
THE SANCTIONS LIST: WHY THE UK MUST SANCTION HONG KONG OFFICIALS IN THE AFTERMATH OF ARTICLE 23

EXECUTIVE SUMMARY

After Beijing imposed the National Security Law on Hong Kong in 2020, the US government sanctioned 11 Hong Kong officials “for undermining Hong Kong’s autonomy and restricting the freedom of expression or assembly of the citizens of Hong Kong”.¹ Despite the UK’s special responsibility to Hong Kong following the handover in 1997 and the 1984 enactment of the Sino-British Joint Declaration to ensure the preservation of Hong Kong’s autonomy and civil and political rights for fifty years from 1997, the UK government has still yet to sanction any Hong Kong officials.

This briefing provides evidence for the UK government to impose sanctions on six Hong Kong officials to hold them to account for their past and current human rights violations under international human rights law. The sanctions list includes Hong Kong Chief Executive John Lee Ka-chiu, Secretary for Justice Paul Lam Ting-kwok, Secretary for Security Chris Tang Ping-keung, Chief Secretary for Administration Eric Chan Kwok-ki, Secretary for Constitutional and Mainland Affairs Erick Tsang Kwok-wai, and Secretary for the Civil Service Ingrid Yeung Ho Poi-yan. Sanctions may include asset freezes and travel bans, and could be imposed under the UK government’s Global Human Rights Sanctions Regulations, the Sanctions Act of 2018, or via a bespoke scheme specific to Hong Kong under the Sanctions Act of 2018.

The briefing recommends that in addition to sanctioning Hong Kong officials under these measures, the sanctions regimes of both the United Nations Security Council and the European Union are both applicable to the Hong Kong officials detailed in this briefing. The briefing also calls on the UK government to further consider what other sanctions are appropriate in response to the rapidly deteriorating situation in Hong Kong and transnational repression against Hong Kongers abroad, as well as ongoing crimes against humanity in the Xinjiang Uyghur Autonomous Region (XUAR) and the increasing military presence of the People’s Liberation Army (PLA) in the Taiwan Strait and the South China Sea.

¹ <https://home.treasury.gov/news/press-releases/sm1088>

INTRODUCTION

In the four years since mass pro-democracy demonstrations in Hong Kong were met with the imposition of the 2020 Hong Kong National Security Law (NSL), Hong Kong has gone from one of Asia's most open societies to one of its most oppressive. Pro-democracy newspapers have been shut down and their staff arrested. Nearly 300 people, including activists, opposition politicians, and journalists, have been arrested for violating the NSL, while over 10,000 have been arrested for their involvement in the 2019 protests. Political prisoners have been tortured, sexually assaulted, and secretly transferred to undisclosed locations in Mainland China.²

Meanwhile, the Hong Kong government has taken unprecedented steps to dismantle democracy and the rule of law within Hong Kong. 'Patriotic' electoral reforms imposed on Hong Kong by Beijing have effectively gutted the city's competitive elections, ensuring only those loyal to Beijing can run for the Hong Kong Legislative Council. The Hong Kong government exploited the lack of effective opposition to push through the controversial Safeguarding National Security Bill, which is implemented under Article 23 of the Basic Law of Hong Kong and widely referred to as 'Article 23 legislation', in March 2024.³ Article 23 legislation introduces five new offences and grants sweeping new powers to the police in national security cases. For example, the police can detain someone for up to 16 days without filing any charges, prohibit an arrestee from consulting a lawyer for two days following their arrest, and deny them a lawyer of their choosing while in detention.

These actions and others by the Beijing and Hong Kong authorities have repeatedly contravened the fundamental freedoms and civil liberties enshrined in Hong Kong's Basic Law, as well as violating Hong Kong's obligations under international law including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Furthermore, many of these acts have already or risk further violating the 1984 Sino-British Joint Declaration, which is supposed to protect the autonomy and basic rights of Hong Kong for 50 years from 1997. This is why the British government first declared in 2021 that, following the imposition of the NSL and the National People's Congress' decision in 2020 to approve 'patriots only' electoral reforms, China is now in 'ongoing breach' of the Sino-British Joint Declaration.⁴

² <https://www.hongkongwatch.org/pol-prisoners>

³ <https://www.legco.gov.hk/yr2024/english/bills/b202403081.pdf>

⁴ <https://www.gov.uk/government/news/foreign-secretary-statement-on-radical-changes-to-hong-kongs-electoral-system>

Since 2020, Hong Kong Watch has consistently campaigned for governments who have raised concerns about the NSL to follow through with actions, including imposing targeted sanctions against individual perpetrators of human rights violations and the erosion of democratic rights and norms in the Hong Kong Special Autonomous Region (HKSAR).

WHY WE ARE CALLING FOR SANCTIONS ON HONG KONG OFFICIALS

It is particularly important that the UK introduce sanctions against key figures in Hong Kong given the violations of the Sino-British Joint Declaration. In 2021, the UK government announced that it considered China to be in ‘ongoing violation’ of the Joint Declaration. Despite this, and despite the UK government’s treaty obligations to ensure the preservation of Hong Kong’s basic autonomy and civil and political rights for fifty years from 1997, the UK government has still yet to announce sanctions on any Hong Kong individual.

On 8 May 2024, the UK government hosted a senior US government delegation for the second US-UK Strategic Sanctions Dialogue, in which both governments affirmed that sanctions and export controls are essential tools of national security policy.⁵ The UK government has previously announced sanctions on figures from Russia, Iran, Afghanistan, Myanmar and Uganda, among others. These sanctions have helped to disrupt the activities of hostile actors, dissuade actors from committing further violations of human rights, and drawn attention to under-noticed violations of human rights.

