

Hong Kong Human Rights Report 2023

About Us

Hong Kong Centre for Human Rights is established in 2022 by a group of human rights defenders from Hong Kong with background in policy and legal research. We aim to provide credible information on Hong Kong's legal, political, and human rights development with the goal of supporting the resilient civil society of Hong Kong and upholding international human rights standards.

Contact Us

Website: hkchr.org
Email: info@hkchr.org
Facebook: [hkchr.org](https://www.facebook.com/hkchr.org)
Twitter: [HKCHROfficial](https://twitter.com/HKCHROfficial)
Instagram: [hkchr_org](https://www.instagram.com/hkchr_org)

Contents

A. Introduction / Executive Summary	1
Introduction	1
Key Observations	1
Policy Recommendations	5
B. Key Trends and Events of Human Rights Violations in 2023	6
RIGHTS VIOLATIONS UNDER THE GUISE OF NATIONAL SECURITY	6
Overview	6
Expansion of application: arrests and arrest warrants against acts committed overseas	8
Fortification of the powers of the national security apparatus	10
US\$1.66 billion budget without transparency or accountability	10
Violating personal liberty of activists who have served their sentences	11
Article 63 of NSL: Restricting Transparency and Exerting Control	12
Extending the national security concept to other aspect	12
Crushing 'Soft Resistance': Government's Ambiguous Tactics to Silence Dissent	14
Government vowed to enact Article 23 national security law in 2024	14
RULE OF LAW & JUDICIAL INDEPENDENCE	16
Overview	16
NPCSC's Interpretation of the NSL and the overturning of CFA's decision by the National Security Committee	16
Legal Practitioners (Amendment) Bill 2023	17
Judiciary endorsing the government's political discourse	17
FREEDOM OF PEACEFUL ASSEMBLY	18
Overview	18
Escalating government interference against peaceful assemblies	19
Intensified preventive policing targeting activists	19
Informal tactics against spontaneous assembly	20
Heavily restrictive measures for authorised peaceful assemblies	21
FREEDOM OF ASSOCIATION	22
Overview	22
Disbandment of CSOs	22
Rising government hostility towards CSOs	23
Targeting Access to Resources of CSOs and Activists	23
Introduction of a crowdfunding law	24

FREEDOM OF EXPRESSION	25
Overview	25
Escalating Government Censorship in Public Domain	25
Expanded Censorship in the Private Sector	26
Repressive Surveillance on Individuals’ Private Life	27
Intimidation of Local Press and Civil Society.....	27
FREEDOM OF PRESS	29
Overview	29
Overall decline in major press freedom indexes.....	29
New media landscape co-created by the diaspora community and local journalists	29
Unwarranted interference and growing hostility in journalistic duties.....	29
Restriction of journalistic capacity via administrative measures.....	30
Access to financial resources of independent media outlets	30
Updates of the legislative proposal on ‘fake news’ law.....	31
RIGHT TO FREE ELECTION & PARTICIPATE IN PUBLIC AFFAIRS	32
Overview	32
District Council Elections Overhaul.....	32
“Patriots-only” Legislative Council rendered a rubber stamp	33
EQUALITY AND NON-DISCRIMINATION	35
Overview	35
Necessity of legal framework for same-sex marriage.....	35
Inclusion of same-sex couples in public housing policies	35
Recognition of the inheritance rights for same-sex couples	36
ACADEMIC FREEDOM	37
Overview	37
Visa denial for June Fourth scholar	37
Appendix I. Selected Important Legislations passed in 2023	38
Appendix II. Selected Important Court Cases decided in 2023	39
Appendix III. List of UN Communications concerning Hong Kong in 2023	41
Appendix IV. List of Abbreviations.....	43
Appendix V. List of Figures & Tables.....	44

A. Introduction / Executive Summary

Introduction

1. The Hong Kong Centre for Human Rights, established in 2022 by a group of human rights defenders from Hong Kong, is determined to continue the documentation and monitoring of human rights in Hong Kong after its human rights organisations were forced to disband after 2020. This report reviews the human rights development in Hong Kong in 2023 and is purported to be the first of the Centre’s annual human rights reports on Hong Kong.
2. Three years after the imposition of *The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region* (“NSL”), the overall human rights condition in Hong Kong continued to decline in 2023. To name a few, 48 people were arrested for national security offences; the civic space continued to shrink; government powers expanded in the name of safeguarding national security, while check and balance by the legislature and the judiciary was largely suspended. However, we must be reminded that while we document and report incidents of repressions, those are also proof that the pursuit for freedom persists despite all the challenges.
3. We present this report to readers to contribute to a better understanding of what is happening in Hong Kong, especially for readers from outside Hong Kong, to assist the continued monitoring of the situation, and to finding the best ways to rectify the human rights violations in Hong Kong.

Key Observations

4. In 2023, systematic human rights violations and the failure of mechanisms to protect human rights, including the judiciary and the legislature, had resulted in a further decline in the human rights situation in Hong Kong. This report sieves through the isolated violations and identifies the trends to watch out for.
5. In 2023, 48 individuals were arrested for national security offences in 2023, and 4 civil society organisations (“CSOs”) disbanded allegedly due to the NSL. We have observed no sign that the application of the NSL or the sedition law had subsided after 3 years. To the contrary, there is **an expansion in terms of powers and applications of the national security laws**.
6. In 2023, the Hong Kong SAR government (“HKG”) applied the NSL **against acts committed outside of Hong Kong**. A student was convicted of sedition over her social media posts published whilst she was studying in Japan. Arrest warrants and bounties were issued for 13 human rights and pro-democracy advocates in exile for their acts and speeches made in foreign countries.
7. Furthermore, we observed the emergence and fortification of an apparatus that holds **extreme powers without any transparency or accountability**. In 2023, the HKG acted on the interpretation of NSL issued by the National People’s Congress Standing Committee (“NPCSC”) in late 2022 and overrode the decision of the Hong Kong Court of Final Appeal (“HKCFA”) by a closed-door meeting.

The HKG also exercised its legislative power and expanded the law-like implementation rules, by-passing the legislature.

8. In 2023, the government further appropriated HK\$5 billion (**US\$640 million**) for the expenditure for safeguarding national security, which is not subject to the scrutiny of the legislature, unlike in the past.
9. The government applied **all-encompassing and vague clause of national security in government or public contracts**, including land sale documents and schools' quotation or tender documents.
10. In 2023, we have also recorded several incidents of the exercise of Article 63 of the NSL, which forbids individuals from disclosing any information pertaining to a national security case. In one case, protest organisers cancelled their application for organising a protest without giving a reason, citing that they were bound by Article 63. The prohibition increases uncertainty of the application of the NSL and **enables abuse of powers**.
11. The NSL remains **uncertain**, hence **arbitrary**; as highlighted by the United Nations special rapporteurs, there is no improved clarity of the definition of the law over the last years despite the conclusion of a number of court cases. The uncertainty is exacerbated by the fight against "soft resistance", a slogan to suppress all kinds of dissents.
12. The international community, including the United Nations Committee on Economic, Social and Cultural Rights ("CESCR"), has rightly **maintained strong criticisms against the NSL**. CESCR stated that it had de facto suspended the independence of the judiciary in Hong Kong, a striking blow for the city once celebrated for its rule of law. It also called for the abolishment of the National Security Department Reporting Hotline, which creates an atmosphere of surveillance and self-censorship in the city. The United Nations Working Group on Arbitrary Detention also made an unprecedented ruling that the HKG is guilty of arbitrary detention.
13. We analysed data from the Correctional Service Department ("CSD") and found that the percentage of persons on remand among the overall number of individuals in custody had consistently increased over the last decade from 17.7% in 2014 to 36.33% in 2023, with a sharp increase since 2019. This coincides with the year when the HKG adopted a repressive approach to suppress the pro-democracy movement, resulting in the prosecution of approximately 3000 people since then. The **rate and duration of pre-trial detention** for national security-related cases are exceptionally high. According to Georgetown Center for Asian Law, as of 1 July 2023, around 70% of the individuals charged with national security offences were denied bail, with some of them under pre-trial detention for longer than two years. **Jimmy Lai**, for example, has been in custody for nearly three years.
14. Furthermore, **Chow Hang-tung**, former vice-chair of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China and human rights lawyer, is currently incarcerated for her non-violent activism. The United Nations Working Group on Arbitrary Detention ruled in May 2023 that her arrest and detention were arbitrary and in violation of a number of articles of the ICCPR. Yet she

has not been released and has continued to be subject to repeated solitary confinements, often extending up to two weeks under degrading conditions.

15. The government also attempted to continue their control of activists released from jail. Former student leader Tony Chung was released in June 2023 subject to a supervision order; he revealed that he was required to meet with the National Security Police regularly in secrecy, in which he was required to inform on other activists. He is now seeking asylum in the UK. The HKCHR believes this is not an isolated case where the HKG inflict heavy-handed control over activists in Hong Kong, at the cost of the activists' mental well-being. This method also sows mistrust and contributes to the atomisation of civil society.
16. **Surveillance** and the violation of privacy emerged in 2023. The NSL and the Implementation Rules provide for powers to compel the provision of information, including users' account details from internet service providers. They also provide that the National Security Police can intercept communications and conduct covert surveillance simply with the approval from the Chief Executive. Given the abundance of national security budget, vague definition of what constitute an offence endangering national security, and the lack of oversight, the **powers are prone to abuse**. The HKCHR has received credible information that there is a strong sense among some activists in Hong Kong that they are being watched. A number of incidents have given validity to such concern. A number of individuals who were not public figures were arrested for their online activities – 4 for subscribing to Nathan Law and Ted Hui on Patreon, one for streaming an exhibition in Japan, etc. The concern for known activists is naturally more intense. The other source of anxiety is the **National Security Department Reporting Hotline** which allows for making anonymous tip offs. While data for 2023 is not available yet, the national security police reported that it received over 380,000 tip-off messages in the two years since the hotline was launched in 2020.
17. Regarding the civil society, the purge continued in 2023, especially against human rights organisations and pro-democracy organisations. The HKG continued to **allege CSOs of endangering national society**. It arrested 6 former staff members of the 612 Humanitarian Relief Fund for allegedly inciting riots; organisations and individuals, including lawyers who took part in the legal support programme of the Fund remained uncertain of the possible ramification against themselves. For organisations and individual activists still endeavouring to operate in Hong Kong, in 2023 some faced **significant obstructions to access to resources and their normal activities, threatened with the uncertainty of the national security related laws and regulations**. Overseas groups faced hostility from the government for engaging in **UN human rights reviews** of Hong Kong.
18. **Large-scale protests** did not return in 2023 despite the end of pandemic-related restrictions in early 2023. The Hong Kong Police adopted policies of prevention rather than facilitation and has heavily obstructed the organisation of and participation in peaceful demonstration by way of temporary detention, warning against individuals, excessive police presence, arrests, as well as dissuasive approach towards organisers, such as by imposing unreasonably onerous obligations on the organiser to ensure public order and safety.
19. 2023 saw the HKG's introduction of the once-abolished appointed seats and air-tight political screening mechanism to the **District Council elections**. The regressive reform was passed by the

“patriots-only” Legislative Council unanimously in July 2023; the elections were held on 10 December.

