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Findings

- The overhaul of Hong Kong’s electoral system in March 2021 substantially curtailed public participation and created a system that eliminates candidates whom central authorities do not endorse. Even before the overhaul, the spectrum of political voices had already narrowed rapidly, as most pro-democracy activists were in exile or criminal detention as a result of the National Security Law (NSL), passed in June 2020. The Legislative Council (LegCo) election held in December 2021 had almost exclusively pro-Beijing candidates and saw record-low turnout amidst calls for boycott over the election’s perceived illegitimacy. In May 2022 there was only one candidate for Chief Executive, who was nominated and selected by a government-vetted committee. By design and in practice, the electoral overhaul is a departure from the ultimate aim, as stated in the Basic Law of the Hong Kong Special Administrative Region (Basic Law), of electing the legislative and executive officeholders by universal suffrage.
- Hong Kong authorities broadly applied criminal charges in a manner that undermined fundamental freedoms and damaged democratic institutions and the rule of law. Police have arrested over 10,499 people for political and protest-related offenses since June 2019. Of these arrests, 183 involved national security offenses, which triggered procedures under the National Security Law including a strict bail standard that presumes guilt, trial by politically selected judges, and possible extradition to mainland China. Cases of note include **Jimmy Lai Chee-ying**, founder of a pro-democracy newspaper who is facing national security charges and a potentially lengthy prison term; **Leon Tong Ying-kit**, who was denied a jury trial; **Adam Ma Chun-man**, who received a five-year sentence for his speech; and 34 individuals whom authorities held in pre-trial detention for over a year for peacefully participating in an informal primary election.
- The National Security Department of the Hong Kong Police Force raided pro-democracy news outlets Apple Daily and Stand News, froze their assets, and arrested their executives and editors on NSL charges. The police’s actions forced the news outlets to cease operations, causing a ripple effect that shuttered other independent news outlets.
- Following the lead of mainland state-run media, rhetoric and actions by Hong Kong officials displayed a concerted effort to target civil society groups that were part of the pro-democracy movement in 2019, isolating them from the international community and causing their rapid disintegration in 2021. As of January 2022, at least 65 organizations had shut down or left Hong Kong after the enactment of the National Security Law, a trend that accelerated in the second half of 2021. These organizations include religious, community, political, media, union, and human rights groups, and their members cited pressure under the National Security Law.

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- Macau Special Administrative Region authorities invoked political grounds in the disqualification of 21 pro-democracy candidates for election to the Legislative Assembly, which was followed by a record-low turnout and the closure of a pro-democracy online news outlet.

Recommendations

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

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

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Events from the 2022 reporting year illustrate the effects of landmark changes in the Hong Kong Special Administrative Region (SAR) that central authorities have made since the 2019 protests, including the overhaul of the electoral system and the passage of the Law of the PRC on Safeguarding National Security in the Hong Kong SAR (National Security Law, or NSL). These changes enabled the Hong Kong government to carry out political prosecution, eliminate opposition voices, dismantle civil society, and restrict press and academic freedom, as discussed in more detail below.

Elections and Civic Participation

The overhaul of Hong Kong's electoral system in March 2021 substantially curtailed public participation and installed a system that eliminates candidates whom central authorities do not endorse. Before the overhaul, the spectrum of political voices had already narrowed rapidly, as most pro-democracy activists were in exile or criminal detention as a result of the National Security Law passed in June 2020.¹ The Legislative Council (LegCo) election held in December 2021 had almost exclusively pro-Beijing candidates and saw a record low turnout amidst calls for boycott over the election's perceived illegitimacy. In May 2022 there was only one candidate for Chief Executive, who was nominated and selected by a government-vetted committee. By design and in practice, the electoral overhaul is a departure from the stated aim, as provided in the Basic Law of the Hong Kong Special Administrative Region (Basic Law), of electing the legislative and executive officeholders by universal suffrage.²

ELECTION COMMITTEE

The selection procedures for Chief Executive and LegCo members are prescribed in Annexes I and II of the Basic Law, respectively, which the National People's Congress (NPC) Standing Committee amended in March 2021 to ensure that Hong Kong is governed only by "patriots,"³ that is, people endorsed by the central government.⁴ The amendment reshaped the Election Committee that selects the Chief Executive,⁵ resulting in guaranteed representation for the government, a reduction in participation by individual voters (from 246,440 in 2016 to 7,971 in 2021), and an increase in the number of uncontested seats.⁶ In the committee's election held in September 2021, only 364 of the 1,500 seats were contested.⁷ Except for 52 temporary vacancies,⁸ the remaining seats were either appointed, filled by current officeholders, or unopposed.⁹ In the newly constituted committee, all but one of its members were pro-Beijing.¹⁰