Hong Kong Watch has repeatedly called for targeted sanctions against key individuals within the Hong Kong government. These may entail asset freezes, travel bans, seizure of assets based within the UK (such as property), and bans on investment in companies and trusts owned by specific individuals with documented links to human rights violations.

Targeted sanctions are, in the words of the international non-governmental organisation Global Witness, ‘an important tool in our arsenal’ against human rights violations.⁶ The immediate advantage of targeted sanctions is that they act as a punitive measure against specific individuals complicit in human rights violations, not against a polity or population as a whole. Hong Kong Watch does not advocate for blanket sanctions against Hong Kong.

Research by academics at the Erasmus University of Rotterdam has argued that sanctions are more effective as a signal than a tool of coercion. While blanket sanctions have limited effectiveness in *coercing* a government to change a policy direction, targeted sanctions can be much more effective at *constraining* key actors and dissuading them from partaking in further

⁵<https://www.gov.uk/government/news/joint-statement-by-the-us-department-of-state-and-uk-foreign-commonwealth-and-development-office>

⁶<https://www.globalwitness.org/en/blog/its-the-end-of-the-year-the-global-magnitsky-sanctions-are-here/>

violations of human rights. In the words of academics Thomas Biersteker and Peter A.G. van Bergeijk:

‘Dismissing sanctions as ‘merely symbolic’ gestures fails to appreciate their role in the articulation and reinforcement of global norms. Sanctions impose costs on both the target and the sender, and backing the rhetorical conviction of diplomatic condemnations with costs imposed on one’s own constituents is a powerful way to communicate norms.’⁷

The psychological cost of being placed under sanctions order can be an important tool with which to dissuade actors from committing further violations of human rights. There is some evidence to suggest that Hong Kong lawmakers are indeed afraid of sanctions, with the *South China Morning Post* reporting that Article 23 legislation was sped through the Hong Kong Legislative Council to ensure it was passed into law before foreign countries could issue sanctions warnings. This points to the deterrent effect of targeted sanctions, if they are issued in a timely manner.

Sanctions also impose restrictions on the ability of Hong Kong officials to promote themselves and the new post-NSL Hong Kong overseas. In November 2023, Hong Kong Chief Executive John Lee was barred from visiting San Francisco during the Asia-Pacific Economic Cooperation (APEC) summit. The restriction of officials in this way signals to governments that violating human rights norms will constrain their opportunities for diplomatic and economic engagement. It communicates a strong message that their actions are outside of the bounds of acceptable behaviour for a government body.

In 2021, the UK government announced that it considered China to be in ‘ongoing violation’ of the Joint Declaration, and has continued to declare China in ongoing violation of the Joint Declaration since.⁸ Despite this, and despite the UK government’s treaty obligations to ensure the preservation of Hong Kong’s basic autonomy and civil and political rights for 50 years from 1997, the UK government has still yet to announce sanctions on any Hong Kong individual. Imposing sanctions in response to the implementation of the NSL and the passage of Article 23 legislation would demonstrate that there are real consequences to violating the Sino-British Joint Declaration.

Imposing sanctions on Hong Kong officials would further communicate a strong message to the global community that the Safeguarding National Security Bill is, contrary to the claims of the Hong Kong government, a severe infringement of Hong Kong’s international human rights law obligations and far beyond the acceptable norms of the exercise of government authority.

⁷ https://repub.eur.nl/pub/79414/On-target-Biersteker_Bergeijk-pp17-28.pdf

⁸ <https://www.ft.com/content/dc2aaf68-b92e-4c48-8823-e7e4648ccb74>

THE LEGAL BASIS FOR HONG KONG WATCH'S SANCTIONS LIST

The UK government can either impose sanctions unilaterally or implement sanctions imposed by the United Nations. The Sanctions and Anti-Money Laundering Act of 2018 (the Sanctions Act) provides the main legal basis for the UK to impose, update and lift sanctions. The UK's sanctions regime for human rights violations was introduced via the Global Human Rights Sanctions Regulations (GHRSR), in force since 6 July 2020, under the Sanctions Act.

The Global Human Rights Sanctions Regulations are focused on violations of the right to life, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, and the right to be free from slavery.⁹

However, in cases where an individual is not directly implicated in the violation of the above rights, the Sanctions Act of 2018 retains the ability for the relevant Minister to consider sanctions if they will 'provide accountability for or be a deterrent to gross violations of human rights, or otherwise promote—(i) compliance with international human rights law, or (ii) respect for human rights [or...] promote respect for democracy, the rule of law and good governance.'¹⁰

Hong Kong Watch has included in the next section a list of key officials who demonstrate evidence of direct involvement in gross violations of human rights and the undermining of democracy, the rule of law, and good governance within Hong Kong. We provide evidence for the following three officials to be sanctioned under the GHRSR:

1. John Lee Ka-chiu, Chief Executive
2. Paul Lam Ting-kwok, Secretary for Justice
3. Chris Tang Ping-keung, Secretary for Security

We provide evidence for the following three officials to be sanctioned under the Sanctions Act:

1. Eric Chan Kwok-ki, Chief Secretary for Administration
2. Erick Tsang Kwok-wai, Secretary for Constitutional and Mainland Affairs
3. Ingrid Yeung Ho Poi-yan, Secretary for the Civil Service

The cases for the first three officials listed to be sanctioned under the GHRSR also qualify to be sanctioned under the Sanctions Act. Therefore, all six individuals listed could be sanctioned under the Sanctions Act, generally or via a bespoke sanctions scheme specific to Hong Kong. His Majesty's Treasury introduced a bespoke financial sanctions scheme specific

⁹ <https://www.legislation.gov.uk/ukxi/2020/680/contents/made>

¹⁰ <https://www.legislation.gov.uk/ukpga/2018/13/section/1/enacted?view=plain>

to Myanmar in 2021 to promote respect for the rule of law, democracy and human rights.¹¹ The same could be done for Hong Kong if there is a need for additional measures to be created to hold Hong Kong officials to account for their egregious and ongoing human rights abuses.