20. Unsurprisingly, the “patriots-only” **Legislative Council is rendered a rubberstamp**. In 2023 all 35 bills put to vote were passed, including bills with significant negative impact on human rights, including the District Council elections reform, the Legal Practitioners (Amendment) Bill 2023 to give the Chief Executive the power to decide whether a foreign lawyer could be admitted to a national security case. The quality of vetting and scrutiny were questioned when it was revealed that less than half of the members were present for a significant portion of votings, most of the votings were conducted just by a show of hands with no record of voting history, and that minutes of panel meetings no longer identify the speakers. This rubberstamp-like legislature is expected to scrutinise and pass an additional national security law in 2024.
21. In 2023, **censorship of the freedom of expression and publications** in the name of safeguarding national security continued and had arguably escalated. For example, the number of publicly available materials on the June Fourth (Tiananmen Massacre) in public libraries decreased from 48 in April 2022 to merely one by May 2023. Local news outlets reported a disappearance of nearly 40% of political books and recordings from the library storage, as well as a significant number of non-political publications that are deemed sensitive due to their authors. The removal of materials from public libraries is expected to increase due to the government’s new mechanisms for reporting “objectionable content”. Films and movies were banned or required to be edited for public screening. The chilling effect of censoring free speech also extended to academic institutions. In 2023, **academic freedom** continued to be severely restricted, which is exemplified by the departure and terminations of scholars from Hong Kong universities.
22. **Press freedom** remains precarious under the NSL. In 2023, The government introduced mandatory national security programme for broadcasters and administrative measures hindering journalistic capacities, as well as inflict under interference in journalistic duties. Despite the challenges, a **resilient media landscape persists**, characterised by new outlets founded both locally and by the diaspora community. Some of them, however, face issues with financial stability and sustainability.
23. The government is wary of the connection between the diaspora and local communities. In 2023, we observed measures and attempts by the government to deter the connection, such as by issuing arrest warrants and bounties for pro-democracy activists and human rights defenders in exile, rendering any contact or collaboration with them at risk of violating the NSL; the government also made examples out of those wanted activists by harassing their families and defaming them publicly. People who shared their social media posts or subscribed to their Patreon accounts were charged. The fact that the Government charged individuals upon their return to Hong Kong of NSL or sedition offences for their acts committed outside Hong Kong also created a strong sense of fear of self-censorship. If the government’s endeavour to isolate Hong Kong from its diaspora community succeeded, the fight for freedom in Hong Kong would only become more difficult.
24. In spite of the deterioration of human rights protections in 2020, this report also recorded three HKCFA decisions in 2023 in favour of the recognition of **same-sex partnership** in Hong Kong, as well as their **equal enjoyment of rights**.

25. To assist readers in better grasping the development in Hong Kong in 2023, this report contains an appendix that summaries of important new legislations, court cases, and UN publications related to Hong Kong issued in 2023.

Policy Recommendations

26. With this report, the HKCHR recommends readers of the international community to understand the continued human rights violations committed by the Hong Kong and Chinese governments, and to demonstrate solidarity with the resilient civil society in Hong Kong as well as in the diaspora community. Readers are also encouraged to recognise the need for protection for Hongkongers who may face political persecution in light of the lack of fair trial and rights protection in Hong Kong.
27. The international community is urged to recognise that, as highlighted by the CESCR, the rule of law in Hong Kong has been severely damaged. Hong Kong's laws and courts regrettably no longer call for the level of respect and esteem from the international society they once held. The international community should make stakeholders, including their respective local authorities, law enforcement agencies, and corporations aware of this situation. They should take utmost caution in scrutinising requests for legal assistance involving the Hong Kong authorities, so as not to become accomplices in assisting in the suppression or violation of the human rights of the people of Hong Kong.
28. Readers are also urged to make effort to protect and maintain international human rights mechanisms, which have become more crucial for the upholding of human rights when the domestic human rights mechanism in Hong Kong has failed to prevent and resist the violations of human rights under the national security agenda of the HKSAR. The United Nations' human rights mechanism, including the treaty body reviews, special procedures, the Human Rights Council and the Office of High Commissioner for Human Rights, have issued opinion statements, substantial findings and constructive recommendations on human rights in Hong Kong. Readers are encouraged to follow up on these findings and recommendations.
29. For the international community, especially state parties to the international human rights treaties applicable to Hong Kong, shall continue to raise issues of human rights violations in Hong Kong publicly, as "every State Party has a legal interest in the performance by every other State Party of its obligations" (the United Nations Human Rights Committee's General Comment no.31).

B. Key Trends and Events of Human Rights Violations in 2023

RIGHTS VIOLATIONS UNDER THE GUISE OF NATIONAL SECURITY

Overview

30. In the reporting period (year 2023), in addition to the continuing overly-board construction of the provisions, we have observed an expanded and more repressive application of the NSL and the sedition law which further suppressed a wide range of peaceful political activities, threatened the judicial independence and undermined the rule of law. There was also the fortification of the national security apparatus that holds extreme powers without any transparency or accountability.

Number of arrest and prosecution in relation to national security offences

31. In Hong Kong, two major pieces of legislation are frequently used by the government to suppress crimes endangering national security, namely the NSL imposed by the Chinese government, and the colonial-era sedition law under the Crimes Ordinance (Cap. 200).

32. According to Hong Kong Free Press, as of 29 December 2023, a total of 290 people had been arrested for suspected acts and activities that endangered national security since the NSL came into effect on 30 June 2020. Among them, 172 people (59.3%) and five companies had been charged under the NSL and/or the sedition law. Among the prosecuted persons, 109 people (63.4%) were convicted; the cases of the remaining 63 people have not been concluded (see Figure 1).¹

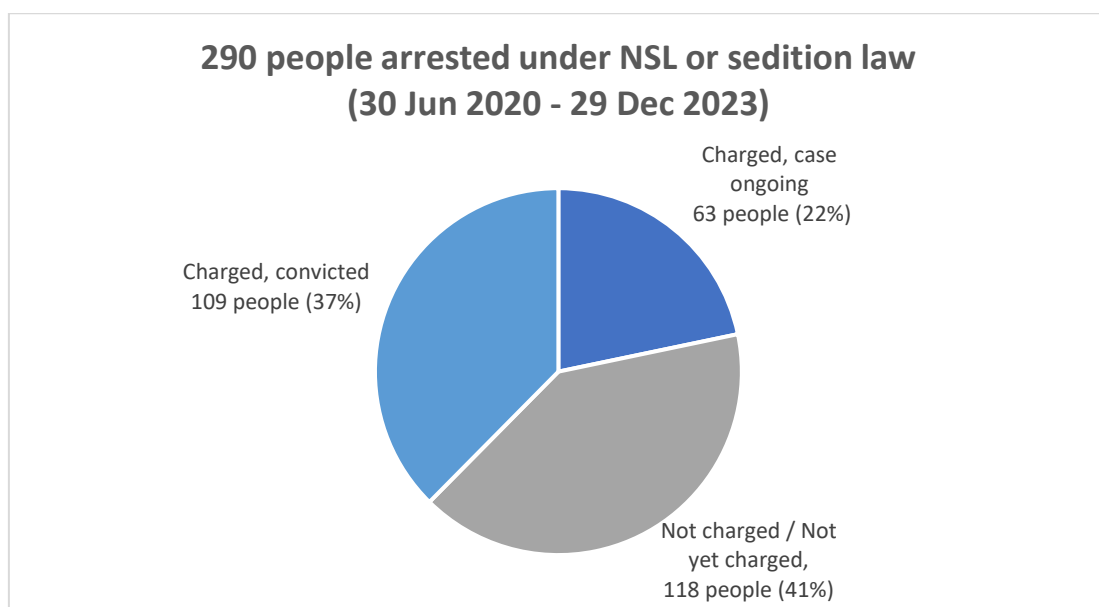


Figure 1. Number of people arrested under NSL or sedition law

33. In the year 2023 alone, at least 48 people were arrested over suspected acts and activities endangering national security.²

34. There has been a notable increase in the use of sedition laws over the past few years. The number of sedition-related arrests escalated from 2 in 2020 to 36 in 2022, whereas arrests under the NSL reached a peak of 107 in the same period (see Figure 2). In terms of charges, sedition cases rose steadily from 2 in 2020 to 23 in 2022, before declining to 13 in 2023. Meanwhile, NSL-related charges spiked at 85 in 2021, but significantly decreased to 2 by 2023 (see Figure 3).³

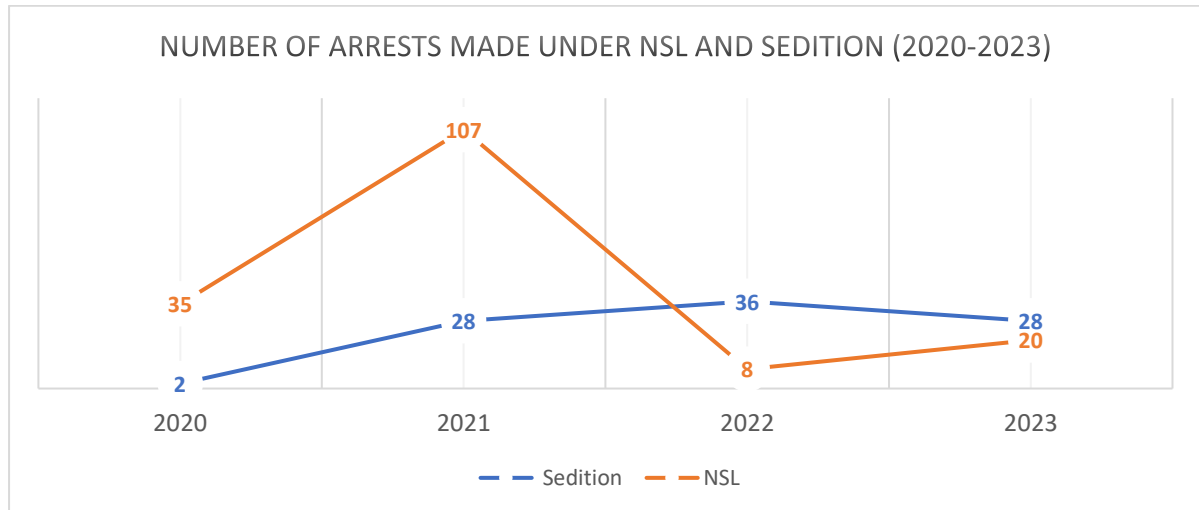


Figure 2. Number of arrests made under NSL and sedition (2020 July – 2023)

