



**THE SIX-MONTHLY REPORT ON HONG KONG
1 JANUARY TO 30 JUNE 2022**

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Secretary of State for Foreign, Commonwealth and Development Affairs

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FOREWORD

Twenty-five years on from the handover, the Chinese and Hong Kong authorities are undermining the rights and freedoms promised to Hong Kongers under the Sino-British Joint Declaration.

Hong Kong's autonomy is declining, and the pervasive, chilling effect of the National Security Law seeps into all aspects of society.

Freedoms are being systematically eroded by Beijing on multiple fronts, tightening the restrictions on the lives of ordinary Hong Kongers.

The authorities continue to crack down on free speech, the free press, and free assembly. Individuals and civil society groups are censoring themselves, and most independent news outlets have been forced to close.

The Hong Kong authorities continue to arrest and prosecute those who dissent, including high-profile figures, pro-democracy activists and politicians.

Those accused of national security crimes face immediate imprisonment, with little chance of bail. High profile individuals, including Jimmy Lai and the 47 pro-democracy politicians and activists, remain detained and awaiting trial.

Meanwhile, the authorities are extending their attempts to censor critics beyond Hong Kong's borders. Their demand that the UK-based NGO, Hong Kong Watch, take down its website was a clear attempt to restrict political debate overseas.

The judiciary are required to enforce laws and values imposed by Beijing. The authorities are also using the antiquated offence of sedition to crack down on dissent.

With the authorities having departed from the values of political freedom and freedom of expression, it became untenable for UK Supreme Court judges to continue within Hong Kong's judicial system.

As such, following discussions with the UK Government, Supreme Court President Rt Hon Lord Robert Reed and Deputy President Rt Hon Lord Patrick Hodge resigned from Hong Kong's Court of Final Appeal in March.

Voting rights are being curtailed, with China and the Hong Kong authorities moving away from the aim of universal suffrage as set out in law.

In May, John Lee was the first Chief Executive selected under new rules which drastically reduced the number of people able to vote or stand in Hong Kong elections. He was the sole candidate for the role.

On 28 November, the Chief Executive requested an interpretation of the Law on Safeguarding National Security by the Standing Committee of the National People's Congress. On 30 December, the NPCSC made an interpretation of Article 14 and 47 of the National Security Law. We will watch closely how the Chief Executive implements the decision.

We will work constructively with the new Chief Executive where we can within the wider relationship, but we will judge the Hong Kong government based on its actions. We call on the Chief Executive to respect rights and freedoms in Hong Kong, and to uphold the rule of law. It is in China's interests that Hong Kong maintain its distinctiveness.

The Chief Executive is taking steps to re-open Hong Kong to international travellers and address business concerns about Covid restrictions. That is welcome. Hong Kong has a vital role to play in connecting China with the rest of the world.

The international community shares our concerns about Hong Kong's trajectory. In July, the independent UN Human Rights Committee urged the authorities to repeal the National Security Law and restore rights and freedoms, including the right to a fair trial. They also called for concrete steps towards universal suffrage.

The UK has an unwavering commitment to Hong Kong and its people. We want Hong Kong to thrive, and we take our responsibilities as co-signatory to the Sino-British Joint Declaration very seriously.

We will continue to support Hong Kongers, including through the British National (Overseas) visa route, to live, work and study in the UK.

There is no doubt that China is failing to comply with the Sino-British Joint Declaration. Hong Kong's rights and freedoms have been sacrificed to facilitate greater control by Beijing, undermining Hong Kong's autonomy. China is diminishing the way of life promised to Hong Kong 25 years ago.

Secretary of State for Foreign, Commonwealth and Development Affairs

INTRODUCTION

This series of Six-monthly Reports reflects our continuing interest in developments in Hong Kong and our commitment to the faithful implementation of the 1984 Sino-British Joint Declaration. This Declaration guaranteed that, for 50 years from 1997, the Hong Kong Special Administrative Region (SAR) would enjoy a high degree of autonomy, except in foreign and defence affairs, and that it would be “vested with executive, legislative and independent judicial power”. The continuation of Hong Kong’s social and economic systems, lifestyle, and rights and freedoms is guaranteed under the Sino-British Joint Declaration. This arrangement was popularly referred to as ‘One Country, Two Systems’.

Events are covered in the report under the categories of:

- Significant political developments;
- Constitution and ‘One Country, Two Systems’;
- Legal and judicial developments; and
- Basic rights and freedoms.

The period from January to June 2022 saw the first selection of a Chief Executive of the Hong Kong SAR under new electoral rules. John Lee Ka-chiu, the deputy of the previous Chief Executive, was selected as the sole candidate. This reflected the continued decline in political plurality in Hong Kong, heralded by the Chinese authorities as “patriots governing Hong Kong”. Increased censorship and reduced tolerance for opposition continued to extend beyond formal politics. There was widespread censorship of civil society, media and the population at large. A number of journalists were arrested or facing trial, media outlets were forced to close down and the city’s Foreign Correspondents’ Club suspended its human rights press awards over the uncertainty of their operating environment. Prominent human rights lawyers were pressured into leaving Hong Kong. Arrests on national security grounds continued, and included 90 year-old Catholic Cardinal Zen. High profile pro-democracy figures, including Jimmy Lai and former pan-democratic politicians, remained in prison awaiting trial. There was a significant increase in the use of sedition laws, which further limited free speech.

Censorship was also extended overseas, with the Hong Kong SAR authorities demanding that UK-based NGO “Hong Kong Watch” take down its website, on the basis of Hong Kong national security.

With reducing political freedoms, including freedom of expression in Hong Kong, the two serving members of the UK Supreme Court decided they could no longer sit in the Hong Kong Court of Final Appeal.

The declining human rights situation continued to attract international criticism, including from G7 countries, the European Union and the United Nations.

