HUMAN RIGHTS SITUATION IN HONG KONG:

HONG KONG WATCH BRIEFING ON EVENTS: JULY 2021

EXECUTIVE SUMMARY

POLITICAL PRISONERS: ARRESTS, CHARGES, & TRIALS

Throughout July 2021, Beijing has continued its crackdown on the pro-democracy movement in Hong Kong, with:

- Tong Ying-kit sentenced to nine years in prison for “incitement to secession” and “committing acts of terror” under the National Security Law, making him the first person to be convicted under the draconian law.
- The Hong Kong Police arresting five speech therapists for publishing a series of allegedly “seditious” children’s books.
- The first sedition trial in Hong Kong beginning since the city’s handover in 1997.
- The Hong Kong Police arresting a man was for allegedly booing the Chinese national anthem while watching an Olympics award ceremony in a shopping mall.
- Anthony Wong, a popular singer and pro-democracy supporter, being arrested and charged with “engaging in corrupt conduct” for singing in a Legislative Council by-election campaign in 2018.
- A journalist being investigated by the Hong Kong Police for “endangering national security”.
- Pro-democracy activist, Grandma Wong, being sentenced to a month in prison for “common assault”.

DISQUALIFICATION & MASS RESIGNATIONS OF DISTRICT COUNCILLORS

- In the last month over 200 pro-democracy District Councillors have resigned ahead of an oath taking ceremony in August, where they will be expected to pledge allegiance to Beijing. This follows the announcement by the Hong Kong authorities that any District Councillor who does not take the oath will be disqualified and required to return their salary.
ACADEMIC FREEDOM ON LIFE SUPPORT

- Following criticism from China Daily, a Chinese-state owned media publication, the Hong Kong Government announced it would formally cut ties with the Hong Kong Professional Teachers’ Union, the largest teachers union in the city.
- In July 2021, the National Security Police raided the University of Hong Kong Student Union following a statement it released responding to the July 1 attack on a police officer.
- Students from three publicly funded Hong Kong universities were informed in July that they will have to learn about national security as a compulsory requirement. They include students at Baptist, Lingnan and Polytechnic universities.

CENSORSHIP OF THE INTERNET & CULTURE

- The Hong Kong Legislative Council made up entirely of pro-Beijing lawmakers began consideration of a controversial law which aims to force internet companies to deal with doxxing by making them liable with the possibility of financial penalties.
- Book sellers at Hong Kong’s annual book fair presented a notably smaller collection of politically sensitive books in the wake of the National Security Law.

BEIJING PREPARES TO EXTEND ANTI-SANCTION LAW TO HONG KONG

- On 29 July 2021, it was reported that the National People’s Congress Standing Committee will add China’s new anti-sanction law to the annex of Hong Kong’s Basic Law at its next session starting on 17 August 2021.
- Risk advisory firms have raised concerns that applying the legislation to Hong Kong could impact financial institutions in the city that comply with U.S. sanctions, as China’s law orders organisations and individuals not to cooperate with foreign sanctions, and it gives those harmed by the sanctions the right to sue for damages.

OTHER DEVELOPMENTS

- The US Government announced on 16 July 2021 the inclusion of seven Chinese officials under its Magnitsky sanctions regime for their participation in the ongoing crackdown on the pro-democracy movement in Hong Kong.
- In response, the Chinese Government announced counter-sanctions against the former US Commerce Secretary, Wilbur Ross; Hong Kong Democracy Council (HKDC); Sophie Richardson, Human Rights Watch’s China director; Carolyn Bartholomew, chair of US-China Economic and Security Review Commission; and Adam King of the International Republican Institute.
- The U.S. Departments of State, Commerce, Homeland Security and the Treasury have issued advisory guidance to highlight growing risks for US companies operating in Hong Kong.
• The UK Government has announced that community groups supporting BNOs coming to the UK will be able to bid for a share of a £2.6 million BNO community fund, which is designed to help Hong Kongers to integrate into the UK.

• On 22 July 2021, a coalition consisting of prominent pro-democracy activists in exile and local Hong Kong groups in the USA published an open letter to the US Congress calling for lawmakers to pass lifeboat legislation as a matter of urgency.