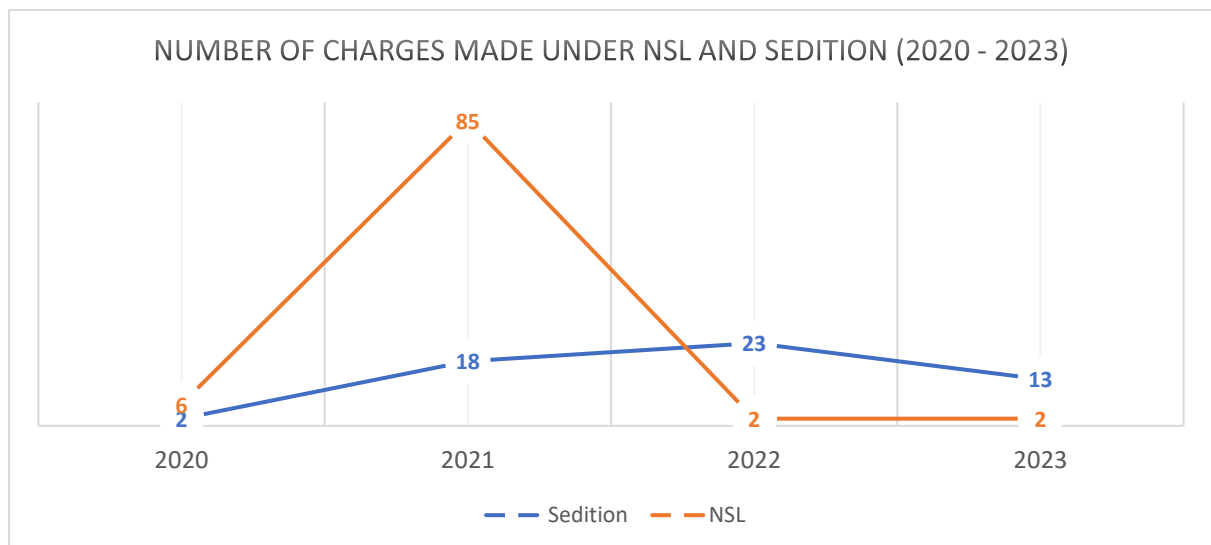


Figure 3. Number of charges made under NSL and sedition (2020 July – 2023)

Number of persons under pre-trial detention in national security cases

35. The high percentage and long duration of pre-trial detention were alarming trends against the protection of personal liberty. According to comprehensive research conducted by the Georgetown Center for Asian Law, as of 31 December 2023, 68% of the individuals charged with national security offences under the NSL and/or sedition law were denied bail,⁴ with some of them under pre-trial detention longer than two years.⁵
36. By analysing the average daily number of individuals in custody at the facilities managed by the CSD we have observed a consistent increase in the percentage of persons on remand over the past

decade. The percentage of persons on remand rose from 17.7% to 36.33%, spanning from 2014 to 2023 (January to September). Notably, there was a sharp increase from 23.8% in 2019 to 36.3% in 2023.⁶ (see figure 4)

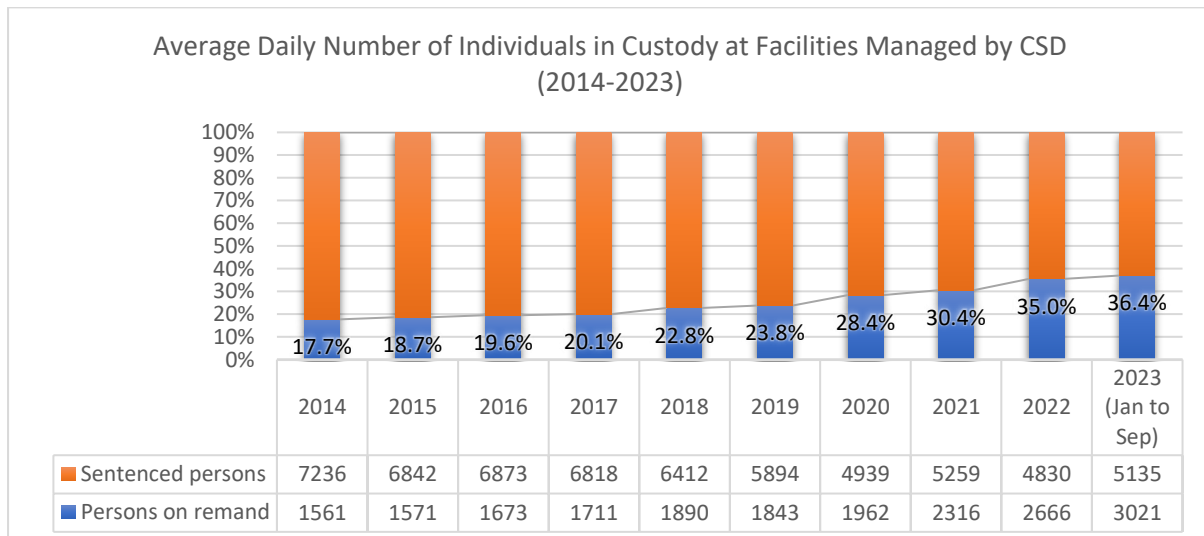


Figure 4. Average Daily Number of Individuals in Custody at Facilities Managed by CSD (2014 – 2023 September)

Number of CSOs disbanded

37. In 2023, at least four more **CSOs** were disbanded, namely *The Hong Kong White Collar (Administration and Clerical) Connect Union*, the student union of the Hong Kong Baptist University, *the Civic Party*, and *Societas Linguistica Hongkongensis*, in addition to more than 100 CSOs already disbanded or relocated overseas earlier under the pressure of the NSL.⁷ See paragraphs 110-114 for detailed discussion.

UN human rights experts' assessment of the NSL

38. As observed by the United Nations' Human Rights Committee ("HRCttee") in 2022, there was an overly broad interpretation of and arbitrary application of the NSL leading to undue restriction of a wide range of human rights. On 22 March 2023, the CESCR expressed its concerns about reports that the NSL has *de facto* abolished the independence of the judiciary and was used to undermine the academic freedom and the right to form trade unions. In addition to the HRCttee's recommendation to abolish NSL, and CESCR urged the Hong Kong and Chinese governments to review the NSL and to abolish the national security hotline.⁸

Expansion of application: arrests and arrest warrants against acts committed overseas

39. In accordance with Articles 36 to 38 of the NSL, the NSL applies to acts committed in Hong Kong and overseas jurisdiction. National security police have already demonstrated extraterritorial application of the NSL, such as seeking to take down certain websites or their content which were deemed as violating the NSL.⁹ In 2023, national security police have been more inclined to apply the NSL and other Hong Kong laws to target organisations, activists, and politicians for their activities abroad.

40. In March 2023, Yuen Ching-ting, a 23-year-old Hong Kong citizen studying in Japan, was arrested when she returned to Hong Kong to renew her Hong Kong identification card. She was accused of inciting secession contrary to the NSL for posting pro-independence messages online two years ago whilst in Japan.¹⁰ On 16 June 2023, she was charged under the sedition law for publishing social media posts and pictures with seditious intent between 7 September 2018 and 8 March 2023.¹¹ She pleaded guilty in late October and was sentenced to two months in jail on 3 November 2023.¹²
41. On 3 July 2023, national security police issued arrest warrants for eight pro-democracy figures who were residing outside Hong Kong and offered HK\$1 million for each of the wanted people. They were ex-lawmakers Ted Hui, Dennis Kwok and Nathan Law; activists Kevin Yam, Anna Kwok, Elmer Yuen, Mung Siu-tat and Finn Lau.¹³ All of them were accused of endangering national security because of their acts conducted outside of Hong Kong (such as calling for sanctions against Hong Kong officials), showing the government's determinations to applying the NSL to everyone beyond the border of Hong Kong.¹⁴ The warrants were signed off by the court.
42. A second wave of arrest warrants and bounties was announced on 14 December 2023 for five overseas activists who are now based on the UK and US, namely Simon Cheng, Frances Hui, Joey Siu, Johnny Fok and Tony Choi. National security announced HK\$1 million (US\$128,000) bounties on each of the five people accused of inciting secession and subversion, as well as colluding with foreign forces contrary to the NSL.¹⁵
43. People related to the wanted figures were also harassed or persecuted. The police have thus far arrested four Hong Kong residents who were paid subscribers of an online creator platform where Ted Hui and Nathan Law reach out to their supporters and regularly publish articles. They were accused of subsidizing the wanted ex-lawmakers to commit secession.¹⁶ Although the police refused to name the platform, it was believed that they were referring to the Patreon pages of Hui and Law.¹⁷ Patreon is merely an online platform for content creators, such as writers and musicians, to run a subscription service and receive funding directly from their fans.¹⁸
44. Five ex-members of Demosisto, a now-defunct political party formerly led by Nathan Law, were arrested on 5 and 6 July 2023 after the police' announcement of bounty on Law. The five arrestees allegedly had certain roles in the operation of an app named "Mee" which supported pro-democracy restaurants. The police accused them of making profits from the app to "support people who have fled overseas and continue to engage in activities that endanger national security".¹⁹ Local media reports that the one that they were allegedly supporting is Law.²⁰
45. Family members and relatives of the wanted activists were taken away and questioned by national security police about whether they had provided financial support for the wanted figures and if they were their "agents" in Hong Kong.²¹
46. The fact that the police is targeting overseas speeches poses a serious threat to people who want to speak up for Hong Kong. A survey conducted by Hongkongers in Britain in 2022 showed that nearly 90% of the respondents who had moved from Hong Kong to the United Kingdom dared not express their views or take part in demonstrations related to Hong Kong for fear of violating the NSL.²²

Fortification of the powers of the national security apparatus

47. The Committee for Safeguarding National Security was created by the NSL Articles 12-15. According to Article 14, the Committee for Safeguarding National Security needs not disclose information relating to its work, and its decisions are not subject to judicial review. The duties and functions of the Committee include formulating policies and enforcement mechanisms for safeguarding national security. After the NPCSC delivered the interpretations of the NSL for the first time on 30 December 2022, which highlighted these powers and urged the HKG to utilise such powers, in 2023 we see the possible emergence of a leviathan.
48. On 11 January 2023, pursuant to the interpretation, the Committee made a secret decision that overturned the HKCFA decision to allow the *ad hoc* admission of Tim Owen to represent Jimmy Lai.²³ Jimmy Lai challenged the decision by way of judicial review. The court dismissed the application essentially on the ground that the National Security Committee is above the courts (*also see paragraphs 81-82*).²⁴
49. On 21 March, the HKG gazetted the Legal Practitioners (Amendment) Bill 2023 to implement the interpretation specifically in relation to foreign lawyers' participation in national security cases, which consolidated the overarching power of the Chief Executive over the judiciary in matters related to national security, which is defined by the Chief Executive and not to be challenged in court.
50. There remains the legal possibility that pursuant to the NPCSC's interpretation, the Committee for Safeguarding National Security has the power to decide whether a matter relates to national security, and if yes, the power to make rules and decisions that are binding. Its decisions are not subject to judicial review. It is worth reminding that the Implementation Rules of Article 43, which stipulates criminal liability for violation, were made by the Committee.
51. As concluded by legal scholar Professor Ling Bing, "there were ample causes for alarm and concerns that a leviathan has been created that is capable of wielding unbridled and unaccountable power in Hong Kong in the guise of safeguarding national security." He also cautioned that "In the political reality of the present day, there exists no legal guarantees or judicial oversight to ensure that the powers of the National Security Committee will not be misused, redefined and further augmented. That it should not come true is essential to the subsistence of One Country Two Systems and the core values of Hong Kong as we know them."