The UK considered China to be in a state of ongoing non-compliance with the Sino-British Joint Declaration throughout this period due to the continued use of the National Security Law (NSL) to harass and stifle voices critical of China’s policies, and limit political participation.

TIMELINE OF SIGNIFICANT DEVELOPMENTS

- **2 January** – Media outlet Citizen News announces its closure.
- **14 February** – Access to the website of UK-based NGO “Hong Kong Watch” is blocked in Hong Kong.
- **18 February** – Chief Executive Carrie Lam invokes the Emergency Regulations Ordinance (ERO) to postpone the 2022 Chief Executive Election.
- **25 February** – National Security Police charge two bubble tea shop owners with sedition for opposing the Hong Kong SAR Government’s pandemic policies.
- **1-2 March** – Human Rights lawyer and former Hong Kong Bar Association chairman, Paul Harris SC, is questioned by National Security Police, and leaves Hong Kong for the UK.
- **10 March** – Hong Kong Police write to UK-based NGO “Hong Kong Watch” accusing them of violating the National Security Law and demand that the Hong Kong Watch website be taken down from the internet.
- **29 March** – Former pan-democrat legislator Leung Kwok-hung sentenced to two weeks in jail for contempt of the Legislative Council.
- **30 March** – President and Deputy President of the UK Supreme Court, Rt Hon Lord Reed of Allermuir and Rt Hon Lord Patrick Hodge, resign as non-permanent judges of Hong Kong’s Court of Final Appeal (CFA) with immediate effect.
- **7 April** – National Security Police charge two people with sedition for allegedly causing a nuisance during court hearings.
- **11 April** – Veteran journalist Allan Au Ka-lun arrested for allegedly conspiring to publish seditious publications.
- **25 April** – The Foreign Correspondents’ Club (FCC) announces suspension of the annual Human Rights Press Awards.
- **8 May** – Former Chief Secretary John Lee Ka-chiu is elected as the Hong Kong SAR Government’s fifth Chief Executive.
- **11-12 May** – National Security Police arrest Cardinal Joseph Zen Ze-kun, along with four other trustees of 612 Humanitarian Relief Fund, for allegedly conspiring to collude with foreign forces.
- **24 May** – Pro-democracy activist and former law professor Benny Tai Yiu-ting is sentenced to ten months in prison for election offences.
- **28-31 May** – Chief Executive-elect John Lee visits Beijing and receives formal approval from Chinese Premier Li Keqiang.
- **4 June** – 200 Police officers close off Victoria Park, preventing any vigil to remember the victims of the Tiananmen Square massacre.

SIGNIFICANT POLITICAL DEVELOPMENTS

Hong Kong's political landscape continued to be remodelled to allow participation from 'patriots only'. Space for political opposition and dissent reduced almost entirely. John Lee was selected unopposed as the new Chief Executive. Reprisals continued against democratic politicians. The Hong Kong Government attempted to use the NSL to extend political censorship overseas.

The 2022 Chief Executive Election

Hong Kong's Chief Executive is selected by an Election Committee, rather than by popular vote. On 30 March 2021, China's National People's Congress Standing Committee made extensive changes to Hong Kong's electoral system. These included changing the composition and voting rules of the Election Committee and introducing a new Candidate Eligibility Review Committee to vet potential candidates.

The first Chief Executive election under the new system was scheduled for 27 March 2022. The successful candidate would replace existing Chief Executive, Carrie Lam Cheng Yuet-ngor, at the end of her five-year term on 1 July 2022.

On 18 February, Chief Executive Carrie Lam used emergency powers to delay the elections until 8 May, citing concerns about the pandemic.

Local media reported that on 1 April Lam travelled across the border to Shenzhen to meet with mainland officials, including Xia Baolong from the Hong Kong and Macao Affairs Office (HKMAO). On 3 April, Lam announced that she would not seek re-election for a second term in office, citing family reasons.

The Central Government Liaison Office (CGLO) reportedly met with election committee members on and around 5 April to secure support for the Central Government's preferred candidate.

On 6 April, John Lee Ka-chiu resigned as Chief Secretary for Administration of the Hong Kong SAR Government and announced his intention to stand for Chief Executive. Despite not yet publishing a manifesto, on 13 April Lee gained the necessary votes from the Election Committee to stand as a candidate. On 18 April, Lee was confirmed as the only candidate.

On 29 April, John Lee published his manifesto, which promised to strengthen governance, provide more housing, enhance competitiveness, and increase upward mobility for youth.

Lee was selected as the fifth Chief Executive of the Hong Kong SAR on 8 May. 1,416 of the 1,461 Election Committee members voted in favour, eight voted against, four cast blank ballots, and 33 Election Committee members did not vote.

The CGLO and HKMAO welcomed the result as "democracy with Hong Kong characteristics". They claimed this showed the superiority of the new electoral system and represented another step towards "patriots governing Hong Kong".

The process was, however, criticised internationally. On 9 May, G7 Foreign Ministers and the High Representative of the European Union issued a joint statement:

“We, the G7 Foreign Ministers of Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States of America, and the High Representative of the European Union, underscore our grave concern over the selection process for the Chief Executive in Hong Kong as part of a continued assault on political pluralism and fundamental freedoms.

Last year, PRC and Hong Kong authorities moved away from the ultimate aim of universal suffrage as set out in Hong Kong’s Basic Law by increasing the number of non-elected members appointed to the Election Committee and dramatically curtailing the number of voters eligible to participate in the Committee elections.

The current nomination process and resulting appointment are a stark departure from the aim of universal suffrage and further erode the ability of Hong Kongers to be legitimately represented. We are deeply concerned about this steady erosion of political and civil rights and Hong Kong’s autonomy.

We continue to call on China to act in accordance with the Sino-British Joint Declaration and its other legal obligations. We urge the new Chief Executive to respect protected rights and freedoms in Hong Kong, as provided for in the Basic Law, and ensure the court system upholds the rule of law.”