• A cross-party group of twenty-two UK Members of Parliament sent a letter to the Chairman of HSBC to urge the British-based bank to unfreeze the accounts of the Hong Kong pro-democracy former legislator Ted Hui and his family.

• The European Parliament passed a joint-resolution on Hong Kong which calls on the EU Commission and EU Member States to take a series of concrete actions to respond to the crisis in Hong Kong, including: implementing travel bans and asset freezes on Hong Kong officials, the introduction of an EU lifeboat scheme for Hong Kongers and the issuing of emergency travel documents for journalists, EU support for the creation of a UN Special Rapporteur or Envoy for Hong Kong, and the suspension of extradition treaties between EU Member States and the People’s Republic of China.

• The Lithuanian Foreign Office announced that it will fast-track visa applications from Hong Kongers if they apply at any embassy or consulate.

• Twenty-one countries signed a statement condemning the closure of Apple Daily and stating that the use of the National Security Law to suppress journalism undermines Hong Kong’s autonomy as guaranteed by the Sino-British Joint Declaration.
POLITICAL PRISONERS: ARRESTS, CHARGES, & TRIALS

Tong Ying-kit sentenced to nine years under the National Security Law

Tong Ying-kit became the first person to be sentenced to nine years in jail under the National Security Law, after being found guilty of “terrorism” and “secession”. Tong Ying-kit was found guilty after riding a motorbike into police officers and flying a flag with “Liberate Hong Kong, Revolution of Our Times” on 1 July 2020.

The judges sentenced Tong Ying-kit to six and a half years in jail for the “incitement to secession” charge and an eight-year jail sentence for “committing acts of terror”. The court said that, after considering the totality principle, Tong Ying-kit is expected to serve two and half years of his sentence for the terrorism offence consecutively with the six and a half years for the secession charge. This means the activist will be locked up for a total of nine years.

Commenting on the National Security charges, Benedict Rogers, Hong Kong Watch’s Chief Executive said:

"Given the upcoming show trials of Hong Kong’s leading democratic voices under the National Security Law, this sentencing sets a grim precedent and is totally disproportionate. The decision by Beijing to deem the waving of a flag with a popular pro-democracy slogan as ‘incitement to secession’ is an assault on freedom of expression that will open the path to further arrests, prosecutions, and political trials.”

Speech therapists arrested for “conspiring to distribute seditious children’s books”

On 22 July 2021, the Hong Kong Police arrested five speech therapists for publishing a series of allegedly “seditious” children’s books.

The Hong Kong Police have accused the speech therapists of conspiracy to publish and circulate seditious publications between June 2020 and March 2021 in connection with a picture book series about sheep defending their village from invading wolves.

In a series of day-time raids police officers seized more than 550 children’s books and a large quantity of promotional leaflets, along with computers and mobile phones. Police also have frozen HK$160,000 in bank accounts belonging to the group.

1 https://www.hongkongwatch.org/all-posts/2021/7/27/tong-ying-kits-trial-verdict-sets-a-grim-precedent-that-will-open-the-path-to-further-arrests-prosecutions-and-political-trials

**Journalist investigated for endangering national security**

A journalist who filmed a police officer being stabbed is being investigated for endangering national security. Hong Kong Police have confirmed that the National Security Law was invoked to force the journalist to hand over all documents.³

**First sedition trial begins since the handover**

On 29 July 2021, the first sedition trial since Hong Kong’s handover began. The radio host Tam-Tak Chi faces eight sedition charges for allegedly uttering “seditious” slogans on his radio show.⁴

**Man arrested for booing the Chinese national anthem**

On 30 July 2021, a man was arrested for allegedly booing the Chinese national anthem while watching an Olympics award ceremony in a shopping mall. The man was arrested on suspicion of breaking the National Anthem Ordinance. The charge carries a maximum of three years in prison.⁵

**Singer arrested for singing in Legislative Council by-election campaign in 2018**

Anthony Wong, a popular singer and pro-democracy supporter, was arrested and charged with “engaging in corrupt conduct” on 2 August 2021.