US\$1.66 billion budget without transparency or accountability

52. In December 2020, it was the first time the HKG appropriated an amount of HK\$8 billion (US\$1 billion) as a special fund for national security purpose²⁵. The government further appropriated in March 2023 from the general revenue an amount of HK\$5 billion (US\$640 million) billion to increase the fund for meeting the expenditure for safeguarding national security.²⁶
53. The government has declined to disclose any information concerning the application of the HK\$13 billion (US\$1.66 billion) or the personnel establishment of national security police purportedly in accordance with Article 14 of the NSL.

54. The appropriation of the special fund is not subject to the scrutiny of the Legislative Council, despite Article 73 of the Basic Law stipulating that the Council is mandated to examine and approve budgets introduced by the government and approve public expenditure. The HKG is only required to submit an annual report on the control and management of the Special Fund for this purpose to the Legislative Council, without disclosing details of the finance and application of the fund.

Violating personal liberty of activists who have served their sentences

55. The national security department of the police (“NSD”) and the CSD have been harassing and violating the human rights of activists who had already completed serving their sentences and had not been charged with new offences. It is a common practice of the Chinese national security authorities in mainland China, which was transplanted to Hong Kong in 2023.

56. Pro-democracy activist Agnes Chow was convicted and jailed in December 2020 for participating and inciting others to participate in an unauthorised assembly amid the 2019 anti-extradition protests.²⁷ She completed her sentence and was released in June 2021. Despite being arrested in August 2020 for allegedly violating the NSL, she was released on police bail on conditions including surrendering the passport, and she has never been prosecuted under the NSL.²⁸

57. As a supposedly free person, Chow revealed on 3 December 2023 that she was forced to write a letter of repentance and have a trip to China before she can go to Canada for university studies. According to her social media post, in early July 2023, the NSD offered to return her passport on the condition that she would travel with them to the mainland Chinese city of Shenzhen and had to write a “letter of repentance” stating that she regretted her past political participation and promise not to participate or contact other related activists in the future. Chow agreed under pressure and went to Shenzhen with five national security police officers in August 2023 where she was arranged to visit an exhibition showcasing China’s achievements and the Shenzhen headquarters of the Chinese tech giant Tencent.²⁹ She was also requested to pose for photos. After getting her passport back and successfully leaving for Canada, she said in the post that she would never come back to Hong Kong. The government and police refused to confirm whether Chow’s claim is true and decline to explain on what legal basis they can require a person to write a letter of repentance and visit China.³⁰

58. Tony Chung, a former leader of a pro-Hong-Kong-independence group, pleaded guilty to inciting secession and money laundering in 2021. He completed his jail term and was released subject to a supervision order in June 2023. However, on 29 December 2023, the 22-year-old announced in a social media post that he was now seeking asylum in the UK after obtaining the CSD’s permission to travel to Japan for Christmas.

59. Chung revealed the authorities’ harassment in his post.³¹ A month before his release, the CSD requested him to refrain from publicly disclosing his release date. After the release, he was subject to regular meetings with national security police every two to four weeks, which were conducted in “a seven-seater vehicle with closed curtains” in unknown places each time. During the meetings, officers questioned him about who he met recently, what they discussed and which restaurants they went to. National security police also used his poor financial situation and proposed to provide him with informant fees in exchange of information about others. Similar to the case of Chow Ting, national security police proposed to take Chung to mainland China, but it did not happen finally.

The CSD later amended the supervision order to prohibit Chung from speaking publicly and doing interviews related to his convicted offences.³²

60. He also wrote that the national security police demanded him to sign a document under Article 63 which prohibited him from disclosing any content of communication between him and the national security police; he wrote that, as a result, he was unable to seek legal assistance or disclose his predicament to anyone. His physical health suffered as a result of the significant mental stress, as doctors diagnosed.³³

Article 63 of NSL: Restricting Transparency and Exerting Control

61. The police used Article 63 of the NSL, a catch-all provision prohibiting any organisations and individuals who assist with the handling of a national security case from disclosing “any information pertaining to the case”, to silence the arrestees or other taken people. We are concerned that Article 63 could create room for human rights violations, irregularities in investigative practices, and arbitrary use of powers under the NSL.
62. In March 2023, at least four ex-members of the now-defunct Hong Kong Confederation of Trade Unions were taken by national security police for questioning without indication of arrests. After being released, one of them stated in a Facebook post that he was not able to disclose the reason for the police action because of Article 63 of the NSL.³⁴ On 26 April 2023, another former member who was applying to the police to organise a rally on Labour Day (1 May) suddenly disappeared from his home. He was freed on the same day with an emotional breakdown after signing a document to cancel the rally application, but he could not reveal the details due to Article 63, according to the accounts of the other co-organiser.³⁵ Former student leader Tony Chung also claimed that he was required to sign a document under Article 63 prohibiting him from disclosing any content of the communications between himself and the national security police (*See paragraphs 58-60*).
63. By deploying Article 63 of the NSL as a tool to suppress information related to national security cases, the authorities have effectively stifled transparency and accountability. The incidents recounted above, where individuals were compelled to remain silent due to the provisions of Article 63, raise alarming concerns about potential human rights violations, procedural irregularities, and arbitrary use of powers under the NSL. The pervasive silence enforced on key actors involved in NSL-related law enforcement actions not only undermines the principles of openness and scrutiny but also poses a significant challenge to the public's ability to engage in meaningful discussions and assessments of the NSL's impact on Hong Kong's legal landscape.

Extending the national security concept to other aspect

National security in government or public contracts

64. In the reporting period, it was observed that the government applied all-encompassing and vague clause of national security in government or public contracts.
65. In the education sector, the Education Bureau updated its guidelines in June 2023 which requires schools to incorporate clauses into their quotation or tender documents that would allow suppliers to be disqualified and contracts terminated due to national security concerns.³⁶ According to the

new clauses, a supplier may be banned on the grounds that “the supplier has engaged, is engaging, or is reasonably believed to have engaged or be engaging in acts or activities that are *likely to cause or constitute the occurrence of offences endangering national security* or otherwise the exclusion is necessary *in the interest of national security*, or is necessary to protect the public interest of Hong Kong, public morals, public order or public safety.”³⁷

66. The Lands Department admitted in February 2023 that it had started to add new clauses to land sale documents under which the government may disqualify a tenderer from bidding for national security reasons.³⁸
67. CSOs advocating less sensitive or political matters, such as environmental groups, were also targeted. After the Beijing-controlled media accused some green groups of engaging in Hong Kong independence activities, the government's Environment and Conservation Fund announced in February 2023 that every applicant organisation and the person-in-charge seeking government funds must sign an agreement promising to comply with the NSL and to go through a background check.³⁹ The Secretary for the Environment and Ecology, Tse Chin Wan, later claimed that environmental protection is a subjective topic which could be used as an excuse for opposing the government.⁴⁰
68. The Hong Kong Performing Arts Expo, a large-scale international art exposition aiming to strengthen the global network of arts institutions and practitioners in Hong Kong, will be held in October 2024. However, the government has already warned that all participating organisations and individuals must comply with the NSL, claiming that the law will not affect the development of arts and culture.⁴¹
69. It is alarming that the scope of national security responsibilities has been extended to include contracts in various sectors in a broad and vague manner. This expansion may hinder legitimate activities and, consequently, curtail the people's rightful exercise of their human rights. For example, landlords may no longer allow pro-democracy activists to set up offices or hold activities in their buildings despite the constitutional protection of freedom of association and speech. It is not a far-fetched speculation, given that the Democratic Party had to call off its fundraising dinner in August 2023 because none of the 60 restaurants it approached was willing to host an event for the largest pro-democracy party in Hong Kong.⁴² Environmental groups also have to be extremely cautious in selecting their advocacy topics so that their funding would not be cut for national security reason, which shows that the restriction of human rights has already extended from civil and political rights to economic, society and cultural rights. These changes would certainly have a significant impact on the development of civil society.

Education sector

70. On 9 June 2023, the Education Bureau issued a letter to all schools saying that in order to raise teachers' and students' awareness of national security, the Bureau would provide materials of national security education, and reminding schools to organise relevant activities for students. For the school's summer holiday, the Bureau created a set of self-learning kit containing 62 multiple-choice questions which covered topics like Chinese President Xi Jinping's speeches and required schools to encourage students to do one question every day during the vacation.⁴³

71. Further, the Bureau updated its guidelines in June 2023 which requires schools to ensure that the display of anything within the campus, such as books in the library, must not “involve contents that endanger national security”.⁴⁴ One shall also note that according to the Guidelines on Teachers' Professional Conduct updated at the end of 2022, teachers are required to “consciously safeguard national security, social order and public interest; ... support and promote national education actively; cultivate in students a sense of belonging towards the country.”⁴⁵
72. We are worried that the free, plural and diversified environment that a normal campus should maintain will be further eroded by the above measures. Freedom of speech would be the most significantly limited right in schools. Students may no longer discuss public affairs and global issues fearlessly at schools, which would inevitably hinder the development of their critical thinking skills and civic awareness.
73. Being active advocates and participants, teachers and students had long been an important force of the social movements and an integral part of civil society in Hong Kong. The extension of patriotic education and introduction of political background check shows that the government seeks to eliminate any dissenting voices in campuses in the earliest stage so as to prevent large-scale student movements from happening again.

Crushing 'Soft Resistance': Government's Ambiguous Tactics to Silence Dissent

74. Advocacy for housing policies is also seen as a threat to national security. On 15 May 2023, *Wen Wei Po*, a newspaper sponsored by the Chinese government, published a full-page report accusing a concern group of inciting “soft resistance” and infiltrating elements of instability merely because it had criticised the government’s site selection for new public housing.⁴⁶
75. “Soft resistance” is a term firstly introduced by the then-director of China’s Liaison Office in Hong Kong Luo Hui-ning on 15 April 2021, and has been frequently used by the HKG in recent months to describe certain acts endangering national security (such as publication of a series of children books which criticised the government), but the officials have thus far failed to define the meaning of this vague term. John Burns, emeritus professor and honorary professor of the Department of Politics and Public Administration of University of Hong Kong, criticised that the term “soft resistance” was very vague and did not convey exactly what the authorities were thinking. He believed that the word “patriot” was code for “you agree with us,” and “resistance” was used to describe those who did not agree with the authorities.⁴⁷
76. We are worried that such threats could create a chilling effect which effectively stops CSOs from commenting or advocating for public affairs. The silence of CSOs would be no doubt further eradicating a free and open society of Hong Kong, as CSOs are already the very remaining organs representing genuine and pluralistic public opinions.

