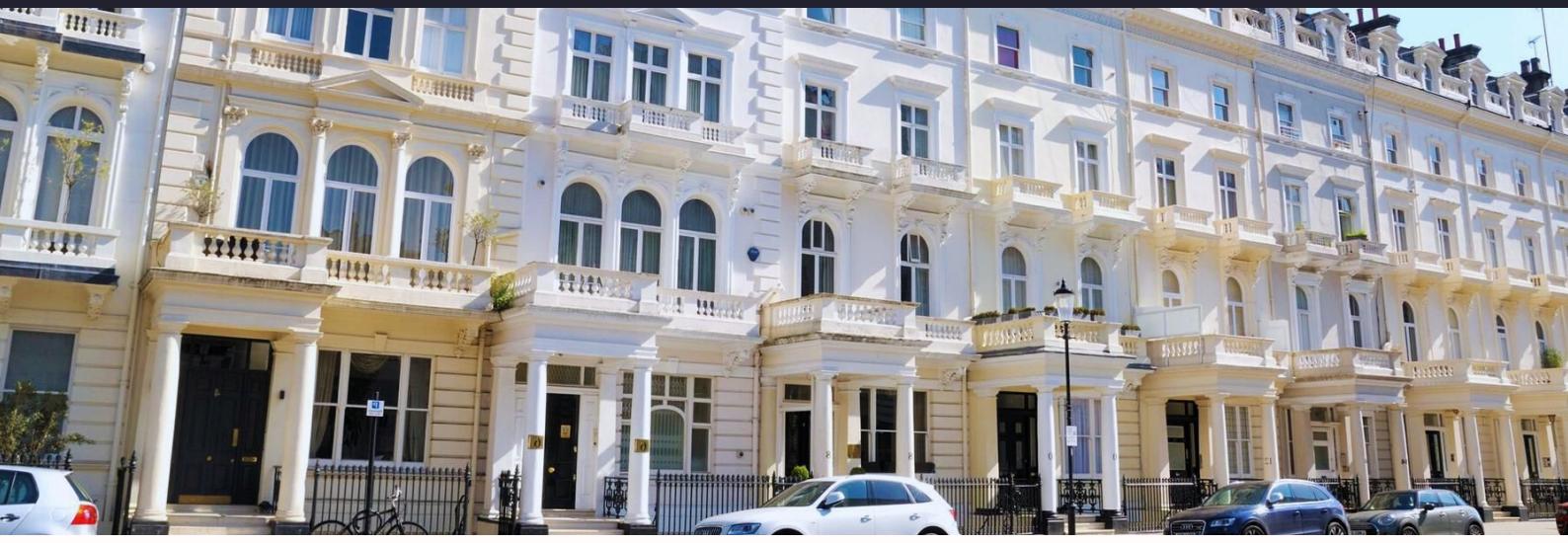


"Patriots Only": Hong Kong Officials and Lawmakers' Property Overseas



- Research by Hong Kong Watch has found that 9 Hong Kong officials and 12 members of Hong Kong's "patriots only" legislature have property overseas including in the UK, Canada, USA, Australia, Japan, and France.
- All of the officials and lawmakers in question have pledged allegiance to Beijing and expressed their public support for the National Security Law, the ongoing crackdown on pro-democracy activists, the free press, and civil society, under the guise of combating "foreign forces".
- In light of this ongoing hypocrisy, which sees prominent members of the Hong Kong Government and "patriots only" legislature responsible for gross human rights violations own property overseas, Hong Kong Watch recommends that like-minded partners consider sanctioning or expanding their sanctions list to include these officials.
- The basis for this would be their ongoing active culpability in the crackdown on human rights in Hong Kong, which breaches China's commitments under the Sino-British Joint Declaration.