LEGISLATIVE COUNCIL

The revised Annex II further authorizes the Election Committee to nominate LegCo candidates and select 40 of the total 90 council seats.¹¹ The amendment restructured the LegCo's constituencies in a way that reduced popularly elected seats (from 57 to 22 percent)

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and favored corporate voters over individual voters.¹² Corporate voters vote through natural persons and are not required to maintain residency in Hong Kong.¹³ Some corporations that are controlled by pro-Beijing individuals are allocated multiple votes through sister companies, and some of them are led by directors based mostly in mainland China.¹⁴ According to one political scientist, the selection process of these corporations lacks transparency and procedural fairness.¹⁵

The first LegCo election after the overhaul was scheduled for December 2021.¹⁶ Some critics called the election illegitimate and advocated for a boycott, saying that the election was designed to exclude opposition candidates.¹⁷ This prompted authorities to arrest 10 people and issue arrest warrants for 7 others for “inciting another person not to vote, or to cast an invalid vote,” a new offense created in May 2021.¹⁸ Ahead of the December election, the Hong Kong government tried to boost participation, but the turnout was a record low 30.2 percent, a drop from 58 percent in the last LegCo election in 2016.¹⁹ The number of invalid ballots also reached about 2 percent of the total votes, the highest since 1997.²⁰

CHIEF EXECUTIVE

In an uncontested election held in May 2022, the Election Committee chose the sole candidate, John Lee Ka-chiu, as the new Chief Executive to replace Carrie Lam Cheng Yuet-ngor.²¹ Lee received 1,416 votes in support of his candidacy, representing 99.2 percent of all valid ballots.²² Lee previously served as the Secretary of Security and defended the use of excessive force by the police in cracking down on pro-democracy protesters in 2019.²³ Under the new electoral system, the Chief Executive chairs the National Security Committee and appoints members of the Candidate Eligibility Review Committee, both of which vet candidates for the Election Committee, the LegCo, and the chief executive office itself, thereby creating a conflict of interest.²⁴ The non-governmental organization (NGO) Asian Network for Free Elections described this as creating “an endless feedback loop of pro-Beijing institutions letting only the most ‘patriotic’ candidates run for office at the expense of all others.”²⁵

DISTRICT COUNCIL

Before the electoral overhaul, pro-democracy candidates won 392 of the 452 directly elected seats in the 2019 district council elections with a turnout rate of 71 percent.²⁶ Beginning in July 2021, however, at least 260 district councilors resigned after new legislation required them to take an oath by which they could be disqualified for their pro-democracy activities.²⁷ The government additionally disqualified 55 district councilors on political grounds, prompting international criticism.²⁸ The U.S. Department of State, for example, called the disqualifications retroactive, targeted, and arbitrary, adding that they “prevent[ed] people in Hong Kong from participating meaningfully in their own governance.”²⁹

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National Security Law

On June 30, 2020, the National People’s Congress Standing Committee enacted the National Security Law.³⁰ The new law, incorporated into Annex III of Hong Kong’s Basic Law (the city’s constitutional document),³¹ claims to “safeguard national security” and criminalizes “secession,” “subversion,” “terrorist activities,” and “collusion with a foreign country or with external elements to endanger national security.”³² The law created a new department within the police force—the National Security Department (NSD),—to implement the NSL’s criminal provisions, which have international reach.³³ In addition, the NSL requires Hong Kong’s Chief Executive to handpick judges in national security cases,³⁴ confers on the PRC central government jurisdiction under some circumstances,³⁵ and orders the Hong Kong SAR government to “strengthen propaganda [and] guidance, supervision, and administration” of “schools, social groups, media, and the internet.”³⁶