On 28 May, John Lee travelled to Beijing where he received formal approval from the Central Government. He was officially inaugurated as Chief Executive by President Xi Jinping in Hong Kong on 1 July 2022.

Non-compliance with Election Rules

Under Hong Kong’s election rules, candidates are required to submit to the Electoral Affairs Commission (EAC) the written consent of any people providing endorsements in election adverts. This needs to be within one day of the adverts being published. The offence carries a maximum penalty of a fine of HKD 5,000 (approximately £550) and six months’ imprisonment. Between 13-18 April, John Lee failed three times to submit copies of written consent on time to the EAC. On 7 June, Lee filed a petition to the High Court to apply for an exemption from penalties. The Court can waive penalties if it is satisfied that act was due to "inadvertence, an accidental miscalculation or any reasonable cause and was not due to bad faith". As of the end of the reporting period, the petition remained under consideration by the High Court.

“Hong Kong Watch” website blocked

On 14 February, the website of UK-based NGO “Hong Kong Watch” was blocked by several internet service providers in Hong Kong. Hong Kong Watch CEO Benedict Rogers noted that blocking the website on national security grounds would represent “a serious blow to internet freedom”. The Hong Kong Watch website continues to be blocked in Hong Kong.

On 10 March, the Hong Kong Police wrote to Hong Kong Watch accusing them of violating the National Security Law (NSL) and demanded that their website be taken down from the internet entirely.

On 14 March, then Foreign Secretary, Rt Hon Liz Truss MP, made the following statement:

“The unjustifiable action taken against the UK-based NGO Hong Kong Watch is clearly an attempt to silence those who stand up for human rights in Hong Kong.

The Chinese Government and Hong Kong authorities must respect the universal right to freedom of speech, and uphold that right in Hong Kong in accordance with international commitments, including the Sino-British Joint Declaration.

Attempting to silence voices globally that speak up for freedom and democracy is unacceptable and will never succeed.

612 Humanitarian Relief Fund

Established in June 2019 during Hong Kong’s anti-extradition protests, the 612 Humanitarian Relief Fund crowdsourced money to provide medical and legal support to protesters. In September 2021 the National Security Police began investigating the fund, which closed down formally on 31 October 2021.

Between 11 and 12 May 2022, National Security Police arrested five fund trustees on suspicion of conspiracy to collude with foreign forces - barrister Margaret Ng Ngoi-ye, former pan-democrat legislator Cyd Ho Sau-lan, singer Denise Ho Wan-see, scholar Hui Po-keung, and 90 year-old Catholic Cardinal Joseph Zen Ze-kun.

On 12 May, then Minister of State for Asia and the Middle East, the Rt Hon Amanda Milling MP, said:

“The Hong Kong authorities; decision to target leading pro-democracy figures, including Cardinal Zen, Margaret Ng, Hui Po-Keung and Denise Ho, under the National Security Law is unacceptable.”

A Vatican spokesperson said: “*The Holy See has learned with concern the news of the arrest of Cardinal Zen and is following the development of the situation with extreme attention.*”

US Department of State spokesperson Ned Price said: “*Hong Kong authorities have again demonstrated they will pursue all means necessary to stifle dissent and undercut protected rights and freedoms*”.

European Union High Representative Josep Borrell called for fundamental freedoms to be respected and Canadian Foreign Minister Mélanie Joly called the arrests “deeply troubling”.

On 24 May, the trustees pleaded not guilty to failing to register the 612 Fund as a society. As of the end of the reporting period, they had not been charged under the NSL.

Conviction of Pro-democracy Activists and Politicians

Benny Tai Yiu-ting

In July 2021, pro-democracy activist and former law professor Benny Tai Yiu-ting was charged with election-related offences by the Independent Commission Against Corruption (ICAC). The ICAC accused Tai of paying for six newspaper adverts to promote strategic voting in the 2016 legislative elections, despite not being a candidate in the elections.

On 25 April, Tai pleaded guilty, and was convicted. He was sentenced to ten months in prison. Noting the lack of justification for the five-year delay in the prosecution against Tai, Judge Anthony Kwok Kai-on deducted two months from Tai's sentence.

Lam Cheuk-ting

In December 2020, former pan-democrat legislator Lam Cheuk-ting was charged by the ICAC with disclosing the identity of a police officer under investigation for corruption.

Lam had been helping the ICAC with investigations into police officer Yau Nai-keung. Yau was assistant district commander during the infamous 2019 incident at Yuen Long metro station, where police received complaints about their allegedly slow response to attacks on members of the public. Lam had been present at Yuen Long, suffering injuries, and was invited by the ICAC to give evidence. Following the incident, Yau was promoted and given oversight of the team investigating the police response. Lam revealed in press conferences that the ICAC were investigating Yau, arguing that it was "absurd" that a police officer himself being investigated for misconduct should lead the investigation into the other suspects in the case.

On 26 January, Lam was found guilty and sentenced to four months in jail. The judge rejected Lam's arguments that disclosure was in the public interest, noting that Lam's actions potentially prejudiced the ICAC investigation.

Lee Cheuk-yan

On 1 January 2021, Lee Cheuk-yan, former legislator and chairman of the Hong Kong Alliance, held a large balloon saying "*Free all political prisoners*", near government headquarters. A police officer warned Lee and fellow activist Tsang Kin-shing not to release the balloon. On 28 April, Lee was sentenced to three weeks in prison for obstructing a police officer and fined HKD 3,500 (approximately £400) for flying a balloon exceeding two meters in a controlled airspace. Magistrate Jacky Ip Kai-leung noted that flying the balloon constituted a public danger.