Sections:

- National Security Law
- The Executive Council
- The Legislation Council
- Russia Sanctions, Transparency & Leverage

- The West's response to Russia's invasion of Ukraine, which has included co-ordinated financial sanctions against Russian officials' assets abroad and the use of the SWIFT banking system, demonstrates the importance of Western countries knowing where the assets of foreign officials guilty of human rights violations/hostile to Western interests are located.
- With that in mind, likeminded partners should consider introducing audit powers to allow governments to quietly audit the assets of Hong Kong and Chinese officials in their respective countries.

National Security Law

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Since the imposition of the National Security Law in Hong Kong in June 2020, 721 pro-democracy activists have been jailed. This includes 555 given custodial sentences and a further 166 awaiting a pending trial.¹

At least 50 civil society organisations have been forced to close² and according to Bloomberg civil society has lost 1,585 jobs.³

More than 11 media platforms have ceased operation, including Apple Daily, Stand News, and Citizens News, and 18 journalists have been arrested.⁴ This includes the pro-democracy leader and former owner of Apple Daily Jimmy Lai.

Prominent national security cases have seen student activist Tony Chung, sentenced to three and a half years in jail for “succession” for a series of social media posts,⁵ and Tong Ying-Kit given nine years in jail for “inciting succession” and “terrorism”, which includes six and a half years for waving a flag with the protest slogan to “Liberate Hong Kong, revolution of our times”.⁶

There remain substantial concerns about how this draconian law is being used to crackdown on civil and political rights which were previously protected under Hong Kong’s Basic Law.⁷ Notably, the denial of bail to prominent pro-democracy activists facing “subversion” charges, some of whom have been in jail awaiting trial for nearly two years, is essentially arbitrary detention by another name.

¹ <https://www.hongkongwatch.org/political-prisoners-database>

² <https://hongkongfp.com/2021/11/28/explainer-over-50-groups-gone-in-11-months-how-hong-kongs-pro-democracy-forces-crumbled/>

³ <https://hongkongfp.com/2021/11/28/explainer-over-50-groups-gone-in-11-months-how-hong-kongs-pro-democracy-forces-crumbled/>

⁴ <https://www.hongkongwatch.org/all-posts/2022/2/3/hong-kong-watch-launches-global-campaign-to-support-journalists-in-hong-kong>

⁵ <https://www.theguardian.com/world/2021/nov/23/hong-kong-activist-tony-chung-jailed-under-national-security-law>

⁶ <https://www.bbc.com/news/world-asia-china-58022072>

⁷ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_836653.pdf

I. The Executive Council

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Hong Kong's Executive Council functions much like the Cabinet in a parliamentary system of government, advising the Chief Executive and holding collective responsibility for government policy.

The Executive Council is comprised of 16 Official Members with ministerial portfolios and 16 Non-Official Members, who do not have specific policy briefs and are often legislators from the pro-establishment parties.

Under Article 56 of Hong Kong's Basic Law, the Chief Executive will consult the Executive Council before making any important policy decisions, introducing bills to the Legislative Council, or making subordinate legislation. If a case arises where the Chief Executive was not willing to accept the majority opinion of the Executive Council, under the article they would be required to put the specific reasons on record.⁸

When it comes to the upcoming introduction of Article 23 – domestic national security legislation – and subsequent legislation which has been designed to restrict freedom even further, whether that is the anti-mask bill or the recent film censorship law, the Executive Council must formally approve these policy decisions.

Article 56 in effect establishes collective culpability for the destruction of Hong Kong's autonomy and the crackdown on human rights, which goes well beyond those officials who hold national security policy briefs and extends to all members of Hong Kong's Executive Council.

For instance, on 29 January 2021, the Hong Kong Government collectively chose to no longer recognise British National Overseas (BNO) passports as proof of identity.⁹ This decision has left Hong Kongers taking up the UK's BNO Visa Scheme unable to access their MPF pension schemes.¹⁰

Wong Kam-Sing, Hong Kong's Secretary of Environment

Wong Kam-Sing started serving as Hong Kong's Secretary for the Environment in 2012. He served as an official member of the Executive Council from 2012 - 2017 under the former Chief Executive, C.Y. Leung, and then another term starting from 2017 under the current Chief Executive Carrie Lam.

