experts.’*

*“In September 2021, the Union Registry sent a letter to top officers asking us to explain our involvement with the strike, Winnie Yu’s role in the primaries, our call for people to write to Yu and other arrested activists, the union’s statements on both the Chinese-made Sinovac vaccine and the ‘Leave Home Safe’ app, and the screenings and street booths related to the 1989 Tiananmen Square crackdown. It seemed that the national security police targeted first public stars, then behind-the-scenes organizers.*

*“By the end of 2021, medical staff no longer criticized the government’s COVID policy. No one dared to speak out anymore. All major civil society groups had been forced to shut up, if not to shut down as well.*

*“In 2022, the government invoked emergency measures to bring in mainland doctors and nurses. I see it more as a public relations show to demonstrate how much the motherland loves Hong Kong, rather than as a ploy to undercut the Medical Council’s registration authority. Nonetheless, what is really scary is that they have demonstrated their ability and will to simply push a button to bypass existing rules and procedures that had been built up over decades.”*

—Ivan Law, former Vice Chair of Hospital Authority Employees Alliance

### **3. Conclusion: Hong Kong’s Civil Society Crumbles**

The two years of the National Security Law crackdown have had a devastating effect on Hong Kong’s once-dynamic civil society. The authorities have suppressed not only the city’s democracy movement, but also its rich civic life. What have disappeared are not just rallies



in the streets and an active, democratically elected political opposition, but also newspapers at newsstands, programs at Radio Television Hong Kong, books at book fairs, and more.<sup>160</sup> The loss of self-governing autonomy at various professional councils and board rooms has contributed to the destruction of civil society. The civil life of Hong Kong has been changed, even if the streets, the buildings, the institutions, the names, and the titles still look the same. As Hong Kong University alumna Karen Cheung observes, “the university, much like the rest of Hong Kong, is not the same place anymore” now that “the most visible marks of the once lively environment of debate ha[ve] been erased.”<sup>161</sup>

*“Hong Kong’s civil society slowly built up over the decades, reached its apex in 2019, but has since jumped off the cliff. The National Security Law has effectively strangled a whole-of-society movement.”*

—Claire, a Hong Kong graduate student

As the authorities have deployed the National Security Law and the colonial-era sedition law to criminalize dissent and corrupted the legal system, Hong Kong has become a “city of fear.”<sup>162</sup>

*“Hong Kong has changed from an open society to one in which people are gripped by fear. And the fear is encompassing.”*

—A professor in Hong Kong

*“I lived in Hong Kong from October 2018 to April 2022. Under the National Security Law, the most noticeable phenomenon is silence. The city has gone from having as many as 2 million people marching in the streets in June 2019 to total silence without a single protest today. All my pro-democracy friends are biting their tongues. We exercise hypervigilance in not just what we do and say, but also how we dress. You cannot wear all black or you risk getting questioned by the police. One day I was reading Michael Davis’s *Making Hong Kong China* <sup>163</sup> in the metro; my partner was alarmed and warned me against reading books critical of the government in public. When you see police officers in the streets, you go on high alert and walk in the opposite direction because you could be arrested for any reason. We have lost freedom in terms of not just the freedom to protest, but also the freedom from fear because of the need for constant vigilance. The streets of Hong Kong may still look the same as in the past, but the spirit of Hong Kong has been dimmed.”*

—An American student of human rights law at the University of Hong Kong

*“In 2019, whenever protesters were released from police custody after their arrest, supporters would gather outside, then clap and cheer when the arrestee appeared. But the National Security Law changed that. In December 2021, when I went to a police station to welcome someone to freedom, I noticed many people were standing around the edges and across the street but trying very hard to look like they weren’t there for the released person. When the released person finally appeared, they all looked that way, but there was complete silence—no cheers, no crowding around. The show of*

*support for a friend who has been through hell is transformed but not disappeared.”*

—Samuel Bickett, American lawyer, human rights activist

Among the millions who supported pro-democracy demonstrations and election candidates over the years, many maintain the courage to confront fear. Personal experiences and memories have equipped them with “a toolkit to self-organize without institutional support.”<sup>164</sup> A “commitment to remembering together” persists.<sup>165</sup>

*“Courage is not the absence of fear. Courage is feeling fear, but still deciding to do the right thing. We all have that courage embedded within us.”*

—Kwong Chung Ching, former election campaigner in Hong Kong

*“Hong Kong has become a completely different place now. Yet, while political participation has stopped, life has not. Hong Kong is home and is where I find my identity. We want our home to get better. We can continue to quietly cultivate our own community. Small acts go a long way. Take care of the people we personally know. We all know people under arrest: Visit prisoners, attend trials, write letters. Sear the experiences into our memory.”*

—A former District Councilor

*“The 2019 protest reflects a strong civil society with a dense network of groups and communities and ties among individuals. While formal organizations could be banned outright, connections and ties endure.”*

—A professor of Hong Kong civil society

A growing number of Hong Kong people seek freedom from fear abroad. They carry with them what is being emptied out in the city: the debates, the dreams, the newspapers, the books, the documentaries, the black T-shirts, the yellow helmets, and more, even if they may not be able to help those in jail.

*“Hong Kongers abroad can take up the torch, speak truth to power, preserve the Hong Kong spirit, write the history, and guard the memories.”*

—A professor with expertise in Chinese and Hong Kong politics

*“It is hard to reconstruct Hong Kong civil society abroad. If the purpose is to serve Hong Kong people, it is necessary to be on the ground. We can’t do anything to help those in jail or slow down the destruction of Hong Kong.*

*“It may be said that those who have left can criticize the government when those who stay no longer can. Yet I am not sure if such criticisms make*

*people there feel good, because we speak their minds, or make them feel worse, because we remind them of the heartbreaking reality.”*

—An activist doctor

*“District Councilors, before we were disqualified, helped to build up civil society from the bottom up. I started grassroots work immediately after graduation from university. However, I decided to leave for safety after the mass arrests of 47 on February 28, 2021. Many Hong Kongers are staying behind to face the grim ‘new normal.’ We have to listen to them and do our best to get their voices out.”*

—Timothy Lee Hin-long, ousted elected District Councilor

*“I used to believe that international pressure could help improve human rights in China. But clearly the Chinese Communist Party leadership does not care what the world thinks.*

*“Nevertheless, don’t underestimate how much impact consistent pressure on the Party for its violations of international law and UN standards can have. We may not be able to stop the destruction of civil society, but we can keep Hong Kong on the international agenda to make sure that our friends do not languish in jail.”*

—Patrick Poon, Visiting Researcher, Institute of Comparative Law, Meiji University, Tokyo

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<sup>5</sup> *The Dismantling of Hong Kong’s Civil Society*, Hearing of the Congressional-Executive Commission on China, 117th Cong. (2022) (testimony of Fermi Wong, founder and former Executive Director, Unison), 2, <https://perma.cc/K4CN-6YQF>.

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