Sanctioning the officials named in this briefing will provide accountability for past and current violations of rights guaranteed under Hong Kong's Basic Law and international law, deter further violations, and promote respect for democracy and the rule of law by demonstrating the consequences of undermining these fundamental concepts.

Sanctions would also be complementary to, and reinforce the intended effect of, the sanctions imposed on Hong Kong officials by the US Department of the Treasury in August 2020,¹² the critical findings of the U.S.-China Economic and Security Review Commission annual report to the US Congress in November 2023 which recommended sanctions on Hong Kong officials responsible for limiting freedom of emigration from Hong Kong and those involved in the Hong Kong judiciary,¹³ and the European Commission in its annual report on the political and economic developments of Hong Kong in May 2022.¹⁴ At the second US-UK Strategic Sanctions Dialogue on 8 May 2024 the UK government committed to coordinating its sanctions regimes with the US to increase their mutual effectiveness. We would therefore encourage the UK government to fulfil its commitment by introducing comparable sanctions to those imposed by the US.

¹¹ https://assets.publishing.service.gov.uk/media/61b32b11d3bf7f055b2935ce/Notice_Myanmar_101221.pdf

¹² <https://home.treasury.gov/news/press-releases/sm1088>

¹³ https://www.uscc.gov/sites/default/files/2023-11/2023_Comprehensive_List_of_Recommendations.pdf

¹⁴ https://www.eeas.europa.eu/eeas/hong-kong-annual-eu-report-political-and-economic-developments-2022_en

SANCTIONS LIST

For consideration under the Global Human Rights Sanctions Regulations

1. John Lee Ka-chiu, Chief Executive



John Lee Ka-chiu is the Chief Executive of Hong Kong, directly responsible for overseeing the development and enactment of the Safeguarding National Security Bill as well as the implementation of the National Security Law. In this role and as the Chair of the Committee for Safeguarding National Security, Mr Lee has been, and continues to be, involved in activities which, individually and collectively, amount to a serious violation of the right not to be subjected to torture and other cruel, inhuman or degrading treatment and punishment.

As former Secretary of Security from 2017 to 2021, Mr Lee was responsible for managing the Hong Kong Security Bureau and overseeing public safety and security matters. In this role, rather than ensuring the safety and security of the public, Mr Lee aggressively suppressed the 2019 anti-extradition protests by authorising the unlawful use of force and other police misconduct.

According to Amnesty International, between 12 June 2019 and 29 February 2020, Mr Lee authorised the Hong Kong Police Force (HKPF) to fire a total of 19 rounds of live ammunition, 16,191 rounds of tear gas, 10,100 rounds of rubber bullets, 2,033 beanbag rounds and 1,880 rounds of sponge bullets,¹⁵ which led to serious eye injuries on at least three occasions, including for those peacefully protesting.¹⁶¹⁷ Police were routinely seen hitting protesters' heads with batons, kicking and stomping on heads and limbs with heavy-duty riot gear, and kneeling on protesters and non-protesters who were in no way resisting or capable

¹⁵ <https://www.amnesty.org/en/documents/asa17/0576/2019/en/>

¹⁶ <https://hongkongfp.com/2020/06/19/hong-kong-teacher-partially-blinded-by-alleged-police-projectile-during-demo-loses-job-at-elite-school/>

¹⁷ <https://www.theguardian.com/world/2019/aug/16/an-eye-for-an-eye-hong-kong-protests-get-figurehead-in-woman-injured-by-police#:~:text=4%20years%20old-'An%20eye%20for%20an%20eye'%3A%20Hong%20Kong%20protests%20get.in%20woman%20injured%20by%20police&text=Two%20months%20into%20Hong%20Kong's.eye%20because%20of%20the%20police.>

¹⁸ <https://rsf.org/en/hong-kong-journalist-permanently-blinded-one-eye-amid-increased-police-violence>

of resisting.¹⁹ These incidents were widely reported, live-streamed and extensively investigated at the time by local media outlets including *Apple Daily*, *Stand News* and *Citizen News*, which have all forcibly closed as a result of the NSL.

In addition, Mr Lee failed to protect the public's physical safety and security during the protests, as there are countless incident reports of sexual violence inflicted by the HKPF, including unnecessary strip searches, sexual harassment and assault, and rape.²⁰ A *Reuters* investigation details the weapons of mass control deployed by the HKPF, and the manner in which guidelines on the use of force were revised to empower the police with greater flexibility to confront protesters with impunity.²¹

In the first four months of the 2019 protests alone, Mr Lee supervised the arrest of 750 children, representing one third of all arrests.²² Mr Lee is also complicit in supervising Secretary for Security Chris Tang's negligence or passive promotion of sexual and physical abuses occurring at Hong Kong juvenile offender facilities. These abuses will be detailed further in the case of Mr Tang below, but involve serious bodily harm from rape and anal assault in which one victim required surgery and another hospitalisation for persistent bleeding.