As an Executive Council member, Wong shares responsibility for the proposal of the Extradition Amendment Bill in early 2019, and the implementation of anti-mask law under the Emergency Regulations Ordinance.

Wong has also publicly endorsed the National Security Law multiple times on social media, articles and in interviews.¹¹

Current property overseas:

According to Wong Kam-Sing's declaration of financial interests he currently owns a property alongside his wife in Vancouver, Canada.¹²

⁸ <https://www.basiclaw.gov.hk/en/basiclaw/chapter4.html>

⁹ <https://www.info.gov.hk/gia/general/202101/29/P2021012900763.html>

¹⁰ <https://www.thestandard.com.hk/section-news/section/11/228275/BNO-visa-can%27t-be-used-to-withdraw-MPF-funds-early>

¹¹ <https://www.wenweipo.com/a/202107/17/AP60f1eec9e4b08d3407ce10ec.html>

¹² <https://www.ceo.gov.hk/exco/eng/interests.html>

Sophia Chan, Hong Kong's Secretary for Food and Health

Appointed by the current Hong Kong Chief Executive, Carrie Lam, Sophia Chan began her term as Hong Kong's Secretary for Food and Health, and an official member of the Executive Council, in 2017.

As an Executive Council member, Sophia Chan currently shares responsibility for Hong Kong's COVID-19 restrictions and also shares responsibility for the proposal of the Extradition Amendment Bill in early 2019, and the implementation of anti-mask law under the Emergency Regulations Ordinance.

After the enactment of the National Security Law, Sophia Chan publicly campaigned for the law in interviews and press conferences.¹³ She also publicly supported Beijing's changes to Hong Kong's electoral system which barred pro-democracy parties from standing,¹⁴ stating that the city's fight against COVID-19 would be boosted by a "patriots only" legislature.¹⁵

Current property overseas:

According to Sophia Chan's declaration of financial interests she currently owns three properties in London, UK, including a flat co-owned by her sister in Gatwick.¹⁶

Edward Yau, Hong Kong's Secretary for Commerce and Economic Development

Appointed by Hong Kong's current Chief Executive, Carrie Lam, Edward Yau began his term as Hong Kong Secretary of Commerce and Economic Development and an official member of the Executive Council in 2017.

He also served as the Secretary for the Environment and as an official member of the Executive Council from 2007 - 2012 under former Chief Executive Donald Tsang. From 2012 - 2017, he worked as the Director of the Chief Executive's Office of Hong Kong under former Chief Executive C.Y. Leung.

As an Executive Council member, Edward Yau shares responsibility for the proposal of the Extradition Amendment Bill in early 2019, and the implementation of anti-mask law under the Emergency Regulations Ordinance. He also has overseen the firing of journalists at the public broadcaster RTHK.

Apart from supporting the National Security Law, Edward Yau has led the effort to amend Hong Kong's Film Censorship Ordinance in September 2021, which "set out explicitly that a censor should consider whether the exhibition of a film would be contrary to the interests of national security," as the government's latest efforts to control free speech and expression in the city.¹⁷

As Secretary for Commerce and Economic Development, he has also overseen the reorganisation of the public broadcaster RTHK, which has led to the firing of journalists critical of the government and the censoring of programs.¹⁸

Current property overseas:

According to Edward Yau's declaration of financial interests he currently owns three residential properties with his family in the UK.

¹³ <https://www.scmp.com/news/hong-kong/politics/article/3088491/beijings-liaison-office-held-unprecedented-round-meetings>

¹⁴ <https://www.info.gov.hk/gia/general/202104/07/P2021040700672.htm>

¹⁵ <https://news.rthk.hk/rthk/en/component/k2/1623836-20211212.htm?>

¹⁶ <https://www.ceo.gov.hk/exco/eng/interests.html>

¹⁷ <https://news.rthk.hk/rthk/en/component/k2/1608002-20210828.htm?>

¹⁸ <https://www.thestandard.com.hk/breaking-news/section/4/164890/RTHK-should-respond-in-a-responsible-manner-over-wrongdoings:-Edward-Yau>

Patrick Nip, Hong Kong's Secretary for Civil Service

Patrick Nip was appointed by the current Chief Executive Carrie Lam as Secretary for the Civil Service in 2020. Prior to that, he served as the city's Secretary for Constitutional and Mainland Affairs from 2017 - 2020. He has been an official member of the Executive Council since 2017.