Government vowed to enact Article 23 national security law in 2024

77. Chief Executive John Lee Ka-chiu emphasised the government is now preparing works for the legislative exercise on Article 23 of the Basic Law. It is expected to complete the legislation by 2024.⁴⁸

78. According to Article 23 of the Basic Law of Hong Kong, HKSAR must enact its own security law to ban acts including treason and secession. Even after the Beijing-drafted NSL passed in June 2020, authorities have said there are “gaps” in the existing NSL that must be plugged by Article 23.

RULE OF LAW & JUDICIAL INDEPENDENCE

Overview

79. Judicial independence in Hong Kong continues to be overshadowed by the NSL. The reporting period has seen observers expressing graver and more substantial concerns with the state of judicial independence and the rule of law in Hong Kong, especially having taken into account the NPCSC interpretation in December 2022.
80. As the UN CESCR put it, the **independence of the judiciary has been *de facto* abolished by the NSL.**⁴⁹ The Special Rapporteur on the independence of judges and lawyers also criticised that provisions of the NSL could undermine the judicial independence, restrict access to justice and affect the guarantees of due process provided for in the right to a fair trial.⁵⁰ Moreover, the Working Group on Arbitrary Detention concluded that detention of activist Chow Hang-tong was arbitrary detention with her rights to independent and impartial tribunal violated.⁵¹

NPCSC's Interpretation of the NSL and the overturning of CFA's decision by the National Security Committee

81. The NPCSC delivered an interpretation of the NSL for the first time on 30 December 2022, redefining and underscoring the overriding power of the National Security Committee, including over the judiciary. The interpretation stated that:
- (1) in accordance with Article 14, the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region has the power to make evaluation and decision on whether an issue concerning national security is involved. The decision of the committee may be legally implemented, and should be respected and implemented by the executive authorities, legislature, judiciary, etc, and any organisations of the Hong Kong SAR.
 - (2) The courts of the Hong Kong SAR shall request and obtain a certificate from the Chief Executive to certify whether an act involves national security or whether the relevant evidence involves state secrets when such questions arise in the adjudication of a case. The certificate so issued shall be binding on the court.
 - (3) The question as to “whether an overseas lawyer who is not qualified to practise generally in Hong Kong may act as the defence counsel or litigation agent in a case concerning national security offence” is a question that requires certification under Article 47 of the NSL, and a certificate from the Chief Executive should be obtained. If the courts of the Hong Kong SAR have not obtained the certificate issued by the Chief Executive, the committee should carry out its duty under Article 14 of the NSL to make evaluation and decision on such situation and question.
82. On 11 January 2023, the National Security Committee, pursuant to the interpretation, made a secret decision that overturned the HKCFA's decision to allow the *ad hoc* admission of Tim Owen to represent Jimmy Lai.⁵² This decision was revealed in the judicial review brought by Jimmy Lai on 28 April 2023 concerning his right to hire Tim Owen as his legal representative. It was revealed that the National Security Committee decided that the proposed representation by Mr Owen in Lai's application in HCCC 51/2022 concerns national security which is likely to constitute national security risks, and is contrary to the interests of national security.⁵³ The court dismissed Lai's legal challenge

essentially on the ground that the HKSAR courts have no jurisdiction over the work of the National Security Committee and the National Security Committee's decision is not amenable to judicial review.⁵⁴

Courts inability to uphold rule of law and human rights principles

83. To a certain extent, the designated judges presiding over the application for *ad hoc* admission for Tim Owen and subsequent appeals attempted to uphold principles of the rule of law in national security-related cases. For example, in delivering its decision, the Court of Appeal stressed that “[i]t is of vital importance in the early days of the NSL that our jurisprudence should be developed on solid foundations to reflect adherence to the rule of law in accordance with internationally adopted judicial standards”.⁹
84. From this instance, a pessimistic inference can be made that judges’ attempt to uphold principles of the rule of law in cases related to national security would be futile without the government’s acquiescence. The NPCSC can override the courts’ decisions by interpreting the NSL. The HKG can invoke the newly defined powers of the National Security Committee to make binding decisions. It echoes the CESCR’s observation that the NSL has *de facto* abolished the independence of the judiciary.

Legal Practitioners (Amendment) Bill 2023

85. On 21 March, the HKG gazetted the Legal Practitioners (Amendment) Bill 2023 to implement the interpretation specifically in relation to foreign lawyers’ participation in national security cases. The amendment adds an unprecedented hurdle to the court’s ability to hear a case. It requires Hong Kong courts to request a certification from the chief executive as to whether the participation of an overseas lawyer in a national security case would involve, or harm, national security. The chief executive would grant such a certificate only if he/she agrees that there would be no issues regarding national security. The chief executive’s decision cannot be challenged in court. (*see also paragraphs 47-51*)

Judiciary endorsing the government’s political discourse

86. In order to maintain impartiality, it is trite that a judge shall never publicly express any political opinions. According to the Guide to Judicial Conduct issued by the judiciary itself, judges should “refrain from making public statements or petitions ... on matters of a political or controversial nature.”⁵⁵
87. However, during his meeting in Beijing with Chinese Procurator-General Ying Yong on 23 May 2023, Chief Justice Andrew Cheung praised the NSL as a crucial rule of law foundations on which Hong Kong advanced from chaos to order (“由亂到治”), and from stability to prosperity (“由治及興”).⁵⁶ These terms are common political rhetoric frequently used by Beijing and Hong Kong officials to justify and legitimise the draconian legislation. Cheung also expressed other political opinions such as that Hong Kong would contribute to the integration of Hong Kong into the overall situation of the country’s development. Cheung’s political stance and comments gave rise to the question of the impartiality of the judiciary, especially whether the court could continue acting firmly in safeguarding rule of law and human rights in the expansion of national security regime.

FREEDOM OF PEACEFUL ASSEMBLY

Overview

88. Historically, Hong Kong has been a vibrant centre for peaceful assemblies, commemorating significant dates such as Labour Day (1 May), Women's Day (8 March), the annual June Fourth memorial vigil (4 June), the handover anniversary to China (1 July), and China's National Day (1 October). These events, organised primarily by non-governmental organisations and individual activists, played a pivotal role in the civic life of Hong Kong.
89. The onset of the Anti-Extradition Bill Movement in 2019 marked a notable shift in the landscape of peaceful assemblies. This shift intensified during the Covid-19 pandemic when the HKG implemented the Prevention and Control of Disease Ordinance (Prohibition on Gathering) Regulation (Cap.599G), prohibiting gatherings of more than two or four people in public places. As a result, most traditionally held peaceful gathering, including the June Fourth memorial vigil in 2020 and 2021, failed to happen.
90. Despite the expiry of Cap.599G in March 2023, there was no resurgence of the previously commonplace assemblies. (*see Table 5*) This absence can be attributed to various factors, such as the incarceration of key organisers, the disbandment of relevant NGOs (*see paragraphs 108-112*), government interventions leading to cancellations, and more.
91. Even in instances where assemblies have been authorised, organisers have faced stringent regulatory measures imposed by law enforcement agencies. Concurrently, spontaneous public memorials have encountered severe suppression. This highly repressive and stringent control over peaceful assemblies is expected to continue.
92. It is noteworthy that most authorised public assemblies during the reporting period were apolitical, with a majority related to sport, cultural, or religious activities. Only one advocacy-related and authorised public assembly was recorded (*see paragraph 105*).

	2017	2018	2019	2020	2021	2022	2023
New Year's Eve (1 January)	✓	✓	✓	✓	X	X	X
Labour Day (1 May)	✓	✓	✓	X	X	X	X
Women's Day (8 March)	✓	✓	✓	✓	X	X	X
June Fourth (Tiananmen Massacre) (4 June)	✓	✓	✓	X	X	X	X
Handover (1 July)	✓	✓	✓	X	X	X	X
National Day of China (1 October)	✓	✓	X	X	X	X	X
Gay Pride (Usually in November) ⁵⁷	✓	✓	✓	X	X	X	X

✓: Large-scale assembly held with permit

X: No organised large-scale assembly took place due to a failed application or lack of application. There may have been some small-scale or spontaneous assemblies.

Table 5. List of the traditionally held large scale peaceful assemblies in Hong Kong in 2017-2023

Escalating government interference against peaceful assemblies

93. On 2 March 2023, the Hong Kong Women Workers' Association announced that they had received the letter of no-objection from police, a permit for them to hold an authorised assembly for the Women's Day protest scheduled for 5 March.⁵⁸ However, merely two days later, the event was abruptly called off, with no reasons provided at the time. The Association later revealed that, despite initial approval by the police, the Association was compelled to cancel the protest following several meetings with law enforcement officials, and the mounting pressure on the supporting groups and individuals. Even after making numerous amendments to the plan, the march was ultimately unable to go ahead as planned.⁵⁹
94. In a related development, members of the League of Social Democrats were cautioned by the National Security Police that their participation in the protest could result in arrests.⁶⁰ Despite the Association's announcement cancelling the event, a significant police presence was observed in Wan Chai, the intended site of the protest, on the day, evidently to deter any public assembly.⁶¹
95. In a separate incident, two former executive committee members of the now-defunct Hong Kong Confederation of Trade Unions lodged an application for a Labour Day rally with the authorities on 9 April 2023 in their personal capacities, and subsequently announced this on Facebook on 11 April 2023.⁶² However, on 26 April 2023, two weeks following the announcement, Joe Wong, one of the rally's co-organisers, was reported missing from his home at 7:30 am, with neither family nor colleagues able to contact him.⁶³ Later the same day, Denny To, also a co-organiser, confirmed that Wong had regained his personal freedom by 11:30 am and that Wong had not been arrested. To added that Wong, under considerable stress, had suffered an "emotional breakdown" and had officially cancelled the rally notification in writing. However, due to Article 63 of the NSL, which forbids disclosing national security-related information, Wong was unable to provide further details.⁶⁴
96. Pro-government unions, traditionally active in organising Labour Day rallies, had also abandoned their plans for the customary march this year. In March, the Federation of Hong Kong and Kowloon Labour Unions, intending to commemorate Labour Day, sought permission for a procession comprising approximately 100 to 200 participants. However, the absence of a response from the police over a two-month period prompted the Federation to cancel the march.⁶⁵ This announcement to forego the protest came two days subsequent to a statement by Xia Baolong, Director of the Hong Kong and Macau Affairs Office, asserting that protests were not the sole method for the public to express opinions.⁶⁶ Similarly, the Hong Kong Federation of Trade Unions, historically known for their annual labour rights marches, opted against organising a rally this year. Instead, they chose to hold a press conference to promote their advocacy.⁶⁷

Intensified preventive policing targeting activists

97. It is evident that, during the reporting period, the government's measures, including arrest and the application of different legal tools, had intensified to prevent any activists from participating in or organising public events or protests.
98. On 8 December 2023, a 77-year-old activist, Koo Sze-yiu, was arrested in Cheung Sha Wan, Hong Kong, for planning to protest at the Registration and Electoral Office. The police charged him with

"intent to commit or preparation to commit acts with seditious intent." Koo, a member of the League of Social Democrats, had announced his intention to protest the exclusion of pro-democracy candidates from District Council elections.⁶⁸

99. On 10 December 2023, three members of the "League of Social Democrats", a pro-democracy group in Hong Kong, were arrested while protesting against the erosion of electoral rights in the region. The activists, *en route* to a demonstration at the voting venue of Chief Executive Lee Ka-chiu, were accused of inciting disruption during the District Council elections.⁶⁹

100. Separately, on 3 December 2023, members of the League of Social Democrats and their friends set out for a hike to Stanley. They were stopped by about twenty police officers, both in uniform and in plain clothes, citing suspicions of violating the NSL. Each participant was closely monitored and searched, despite finding no evidence of security threats. This stop and search, lasting two hours, ended with the police justifying their actions by claiming the path was meant for maintenance, a reason contradicted by the presence of other hikers. This incident highlights the intense police scrutiny targeting activists, even for peaceful and daily activities like hiking.⁷⁰

Informal tactics against spontaneous assembly

101. A notable shift in law enforcement tactics was observed during this period, with a move away from direct arrests towards temporary detentions and subtle methods of dispersing individuals.