In his role as Chief Executive, Mr Lee continues to commit ongoing violations of civil and political rights linked to the NSL and sedition laws. Mr Lee is responsible for promulgating laws, including leveraging the vagueness of the NSL and associated rights of the NSL authorities and NSL judges to be used, in effect, as a legal pretext to carry out arrests, investigations, and the freezing of personal and company assets on spurious grounds and to hold individuals in pre-trial custody for undefined periods, with no predictability, transparency or accountability. Approximately 75% of those charged under the NSL have been denied bail without proper reasoning and with no trial date set.²³

British citizen Jimmy Lai has been behind bars for over 1,200 days and is facing prosecution for crimes of subversion allegedly committed in his role as the owner of the now defunct pro-democracy newspaper *Apple Daily*. Just hours after the High Court of Hong Kong approved Mr Lai's lawyer of choice, British barrister Timothy Owen KC, to represent Mr Lai in his national security case, Mr Lee asked Beijing to interpret the NSL to determine whether Mr Lai could be represented by his overseas lawyer of choice. The National People's Congress Standing Committee (NPCSC) responded by giving Mr Lee and Hong Kong's Committee for Safeguarding National Security the power to decide whether foreign lawyers could be involved in national security cases.²⁴ The Committee for Safeguarding National

¹⁹https://www.washingtonpost.com/world/asia_pacific/i-couldnt-breathe-hong-kong-protesters-allege-beatings-and-torture-by-citys-police/2019/09/19/9f5827e4-d9eb-11e9-a1a5-162b8a9c9ca2_story.html

²⁰<https://www.bbc.co.uk/news/world-asia-china-49505901>

²¹<https://www.reuters.com/investigates/special-report/hong-kong-protests-violence/>

²²<https://www.theguardian.com/world/2019/oct/11/hong-kong-arrest-of-750-children-during-protests-sparks-outcry>

²³<https://www.gov.uk/government/publications/china-country-policy-and-information-notes/country-policy-and-information-note-hong-kong-national-security-law-china-june-2022-accessible>

²⁴<https://hongkongfp.com/2022/12/30/beijing-gives-hong-kong-leader-power-to-bar-foreign-lawyers-after-loss-at-top-court/>

Security, which is chaired by Mr Lee, quickly ruled that Mr Owen representing Mr Lai would allegedly pose a threat to Hong Kong's national security.²⁵

This decision, led by Mr Lee, directly threatens the independence of the judiciary in Hong Kong by providing the Chief Executive with power over the courts without accountability. The decision also contributes to the inhumane treatment of 76-year-old Jimmy Lai who has been placed in solitary confinement for performing his duties as a journalist and participating in peaceful pro-democracy activities.²⁶ Mr Lai faces a maximum sentence of life imprisonment and could die behind bars.

In the case of Jimmy Lai, as well as the 47 pro-democracy activists who were arrested for participating in unofficial pro-democracy primary elections for the Hong Kong Legislative Council in 2020, Mr Lee has denied the right of peaceful assembly and demonstration, in addition to the measures taken to ensure this and to punish participants. Individual detainees are also at risk of torture, when considering the degree of mental pain and suffering that is deliberately inflicted through the NSL.

In July and December 2023, the Hong Kong national security police, under the direction of Secretary for Security Chris Tang Ping-keung who is under the supervision of Mr Lee, issued a total of 13 arrest warrants with HK\$1 million bounties for exiled Hong Kong pro-democracy activists who now live in the UK, US and Australia. In a degrading manner, Mr Lee refers to these activists as “street rats”²⁷ and said the only way to “end their destiny of being an abscondee who will be pursued for life is to surrender”.²⁸ Mr Lee continues to encourage the public to provide the police with information to find and punish these targeted Hong Kongers.

Hong Kong Watch submitted a formal sanctions submission to the British Foreign, Commonwealth, and Development Office (FCDO) in January 2023 outlining the evidence against Mr Lee which satisfies the requirements under the Global Human Rights Sanctions Regulations for a foreign official to be the subject of targeted sanctions, including by asset freezes and a travel ban. This includes Mr Lee's ongoing breach of the Sino-British Joint Declaration, a legally-binding and active treaty lodged at the United Nations that requires the UK to guarantee the autonomy and the rights of the people of Hong Kong.²⁹ This breach is also prevalent in Mr Lee's capacity as a Principal Honorary Patron of the Hong Kong Association for Peaceful Reunification with China.³⁰

²⁵<https://hongkongfp.com/2023/01/12/hong-kong-should-change-law-to-bar-overseas-lawyers-from-security-trials-says-national-security-committee/>

²⁶<https://www.theguardian.com/world/2023/sep/30/jimmy-lai-hong-kong-mogul-activist-and-now-a-prisoner-for-1000-days>

²⁷<https://hongkongfp.com/2023/07/11/treat-hong-kongs-8-wanted-democrats-like-street-rats-who-should-be-avoided-at-all-costs-leader-john-lee-says/>

²⁸<https://www.channelnewsasia.com/asia/hong-kong-activists-national-security-law-bounties-arrest-warrants-3604216>

²⁹<https://www.hongkongwatch.org/all-posts/2023/5/30/hong-kong-watch-submits-a-sanctions-submission-to-uk-government-on-john-lee-to-mark-the-one-year-anniversary-of-his-appointment-as-hong-kong-chief-executive>

³⁰<https://www.ceo.gov.hk/exco/pdf/ce-e.pdf>

The US government sanctioned Mr Lee following the imposition of the NSL in August 2020 when he served as Hong Kong’s Secretary of Security. The US described Mr Lee as “an organ for assisting the Chief Executive in policy-making... He is designated for being involved in coercing, arresting, detaining, or imprisoning individuals under the authority of the National Security Law, as well as being involved in its development, adoption, or implementation.”³¹

The UK should sanction John Lee Ka-chiu under the GHRSR for his lead role in violating human rights and international laws, including the Basic Law, the ICCPR, the ICESCR, and the CEDAW. As Chief Executive, Mr Lee is directly responsible for overseeing the development and enactment of Article 23 legislation and the NSL which continue to lead to torture and other cruel, inhuman or degrading treatment and punishment. This includes Mr Lee authorising the unlawful use of force and other police misconduct, pre-trial custody for undefined periods, solitary confinement for those carrying out perfectly acceptable activities under international law, the arrest of innocent children, and sexual and physical abuses occurring at Hong Kong juvenile offender facilities.