As an official member of the Executive Council, Patrick Nip shares responsibility for the proposal of the Extradition Amendment Bill in early 2019, and the implementation of the anti-mask law under the Emergency Regulations Ordinance.

After the implementation of the National Security Law, under Patrick Nip's leadership, the Civil Service Bureau required all civil servants to take an oath and sign related documents to pledge their patriotism and loyalty to the government. By April 2021, 129 civil servants who refused to take the oath were dismissed.¹⁹

Patrick Nip has said that civil servants who sign the pledge of allegiance "would be deemed breaching their pledge of allegiance and subject to dismissal" if "they act or say something against the government, such as promoting Hong Kong independence or colluding with foreign forces."²⁰

As Secretary for the Civil Service, he has also suggested that the Legislative Council should bring forward legislation criminalising insulting of public officials.²¹

Current property overseas:

According to Patrick Yip's declaration of financial interests he currently owns a residential flat in Islington (London), UK, alongside his partner.

Christopher Hui, Hong Kong's Secretary for Financial Services and the Treasury

Christopher Hui has served as Hong Kong's Secretary of Financial Services and Treasury, and an official member of the Executive Council, since 2020 under the current Hong Kong Chief Executive Carrie Lam.

The Secretary of Financial Services and Treasury offered his public support for the National Security Law in June 2020, stating that the draconian law would provide Hong Kong with the stability needed to grow as an international financial hub.²²

In September 2021, Christopher Hui introduced a new tax amendment which states that any group that is seen as endangering national security will lose its charity status, tax exemptions and other privileges, paving the way of the government's further crackdowns against pro-democracy civil society organizations.²³ That same month, Christopher Hui removed charitable tax status for Apple Daily's charitable foundation.²⁴

Current property overseas:

According to Christopher Hui's declaration of financial interests he currently owns a residential property with car-parking in Australia and a residential property in Singapore.

¹⁹ https://www.scmp.com/news/hong-kong/politics/article/3130144/nearly-130-civil-servants-fail-take-required-pledge?module=perpetual_scroll_0&pgtype=article&campaign=3130144

²⁰ <https://www.scmp.com/news/hong-kong/politics/article/3130144/nearly-130-civil-servants-fail-take-required-pledge>

²¹ <https://www.thestandard.com.hk/breaking-news/section/4/169395/129-civil-servants-refused-to-sign-declaration,-says-Patrick-Nip>

²² <https://www.cnbc.com/video/2020/06/17/hong-kongs-security-law-is-a-step-in-the-right-direction-says-official.html>

²³ <https://www.scmp.com/news/hong-kong/politics/article/3148543/groups-endanger-national-security-lose-charities-status-tax>

²⁴ <https://hongkongfp.com/2021/09/14/foundation-linked-to-apple-daily-removed-from-charities-list-as-hong-kong-announces-national-security-exclusion/>

Bernard Chan, the Non-official Convenor of the Executive Council

Bernard Chan is a businessman and former Legislative Council member from 1998 - 2008. He first served at the Executive Council as a non-official member from 2004 until he was appointed by the current Chief Executive, Carrie Lam, as the Convener of Non-official members of the Executive Council in 2017.

As with other members of the Executive Council, Bernard Chan shares responsibility for the proposal of the Extradition Amendment Bill in early 2019, and the implementation of anti-mask law under the Emergency Regulations Ordinance.