102. On 4 June 2023, the 34th anniversary of the Tiananmen Massacre, despite the absence of any organised event, citizens still went to Causeway Bay, the usual venue of the annual candlelight vigil. A substantial number of police officers, including riot police in full uniform and gear, were deployed throughout the area. A total of 23 individuals were taken to police stations for further investigation, ***as a de facto form of preventive detention without any formal arrests being made***. Their acts included silently turning on their mobile phone flashlights,⁷¹ reading poems, holding black papers,⁷² and carrying books related to June Fourth.⁷³ Although all the detained individuals were eventually released, this temporary detention, in the form of "being taken in for further investigation", drew the attention of the United Nations Human Rights Office of the High Commissioner, which raised serious concerns regarding the actions of the Hong Kong police, highlighting the dissonance between these detentions and international human rights standards.⁷⁴

103. On 1 July 2023, the 26th anniversary of Hong Kong's handover to China, a similar approach was observed. That day, a noticeable police presence filled Causeway Bay, historically the site of the customary 1 July protest, despite no organised activities taking place. Causeway Bay, known for being a popular tourist destination, was bustling with visitors and tourists who encountered a significant police presence and intermittent protests by local citizens. Among the crowd, some individuals were simply holding banners calling for the release of political prisoners⁷⁵ or wearing t-shirts emblazoned with "Hong Kong", yet they caused no disturbances. However, in an effort to quell any dissent, police officers were seen ***"escorting" these individuals to transportation***, ostensibly to leave the area. When questioned about whether these individuals were under arrest, the police explained that their actions were merely precautionary, aimed at preventing the crowd from potentially overwhelming them.⁷⁶

Heavily restrictive measures for authorised peaceful assemblies

104. During the reporting period, over 90% of the authorised assemblies were subject to stringent regulatory measures. These measures included prohibition of face coverings, ban on acts perceived as threatening national security, and identification requirements. The responsibility for ensuring compliance with these regulations fell on the organisers, who had to ensure adherence to the above measures. These regulations have significantly heightened the burden on organisers. Consequently, some NGOs have been compelled to cancel their annual events.
105. In the first authorised assembly since the NSL enactment held on 26 March 2023, and consistently across most authorised public events throughout the reporting period, participants encountered stringent dress code and event logistics controls. The 26 March assembly was particularly noteworthy as the first post-NSL authorised protest. The police mandated the display of numbered lanyards for all attendees as a definitive identification measure. Simultaneously, a strict "anti-mask" rule was rigorously enforced, explicitly prohibiting any facial masks or coverings among the participants. The police claimed that these measures were to prevent individuals intending on breaking the law from blending into public meetings or processions, potentially disrupting order or inciting illegal violence. However, the unprecedented measures significantly curtailed the right to peaceful assemblies.⁷⁷
106. In a separate event, the Association for the Rights of Industrial Accident Victims faced notable challenges this year due to newly imposed regulatory responsibilities on organisers. During International Workers' Memorial Day, instead of their usual march, four members of the Association petitioned at the government headquarters. The general secretary, Fay Siu Sin-man, revealed that they had **submitted the application for a march in January but struggled to meet the police's stringent requirements**. Fay mentioned that the police inquired about their ability to conduct the march smoothly, prevent unrelated individuals from joining and potentially disrupting their cause, and maintain safety throughout. Consequently, they decided to withdraw their application and resorted to petitioning.⁷⁸

FREEDOM OF ASSOCIATION

Overview

107. During the reporting period, Hong Kong experienced an escalating pattern of constraints on CSOs. This manifested through the persistent dissolution of CSOs, an increasing antagonism from governmental authorities towards these organizations, and a deliberate endeavour to curtail both CSOs' and activists' avenues to financial support. These developments collectively reflect a coordinated campaign aimed at eroding the operational capabilities and autonomy of CSOs, with a specific focus on those championing pro-democracy causes.

Disbandment of CSOs

108. The reporting period witnessed an alarming escalation in the constraints imposed on CSOs in Hong Kong, marked by the disbandment of at least four organisations, two of which faced direct government interference.

109. On 17 February 2023, the government deregistered the Hong Kong White Collar (Administration and Clerical) Connect Union, following an inquiry initiated in December 2021. The inquiry by the Trade Unions Registry alleged potential breaches of the Trade Unions Ordinance and requested the Union to provide a detailed account of its activities and public statements from the past two years, scrutinising their adherence to the Ordinance. The inquiry specifically examined the Union's support for the strike led by the Hospital Authority Employees Alliance, as well as its public opposition to the NSL, activities which were partly conducted through street booths.⁷⁹

110. The Civic Party, a prominent political entity with 17 years of active engagement, decided to liquidate during a special general meeting on 27 May 2023, formalising its disbandment in March 2024. The decision to dissolve comes in the wake of intense political pressure, notably following the enactment of the NSL. This law has led to a series of arrests among party members. Currently, five members of the Civic Party face prosecution for alleged conspiracy of subversion for their participation in the 2020 democratic primary elections. Other members like Dennis Kwok Wing-hang have been forced into exile, with the National Security Department issuing an arrest warrant and placing bounties on his capture.⁸⁰

111. On 26 May 2023, the Hong Kong Baptist University Students' Union disbanded following the resignations of all its executive committee. External complaints triggered an investigation into the committee's manifesto, with unspecified content allegedly conflicting with societal norms and values. The content may be their commentary on government and university actions against student unions in recent years.⁸¹ The complaint resulted in four executive committee members being immediately barred from participating in school-related activities, significantly inhibiting their roles within the union, particularly in terms of university engagements and campus bookings for student clubs. Consequently, the entire committee tendered their resignations.⁸²

112. On 28 August 2023, the Cantonese-language advocacy group "*Societas Linguistica Hongkongensis*" (港語學) announced its disbandment with immediate effect. This decision came after the group's founder revealed that national security police had raided his home without a search warrant, following the submission of an article to a Cantonese writing competition the group had organised.⁸³

Rising government hostility towards CSOs

113. During the reporting period, the escalating antagonism of governmental authorities towards CSOs and international bodies is increasingly evident in various United Nations committees' discussions and responses.
114. At the UN Committee on the Elimination of Discrimination against Women, Shirley Lam, Permanent Secretary for Home and Youth Affairs, criticised certain CSO submissions, alleging “false information and distorted narratives”. This dismissive stance towards critical voices reflects the government’s attempt to delegitimise dissenting perspectives on the situation in Hong Kong.⁸⁴
115. During the UN Committee on Economic, Social and Cultural Rights' review of Hong Kong, Vice-Chairperson Michael Windfuhr expressed concerns about potential reprisals faced by human rights defenders, NGOs, and CSOs. He noted many NGOs operate from exile due to fear of retaliation. Windfuhr urged the Chinese delegation to ensure these groups faced no backlash for their involvement in the UN review. Sun Lei from China's Ministry of Foreign Affairs did not provide concrete assurances. Simon Wong of Hong Kong's Security Bureau also failed to directly address these concerns.⁸⁵
116. The authorities' antagonistic stance was not limited to CSOs; it also extended to esteemed international entities such as the United Nations, particularly when their reports deviated from the government's preferred narrative. The HKG sharply criticised the UN Committee on Economic, Social and Cultural Rights, accusing it of relying on “distorted narratives” and making “biased and incorrect comments” about Hong Kong's human rights situation, alleging that the Committee was “politicising” its work. Additionally, the government dismissively referred to the report as “the so-called concluding observations.”⁸⁶

Targeting Access to Resources of CSOs and Activists

117. Throughout the reporting period, despite facing challenges and risks, numerous CSOs and individuals endeavoured to persevere through difficult times. However, their ability to secure financial resources was severely constrained due to both direct and indirect government pressures. It is evident that the financial sources for pro-democracy CSOs, including those that have been disbanded, are targets of government investigations.
118. HSBC, a prominent bank in Hong Kong, terminated three accounts belonging to the League of Social Democrats, a legally registered political group in the region, hindering their fundraising activities. HSBC refrained from offering detailed reasons for this action.⁸⁷ Four members’ personal bank accounts were also closed by various banks. This collective action, coupled with the closure of the party's accounts, has sparked concerns about Hong Kong's reputation as a global financial hub and the implications for freedom of association.⁸⁸
119. The absence of public events, such as the annual 1 July rally, has significantly impeded fundraising efforts for CSOs and political parties since 2019 (*as detailed in paragraphs 88-106*). Even for private in-party annual dinners for fund raising purpose, it may be difficult for CSOs to secure a venue. For example, the Democratic Party, a key political group in Hong Kong, has experienced the cancellation of its crucial spring banquet for three consecutive years, each time for different reasons. The latest cancellation was attributed to “urgent” repairs, as claimed by the hosting restaurant

venue. This recurrent pattern of cancellations has raised suspicions of unusual interference from powerful unknown actors with political aims.⁸⁹

120. The financial resources of now-disbanded CSOs in Hong Kong have also come under scrutiny from the government and the National Security Department. On August 10, 2023, ten individuals associated with the now-defunct 612 Humanitarian Relief Fund (“612 人道支援基金”) were arrested and accused of conspiring to accept donations from overseas organisations and using these funds to support fugitives or to provide financial assistance to organisations that advocate for sanctions against Hong Kong officials.⁹⁰

121. On 15 December 2023, four individuals were arrested by the National Security Department for allegedly supporting two now-in-exile activists, Nathan Law and Ted Hui, through online subscriptions (*see paragraph 43 for further details*).⁹¹ This marks the first arrest for online subscription activities and exemplifies the government's intensified focus on the financial activities of the civil society, especially those linked to international funding and activities perceived as challenging to the local authorities.