Parliamentary Privilege

On 27 September 2021, the Court of Final Appeal (CFA) ruled that activities undertaken in the Legislative Council are not immune from prosecution. The CFA judged that former pan-democrat legislator Leung Kwok-hung could be prosecuted for allegedly snatching a confidential folder from a government official during a Legislative Council meeting in November 2016. The CFA noted that free speech in the Legislative Council should be upheld, but concluded that Leung was instead causing a disturbance. On 29 March, a Magistrates court convicted Leung of contempt of the Legislative Council and sentenced him to two weeks in jail.

Following the CFA ruling, a number of other former pan-democrat legislators have since been tried for their actions in the Legislative Council.

On 4 February, former pan-democrat legislator Fernando Cheung Chiu-hung was sentenced to three weeks in jail for contempt. Cheung allegedly shouted slogans during a pivotal meeting for control of the House Committee on 8 May 2020. Pro-Establishment politician Kwok Wai-keung had faced allegations of assault from the same meeting, but the Department of Justice intervened in November 2020 to halt a private prosecution.

On 8 June, former pan-democrat legislator, Leung Yiu-chung, was sentenced to two weeks in prison. Leung was convicted of “assaulting, obstructing or molesting” pro-Beijing lawmaker Elizabeth Quat during a Legislative Council meeting on 11 May 2019. The meeting to discuss the controversial extradition bill resulted in physical confrontations between lawmakers.

Ten other former pan-democrat legislators were facing similar charges of misconduct in the Legislative Council, with their trials set for autumn 2022.

CONSTITUTION AND ‘ONE COUNTRY, TWO SYSTEMS’

Hong Kong retained significant differences from mainland China, but mainly in the economic sphere. The Central Government continued attempts to bring Hong Kong’s governance, rights and social systems closer to mainland norms. Changes included policies to remove from the civil service anyone considered disloyal to mainland China.

Recruitment of Civil Servants

According to Hong Kong’s Basic Law, civil servants should be recruited on the basis of their qualifications, experience and ability.

The Hong Kong SAR Government made two important changes to the way civil servants are recruited during the reporting period. New civil servants are now required to pass tests on the National Security Law and external political appointees are allowed for some senior civil service roles.

On 9 February, then Secretary for the Civil Service Patrick Nip Tak-kuen announced that existing civil servants will have to pass tests on the National Security Law before being promoted. From 1 July 2022, all new entrants to the civil service also have to pass tests on the National Security Law.

In May, the Civil Service Bureau put forward new recommendations to the Legislative Council for how senior civil service posts are appointed. This included recommendations that a number of senior civil service posts should be recruited externally, due to factors such as “political sensitivity” outweighing professional ability in some instances.

On 1 June, under a pilot scheme for the new appointment process, the former Hong Kong Deputy Police Commissioner Oscar Kwok Yam-shu was appointed as the head of Hong Kong’s new Civil Service College, responsible for training civil servants. Kwok had previously spent 31 years in the police force, with no civil service experience.

Covid-19 emergency measures

During February and March Hong Kong experienced a large outbreak of Covid-19. On 24 February, the Hong Kong SAR Government invoked emergency powers in response, which created a number of exemptions for normal arrangements between Hong Kong and the mainland. Under the emergency arrangements, mainland medical workers were allowed to practice in Hong Kong without the normal legal requirement for registration. Relevant legal obligations were also waived for the construction of an emergency hospital at the Lok Ma Chau Loop (which had previously been part of the mainland before being ceded to Hong Kong in 1997). This allowed mainland construction vehicles to enter without local registration and temporary bridges to be built between Hong Kong and the mainland without immigration checkpoints. The emergency measures have no formal end date.

LEGAL AND JUDICIAL SYSTEMS

Hong Kong retained its separate common law legal system. However, that system and the accompanying institutions remain under pressure. The use of sedition laws expanded considerably. The NSL and sedition laws were used to target dissenting voices through politicised prosecutions. The President and Deputy President of the UK Supreme Court resigned as non-permanent judges of the Court of Final Appeal.

Withdrawal of serving UK Judges from the Court of Final Appeal

On 30 March, the President and Deputy President of the UK Supreme Court, the Rt Hon Lord Reed of Allermuir and the Rt Hon Lord Patrick Hodge, resigned as non-permanent judges of the Court of Final Appeal (CFA).

Lord Reed said:

Further to my statement of 27 August 2021, I have been closely monitoring and assessing developments in Hong Kong, in discussion with the government.

The judges of the Supreme Court and its predecessor, the Appellate Committee of the House of Lords, have sat on the Hong Kong Court of Final Appeal (HKCFA) for many years in fulfilment of the obligations undertaken by the government towards Hong Kong in 1997. They have done so with the support of the government, and in the light of the government's assessment that their participation in the HKCFA was in the UK's national interests.

However, since the introduction of the Hong Kong national security law in 2020, this position has become increasingly finely balanced.

The courts in Hong Kong continue to be internationally respected for their commitment to the rule of law. Nevertheless, I have concluded, in agreement with the government, that the judges of the Supreme Court cannot continue to sit in Hong Kong without appearing to endorse an administration which has departed from values of political freedom, and freedom of expression, to which the Justices of the Supreme Court are deeply committed.

Lord Hodge and I have accordingly submitted our resignations as non-permanent judges of the HKCFA with immediate effect.

Then Foreign Secretary Rt Hon Liz Truss MP issued a written ministerial statement to Parliament:

“British judges have played an important role in supporting the judiciary in Hong Kong for many years. Since 1997 judges from other common law jurisdictions, including the UK, have sat on the Hong Kong Court of Final Appeal as part of the continuing commitment to safeguarding the rule of law.

However, since Beijing's imposition of the national security law in 2020, our assessment of the legal environment in Hong Kong has been increasingly finely balanced. China has continued to use the national security law and its related institutions to undermine the fundamental rights and freedoms promised in the Sino-British Joint Declaration. As national security law cases proceed through the courts, we are seeing the implications of this sweeping legislation, including the chilling effect on freedom of expression, the stifling of opposition voices, and the criminalising of dissent.