As a delegate of the National People's Congress (since March 2008), Bernard Chan voted to approve the imposition of the National Security Law and Beijing's changes to Hong Kong's electoral system. In April 2021, he wrote a piece in the South China Morning Post backing the electoral changes and saying that the "patriots only" Legislative Council would be more "efficient" and taxpayers would "support the broader representation".²⁵

Current property overseas:

According to Bernard Chan's declaration of financial interests he currently owns a residential property in San Francisco, USA, and a property in Bangkok, Thailand.

Laura Cha, Chairperson of the Financial Services Development Council

Laura Cha is the Chairperson of Hong Kong Stock Exchange and the Non-Executive Deputy Chairman of the Hong Kong and Shanghai Banking Corporation. She has been serving as a non-official member at the Executive Council since 2004, under Donald Tsang, C.Y. Leung and the current Hong Kong Chief Executive Carrie Lam. She is also a representative at the Chinese National People' Congress.

As with other members of the Executive Council, Laura Cha shares responsibility for the proposal of the Extradition Amendment Bill in early 2019, and the implementation of the anti-mask law under the Emergency Regulations Ordinance.

As a delegate to the National People's Congress, she also voted to approve the imposition of the National Security Law and Beijing's changes to Hong Kong's electoral system.

Current property overseas:

According to Laura Cha's declaration of financial interests she currently owns a residential flat in the USA and a flat in Japan.

Arthur Li, Former Chairman of the Council of the University of Hong Kong

Arthur Li was the Chairperson of the Council of the University of Hong Kong from 2016 - 2021 and was the Vice-Chancellor of the Chinese University of Hong Kong from 1996 - 2002. He also served as Hong Kong's Secretary for Education and Manpower from 2002 - 2007. He started serving as a non-official member of the Executive Council in 2012. Like the other members of the Executive Council, Arthur Li also shares responsibility for the proposal of the Extradition Amendment Bill in early 2019, and the implementation of anti-mask law under the Emergency Regulations Ordinance.

During Arthur Li's term as the Chairperson of the Council of HKU, he allegedly intervened in the school's decision to appoint law Professor CHAN Man-mun as HKU's Vice-Chancellor for CHAN's pro-democracy stances. He has played an active role in restricting freedom of speech and expression in schools.²⁶

25 <https://www.scmp.com/comment/opinion/article/3128635/hong-kong-electoral-reform-timely-cure-legislative-council>

26 <https://www.nytimes.com/2020/07/28/world/asia/benny-tai-hong-kong-university.html>

He has called the “Pillar of Shame” commemorating the victims of the Tiananmen Square Massacre a lie and backed its removal from the University of Hong Kong, arguing that pro-democracy parties were trying to “brainwash” students.²⁷ Arthur Li has also welcomed national security investigations against student unions.²⁸

Current property overseas:

According to Arthur Li’s declaration of financial interests, he currently owns two properties in west London, UK.

Chow Chung-kong, Chairman of the Hong Kong Exchanges and Clearing

Chow Chung-Kong is the current Chairperson of Hong Kong Exchanges and Clearing, and a non-official member of the Executive Council since 2012, under C.Y. Leung and the current Chief Executive, Carrie Lam. He currently has a knighthood from the British state. As with other members of the Executive Council, Chow Chung-Kong has been a vocal supporter of the National Security Law and shares responsibility for the proposal of the Extradition Amendment Bill in early 2019, and the implementation of anti-mask law under the Emergency Regulations Ordinance.

Current property overseas:

According to Chow Chung-kong’s declaration of financial interests, he currently owns a flat in London, UK.

II. The Legislative Council

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As a result of the electoral reforms introduced by Beijing in March 2021, nearly all of Hong Kong’s Legislative Council members are pro-establishment and supportive of the new national security regime.²⁹

Under electoral changes, all of the current lawmakers were vetted by a national security committee to ensure they were “sufficiently patriotic” before being allowed to run in the “patriots only” elections which took place on 19 December 2021.