2. Paul Lam Ting-kwok, Secretary for Justice



Paul Lam Ting-kwok is Hong Kong’s Secretary for Justice, acting as the chief legal adviser for the implementation of the Safeguarding National Security Bill and National Security Law. Mr Lam is also responsible for drafting all government legislation and overseeing all prosecutions in Hong Kong.

In March 2024, Mr Lam defended the one-month public consultation process for Article 23 legislation, as well as its contents which prevent individuals charged with alleged offences from meeting with their lawyers. At the time, Mr Lam provided examples of what behaviours would constitute criminal offences under the bill, including reposting online criticism of Hong Kong from foreign countries and interviewing wanted Hong Kong activists.³²

³¹ <https://home.treasury.gov/news/press-releases/sm1088>

³² <https://hongkongfp.com/2024/03/25/repeatedly-reposting-overseas-criticism-of-new-security-law-online-could-risk-violation-justice-minister-says/>

Mr Lam also stated that a person could be punished with up to 14 years in prison for knowing that another person has committed alleged treason and not reporting the alleged traitor to the authorities. Without exceptions for religious confession, this poses a direct threat to the Catholic Church as priests will have the alternative of either breaching the most sacred principles of their religion or going to jail.³³

In the national security cases of Jimmy Lai and the 47 democrats, Mr Lam is responsible for ordering no-jury trials and handpicking judges.^{34,35} Mr Lam also defended John Lee's decision to bar Jimmy Lai from his lawyer of choice, British barrister Timothy Owen KC, in May 2023.³⁶

Given that Mr Lam is responsible for all prosecutions in Hong Kong, he has allowed the forced testimony of pro-democracy activist Andy Li in the trial of Jimmy Lai. There are claims that Mr Li's testimony was obtained through torture while in a Shenzhen prison from 2020 to 2021, including being allegedly subject to restraint chairs (tiger chairs) to force confessions. On 31 January 2024, the United Nations Special Rapporteur on torture Dr Alice Jill Edwards wrote to the Government of the People's Republic of China to address these claims, stating, "I am deeply concerned that evidence that is expected to be presented against Jimmy Lai imminently, may have been obtained as a result of torture or other unlawful treatment. An investigation into these allegations must be conducted immediately, before any evidence is admitted into these present proceedings."³⁷

In June 2023, Mr Lam lodged an injunction bid to ban the dissemination of 'Glory to Hong Kong', a popular anthem during the 2019 pro-democracy protests.³⁸ Mr Lam's bid was approved by a Hong Kong court in May 2024, after which Mr Lam said, "The purpose of this injunction was made very clear by the court. Using this song to incite seditious acts is illegal... What are the benefits? They are to provide a stronger deterrence and a prevention, and to make everyone understand what can and can't be done."³⁹ The injunction is a deterrent to and undermines the freedoms of expression and the press which Hong Kong is legally obliged to honour under international laws and standards.

Following his role in the issuance of arrest warrants with HK\$1 million bounties for five exiled Hong Kong activists in December 2023, the Congressional Select Committee on the Strategic Competition between the United States and the Chinese Communist Party called for sanctions to be imposed on Paul Lam Ting-kwok.⁴⁰ Mr Lam spoke out against these

³³<https://www.hongkongwatch.org/all-posts/2024/3/13/sixteen-international-experts-express-concerns-over-looming-threat-to-religious-freedom-in-hong-kong>

³⁴ <https://www.france24.com/en/live-news/20220822-hong-kong-media-tycoon-jimmy-lai-to-face-no-jury-trial>

³⁵ <https://hongkongfp.com/2022/08/16/non-jury-trial-ordered-for-hong-kongs-47-democrats-national-security-case/>

³⁶ <https://apnews.com/article/jimmy-lai-hong-kong-security-lawyer-owen-24aa98559102e65d001d5892ff4f71c7>

³⁷ <https://www.ohchr.org/en/press-releases/2024/01/hong-kong-sar-un-expert-warns-against-admission-evidence-allegedly-secured>

³⁸ <https://www.scmp.com/news/hong-kong/law-and-crime/article/3229252/hong-kong-court-dismisses-government-bid-ban-protest-song>

³⁹ <https://news.rthk.hk/rthk/en/component/k2/1752827-20240512.htm>

⁴⁰ <https://selectcommitteeontheccp.house.gov/media/press-releases/select-committee-ccp-cecc-co-chairs-call-sanctions-hong-kong-officials>

sanctions, defending the impartiality of the Hong Kong court system and accusing foreign countries of threatening judicial independence in Hong Kong.⁴¹

The UK should sanction Paul Lam Ting-kwok under the GHRSS for his ongoing violations of the Sino-British Joint Declaration and international laws as he participates in the implementation of Article 23 legislation and the NSL, which cause cruel, inhuman and degrading treatment and punishment for those in jail, facing prosecution, or undergoing mental pain and suffering as a result of increasing oppression in Hong Kong.