There have been instances in which authorities applied the NSL retroactively as a basis on which to conduct investigations,³⁷ exacerbating due process concerns created by the expanded investigatory powers conferred on the NSD.³⁸ Under the NSL and its implementing rules, the NSD may conduct warrantless searches and surveillance, confiscate travel documents, freeze assets, censor published materials, and compel foreign political organizations and Hong Kong residents to provide information.³⁹ Under the new legal regime, judicial oversight of these police powers is either removed or carried out by judges who are subject to one-year terms of opaque political appointment.⁴⁰ These judges also preside over bail hearings under the NSL’s strict standard, which effectively creates a presumption of guilt for bail purposes,⁴¹ resulting in “a system of de facto long-term detention without trial.”⁴² In December 2021, the Court of Final Appeal affirmed that the bail standard and procedures provided in the NSL were applicable to non-NSL crimes, which encompass any crime predicated on “acts . . . capable of constituting an offence under the NSL.”⁴³ With weakened procedural protections, expanded police powers increase the likelihood of political abuse and have the effect of intimidating dissenters and NGO workers.⁴⁴

In October 2021, four UN human rights experts wrote to the Chinese government, noting that national security charges should not be used to “justify quelling domestic dissent, limiting protests and curbing criticism by civil society and human rights defenders.”⁴⁵ The experts further urged the government to repeal the NSL, as it is fundamentally incompatible with international law and with China’s human rights obligations.⁴⁶

Criminal Prosecution

Hong Kong authorities broadly applied criminal charges in a manner that undermined fundamental freedoms and damaged democratic institutions and the rule of law in Hong Kong.⁴⁷ As of March 2022, four people charged under the NSL have been sentenced to lengthy prison terms ranging from three to nine years, creating a deterrent for the pro-democracy community.⁴⁸ According to one tally, “at least 10,499 people have been arrested [and] 2,944

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. . . prosecuted” on NSL and protest-related charges between June 9, 2019, and February 15, 2022.⁴⁹ Another tally, which more narrowly tracks arrests made by the National Security Department (NSD), shows that police arrested 183 individuals, charging 113 of them with NSL and non-NSL offenses between July 1, 2020, and March 28, 2022.⁵⁰ Some examples of these prosecutions are outlined below:

SECESSION (NSL)

- In July 2021, Hong Kong High Court Judges Anthea Pang Po-kam, Esther Toh Lye-ping, and Wilson Chan Ka-shun sentenced 24-year-old **Leon Tong Ying-kit** to a total of nine years in prison for “inciting secession” and “terrorist activities” because of an incident in July 2020 in which he rode a motorcycle carrying a flag with a protest slogan and ran into three police officers as he was trying to evade the police.⁵¹ It was the first conviction under the NSL.⁵² The court effectively outlawed the popular protest slogan “Liberate Hong Kong, Revolution of our Times,” that appeared on the flag, ruling that a slogan is illegal if it is capable of being interpreted as secessionist, irrespective of whether it has multiple meanings.⁵³ Authorities subjected Tong to prolonged pretrial detention and denied his request for a jury trial, which violated his due process rights.⁵⁴
- In November 2021, District Court Judge Stanley Chan Kwong-chi sentenced 31-year-old **Adam Ma Chun-man** to five years and nine months in prison for “inciting secession,” based on allegations that he had “advocated Hong Kong independence on 20 occasions, chanting slogans . . . and making pro-independence speeches.”⁵⁵ The judge speculated that “Ma’s actions could have provoked others to resort to radical ways” and refused to consider the lighter sentencing range applicable to a case involving circumstances of a “minor nature.”⁵⁶ A human rights expert, however, disagreed with the conviction, saying that “[s]hout[ing] slogans that the authorities dislike is not a crime.”⁵⁷

SUBVERSION (NSL)

- As of July 2022, 34 of the 47 pro-democracy advocates arrested in February 2021 on “subversion” charges had remained in pretrial detention for over a year.⁵⁸ Police arrested them for participating in an informal poll conducted in July 2020 for selecting candidates from the pro-democracy camp to run in the Legislative Council election.⁵⁹ Among those detained are Nobel Peace Prize nominee **Joshua Wong Chi-fung**, law professor **Benny Tai Yiu-ting**, journalist and Legislative Council member **Claudia Mo Man-ching**, labor union leader **Carol Ng Man-ye**, and social activist **Leung Kwok-hung**.⁶⁰ Leung’s wife reported that when she and another person protested outside a court building, about seven police officers surrounded her, checked her identification, and searched her personal belongings without giving any reason, saying only that they were doing their duty.⁶¹ The defendants in this case have made repeated requests to open pretrial proceedings to the press, but

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they were opposed by the prosecution and denied by the court,⁶² thereby undermining transparency in the case.⁶³