Introduction of a crowdfunding law

122. The government introduced proposals to regulate crowdfunding in 2022. The proposed legislation mandates disclosure of personal data, details of local bank accounts, and beneficiary information for all crowdfunding campaigns. Additionally, campaigns must pledge not to engage in activities threatening national security, prompting fears of increased government intrusion into online fundraising initiatives. 60 responses were received during the three-month consultation ending 20 March 2023. After that, there has not been any follow up to the legislative proposal.⁹²

FREEDOM OF EXPRESSION

Overview

123. The reporting period witnessed an alarming surge in government censorship in Hong Kong, affecting various forms of expression, including books, e-newspapers, films, and materials in commercial environments. This expansive censorship has **extended into private and commercial domains**, leading to the removal of materials even in non-governmental spaces.

Escalating Government Censorship in Public Domain

124. In 2023, government censorship intensified in public domains, resulting in a significant reduction in publicly available materials, particularly those related to sensitive topics such as June Fourth.

125. The number of publicly available materials on June Fourth in public libraries decreased dramatically from 48 in April 2022 to merely one by May 2023,⁹³ in addition to the removal of all Apple Daily news entries.⁹⁴ Ming Pao reports a disappearance of nearly 40% of political books and recordings from the library storage.⁹⁵ The censorship also encompassed non-political works authored by or about figures deemed “sensitive” (see Table 6).⁹⁶ The Collective highlights a sharp increase in censored materials, from 29 in 2021-2022 to at least 224 in 2022-2023, with 152 of these being non-political publications.⁹⁷ The removal of materials from public libraries is expected to increase due to the government’s new mechanisms for reporting “objectionable content”.⁹⁸

126. The exact number of removed materials remains undisclosed, and requests for this information under the Access to Information Code were denied, citing national security risks. Mingpao Daily's subsequent Ombudsman complaint was dismissed due to similar security concerns.⁹⁹ This lack of transparency raises concerns about the breadth and impact of government censorship on access to information and research initiatives.

127. Furthermore, at least six films and movies (see Table 7) were banned or required to change its content for public screening.

Book title	Category	Author
Reconstructing Taiwan: the cultural politics of contemporary nationalism	Political Theory	Hsiao, A-Chin
Say NO to uncivilised China (“向中國低文明說不”)	Commentary	Joe Chun Cho-hong
好青年哲學讀本	Philosophy	Corrupt the youth (“好青年荼毒室”)
The Passion for Rule of Law: Values beyond Legal Text and Legal Institution (“法治心：超越法律條文與制度的價值”)	Jurisprudence	Benny Tai Yiu-ting
劍橋歸路	Travelogue	Margaret Ng Ngoi-ye
小鮮集	Food Culture	Margaret Ng Ngoi-ye
有一種幸福叫守護	Friction	Roy Kwong Chun-yu

Table 6. Examples of materials removed from public libraries¹⁰⁰

Movie title	Category	Details
Lost a Part Of ("失去的部份")	Short Film	Granted the public screening permit and premiered in Hong Kong in 2022, the film was shortlisted for the 2023 IFVA awards' Open Category. In 2023, while applying for a public screening permit, the director was asked to remove scenes depicting protests and people following prisoner transport vans. The director's refusal to cut these scenes resulted in the permit's denial. ¹⁰¹
Elephant in Castle ("城堡裡的大象")	2D Animation	The animation was shortlisted for the 2023 IFVA awards' Animation Category. The director was also requested to remove scenes featuring people wearing yellow hamlets when applying for the public screening permit. The director's refusal to cut these scenes resulted in the permit's denial. ¹⁰²
Winnie the Pooh: Blood and Honey	Movie	The film was scheduled for release in Hong Kong in March 2023 and had obtained a public screening permit, but its screening was suddenly cancelled. The distributor reported that cinemas could no longer show the film as planned, with the reason for this decision remaining unclear. Some suggested that the film was withdrawn due to online comparisons between the character Winnie the Pooh and Chinese leader Xi Jinping. ¹⁰³
To the Other Side ("艙")	Short Film	The short film's application for a public screening permit was rejected because government officials claimed its portrayal of the COVID-19 pandemic, protests, and imprisonment might lead audiences to "believe in false narratives of recent social unrest, baseless accusations against the government and the police, and incite support for illegal protesters". ¹⁰⁴
Return to the Dust ("隱入塵煙")	Movie	The application for a public screening permit at a film festival organised by the Hong Kong University of Science and Technology was rejected without a clear reason being provided. The film, which delves into the challenging conditions of rural China, was removed from screens two months after its initial release in mainland China in 2022. Several online streaming platforms also temporarily took down the film. Scholars questioned whether the rejection of the public screening permit in Hong Kong was influenced by the decisions made in mainland China. ¹⁰⁵
Wake in Silence ("於是我安靜了")	Movie	The government rejected the public screening permit application for the film because it features a "100% Freedom" flag, associated with the disbanded pro-democracy party Demosisto. This scene was deemed "seditious," leading to the denial of the screening permit. ¹⁰⁶

Table 7. Examples of movies banned for public screening

Expanded Censorship in the Private Sector

128. Government censorship expanded beyond public domains, infiltrating the private sector, particularly in the week leading up to June 4 2023. Local stores were warned and experienced forced removal of materials deemed potentially seditious, demonstrating an increased intrusion into non-governmental spaces.

129. Store owners, such as Katrina Chan Kim-kam and Debby Chan Ka-lam, faced warnings and removals for displaying candles and posters related to June Fourth (Tiananmen Massacre). Police surveillance and removal of a painting without prior notice underscore the pervasive nature of censorship even in private businesses.¹⁰⁷
130. A local Lunar New Year market faced police raids, resulting in the arrest of six individuals for selling books and souvenirs related to the 2019 protests. Three individuals were charged with conspiracy to commit acts with seditious intention and were sentenced from five to ten months after pleading guilty, emphasising the government's use of legal measures to suppress dissent in private markets.¹⁰⁸

Repressive Surveillance on Individuals' Private Life

131. The government adopted a repressive approach to oversee individuals' expressions across various forms of private life, including attire, etiquette, and personal possessions.
132. In June 2023, during the FIVB World Women's Volleyball League in Hong Kong, a 21-year-old man with autism was charged with insulting the national anthem. Allegedly, he failed to stand and made disrespectful gestures while the anthem was being played. The case is scheduled for trial in February 2024. The defendant denied the charges. He remains on bail under stringent conditions, including a prohibition on leaving Hong Kong and mandatory reporting to police station thrice weekly.¹⁰⁹
133. In November 2023, a 26-year-old man was arrested at Hong Kong International Airport for wearing a T-shirt with statements deemed seditious. The statements were allegedly related to Hong Kong independence. He was charged with "committing an act or acts with seditious intention" and "possession of seditious publications". His bail application was denied.¹¹⁰
134. In October 2023, 38-year-old clerk Leung received a four-month prison sentence for importing 18 children's books, which were ruled as carrying seditious intentions earlier in 2023. On 7 March, Hong Kong Customs seized the books and delivered them to Leung's office the following day. Signing off the parcel on behalf of his former colleague, Leung was then arrested and charged with "importing seditious publications". This case is notable as the first application of this law since 1971.¹¹¹

Intimidation of Local Press and Civil Society

135. Government intimidation extended to local press and civil society through public condemnation, demonstrating a strategic manipulation of public discourse to suppress dissent.
136. Prominent political cartoonist Wong Kei-kwan (also known as Zunzi) faced suspension of his comic strip following criticisms from government officials. Public disapproval from Hong Kong's Security Chief and Secretary for Home and Youth Affairs Bureau, along with condemnation from state media, exemplifies the concerted effort to stifle dissenting voices in the media.
137. Labelling Zunzi's cartoons as "misleading," "distorted," and "unethical," officials and state media sought to delegitimise his work, illustrating the government's attempt to control and manipulate public narratives.

138. Public condemnations and accusations of Zunzi's cartoons being "highly seditious" reveal a broader strategy to intimidate and silence critical voices within the media, further eroding freedom of expression in Hong Kong.

FREEDOM OF PRESS

Overview

139. During the reporting period, government measures have intensified, ranging from the imposition of mandatory national security programs for broadcasters to unwarranted interference in journalistic responsibilities and administrative measures impeding the effectiveness of journalistic endeavours. Since the enactment of the NSL, at least 28 journalists were arrested, 13 of whom still remain in detention as of the reporting period.¹¹² Despite these adversities, a resilient media landscape endures, marked by the establishment of new outlets, **both locally and within the diaspora community**. However, the financial stability of these media outlets remains precarious.

Overall decline in major press freedom indexes

140. In July 2023, the Hong Kong Journalists Association reported that Hong Kong's press freedom had reached its lowest point in 2022 since the inception of the Press Freedom Index in 2013. This index is evaluated by both journalists and the general public. The rating provided by journalists has seen a decline for four consecutive years, dropping from 40.9 points in 2018 to 25.7 in 2022.¹¹³

141. Also, in the 2023 World Press Freedom Index, published by Reporters Without Borders, Hong Kong's ranking plunged to 140 from 73 in 2019, prior to the implementation of the NSL.¹¹⁴

New media landscape co-created by the diaspora community and local journalists

142. During the reporting period, at least 3 new media outlets have been established. These are welcomed additions to the new media outlets set up in the past two years.

143. Locally, hkcourtnews.com (“庭刊”), established in January 2023, focuses on Hong Kong court cases.¹¹⁵ Meanwhile, The Collective (“集誌社”) was founded in February 2023 by Bao Choy and other experienced journalists. Its aim is “to report on people and events in a professional and fair manner, to oversee the powerful, and to pursue the truth”.¹¹⁶

144. Photon Media (“光傳媒”) was established in Taiwan in April 2023 by a group of experienced Hong Kong journalists,¹¹⁷ serving as the latest instance of media outlets created by the Hong Kong diaspora community.

145. Research conducted by the Association of Overseas Hong Kong Media Professionals revealed that of the 90 former journalists living overseas whom they interviewed, over one-third had more than 21 years' industry experience, and half had accumulated over 16 years in the field.¹¹⁸ New media outlets set up by Hong Kong journalists now residing overseas set up in recent years included Green Bean (“綠豆”), Common (“同文”), HongKonger Station (“香港台”) and ChaserNews (“追新聞”).

Unwarranted interference and growing hostility in journalistic duties

146. During the reporting period, the situations of unwarranted interferences and growing hostility towards journalists continued to exacerbate. Journalists were stopped and searched, disrespected, harassed, or even assaulted by the police.