3. Chris Tang Ping-keung, Secretary for Security



Chris Tang Ping-keung has been Hong Kong's Secretary of Security since June 2021, serving under both John Lee and former Chief Executive Carrie Lam. Mr Tang is also an official member of the Constitution and Basic Law Promotion Steering Committee.⁴²

Mr Tang was appointed to be Commissioner of Police in 2019 during the 2019 demonstrations, when he supervised and participated in the unlawful use of force and other police misconduct. This included beatings and the use of live ammunition, tear gas, rubber bullets, sponge bullets and other means that led to serious injuries and wide-scale trauma. In January 2020, a study by the University of Hong Kong found that the level of post-traumatic stress disorder (PTSD) in Hong Kong was comparable to conflict zones.⁴³

As Secretary of Security, Mr Tang is responsible for overseeing the Correctional Services Department of Hong Kong, which manages prisons and prisoners. In March 2024, young Hong Kong activists exposed sexual and physical abuses occurring at Hong Kong juvenile offender facilities.⁴⁴ This includes an incident on 19 January 2024 in which a Correctional Services Officer and four young inmates were remanded in custody for causing serious bodily harm to an 18-year-old inmate. The victim required surgery from anal laceration and

⁴¹<https://www.scmp.com/news/hong-kong/law-and-crime/article/3249373/hong-kongs-justice-chief-paul-lam-defends-impartiality-courts-national-security-cases-and-warns>

⁴²<https://www.ceo.gov.hk/exco/pdf/ss-e.pdf>

⁴³<https://www.bbc.co.uk/news/world-asia-china-51058233>

⁴⁴<https://www.rfa.org/english/news/china/hong-kong-prison-abuse-03302024103914.html>

rectal perforation.⁴⁵ This incident and others, including one in which an inmate was in duress after anal rape, points to the wider prison culture of bullying, sexual and physical assault that is carried out by prison guards and other inmates.

Mr Tang has enthusiastically promoted the erosion of Hong Kong's civil and political rights and the rule of law. In April 2023, Mr Tang boasted about the NSL's 100% conviction rate.⁴⁶ As the Secretary responsible for security-related policies, Mr Tang also played a central role in the development and enactment of Article 23 legislation. On 30 January 2024, Mr Tang announced the start of the public consultation period for the bill alongside John Lee and Paul Lam. Mr Tang expressed that the Hong Kong government "needs better tools to deal with espionage and the activities of foreign agents in the city".⁴⁷

Mr Tang has repeatedly called for more severe national security and sedition legislation in Hong Kong, openly supporting the Safeguarding National Security Bill's clauses that allow the Hong Kong authorities to cancel the passports of alleged absconders and to prohibit anyone in the world from financing their activities. "We aim to create measures that could effectively combat the act of absconding, and to facilitate absconders to return to Hong Kong," said Mr Tang.⁴⁸ This includes the 13 overseas pro-democracy activists whom the Hong Kong national security police issued arrest warrants and bounties to under the direction of Mr Tang in July and December 2023. Mr Tang vowed the police would spend "a lifetime's endeavour to catch" these individuals.⁴⁹

The UK should sanction Chris Tang Ping-keung under the GHRSR for his ongoing violations of the Sino-British Joint Declaration and international laws as he implements Article 23 legislation and the NSL while overseeing vile prison conditions. Mr Tang is a key figure perpetrating cruel, inhuman and degrading treatment and punishment for those in jail, facing prosecution, or undergoing mental pain and suffering as a result of increasing oppression in Hong Kong.

⁴⁵<https://hongkongfp.com/2024/01/22/4-prisoners-1-corrections-officer-remanded-over-allegedly-attacking-inmate-in-hong-kong-prison4-prisoners-1-corrections-officer-remanded-over-allegedly-attacking-inmate/>

⁴⁶<https://freedomhouse.org/country/hong-kong/freedom-world/2024>

⁴⁷<https://www.reuters.com/world/asia-pacific/article-23-what-you-need-know-about-hong-kongs-new-national-security-laws-2024-03-08/>

⁴⁸<https://hongkongfp.com/2024/03/12/article-23-hong-kong-may-tighten-measures-against-absconders-after-lawmakers-say-draft-bill-too-lenient/>

⁴⁹<https://hongkongfp.com/2023/07/05/nathan-law-a-modern-day-traitor-hong-kong-security-chief-lashes-out-at-wanted-self-exiled-activists/>

For general consideration or via a bespoke scheme specific to Hong Kong under the Sanctions Act of 2018

1. Eric Chan Kwok-ki, Chief Secretary for Administration



Eric Chan Kwok-ki is Hong Kong's Chief Secretary for Administration, and Chairperson of the Constitution and Basic Law Promotion Steering Committee.⁵⁰ Mr Chan was previously the Director of the Chief Executive's Office under former Chief Executive Carrie Lam from July 2017 to June 2022. As the Chief Secretary for Administration, the number two official in Hong Kong behind the Chief Executive, Mr Chan is responsible for implementing policy and for oversight of the Security Bureau and the Civil Service, among other departments.

As Chief Secretary for Administration, Mr Chan has robustly defended the NSL in international fora, including at the United Nations' Universal Periodic Review of China in January 2024, where he referred to remarks on the human rights situation in Hong Kong as "unfounded and untrue".⁵¹ Following the passage of Article 23 legislation in March 2024, Mr Chan refuted overseas criticism of the security law, claiming that it would provide Hong Kong with "better security and a better future".⁵²

Mr Chan was appointed to lead the Candidate Eligibility Review Committee in September 2022.⁵³ This Committee decides whether potential election candidates are sufficiently patriotic or threaten national security. During the District Council elections in December 2023, Mr Chan implemented Beijing's 'patriots-only' laws including through the use of disciplinary teams to arrest individuals planning to protest against the 'patriots-only' reforms.⁵⁴ This directly dismantles the promotion of and respect for democracy, the rule of law and good governance in Hong Kong by fixing election candidates and preventing peaceful pro-democracy demonstrations.