The anti-graft agency has accused Anthony Wong of singing two songs on the campaign trial in a Legislative Council by-election campaign rally in 2018 on behalf of pro-democracy lawmaker Au Nok-hin. Both have been charged under the Elections (Corrupt and Illegal Conduct) Ordinance.⁶

On 5 August 2021, the Department for Justice announced that it would drop the charges against Anthony Wong and Au Nok-hin.⁷

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³ https://twitter.com/alvinllum/status/1420028576859136005
Grandma Wong jailed for “common assault”

The prominent pro-democracy activist Grandma Wong, has been jailed for a month for “common assault” after the court found that she had pushed a security guard at Hong Kong’s High Court in 2019.8

DISQUALIFICATION & MASS RESIGNATIONS OF DISTRICT COUNCILLORS

Over 200 pro-democracy District Councillors in Hong Kong have resigned ahead of an oath taking ceremony in August, where they will be expected to pledge allegiance to Beijing. This follows the announcement by the Hong Kong authorities that any District Councillor who does not take the oath will be disqualified and required to return their salary.

The Hong Kong Chief Executive, Carrie Lam, has said that the mass resignations will not impact the oath taking ceremony.9 The authorities have reported that they estimate that 150 pro-democracy District Councillors could be disqualified.

Government sources have speculated that the legal rationale for forcing disqualified District Councillors to return their salary is weak, but that it has been an effective tactic to encourage mass resignations.

In the 2019 District Council elections pro-democracy parties won a landslide, securing 388 of 452 directly elected seats and taking control of 17 of the city’s 18 councils.10

ACADEMIC FREEDOM ON LIFE SUPPORT

Hong Kong Government cuts ties with the largest teachers’ union

On 31 July 2021, the Hong Kong Government announced it would formally cut ties with the Hong Kong Professional Teachers’ Union, the largest teachers union in the city. The announcement came hours after the Chinese-state run media publication, China Daily, denounced the union as a “poisonous tumour” that must be “eradicated.”11

National Security Police raid the University of Hong Kong Student Union

In July 2021, the National Security Police raided the University of Hong Kong Student Union following a statement it released responding to the July 1 attack on a police officer.12

Three Hong Kong Universities make national security education mandatory

Students from three publicly funded Hong Kong universities were informed in July that they will have to learn about national security as a compulsory requirement. They include students at Baptist, Lingnan and Polytechnic universities.13

CENSORSHIP OF THE INTERNET & CULTURE

Hong Kong Legislature begins consideration of ‘anti-doxxing’ law

On 21 July 2021, the Hong Kong Legislative Council made up entirely of pro-Beijing lawmakers began consideration of a controversial law which aims to force internet companies to deal with doxxing by making them liable with the possibility of financial penalties.

Google, Twitter, and Facebook have raised concerns about their ability to continue to operate in Hong Kong if the law comes into force.14

Self-censorship hits Hong Kong’s annual book fair

Book sellers at Hong Kong’s annual book fair presented a notably smaller collection of politically sensitive books in the wake of the National Security Law.

Johnny Lau, author of a book about the Chinese Communist party and Hong Kong in the last century, said his book was not allowed at the fair this year – because of the political pressure from government policies.15

BEIJING PREPARES TO EXTEND ANTI-SANCTION LAW TO HONG KONG

On 29 July 2021, it was reported that the National People’s Congress Standing Committee will add China’s new anti-sanction law to the annex of Hong Kong’s Basic Law at its next session starting on 17 August 2021.

The law authorises retaliation against individuals and groups involved in issuing and carrying out sanctions against China. The measures include denial of visas, deportation and seizure of assets located in China.

Risk advisory firms have raised concerns that applying the legislation to Hong Kong could impact financial institutions in the city that comply with U.S. sanctions, particularly the likes of HSBC, as China’s law orders organisations and individuals not to cooperate with foreign sanctions, and it gives those harmed by the sanctions the right to sue for damages.16

OTHER DEVELOPMENTS

USA sanctions seven Chinese officials in response to the crackdown in Hong Kong

The US Government announced on 16 July 2021 the inclusion of seven Chinese officials under its Magnitsky sanctions regime for their participation in the ongoing crackdown on the pro-democracy movement in Hong Kong.