Given this concerning downward trajectory, the Foreign Secretary has agreed with the Deputy Prime Minister and Lord Chancellor, and the President of the UK Supreme Court Lord Reed, that the political and legal situation in Hong Kong has reached the point at which it is no longer tenable for serving UK judges to participate on the Court of Final Appeal. As such Lord Reed and Lord Hodge submitted their resignations to the Hong Kong authorities today. We are grateful for their service, and that of their predecessors.

The UK remains committed to stand up for the people of Hong Kong, to call out the violation of their rights and freedoms, and to hold China to their international obligations.

The then Foreign Secretary said in a press release:

“We have seen a systematic erosion of liberty and democracy in Hong Kong. Since the National Security Law was imposed, authorities have cracked down on free speech, the free press and free association.

The situation has reached a tipping point where it is no longer tenable for British judges to sit on Hong Kong's leading court, and would risk legitimising oppression.

I welcome and wholeheartedly support the decision to withdraw British judges from the court.”

Deputy Prime Minister, Justice Secretary and Lord Chancellor, Rt Hon Dominic Raab MP, said:

“Since 2020 and the introduction of the national security law, our assessment of the situation in Hong Kong is that it has shifted too far from the freedoms that we hold dear – making free expression and honest critique of the state a criminal offence.

This flies in the face of the handover agreement we have had with China since 1997 and, having discussed at length with Foreign Secretary and the President of

the Supreme Court, we regretfully agree that it is no longer appropriate for serving UK judges to continue sitting in Hong Kong courts.

I thank our judges for being a bastion of international rule of law in Hong Kong over the past 25 years.”

Then Chief Executive Carrie Lam expressed regret and disappointment at the resignations, saying “*We must vehemently refute any unfounded allegations that the judges’ resignations have anything to do with the Hong Kong National Security Law*”.

Hong Kong’s Chief Justice, Andrew Cheung Kui-nung also regretted the decision, but noted that there remained 10 (retired) overseas non-permanent judges from common law jurisdictions sitting in the CFA.

Speaking at the House of Lords Constitutional Committee on 6 April, Lord Reed explained further the decision:

“In the light of the crackdown on freedoms to which we on the Supreme Court, and indeed in our society, are committed, a stage was reached when we were in agreement that the time had come for us to withdraw. I was not under pressure from politicians. That is a mistaken reading. Some things were published in Hong Kong that may have encouraged that misunderstanding, but I sought the meeting at which we took a decision because of my own concerns and found that Ministers were of the same view.” Lord Reed said “*I felt that the time had come when we had to call it a day in the interests of the values that we represent. I have to say that it is a matter of great regret. I am very fond of Hong Kong.*”

Hong Kong Bar Association

The Hong Kong Bar Association regulates the professional conduct of Hong Kong’s barristers. It has traditionally been an important actor in Hong Kong civil society, providing legal scrutiny of government actions and legislation.

The Chair of the Bar Association is elected annually. The previous Chair, human rights specialist Paul Harris SC, had been accused of hostility towards the Chinese Communist Party and criticised publicly by the Central Government and state-owned media.

On 20 January, sole candidate Victor Dawes SC, who specialises in commercial litigation, was elected as the new Chairman. In comments to the media, Dawes noted that the Bar Association would continue to promote the rule of law, but as a professional organisation it would not involve itself in political issues.

On 1 March, local media reported that former Bar Association Chair Paul Harris SC was questioned by police as part of a national security investigation. The next day, Harris left Hong Kong for the UK.

Selection of Judges in Hong Kong’s Courts

The Judicial Officers Recommendation Commission (JORC) makes recommendations to the Chief Executive for judicial appointments at all levels in Hong Kong’s courts.

The JORC's nine members include one solicitor nominated by the Law Society of Hong Kong, and one barrister nominated by the Hong Kong Bar Association.

On 17 August 2021, the Bar Association nominated Neville Sarony KC SC as its representative on the JORC, following the resignation of the previous incumbent. Sarony has in the past been an outspoken critic of the Hong Kong SAR Government and its policies.

On 10 February 2022, following a six-month delay, the Bar Council was "invited by the Chief Secretary for the Administration's Office to make another recommendation for consideration". This is the first time that the Hong Kong SAR Government has refused to appoint a candidate chosen by the Bar Association.

Hong Kong Bar Association Chairman Victor Dawes SC was nominated in place of Sarony, and confirmed as a member of the JORC on 25 March.

Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law)

According to Hong Kong Police statistics, from the introduction of the NSL on 30 June 2020 until 25 January 2022, a total of 162 people have been arrested for NSL offences and over 100 people charged.

Between 1 January and 30 June 2022, two National Security Law cases concluded. Both were tried without jury, and both defendants found guilty. All NSL cases tried so far have been tried without jury and all defendants found guilty.

Lui Sai-yu

On 29 April, Lui Sai-yu, a 25-year-old university student, was sentenced to five years in prison for incitement to secession. Lui allegedly posted messages on social media supporting Hong Kong independence, including phrases such as "Liberate Hong Kong, revolution of our times". He had been in prison since his arrest in September 2020.

Chan To-wai

On 11 May, Chan To-wai was sentenced to three months in jail for failing to co-operate with National Security Police, thereby breaching Article 43 of the NSL. A former member of the Hong Kong Alliance, Chan allegedly refused to hand over details of the Alliance's financial reports and activities to the Police.

Tong Ying-kit

On 27 July 2021, Tong Ying-kit became the first person to be convicted under the NSL. He was sentenced to nine years in prison for allegedly driving a motorbike into police officers in July 2020 while carrying a protest flag.