⁵⁰ <https://www.ceo.gov.hk/exco/pdf/cs-e.pdf>

⁵¹ <https://news.rthk.hk/rthk/en/component/k2/1737459-20240123.htm>

⁵² <https://www.thestandard.com.hk/breaking-news/section/4/214545/Chief-Secretary-Eric-Chan-slams-Western-slander-of-Article-23>

⁵³ <https://www.scmp.com/news/hong-kong/politics/article/3192984/hong-kong-no-2-official-chair-powerful-vetting-panel>

⁵⁴ <https://hongkongfp.com/2023/11/23/chief-sec-urges-hong-kong-civil-servants-to-cast-ballot-in-dec-patriots-only-poll-rules-out-compulsory-voting-in-future/>;

<https://www.thestandard.com.hk/breaking-news/section/4/211385/Eric-Chan-thanks-civil-servants-for-fulfilling-dual-duties-of-voting-and-supporting-government>;

<https://www.amnesty.org/en/latest/news/2023/12/hong-kong-release-activists-arrested-for-expressing-concerns-about-elections/>

The US government sanctioned Eric Chan Kwok-ki in his role as Director of the Chief Executive's Office in August 2020.⁵⁵ At the time, Mr Chan assisted Carrie Lam in implementing the NSL and furthering the extradition law during the 2019 pro-democracy protests. Mr Chan was complicit in the extensive police brutality and trauma inflicted among the Hong Kong people. From 2020 to 2022, Mr Chan was also appointed by Beijing to be the Secretary General of the Committee for Safeguarding National Security, which is not subject to judicial review.

The UK should sanction Eric Chan Kwok-ki under the Sanctions Act for his key role in furthering Article 23 legislation, the NSL and 'patriotic' electoral reforms, which violate international human rights laws and standards, and which undermine the rule of law and democracy in Hong Kong.

2. Erick Tsang Kwok-wai, Secretary for Constitutional and Mainland Affairs



Erick Tsang Kwok-wai has been Hong Kong's Secretary for Constitutional and Mainland Affairs since 2020, responsible for implementing the Basic Law, constitutional affairs, electoral development, and liaising between the Hong Kong and People's Republic of China (PRC) governments. Mr Tsang is also an official member of the District Councils Eligibility Review Committee and Constitution and Basic Law Promotion Steering Committee.⁵⁶ Mr Tsang served as the Director of Immigration under former Chief Executive Carrie Lam from 2016 to 2020.

As Secretary for Constitutional and Mainland Affairs overseeing electoral development, Mr Tsang led the 'patriots-only' electoral reforms tabled in 2021, which drastically reduced the number of directly-elected seats in the Hong Kong Legislative Council and introduced new requirements designed to ensure that only 'patriotic', or pro-Chinese Communist Party, candidates are able to run for office.⁵⁷ These reforms required office-holders to pledge an oath of loyalty to Beijing or face disqualification and a five-year ban on running for re-election,

⁵⁵ Ibid.

⁵⁶ <https://www.ceo.gov.hk/exco/pdf/scma-e.pdf>

⁵⁷ <https://www.bbc.co.uk/news/world-asia-china-56560829>

and introduced a two-tiered candidate-vetting process by national security police and officials.⁵⁸

As a result of these reforms, voter turnout in the District Council elections dropped from 71.2% in 2019 to 27.54% in 2023.⁵⁹ In December 2023, Mr Tsang dismissed this drop in turnout, saying that “the level of the voters’ turnout does not equate to whether citizens support the revamped election system,” and arguing that the Basic Law “has never specified that district councils must be elected”.⁶⁰ He also declared that the act of casting blank or invalid votes in elections may constitute “election fraud” in response to former lawmaker Sixtus Leung Chung-hang urging voters to cast invalid votes in April 2021.⁶¹

In his promotion of Article 23 legislation and the NSL, Mr Tsang has neglected his responsibility to protect the provisions of the Basic Law by playing a key role in implementing directives from the PRC in Hong Kong, thus threatening its autonomy. The NSL, as a law imposed on Hong Kong by the National People’s Congress in Beijing, may be in violation of both Article 23 and Article 159(4) of the Basic Law. The designation mechanism for judges contained within the NSL violates Article 88 of the Basic Law, which stipulates that judges shall be appointed by the Chief Executive on the recommendation of an independent commission. Various provisions of the laws may also violate Articles 19, on judicial independence, 27, on freedom of the press, 28, on freedom from arbitrary detention, 30, on the privacy of communications, 31, on the freedom of movement, 35, on choice of legal representation, and 39, which enshrines the protections of the ICCPR within the Basic Law. In addition, the ‘patriots-only’ electoral reforms may further violate Article 16 of the Basic Law, on the right to stand for election.

The US government sanctioned Erick Tsang Kwok-wai in his role as Director of Immigration in August 2020.⁶² While serving as Director of Immigration during the 2019 pro-democracy protests, Mr Tsang oversaw multiple politically sensitive cases which were denied entry to Hong Kong without explanation.⁶³

The UK should sanction Erick Tsang Kwok-wai under the Sanctions Act for implementing the will of the PRC in Hong Kong and neglecting his responsibility to defend the fundamental rights and freedoms contained within the Basic Law and guaranteed under international law, as well as dismantling the democratic institutions of Hong Kong.

⁵⁸ <https://www.theguardian.com/world/2021/dec/19/police-deployed-at-polling-stations-as-hong-kong-votes-in-overhauled-patriots-election>

⁵⁹ <https://www.hongkongwatch.org/all-posts/record-low-voter-turnout-in-hong-kong-district-council-elections>

⁶⁰ <https://www.thestandard.com.hk/breaking-news/section/4/203666/Elected-district-councils-not-written-in-Basic-Law-says-Erick-Tsang>

⁶¹ <https://www.thestandard.com.hk/breaking-news/section/4/169014/Organizing-voters-to-cast-blank-votes-is-%22election-fraud%22:-Erick-Tsang>

⁶² Ibid.