- In September 2021, the NSD arrested four members of the prisoner support group Student Politicism, charging them with “conspiracy to incite subversion.”⁶⁴ The four individuals, aged 18 to 20, are **Wong Yat-chin, Chan Chi-sum, Chu Wai-ying,** and **Wong Yuen-lam.**⁶⁵ Police alleged that the group had uttered unspecified hateful speech against the government and had planned to deliver to prisoners items such as candy, cookies, surgical masks, and books, which according to Reuters are not contraband.⁶⁶ Shortly after the arrests, the group announced that it would disband, citing the lack of “foreseeable space” for activism.⁶⁷

TERRORIST ACTIVITIES (NSL)

- In August 2021, police arrested four university students for “advocating terrorism” after they took part in a livestreamed student union council meeting that passed a motion mourning a man who had killed himself after stabbing a police officer.⁶⁸ The students, aged 18 to 20, were **Charles Kwok Wing-ho, Kinson Cheung King-sang, Anthony Yung Chung-hei,** and **Chris Shing-hang Todorovski.**⁶⁹ The arrests took place after then Chief Executive Carrie Lam called on the university and the police to take action, despite the student union having apologized and having retracted the motion.⁷⁰ The offense of “advocating terrorism” carries a sentence of up to 10 years’ imprisonment depending on the nature of the circumstances.⁷¹

COLLUSION WITH EXTERNAL ELEMENTS (NSL)

- In August 2021, activist **Andy Li Yu-hin** and paralegal **Chan Tsz-wah** pleaded guilty to “conspiracy to collude with external elements.”⁷² Authorities alleged that they had conspired with pro-democracy newspaper founder **Jimmy Lai Chee-ying,** his aide Mark Simon, and activist Finn Lau to lobby foreign countries to impose sanctions on Chinese and Hong Kong officials.⁷³ In January 2022, High Court Judge Alex Lee Wan-tang, acting on the prosecution’s application, adjourned the sentencing of Li and Chan until at least May 2022 pending Jimmy Lai’s criminal case.⁷⁴

SEDITIONOUS ACTS

- In March 2022, District Court Judge Stanley Chan Kwong-chi convicted radio host **Tam Tak-chi,** who had been in detention since September 2020, on seven counts of “uttering seditious words” and multiple other charges.⁷⁵ The charges were related to Tam’s use of protest slogans that did not advocate violence.⁷⁶ A human rights scholar explained that the sedition law has a scope broader than the NSL because it “[does] not require prosecutors to prove any acts of subversion or secession.”⁷⁷ The law had not been used in over four decades and may contravene international human rights standards with its overly broad restrictions on expression.⁷⁸

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- In July 2021, police arrested five members of a speech therapists' union for conspiring to “print, publish, distribute, display [or] reproduce seditious publications”⁷⁹ over three children's books about “sheep defending their village from invading wolves.”⁸⁰ The detainees, aged 25 to 28, are **Sidney Ng Hau-yi, Samuel Chan Yuen-sum, Marco Fong Tsz-ho, Lorie Lai Man-ling,** and **Melody Yeung Yat-ye.**⁸¹ Observers said that the fear instilled by these arrests would likely end creative arts and political satire in Hong Kong.⁸²
- Other individuals charged with sedition included four elderly persons who displayed a banner demanding genuine universal suffrage,⁸³ a man who displayed posters insulting the judges who presided over an NSL case,⁸⁴ a pop singer whose performance contained protest slogans,⁸⁵ and six individuals who clapped during court proceedings in the public gallery to show support for pro-democracy defendants.⁸⁶

UNAUTHORIZED ASSEMBLY

- In January 2022, principal magistrate Amy Chan Wai-mun of the West Kowloon Magistrates' Courts sentenced 36-year-old rights lawyer **Tonyee Chow Hang-Tung** to 15 months in prison for “inciting an unauthorized assembly” in connection with a candlelight vigil held on June 4, 2021.⁸⁷ Chow did not attend the vigil, and analysis showed that the judge ignored exculpatory evidence that contradicted the prosecution's allegations.⁸⁸ This conviction brought Chow's total sentence length to 22 months, as she had previously been sentenced for the vigil held the previous year.⁸⁹ Chow was facing an additional charge of “inciting subversion,” which remained pending as of April 2022.⁹⁰