This follows the decision by China’s National People’s Congress Standing Committee on 11 November 2020 to disqualify Hong Kong legislators who “publicize or support independence,” “seek foreign interference,” or pursue “other activities that endanger national security.” In response, the Hong Kong Government immediately disqualified four pro-democracy legislators – Alvin Yeung, Dennis Kwok, Kwok Ka-ki, and Kenneth Leung. This led to all pro-democracy lawmakers resigning from the Legislative Council.³⁰

As a result of Beijing’s electoral changes and its decision to adopt powers to disqualify lawmakers who it deems as “endangering national security”, vet candidates, and reduce the number of directly elected lawmakers, the Legislative Council has been reduced to little more than a rubber-stamp body.

Sadly, the selection of only “patriots” and the mass disqualification of pro-democracy lawmakers means that legislation brought before the Legislative Council is now waved through by lawmakers with minimal debate, scrutiny, or amendment.

27 <https://www.thestandard.com.hk/breaking-news/section/4/185387/'Pillar-of-Shame'-is-a-lie,-says-HKU-Council-chair-Arthur-Li>

28 <https://www.scmp.com/news/hong-kong/politics/article/3140288/hong-kong-university-condemns-student-leaders-over-decision>

29 <https://www.bbc.co.uk/news/world-asia-china-56356046>

30 <https://www.hrw.org/news/2020/11/12/china-beijing-forces-out-hong-kong-opposition-lawmakers>

This was the case for the quick adoption by the Legislative Council of the Immigration Ordinance in January 2022, which will introduce mainland style “exit bans” and give immigration officials new powers to stop individuals leaving the city.³¹

Lawmakers in 2021 also waved through a new film censorship law³² and a law to prevent the release of public information on Hong Kong officials and police officers by foreign technology companies, which could force such companies to leave the city.³³

A rubber stamp body is as culpable in its unwillingness to scrutinise and block bad laws which undermine human rights as those who actively draft them. More so, in the new “patriots only” legislature, individual lawmakers are tripping over themselves to propose more authoritarian laws to curry favour with Beijing.³⁴ This includes calling for Hong Kongers to be stripped of dual-citizenship.³⁵

For these reasons alone, likeminded partners should consider the inclusion of “patriotic” lawmakers when it comes to drawing up sanctions’ lists.

Andrew Leung Kwan-yuen, President of the Legislative Council

Andrew Leung started serving as a member of the Legislative Council, representing the Industrial (First) Constituency, in 2004 and was elected the President of the Legislative Council in 2016.

He previously served as the Chairperson of the pro-Beijing Business and Professional Alliance for Hong Kong (BPA) from 2012 - 2016. He was also a committee member of the 11th National Committee of the Chinese People’s Political Consultative Conference.

In October 2016, Andrew Leung announced that he had renounced his British citizenship so he could run to become President of the Legislative Council.³⁶

As the President of the legislature, Andrew Leung actively advocated for the idea of “patriots ruling Hong Kong”, supports the National Security Law,³⁷ and supported the expulsion of pro-democracy lawmakers in 2020, commenting that the legislature is now “smoother without opposition”.³⁸

During his term, Andrew Leung suppressed the opposition. He expelled pro-democracy legislative council members for displaying placards and protesting multiple times, and called on disqualified pro-democracy lawmakers to pay thousands of HK dollars in expenses.³⁹ In 2022, alongside other pro-Beijing lawmakers he made the decision to permanently install the PRC’s national emblem in the legislative chamber.

Current property overseas:

According to Andrew Leung’s declaration of financial interests he currently owns property in the UK.