The seven Chinese officials all are deputy directors in Beijing’s Liaison Office in the city and include: Chen Dong, He Jing, Lu Xinning, Qiu Hong, Tan Tienui, Yang Jianping, and Yin Zonghua.17

In response, the Chinese Government announced counter-sanctions against the former US Commerce Secretary, Wilbur Ross; Hong Kong Democracy Council (HKDC); Sophie Richardson, Human Rights Watch’s China director; Carolyn Bartholomew, chair of US-China Economic and Security Review Commission; and Adam King of the International Republican Institute.18

17 https://www.reuters.com/world/asia-pacific/us-sanctions-seven-chinese-individuals-over-hong-kong-crackdown-2021-07-16/?taid=60f1aab0b881cc0001a14251&utm_campaign=trueAnthem:+Trending+Content&utm_medium=trueAnthem&utm_source=twitter
US Government issues new business advisory guidelines for Hong Kong

On July 16, 2021, the U.S. Departments of State, Commerce, Homeland Security and the Treasury issued advisory guidance to highlight growing risks for US companies operating in Hong Kong as a result of Beijing’s crackdown on the pro-democracy movement.19

UK Government announced a £2.6 million fund for BNO community groups

The UK Government has announced that community groups supporting BNOs coming to the UK, will be able to bid for a share of a £2.6 million BNO community fund, which is designed to help Hong Kongers to integrate into the UK.20

Pro-democracy activists and local groups call on the US Congress to pass lifeboat measures

On 22 July 2021, a coalition consisting of prominent pro-democracy activists in exile and local Hong Kong groups in the USA published an open letter to the US Congress calling for lawmakers to pass lifeboat legislation as a matter of urgency.21

Twenty-Two UK Members of Parliament write to HSBC to urge the unfreezing of Ted Hui’s bank account

A cross-party group of twenty-two UK Members of Parliament on 16 July 2021 sent a letter to the Chairman of HSBC, Mark Tucker, to urge the British-based bank to unfreeze the accounts of the Hong Kong pro-democracy former legislator Ted Hui and his family.22

EU Parliament passes a joint-resolution calling for a package of measures to respond to the crisis in Hong Kong

On 8 July 2021, the European Parliament passed a joint-resolution on Hong Kong which calls on the EU Commission and EU Member States to take a series of concrete actions to respond to the crisis in Hong Kong, including: implementing travel bans and asset freezes on Hong Kong officials, the introduction of an EU lifeboat scheme for Hong Kongers and the issuing of emergency travel documents for journalists, EU support for the creation of a UN Special Rapporteur or Envoy for Hong Kong, and the suspension of extradition treaties between EU Member States and the People’s Republic of China.23

Lithuanian Foreign Office announces that it will fast-track visa applications from Hong Kongers

19 https://home.treasury.gov/policy-issues/financial-sanctions/recent-actions/20210716
22 https://www.hongkongwatch.org/all-posts/2021/7/16/a-cross-party-group-of-twenty-one-prominent-parliamentarians-call-on-hsbc-to-unfreeze-ted-huis-bank-accounts
The Lithuanian Foreign Office on 8 July 2021 announced that it will fast-track visa applications from Hong Kongers if they apply at any embassy or consulate.24

Twenty-one countries issued a statement condemning the closure of Apple Daily and in support of media freedom

On 10 July 2021, twenty-one countries signed a statement condemning the closure of Apple Daily and stating that the use of the National Security Law to suppress journalism undermines Hong Kong’s autonomy as guaranteed by the Sino-British Joint Declaration.

The signatories include the Governments of Australia, Austria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Slovakia, Switzerland, United Kingdom, United States of America.25

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24 https://twitter.com/hk_watch/status/1414556457488502789?s=20
25 https://www.state.gov/media-freedom-coalition-statement-on-hong-kongs-apple-daily/