RIOT

- Then Chief Executive Carrie Lam announced in October 2021 the plan to construct a high capacity court by mid-2023 with the aim of clearing a large backlog of protest-related cases,⁹¹ including what one lawyer described as “a flood of sweeping and hasty charges.”⁹² In one example, the prosecutor charged two individuals with “rioting” despite a lack of evidence showing the defendants' involvement, asking the court to “convict them based on their black attire, as well as the time and location of their arrests.”⁹³ In November, the Court of Final Appeal delineated the scope of the offense, holding that people cannot be held criminally liable for rioting without being actually present at the scene.⁹⁴

MONEY LAUNDERING

- In November 2021, District Court Judge Stanley Chan Kwong-chi sentenced 20-year-old student activist **Tony Chung Hon-lam** to 43 months in prison for “secession” and “money laundering.”⁹⁵ With respect to the latter charge, reports did not indicate that it was supported by wrongdoing independent of Chung's activism; the prosecution alleged that Chung's political group Studentlocalism received over HK\$135,000 (approx-

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mately US\$17,000) from 95 supporters through the sale of shirts, flags, and books bearing political messages espoused by his group.⁹⁶

ASSAULT

- In February 2022, High Court Judge Esther Toh Lye-ping dismissed the appeal filed by American lawyer **Samuel Bickett**, affirming his 18-week sentence stemming from a December 2019 incident in which Bickett was alleged to have assaulted a plainclothes police officer.⁹⁷ Bickett reported that he was trying to disarm a man who was beating a passerby, adding that the man “said repeatedly that he was not a police officer in both English and Chinese, and refused to show any warrant card to those present.”⁹⁸

Targeting the Independent Press

This past year, the National Security Department arrested editors and executives on NSL and sedition charges, forcing pro-democracy news outlets to close. As a result, “Hong Kong . . . has fallen from 18th place in 2002 to 80th place in the 2021 [Reporters Without Borders] World Press Freedom Index.”⁹⁹ About 1,115 media workers lost their jobs in 2021, amounting to one in five workers in the Chinese-language media outlets in Hong Kong.¹⁰⁰ Some of these workers, concerned about legal risk and the pressure to self-censor, decided to find employment in other industries.¹⁰¹ According to a poll conducted by the Hong Kong Public Opinion Research Institute, 62 percent of people surveyed thought press and information in Hong Kong was “not free,” and 54 percent thought news outlet closures would cause a decline in government accountability.¹⁰²

In June 2021, over 500 NSD officers raided the offices of pro-democracy newspaper *Apple Daily* and froze its assets, forcing it to cease operations.¹⁰³ Police also arrested at least seven editors and executives of the newspaper on NSL charges: **Cheung Kim-hung, Chow Tat-kuen, Chan Pui-man, Cheung Chi-wai, Lam Man-chung, Yeung Ching-kee, and Fung Wai-kong**.¹⁰⁴ Police alleged that they had colluded with the newspaper’s founder **Jimmy Lai Chee-ying** in asking foreign countries to impose sanctions on Chinese and Hong Kong officials.¹⁰⁵

In December 2021, pro-democracy online publication **Stand News** announced its closure after over 200 police officers raided its newsroom, froze its assets, and arrested seven of its present and former editors and executives for “conspiracy to publish seditious content”: **Chung Pui-kuen, Patrick Lam Shiu-tung, Margaret Ng Ngoi-ye, Denise Ho Wan-see, Chow Tat-chi, Christine Fang Meng-sang, and Chan Pui-man** (Chan is Chung Pui-kuen’s wife and was also detained in connection with the *Apple Daily*’s case).¹⁰⁶ Police also issued arrest warrants for former consultant **Joseph Lian Yizheng** and director **Tony Tsoi Tung-ho**, who had moved to Japan and Australia, respectively.¹⁰⁷ Prompted by the arrests at *Stand News*, another pro-democracy online publication **Citizen News** announced its closure a few days later in January 2022.¹⁰⁸ In April 2022, the NSD arrested former *Stand News* col-

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umnist **Allan Au Ka-lun**, again alleging that he had published seditious materials.¹⁰⁹ Smaller outlets such as Rice Post, Mad Dog Daily, and White Night also disbanded.¹¹⁰ While some independent news outlets survived, a veteran journalist and scholar observed that “Hong Kong’s media system is undergoing a fundamental change, . . . as private outlets operate under increasing government control.”¹¹¹