Tong had indicated his intention to appeal the verdict with the Court of Appeal setting an appeal hearing date for 23 and 24 March. However, following changes in November 2021 that allowed the Government to appoint lawyers for criminal cases that use legal aid, the Government assigned Tong new legal representatives. On 13 January, Tong dropped his appeal, writing directly to the court from prison. Tong's original barrister,

Clive Grossman SC, said that he was surprised by Tong’s decision to withdraw the appeal, and had “no idea” why Tong had taken the decision.

Adam Ma Chun-man

Adam Ma Chun-man was the third person charged under the NSL. Ma allegedly chanted pro-independence slogans in public. In November 2021 he was convicted of secession and sentenced to five years and nine months in prison. On 7 June, the Court of Appeal heard Ma’s appeal – the first ever under the NSL – and set the verdict for 5 September.

National Security Hotline

On 8 June, the Hong Kong Police Force “upgraded” its existing national security hotline to a “counter-terrorism reporting hotline” with members of the public encouraged to report “extremist plots”. The Police offered to pay rewards for reliable information.

Use of Sedition Laws

Sedition remains a crime in Hong Kong, despite having been abolished in the UK. Use of sedition laws expanded considerably in Hong Kong, with at least 29 people arrested for sedition between 1 January and 30 June.

Notable **arrests** included:

Koo Sze-yiu

On 4 February, veteran activist Koo Sze-yiu was arrested for inciting subversion under the NSL. He was later charged with sedition. Koo had allegedly planned a protest at the CGLO against the Beijing Winter Olympics Games. He was arrested at his home by National Security Police before any protest could take place. Police accused him of “*attempting to do or making preparations to do an act or acts with seditious intention*”.

Tommy Yuen Man-on

On 15 February, police arrested singer Tommy Yuen Man-on, for sedition, over his comments on social media. Yuen allegedly published online content inciting hatred towards the Hong Kong SAR Government, the police and the judiciary, as well as opposition to the SAR’s anti-epidemic measures. Police also accused him of singing the protest slogan “Liberate Hong Kong” during an online concert.

Chiu Mei-ying and Garry Pang Moon-yuen

On 7 April, Chiu Mei-ying and Christian pastor Garry Pang Moon-yuen, were charged with sedition, with police suspecting them of “*having purposefully caused nuisance*” during court hearings. Chiu and Pang were allegedly among those who applauded barrister Chow Hang-tung as she attempted to read out recollections from the families of the victims of the Tiananmen Square massacre during her trial on 4 January. Police noted that to “*excite disaffection against the administration of justice in Hong Kong*” is a serious crime.

Allan Au Ka-lun

On 11 April, veteran journalist Allan Au Ka-lun was arrested by National Security Police for allegedly conspiring to publish seditious publications. Local media reported that the arrest was related to the articles Au had previously written in the pro-democracy online media outlet Stand News.

Notable **convictions** for sedition during the reporting period included:

Kim Chiang

On 26 January, 41 year-old property manager Kim Chiang was found guilty of sedition and sentenced to eight months in jail. Kim allegedly displayed posters in the High Court and at a kindergarten, which prosecutors said insulted and threatened national security judges.

Chloe Cho Suet-sum and Wong Chun-wai

On 31 January, Chloe Cho Suet-sum, a 45 year-old clerk at an institute for vocational education was sentenced to 13 and a half months in jail for sedition, alongside Wong Chun-wai, a 17 year-old secondary school student, who received nine months of correctional training. Cho and Wong allegedly distributed leaflets advocating Hong Kong independence. Prosecutors argued that the leaflets incited violence by encouraging others to “build an army”.

Hau Wing-yan and Lam Yuen-yi

On 28 June, Hau Wing-yan, 25, and Lam Yuen-yi, 21, were sentenced to seven and six months in jail respectively for sedition. The two women ran a bubble tea shop in Mong Kok. The court ruled that messages posted by the business’s social media account allegedly put forward anti-vaccination views and encouraged people to boycott the government’s Covid-19 tracing application, amounting to sedition. The judge ruled that, although Hau had written the messages, Lam was similarly culpable for not attempting to stop their dissemination.

Protest Convictions

According to Hong Kong Police statistics, from 9 June 2019 to 30 April 2022, a total of 10,278 people were arrested in relation to the anti-Extradition Bill protests, with 2,850 charged and 1,194 convicted.

Police use of force during anti-extradition protests

A key demand following the 2019 anti-extradition protests was an independent inquiry into police actions. The Hong Kong SAR Government chose instead to address police accountability through existing police complaints mechanisms. Namely the Independent Police Complaints Council (IPCC), which produced a study into the public order events of 2019.

In December 2019, the panel of international experts hired to assist with the study resigned, citing a shortfall in the IPCC’s independence. In November 2020, a Hong Kong Court ruled the existing IPCC mechanism was “inadequate”, noting the IPCC lacked the necessary investigative powers.

The IPCC study into the events of 2019 concluded that the police had used force in line with international standards. The report made 52 recommendations, which included reviewing guidelines for the use of force.

At a meeting on 21 June this year, IPCC Chairman Priscilla Wong Pui-sze confirmed that the police have now addressed all of the recommendations in the report, including those on the use of force.

As of the end of the reporting period, the police nor the IPCC had published a full account of how the police will address the recommendations in the IPCC report, including on the use of force.

BASIC RIGHTS AND FREEDOMS

Hong Kong's rights and freedoms continued to reduce. Freedom of the press was particularly affected with independent media outlets forced to close. Freedom of speech and assembly were curtailed, and the commemoration of the Tiananmen Square massacre was restricted. There was increased censorship of the arts. Education materials were altered and removed in order to allegedly protect national security.

Comments by Michelle Bachelet, UN High Commissioner for Human Rights

On 28 May, after her official visit to mainland China, UN High Commissioner for Human Rights Michelle Bachelet stated, "*the arrests of lawyers, activists, journalists and others under the security law are deeply worrying*". She urged the Hong Kong SAR Government to "*do all it can to nurture – and not stifle – the tremendous potential for civil society in order to contribute to the promotion and protection of human rights in the city and beyond*".