⁶³ <https://hongkongfp.com/2019/01/07/no-conspiracy-involved-visitors-visa-denials-says-hong-kong-immigration-chief/>

3. Ingrid Yeung Ho Poi-yan, Secretary for the Civil Service



Ingrid Yeung Ho Poi-yan was appointed as the Secretary for the Civil Service on 1 July 2022, after serving as the Permanent Secretary for the Civil Service from August 2020 to June 2022. Mrs Yeung was the Permanent Secretary for Education from July 2017 to August 2020. She is also an official member of the Constitution and Basic Law Promotion Steering Committee.⁶⁴

As Secretary for the Civil Service, Mrs Yeung is responsible for all civil service-related policies and ensuring that the development of the civil service reflects Hong Kong's best interests. In this capacity, Mrs Yeung continues to undermine the political neutrality of Hong Kong's civil service, eroding good governance and democracy. In December 2023, Mrs Yeung tightened civil service regulations by updating the civil service code of conduct and doubling the number of core values of the civil service to 12, including the value to uphold "the constitutional order and national security". The updated code penalises the 180,000 civil servants in Hong Kong for liking social media posts that criticise the NSL or other legislation and government activities.

Mrs Yeung said, "In their capacity as civil servants, they cannot criticise any government policies or support opposing views of other parties. In their capacity as private individuals, they have the freedom to express their views, but they should take care that their views are not mistaken as the government's official position."⁶⁵ She also warned, "The more senior civil servants should be more careful."⁶⁶

Mrs Yeung also leads the Hong Kong authorities in removing civil servants who are disloyal to the government or allegedly threaten national security. In 2022, the number of government employees dismissed was approximately double the yearly average.⁶⁷ At the same time, Mrs Yeung oversees the recruitment of civil servants to Hong Kong's increasingly pro-Beijing government that seeks to dismantle the city's autonomy and rule of law.

⁶⁴ <https://www.ceo.gov.hk/exco/pdf/scs-e.pdf>

⁶⁵ <https://www.scmp.com/news/hong-kong/politics/article/3244935/proposed-code-conduct-reforms-bar-hong-kongs-180000-civil-servants-publicly-criticising-government>

⁶⁶ <https://www.thestandard.com.hk/section-news/section/46886982/260412/Article-23-state-secrets-move-'holds-no-fear-for-civil-service'>

⁶⁷ <https://www.scmp.com/news/hong-kong/politics/article/3239676/over-3000-hong-kong-civil-servants-disciplined-misconduct-5-years-number-dismissed-2022-almost>

While serving as the Permanent Secretary for Education, Mrs Yeung supervised and promoted the rooting out of dissenting voices in classrooms, installing CCTV cameras in schools, and hiring retired police officers to investigate students and teachers.⁶⁸

The UK should sanction Ingrid Yeung Ho Poi-yan under the Sanctions Act for her role in undermining the political neutrality of the civil service of Hong Kong, and criminalising activities that are acceptable under Hong Kong's international legal obligations.

RECOMMENDATIONS

This briefing has outlined the case for sanctioning the aforementioned Hong Kong officials under the GHRSR introduced by the FCDO in 2020 or under the provisions of the 2018 Sanctions Act. All six individuals listed could be sanctioned under the Sanctions Act, generally or via a bespoke sanctions scheme specific to Hong Kong.

The UK government should sanction the following three officials under the GHRSR, Sanctions Act, or via a bespoke sanctions scheme specific to Hong Kong:

1. John Lee Ka-chiu, Chief Executive
2. Paul Lam Ting-kwok, Secretary for Justice
3. Chris Tang Ping-keung, Secretary for Security

The UK government should sanction the following three officials under the Sanctions Act or via a bespoke sanctions scheme specific to Hong Kong:

1. Eric Chan Kwok-ki, Chief Secretary for Administration
2. Erick Tsang Kwok-wai, Secretary for Constitutional and Mainland Affairs
3. Ingrid Yeung Ho Poi-yan, Secretary for the Civil Service

Sanctioning these officials would demonstrate that there are real consequences for violating the Sino-British Joint Declaration which intended to protect the autonomy of Hong Kong for 50 years from 1997, and fulfil Britain's special responsibility to Hong Kong following the handover. Through holding these officials to account, sanctions would also align with the UK's core values of honouring the rule of law, democracy, and individual liberties and human rights.

⁶⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7102642/>

In addition to the GHRSR, the UK may also leverage the sanctions regimes of the United Nations (UN) Security Council and the EU. The sanctions regimes of both the UN Security Council and the EU are both applicable to the Hong Kong officials detailed in this briefing. The UN Security Council could impose sanctions on Hong Kong officials to protect human rights and deter non-constitutional changes, such as the imposition of the NSL and the enactment of the Safeguarding National Security Bill. These sanctions may include measures such as travel bans and financial restrictions.⁶⁹

The EU's sanctions regimes may include transposing UN sanctions into EU law, reinforcing UN sanctions by adopting stricter and further measures, or introducing a fully autonomous sanctions regime specific to Hong Kong.⁷⁰

The UK government should further consider what other sanctions are appropriate in response to the rapidly deteriorating situation in Hong Kong, as well as ongoing crimes against humanity in the Xinjiang Uyghur Autonomous Region (XUAR) and the increasing military presence of the People's Liberation Army (PLA) in the Taiwan Strait and the South China Sea. These may include further trade and investment sanctions against People's Republic of China (PRC) companies with documented ties to gross violations of human rights, as well as on key officials within the government of the HKSAR, the government of the PRC, and the PLA.

In the light of increasing transnational repression of BNO Hong Kongers, the UK government should also work with civil society organisations to create an avenue for Hong Kongers to provide evidence of the human rights violations of Chinese and Hong Kong officials within and outside of Hong Kong.

⁶⁹ <https://www.un.org/securitycouncil/sanctions/information>

⁷⁰ https://www.eeas.europa.eu/eeas/european-union-sanctions_en