In April 2022, the Hong Kong Journalists Association (HKJA) considered disbanding in light of mounting pressure from the government.¹¹² The Secretary for Security Chris Tang Ping-keung criticized the HKJA for “‘infiltrating’ local schools to lure student journalists” and demanded that the association disclose its sources of funding and membership list, which the association said would violate privacy laws.¹¹³

Restrictions on Access to Information

The Hong Kong government imposed restrictions that could undermine government accountability and the free flow of information. In October 2021, the Hong Kong government passed the “anti-doxxing law,” formally known as the Personal Data (Privacy) (Amendment) Ordinance 2021, which criminalizes the unauthorized disclosure of personal information and grants the Office of the Privacy Commissioner for Personal Data the authority to request that local and overseas internet service providers remove offending content.¹¹⁴ The amended law further authorizes the privacy commissioner to search premises and seize material with a warrant and to access electronic devices without a warrant.¹¹⁵ Internet and technology companies expressed concern that the broadly written law could expose them and their staff to criminal liability, and human rights groups worried that authorities would unevenly apply the law against government critics and encroach on more people’s privacy, given the commissioner’s broad powers.¹¹⁶

Relying on the new legal authority, the Hong Kong government tightened access to the Land Registry and Companies Registry. Beginning in November 2021, users are required to provide their names and identification numbers and acknowledge that their personal information could be transferred to law enforcement under the amended privacy ordinance.¹¹⁷ The government in recent years has restricted access to other databases including birth records, vehicle registration, and voter information.¹¹⁸ Historically, land and company records have played a role in exposing misconduct by Hong Kong and Chinese officials; the chairperson of the Hong Kong Journalists Association said that the new restrictions could weaken the press’s ability to hold the government to account.¹¹⁹

COLLAPSE OF CIVIL SOCIETY

Rhetoric and actions by Hong Kong officials displayed a concerted effort to target civil society groups that were part of the pro-democracy movement in 2019, isolating them from the international community¹²⁰ and causing their rapid disintegration in 2021. In August 2021, Carrie Lam asserted that disbandment was the only option for groups that crossed the national security “red line,”¹²¹ adding in October that the National Security Law is

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“about arresting people who have committed a crime [as much as it is] about trying to prevent and suppress the activities which will have that impact of undermining national security.”¹²² Other officials also discussed applying measures against offending organizations, which included the denial of tax exempt status, for charities and criminal prosecution of individual members.¹²³

As of January 2022, at least 65 organizations had shut down or left Hong Kong after the enactment of the National Security Law,¹²⁴ a trend that accelerated in the second half of 2021.¹²⁵ These organizations include religious, community, political, media, union, and human rights groups,¹²⁶ and their members cited pressure under the National Security Law.¹²⁷ Representative cases include the following:

- **Hong Kong Professional Teachers’ Union**, the largest teachers’ union in Hong Kong, with a 47-year history, disbanded in August 2021.¹²⁸ In July, state-run news outlet Xinhua called the union a “malignant tumor” because it “openly slandered the Nation’s socialist system and the central government’s policies in Hong Kong.”¹²⁹ The Education Bureau followed up with an announcement severing ties with the union, which it said had politicized school campuses.¹³⁰ The Secretary for Security further vowed to “launch an attack from all directions,” accusing the union of harboring violent forces that endanger national security, despite not having completed an investigation.¹³¹ The South China Morning Post reported that several unidentified people with close contacts in the central government unequivocally had told the union leaders that the group must “cease to exist.”¹³² According to a school principal, the union had been a major platform of communication between teachers and the government, and there was not a comparable organization in Hong Kong that could replace its role.¹³³

- **Civil Human Rights Front** also disbanded in August 2021, saying that it could not continue to operate because its convener, **Figio Chan Ho-wun**, was in detention.¹³⁴ Chan was sentenced in May 2021 to 18 months in prison for organizing an assembly in October 2019, and the group’s vice convener and treasurer also were facing NSL charges.¹³⁵ Despite the disbandment, the Hong Kong and Macao Affairs Office pressed for a thorough investigation.¹³⁶ Thereafter, police conducted a series of raids to collect evidence because the group had refused to turn over financial documents pursuant to a request issued in April 2021.¹³⁷ Civil Human Rights Front was founded in 2002 to coordinate protests among civil society groups.¹³⁸ One of the protests that it organized in 2019 reportedly had close to two million participants.¹³⁹