Press and Media Freedom

Closure of Citizen News

On 2 January, pro-democracy online media outlet Citizen News announced that it would cease operations, citing concerns for the safety and wellbeing of its staff. The publication took the decision to close within a week of police action against another local media outlet, Stand News, for conspiring to publish seditious publications. Chief Writer Chris Yeung Kin-hing said "*the trigger point was the fate of Stand News*", adding "*We are completely unable to see clearly the lines of law enforcement and we are worried that we will breach the law.*"

On 7 February, the UK co-led a Media Freedom Coalition statement signed by 21 countries addressing the closure of media outlets in Hong Kong:

"The undersigned members of the Media Freedom Coalition express their deep concern at the Hong Kong and mainland Chinese authorities' attacks on freedom of the press and their suppression of independent local media in Hong Kong. Recent developments include the raid of Stand News offices, the arrests of its staff, and the

subsequent self-closure of Citizen News, stemming from concern over the safety of its staff.

Since the enactment of the National Security Law in June 2020, authorities have targeted and suppressed independent media in the Hong Kong Special Administrative Region. This has eroded the protected rights and freedoms set out in the Basic Law and undermines China's obligations under the Sino-British Joint Declaration. This has also caused the near-complete disappearance of local independent media outlets in Hong Kong.

These ongoing actions further undermine confidence in Hong Kong's international reputation through the suppression of human rights, freedom of speech and free flow and exchange of opinions and information. A stable and prosperous Hong Kong in which human rights and fundamental freedoms are protected should be in everybody's interest.

We urge Hong Kong and mainland Chinese authorities to respect freedom of the press and freedom of speech in Hong Kong, in line with the Basic Law and China's obligations under the Sino-British Joint Declaration."

The Foreign Correspondents' Club

On 25 April, the Foreign Correspondents' Club (FCC) announced that it would suspend its annual Human Rights Press Awards. The club had held the awards continuously over the past 25 years. FCC President Keith Richburg, when explaining the board's decision, noted "*new red lines*" and "*significant areas of uncertainty*" in Hong Kong, saying "*we do not wish unintentionally to violate the law*". Eight members of the club's press freedom committee resigned in response. From 2023, the awards will be hosted by Arizona State University in the United States.

Closure of FactWire News Agency

On 10 June, local investigative news outlet FactWire announced its closure, ceasing all operations and dismissing all of its staff. In May, FactWire had published a report revealing that the Hong Kong SAR Government's Covid-19 tracing application had facial recognition capabilities. In a statement, the agency said that the media has "*contended with great change*", without giving further reasons for the closure.

Freedom of Assembly

During the reporting period, a new wave of Covid-19 hit Hong Kong. Public gatherings and demonstrations remained illegal. Government social distancing rules to prevent the spread of Covid-19 continued to limit the maximum number of people allowed to gather in public to four people.

Remembrance of the Tiananmen Square Massacre

The annual candlelight vigil in Hong Kong's Victoria Park to remember the victims of the 1989 Tiananmen Square Massacre was again prevented from happening. Police warned people in advance to avoid "unlawful assemblies" in the park. On 4 June, over 200 police officers closed off Victoria Park, with notices put up in the area citing anti-

pandemic restrictions on gatherings of over four people. A number of people attempted to access the park and six people were arrested.

On 4 January, former Hong Kong Alliance vice chair, Chow Hang-tung was found guilty of inciting people to attend the 2021 vigil and sentenced to 15 months in prison. Chow had published a newspaper article and two social media posts, in which she called on people to “stand your ground” and to light candles in 2021. The Magistrate ruled that although Chow did not explicitly call on people to gather at Victoria Park, the intention was obvious. The judge ruled that Chow had shown disregard for public health. The judge instructed police to record the identity numbers of people in the public gallery who clapped Chow’s attempts to read out recollections from the families of the victims of the Tiananmen Square massacre.

Freedom of Religion or Belief

On 23 May, the Catholic Diocese of Hong Kong announced that it would not hold the usual masses to commemorate the Tiananmen Square massacre, citing concerns among members that the masses would violate the NSL.

Artistic Freedom

M+ Museum

In March 2021, Chinese state-owned newspapers Wen Wei Po and Ta Kung Pao criticised the M+ Museum’s decision to show works by dissident Chinese artist Ai Weiwei. The newspapers called on the museum’s owners to vet exhibits for potential national security breaches. The M+ Museum closed between January and April 2022 due to Covid-19 regulations. On re-opening, the museum had removed a work referencing the Tiananmen Square massacre.

Hong Kong Arts Development Council

The Hong Kong Arts Development Council is a statutory body established by the Hong Kong SAR Government to support development of the arts. In June, the Hong Kong SAR Government confirmed that candidates running for the Arts Development Council must secure nominations from the Election Committee that nominates candidates for the Chief Executive and the Legislative Council.

Education

In February 2021, the Education Bureau (EDB) had published guidelines warning schools against using learning materials that could endanger national security. On 6 June, responding to media reports that hundreds of books have been removed from school libraries, Education Secretary Kevin Yeung stated that it is the responsibility of schools to ensure that, *“their libraries did not contain books that endangered national security, as publications can impact students’ thoughts and mindset.”*

“Citizenship and social development” replaced “Liberal Studies” in the Hong Kong curriculum in March 2021. New textbooks for the subject were submitted to the EDB in June. The textbooks referred to the 2019 protests as “violent terrorist attacks” and put forward that China had never recognised British sovereignty over Hong Kong.

Since May 2021, Hong Kong teachers have been required to sign a declaration of allegiance to the Hong Kong SAR. On 7 June, the EDB introduced a further requirement for foreign English teachers employed in public schools since the advent of the NSL to swear allegiance to the Hong Kong SAR. According to the EDB, teachers who refuse to swear allegiance risk having their employment terminated.