³¹ <https://www.hongkongwatch.org/all-posts/2022/2/25/briefing-human-rights-developments-in-hong-kong-in-january-february-2022>

³² <https://www.bbc.co.uk/news/world-asia-china-59047633>

³³ <https://www.reuters.com/world/asia-pacific/hong-kong-legislature-passes-controversial-anti-doxing-privacy-bill-2021-09-29/>

³⁴ <https://www.scmp.com/news/hong-kong/politics/article/3118789/hong-kongs-pro-establishment-lawmakers-make-case>

³⁵ <https://www.scmp.com/news/hong-kong/politics/article/3117128/pro-establishment-figure-calls-curbs-dual-citizenship-hong>

³⁶ <https://hongkongfp.com/2016/10/03/pro-establishment-politician-andrew-leung-to-run-for-president-of-the-legislature/>

³⁷ <https://www.thestandard.com.hk/breaking-news/section/4/150261/Andrew-Leung-says-%27guardian%27--law-will-protect-security>

³⁸ <https://apnews.com/article/arrests-beijing-hong-kong-legislature-national-security-2e6d6d9b3e887a1029e2bb5aa2a3f948>

³⁹ <https://www.reuters.com/article/us-hongkong-politics-lawmakers-idUSKBN1DR193>

“Patriotic” lawmakers with property overseas

After reviewing the financial declaration of members of the “patriots only” Legislative Council,⁴⁰ Hong Kong Watch has found that seven lawmakers own property in the UK, including:

Andrew Leung, Frankie Yick Chi-ming, Lam San-keung, Duncan Chiu, Rock Chen Chung-nin, Kennedy Wong Ying-ho, and Kenneth Fok Kai-kong.

Two lawmakers own property in Canada: Andrew Lam Siu-lo and Kennedy Wong Ying-ho.

Two lawmakers own property in Australia: Chan Siu-hung and Johnny Ng Kit-chong.

One lawmaker owns property in the USA: Michael Tien.

One lawmaker owns property in Japan: Duncan Chiu.

One lawmaker owns property in France: Kenneth Fok Kai-kong.

Russia Sanctions, Transparency, and Leverage

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The West’s response to Russia’s invasion of Ukraine, which has included co-ordinated financial sanctions against Russian officials’ assets abroad and the use of the SWIFT banking system, demonstrates the importance of Western countries knowing where the assets of foreign officials guilty of human rights violations/hostile to Western interests are located.

One criticism that has been lodged at the UK Government in particular has been its relative slowness to produce a comprehensive list of Russian individuals to be sanctioned in comparison to the EU and USA. Opposition members of Parliament have expressed concern that the legal preparatory work for cases against Russian officials and businessmen only began after the invasion, despite three months of warning from UK intelligence that Putin planned to attack Ukraine.⁴¹

In response, UK Ministers introduced the Economic Crime Bill to gain more powers to sanction the assets of Russian officials and businessmen and introduce further transparency regarding the declaration of foreign ownership of UK assets.⁴²

This crisis reinforces why it is important for Western countries to carefully track the overseas assets of Chinese and Hong Kong officials, not least to understand what kind of leverage they have against a further escalation of the human rights situation in Hong Kong.

With that in mind, likeminded partners should consider introducing audit powers to allow governments to quietly audit the assets of Hong Kong and Chinese officials in their respective countries.

⁴⁰ https://www.legco.gov.hk/general/english/cmi/yr22-25/reg_2225.htm

⁴¹ <https://www.theguardian.com/politics/2022/mar/03/putin-oligarchs-uk-slow-at-acting>

⁴² [https://www.gov.uk/government/news/new-measures-to-tackle-corrupt-elites-and-dirty-money-become-law#:~:text=justice%20and%20law-,New%20measures%20to%20tackle%20corrupt%20elites%20and%20dirty%20money%20become,Enforcement\)%20Bill%20receives%20Royal%20Assent.&text=The%20new%20Economic%20Crime%20\(Transparency,an%20expedited%20passage%20through%20Parliament](https://www.gov.uk/government/news/new-measures-to-tackle-corrupt-elites-and-dirty-money-become-law#:~:text=justice%20and%20law-,New%20measures%20to%20tackle%20corrupt%20elites%20and%20dirty%20money%20become,Enforcement)%20Bill%20receives%20Royal%20Assent.&text=The%20new%20Economic%20Crime%20(Transparency,an%20expedited%20passage%20through%20Parliament)