- **Hong Kong Alliance in Support of Patriotic Democratic Movements of China** (Hong Kong Alliance) was established in 1989 and had organized annual vigils to commemorate the 1989 Tiananmen protests. The organization disbanded in September 2021 after police had frozen its assets and criminally charged five of its members for refusing to surrender documents for a national security investigation.¹⁴⁰ Three of the group’s leaders were facing national security charges and two

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of them had already been sentenced for “unauthorized assembly” over their roles in the 2019 protests.¹⁴¹ Police additionally ordered the group to shut down its website and social media platforms and raided a museum that it operated.¹⁴²

- **Hong Kong Confederation of Trade Unions** had 31 years of history and 75 affiliated unions, the biggest independent trade union in Hong Kong.¹⁴³ It disbanded in September 2021, after some members received messages threatening their safety.¹⁴⁴ Pro-government news outlets had accused the confederation of colluding with foreign forces and of promoting strikes during the 2019 protests.¹⁴⁵

- **The 612 Humanitarian Relief Fund** announced in August 2021 that it would cease operations after police demanded that it hand over operational records, including information about its donors and beneficiaries.¹⁴⁶ The fund provided assistance to individuals detained in connection with the series of large-scale pro-democracy protests in 2019, giving them legal, medical, psychological, and financial assistance.¹⁴⁷ In May 2022, police from the National Security Department arrested all five trustees of the 612 Humanitarian Relief Fund—Cardinal **Joseph Zen Ze-kiun**, singer and activist **Denise Ho Wan-see**, barrister **Margaret Ng Ngoi-ye**, former professor **Hui Po-keung**, and former lawmaker **Cyd Ho Sau-lan**—based on allegations that they had asked other countries or overseas organizations to sanction Hong Kong officials.¹⁴⁸

Businesses’ Complicity in Repression

The Hong Kong government created an environment in which international businesses voluntarily or involuntarily contributed to the repression of freedoms in Hong Kong. For example—

- In July 2021, the Hong Kong government appointed Clement Chan Kam-wing, the managing director for assurance of the accounting firm BDO, to investigate alleged illegal activities of Next Digital.¹⁴⁹ Next Digital was the parent company of the pro-democracy newspaper Apple Daily, which ceased operations a month earlier in June after authorities arrested five top executives and froze HK\$18 million in assets.¹⁵⁰ In September 2021, the Financial Secretary presented a winding-up petition to liquidate Next Digital based on Chan’s interim report.¹⁵¹

- In September 2021, HSBC, Hang Seng Bank, and Bank of East Asia, froze HK\$2.2 million (approximately US\$280,000) worth of assets of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China.¹⁵² Prior to this reporting year, HSBC froze the bank accounts of the Good Neighbour North District Church and Pastor Roy Chan,¹⁵³ former legislator Ted Hui,¹⁵⁴ and Apple Daily’s publisher Jimmy Lai, his aide Mark Simon, and CEO Cheung Kim-hung.¹⁵⁵ In response to a letter by 13 U.S. lawmakers asking it to justify its actions, HSBC said that it was required to comply with local laws; the bank, however, did not address key questions raised in the letter, such as whether its actions contributed to the “inability of the people of Hong Kong (a) to enjoy freedom of assembly,

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speech, press, or independent rule of law; or (b) to participate in democratic outcomes’ as stipulated under the Hong Kong Autonomy Act of 2020 (Public Law No. 116-149).”¹⁵⁶

- In October 2021, the Hong Kong Association of Banks advised local and international member banks to disclose property held by clients who have been arrested or charged under the NSL.¹⁵⁷

[For more information on Apple Daily, see the subsection “Targeting the Independent Press” above. For more information on Hong Kong Alliance, see the subsection “Collapse of Civil Society” above.]