OTHER REPORTS

On 10 January, Human Rights Watch released its annual World Report. The report noted that *“Beijing and Hong Kong authorities moved aggressively to roll back rights in Hong Kong”*.

On 2 February, the Economist Intelligence Unit’s (EIU) annual Democracy Index ranked Hong Kong 85th out of 167 countries or territories. The EIU noted that *“the Chinese authorities continued to curtail civil liberties”* in Hong Kong.

On 10 February, the International Federation of Journalists (IFJ) published its report on Hong Kong’s press freedom. The IFJ expressed grave concern at the *“rapid collapse of Hong Kong’s free media”* since the enactment of the National Security Law. The report documents an *“exodus of both local and international media outlets”* and *“orchestrated campaigns to shut down civil society organisations”*.

Also in February, Freedom House’s annual Freedom in the World report scored Hong Kong 43 out of a possible 100. It noted the implementation of the NSL has constituted a *“multifront attack”* on the “One Country, Two Systems” framework.

On 21 March, the US Congressional-Executive Commission on China (CECC) in its annual report noted that *“the assault on Hong Kong’s freedoms reached an unprecedented level”*.

On 29 March, Amnesty International’s global human rights report noted that the NSL has enabled unprecedented human rights violations, including *“a rapid deterioration of freedom of expression, peaceful assembly and association and other human rights in Hong Kong.”*

On 31 March, the US State Department reported to Congress, as required annually under the US Hong Kong Policy Act. The US Secretary of State, Anthony Blinken, stated that the People’s Republic of China *“has continued to dismantle Hong Kong’s democratic institutions, placed unprecedented pressure on the judiciary and stifled academic, cultural and press freedoms”*.

The Reporters Without Borders 2022 World Freedom Index was published on 3 May. Hong Kong dropped 68 places to its lowest position of 148th out of 180 countries and territories. The report notes that the NSL *“serves as a pretext to gag independent voices”*.

On 20 May, the European Union published its annual report on Hong Kong’s political and economic developments. The EU High Representative for Foreign Affairs and Security Policy, Joseph Borrell, said, *“fundamental freedoms in Hong Kong have deteriorated further. We witness continued shrinking space for civil society and the erosion of what was previously a vibrant and pluralistic media landscape”*.

UK/HONG KONG BILATERAL RELATIONS

British Nationals (Overseas)

On 24 February, the UK Government announced changes to the British National (Overseas) immigration route. The changes enable individuals aged 18 or over who were born on or after 1 July 1997 and who have at least one BN(O) parent to apply to the route independently of their BN(O) parent.

On 26 May, the Home Office published UK immigration statistics. Since the BN(O) immigration route was launched on 31 January 2021, until 31 March 2022, there were approximately 123,400 applications, with 113,742 visas granted.

Trade and Investment

Hong Kong represents the UK's 13th largest global trading partner, having accounted for 1.7% of total UK trade in the four quarters to the end of March 2022 (the latest date for which statistics are available during this reporting period). Total trade in goods and services (exports plus imports) between the UK and Hong Kong SAR was £22.9 billion in the four quarters to the end of March 2022, a decrease of 1.2% or £282 million from the four quarters to the end of March 2021. Of this £22.9 billion, UK exports accounted for £12.1 billion.

Culture

The British Council supported "The Dance We Made", a free, interactive outdoor community dance project presented by West Kowloon Cultural District in collaboration with UK dance company Casson & Friends.

A "Study UK" webinar series for prospective university students was held from 21 February to 10 March. The online event attracted an audience of 1,503 people, 270 of which (18%) were from Hong Kong. The media campaign reached 50,000 parents and students in Hong Kong.

The British Council delivered 13,764 International English Language Testing System tests in first six months of 2022.

CONCLUSION

With the continued application of the NSL imposed on Hong Kong to harass and stifle alternate voices, and limits to political participation, there is no doubt that China remains in a state of ongoing non-compliance with the Sino-British Joint Declaration. The actions taken by the Chinese and Hong Kong authorities during this period have diminished still further the way of life which the Chinese Government committed to continuing. The space for Hong Kong people to exercise the rights and freedoms promised to them by Beijing reduced significantly once again. The Sino-British Joint Declaration lasts until 2047. Its function was not simply to return sovereignty of Hong Kong to mainland China, but also to set out commitments by the Chinese Government about how the people of Hong Kong would be treated. Arresting political opposition, harassing human rights lawyers, and forcing closure of pro-democracy media outlets undermines the commitments made in Sino-British Joint Declaration. The Chinese

Government entered freely into the Sino-British Joint Declaration, but has subsequently chosen to disregard those commitments.

The Chinese authorities argue that the National Security Law, electoral changes and other restrictions of civil liberties are necessary to bring stability following violent unrest. Respect for the fundamental rights and freedoms set down in the Sino-British Joint Declaration would be a much stronger and more sustainable basis for Hong Kong's future stability and prosperity.

LIST OF ABBREVIATIONS

British National (Overseas)	BN(O)
Chief Executive Officer	CEO
Congressional-Executive Commission on China	CECC
Central Government Liaison Office	CGLO
Court of Final Appeal	CFA
Electoral Affairs Commission	EAC
Education Bureau	EDB
Economist Intelligence Unit	EIU
Emergency Regulations Ordinance	ERO
European Union	EU
Foreign Correspondents' Club	FCC
Hong Kong Court of Final Appeal	HKCFA
Hong Kong and Macao Affairs Office	HKMAO
Independent Commission Against Corruption	ICAC
International Federation of Journalists	IFJ
Independent Police Complaints Council	IPCC
Judicial Officers Recommendation Commission	JORC
Non-Governmental Organisation	NGO
National Security Law	NSL
People's Republic of China	PRC
Special Administrative Region	SAR
United Nations	UN