Securitization of Education

The Hong Kong government—as part of its statutory obligation to “promote national security education in schools and universities”¹⁵⁸—worked to establish political control over schools as it politicized students and simultaneously required school officials to prevent “political interference.”¹⁵⁹ The “politicization of children from secondary school” and other government actions, prompted three UN independent human rights experts to raise concerns that students’ right to education and academic freedom have been undermined; they further asked the Hong Kong government to define the scope of the National Security Law.¹⁶⁰ In response to the UN experts, the PRC Mission to the United Nations circularly explained that the law calls for all “necessary measures” to safeguard national security.¹⁶¹

PRE-COLLEGE EDUCATION

The Education Bureau continued to carry out plans to insert national security components into school curricula,¹⁶² further requiring schools to fully implement related programs beginning in the 2022–2023 school year.¹⁶³ Available documents show that some schools were setting up working groups beginning in September 2021 to plan and coordinate the implementation of national security measures in schools,¹⁶⁴ as required by an Education Bureau directive issued in February 2021.¹⁶⁵

The government ordered teachers to clear political hurdles to keep their jobs, such as passing a test on the Basic Law of the Hong Kong SAR and potentially taking an oath of allegiance.¹⁶⁶ It also required schools to provide political education. In April 2021 the Education Bureau distributed to primary and secondary schools a textbook on safeguarding national security. In July the textbook was distributed to kindergartens, with a reminder to help children cultivate a sense of national identity and to understand that Hong Kong is a part of China.¹⁶⁷

Beginning in September 2021, liberal studies as a secondary school course was replaced by a new curriculum called “Citizenship and Social Development,” which is designed to have embedded national security elements.¹⁶⁸ While the official guide encourages “exploration, analysis and reflection,” it also requires teachers to “point out to students that there is no room for discussions or compromise” on “issues with absolute right and wrong or clear legal

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principles,” requiring them to “clearly state all the facts about the history, moral standards and legal principles.”¹⁶⁹

COLLEGE EDUCATION

According to an index updated in 2022, academic freedom in Hong Kong significantly declined between 2011 and 2021, a trend that “began with a dip in the institutional autonomy and freedom of academic and cultural expression indicators . . . with [an accelerated and] continuous decline in all indicators, including notable dips in . . . campus integrity,” which refers to an increase in “security-infringements and surveillance on campus.”¹⁷⁰

A professor who taught in Hong Kong until mid-August 2021 likewise observed that during the 18 months before his departure, he witnessed “the near total subordination of the city’s universities to the Chinese Communist Party . . .”¹⁷¹ For instance, university administrators suppressed student dissent by depriving student unions of funding and by removing political artwork from university premises.¹⁷² The professor also noted that the university where he taught conducted digital surveillance on all faculty, planned to install closed circuit cameras in classrooms, and required teachers to record their lectures, all of which serve as tools of intimidation because of possible criminal prosecution under the NSL.¹⁷³

Macau

This past year, Macau SAR authorities invoked overtly political grounds in the disqualification of 21 pro-democracy candidates for the Legislative Assembly election, which was followed by a record low election turnout and the closure of a pro-democracy online news outlet.

In July 2021, the Electoral Affairs Commission disqualified 21 pro-democracy candidates for election to the Legislative Assembly on grounds that they did not support the Basic Law of Macau or were disloyal to the Macau government, based on information compiled by the police and Macau’s Secretariat for Security.¹⁷⁴ In the case of disqualified candidate Ng Kuok Cheong, authorities considered factors such as photographs he had taken with democracy advocates, his calls for universal suffrage, and his role in organizing vigils commemorating the 1989 Tiananmen protests¹⁷⁵ (the applications for which were denied by the government) as a “challenge to the central government’s authority” in June 2021.¹⁷⁶

Three disqualified candidates unsuccessfully appealed the decision to the Court of Final Appeal.¹⁷⁷ In support of its finding of disloyalty, the court concluded that the vigils were at odds with the central government’s characterization of the 1989 Tiananmen protests, and that the appellants’ call for ending one-party rule was a violation of the PRC Constitution, which provides for the Chinese Communist Party’s leadership.¹⁷⁸

The Legislative Assembly election in September 2021 saw a record low turnout, with all 12 indirectly elected seats uncontested, and 11 of the 14 directly elected seats won by pro-Beijing candidates.¹⁷⁹ The Macau Electoral Affairs Committee reported a substantial percentage increase in blank and invalid ballots.¹⁸⁰ According to photographs published by online news outlet Macau

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Concealers, some voters had defaced their ballots with words demanding universal suffrage, the initials of a disqualified candidate, and other protest language.¹⁸¹

In the following month, Macau Concealers announced that it would cease operations, citing “unprecedented environmental changes” and “[a] shortage of resources.”¹⁸² Macau Concealers was founded and financed by the pro-democracy political party New Macau Association, one of whose members was among the 21 candidates disqualified in July 2021.¹⁸³

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