147. On 4 June 2023, Mak Yin-ting, a journalist and former chair of the Hong Kong Journalists Association, was stopped by police officers while conducting interviews. Even after identifying herself as a journalist and requesting to liaise with the police's media liaison branch, police insisted that she would have to partake in personal search operation at a nearby tent and that she would be release shortly. Contrary to this, Mak was transported to Wan Chai Police Station in a police van. Although she voiced her objections to entering the vehicle, she was threatened with an obstruction of police if she failed to comply. She was temporarily held in custody and released later that night.¹¹⁹
148. On 26 March 2023 at the first authorised assembly since the enactment of NSL (*see paragraph 105*), the police reportedly told the organiser that press presence could result in the march being cancelled. The organiser therefore repeatedly told journalists to keep their distance at the protest.¹²⁰
149. On 13 June 2023, a journalist was pushed twice by a police officer during her journalistic duties. The situations further exacerbated with the officer hurling expletives in Cantonese before departing.¹²¹
150. Adding to the evident governmental hostility, journalists' safety is under threat. A Hong Kong Free Press court reporter was being shadowed for an hour on her commute by 2 men with Bluetooth earpieces on the MTR.¹²² Following coverage of that incident, the Hong Kong Journalists Association said in a statement that it had received reports from other journalists who experienced similar behaviour in recent weeks.¹²³

Restriction of journalistic capacity via administrative measures

151. During the reporting period, at least two journalists were denied entry into Hong Kong by immigration authorities and were compelled to return to their point of departure. Among them was Michiko Kiseki, an independent Japanese photographer. Upon arrival, she was repeatedly questioned about a photo exhibition she had organised in Japan, which showcased her photographic works on the 2019 anti-extradition bill protests in Hong Kong. Following the questioning, she was denied entry.¹²⁴ Yoshiaki Ogawa, a freelance Japanese journalist who authored a book on the 2019 anti-extradition bill protests, was also denied entry to Hong Kong after an interview with the immigration authorities that lasted approximately an hour.¹²⁵

Access to financial resources of independent media outlets

152. Although several new media outlets have emerged in the wake of the closure of Apple Daily and Stand News, their financial stability is still a significant concern. The financial struggle is highlighted by Channel C, established by former journalists from Apple Daily. They have resorted to calling for donations and funding to support their operations.¹²⁶
153. Even the Hong Kong Journalists Association, a prominent body representing journalists in the city, is grappling with financial strain.¹²⁷ Previously, the Association depended on its annual dinner for major fundraising from businesses. However, according to Chairperson Ronson Chan, rising risks in supporting journalism have shifted the focus to individual donations. This, along with a sharp decline in membership and associated fees, has caused the Association's financial difficulties.¹²⁸

Updates of the legislative proposal on 'fake news' law

154. There are indications that the HKG might reconsider its plans to introduce a fake news law. The Chief Executive, John Lee, has hinted at the possibility of dropping the proposed legislation in an interview, saying the problem can be tackled by other means such as the NSL.¹²⁹

RIGHT TO FREE ELECTION & PARTICIPATE IN PUBLIC AFFAIRS

Overview

155. Despite the HRCtee's urging for the HKG to implement universal suffrage and ensure the right to vote and run for elections without unreasonable constraints,¹³⁰ the government has persistently refused to implement fully democratic elections. Instead, regressive reforms were introduced in 2023 to further diluted democratic elements in the electoral process of the District Councils, after the overhaul of the election system of the Legislative Council in 2021.

District Council Elections Overhaul

156. District Councils were established in 1982 as district boards to facilitate better advice and participation from residents. Despite having no law-making power, they had been important local platforms with a vast majority of members democratically elected, representing genuine public opinions, and had the power of resources allocation (such as to approve funding for small projects and community activities) since 2007.¹³¹

157. The composition of the District Council had become more democratic over the years. In the 2019 DC election, 452 out of 479 seats (94.4%) were democratically elected by the public.¹³² The 2019 election, held amidst the anti-extradition bill protests, the pro-democracy bloc secured an overwhelming victory, winning 392 of the 452 available seats — amounting to 87% — and assuming control of 17 out of 18 District Councils.¹³³ This electoral sweep by the opposition was perceived by the Chinese government as a challenge to its authority. In response to these developments, the government initiated a comprehensive restructuring of the DC in 2023.

158. The government announced a legislative proposal on 30 May 2023 to significantly slash the number of democratically elected seats from 452 to 88, meaning that the ratio of representatives chosen by the public would significantly drop from 94.4% to 18.7%. Government-appointed seats, which were abandoned since 2016, would be reinstated and fill 179 seats of the new District Councils. Another 176 seats will be produced through elections within three existing undemocratic neighbourhood committees, commonly referred to as “**the Three Committees**” (“三會”), namely the District Fight Crime Committees, the District Fire Safety Committees, and the Area Committees, of which all members are chosen by the government. Finally, ex-officio members remain to be 27 seats.¹³⁴ All candidates will also face national security background checks to ensure they are patriotic.¹³⁵ The proposal was passed by the Legislative Council on 6 July 2023 without a single lawmaker voting against it.¹³⁶

159. The election under the new system was held on 10 December 2023. Despite the enormous resources the government spent on promoting the election, including fireworks and a large-scale concert,¹³⁷ the turnout of the direct election is 27.54%, the lowest since the DC was established in 1982, and significantly lower than the 2019 election which saw a turnout rate of 71.23%.¹³⁸

160. The pro-democracy camp also complained that it was very difficult to contact members of the Three Committees to seek nominations because the government refused to provide their email addresses or phone numbers. At the end, members of the Democratic Party, the largest pro-

democracy party in Hong Kong, failed to obtain sufficient nominations from the Three Committees and hence were not eligible to run.¹³⁹ Kwok Wai-shing and Kenny Chow, two prospective candidates of a moderate pro-democracy party – the Hong Kong Association for Democracy and People's Livelihood – are also not qualified to stand for the Election. Kwok told the press that he had forwarded his contact information to members of the Three Committees at the beginning of the nomination period, but he had never received any response. He also contacted some members through online searches and his own contacts, but “some were not in Hong Kong, some said they were busy, some said they would consider it, and some said they had already nominated someone else.” Kwok was therefore unable to become an eligible candidate, despite successfully obtaining more than 100 nominations from the public – which is two times of public endorsement required by the law.¹⁴⁰

161. The overhaul is a major setback for the democratic process, in which the District Councils are dwarfed from a democratic platform of public opinion to a mere extension of the administration. Members of the public can no longer express their views and give mandates regarding both district and territory-wide matters by casting a ballot for candidates of their choice, which is another proof of the significant regression of the right to participate in public affairs of the Hong Kong people post-NSL.

“Patriots-only” Legislative Council rendered a rubber stamp

162. The 2021 Legislative Council general election was conducted under the new election system which effectively barred pro-democracy people from standing as candidates.¹⁴¹ It recorded a historically low voter turnout rate at 30.2%.¹⁴² A highly pro-Beijing legislature was formed under the new system, having only one self-proclaimed non-pro-government lawmaker out of 90 members. The new legislature has showed tremendous loyalty to the Chinese and Hong Kong governments and has not negated any government bills thus far.

163. We have observed two patterns showing that the Legislative Council has become a rubber stamp with minimal accountability and checks and balances. Firstly, our research shows that among the 35 bills passed by the Legislative Council in 2023¹⁴³, 29 bills were passed by a show of hands; only 6 bills (i.e. 17%) were passed by voting in a division, which would record individual votes of every lawmaker, making it very difficult for members of the public to understand the stance of each member.¹⁴⁴ The proportion of divisions ordered is much lower than that in the previous years, which was 33.3% (year of 2020/21) and 73.9% (year of 2019/20) before the election reform was enacted.¹⁴⁵

164. Secondly, lawmakers are less willing to attend meetings and cast their votes in the legislature after the reform. According to the research conducted by a local newspaper, among the 16 government bills passed by the Legislative Council in the first seven months of 2023, 12 of them (i.e. 75%) were voted on with less than half of the members present, failing to reach the statutory quorum threshold of 50% of all members stipulated by Article 75 of the Basic Law.¹⁴⁶ A former pro-democracy lawmaker criticised that current members did not pay attention to the important bills and this made the public question whether lawmakers had put in their heart and effort to scrutinise the bills.¹⁴⁷

165. In 2023, it was also revealed by the press that the Legislative Council had changed the way it reported minutes of panel meetings since January 2022. The new minutes omitted the name of the lawmaker or government official who spoke and replaced it by “a member”, “members” or “the administration”, which was criticised as a sharp departure from previous practice and a degradation of public accountability.¹⁴⁸ The Hong Kong Journalists Association believed that the change would undermine public understanding on how the government works and impact reporters’ ability to monitor the government and the legislature.¹⁴⁹

EQUALITY AND NON-DISCRIMINATION

Overview

166. There were significant developments in legal recognition and rights of same-sex couples.

Necessity of legal framework for same-sex marriage

167. In a groundbreaking decision, on 5 September 2023, CFA affirmed the government's duty to establish an alternative legal framework for the recognition of same-sex relationships. The ruling followed a five-year legal battle fought by jailed activist Jimmy Sham Tsz-kit. Sham, who married his partner in the USA in 2013, began his legal campaign in 2018 for Hong Kong to recognise same-sex marriages performed overseas, arguing that existing legislation was unconstitutional.

168. This latest verdict by CFA, delivered with a narrow majority of 3 to 2, underscores the need for legal frameworks that both acknowledge and legitimise same-sex partnerships, aligning with evolving social norms.

169. Nevertheless, the court maintained that the constitutional right to marriage, as outlined in Hong Kong's Bill of Rights and Basic Law, pertains exclusively to heterosexual unions. As a result, this judgment does not encompass the recognition of same-sex marriages performed abroad, nor does it constitutionalize the right to marry for same-sex couples in Hong Kong.¹⁵⁰

Inclusion of same-sex couples in public housing policies

170. On October 19 2023, HKCFA unanimously overruled the Hong Kong Housing Authority's appeals. These appeals aimed to sustain the exclusion of same-sex couples from the Public Rental Housing policy and Home Ownership Scheme, which were previously accessible only to heterosexual married couples.

171. The legal challenge began with two applicants who lodged a judicial review in 2020 against the Housing Authority's decisions. They were denied applications made as an "ordinary family unit" under the Public Rental Housing policy and Home Ownership Scheme respectively.

172. The Housing Authority's argument, claiming that extending the definition of "ordinary families" to include same-sex couples would undermine the social welfare rights of heterosexual couples as safeguarded by Article 36 of the Basic Law, was dismissed by the court. The court clarified that this inclusion would merely extend the average waiting period for housing, without infringing upon the rights of heterosexual couples. Furthermore, the court rejected the notion that homosexual and opposite-sex couples are incomparable, stating that the potential for procreation is irrelevant in this context.

173. The court highlighted that both homosexual and heterosexual relationships exhibit equivalent interdependent dynamics, and their unions share the same qualities of publicity and exclusivity.¹⁵¹

Recognition of the inheritance rights for same-sex couples

174. In a landmark judgement, HKCFA upheld the rights of same-sex couples in matters of inheritance. This significant ruling, delivered on 24 October 2023, marked a notable progression in the legal recognition of the rights of same-sex married couple in Hong Kong. The case, emerged from concerns raised by Edgar Ng and his partner Li Yik-ho, challenged the existing inheritance laws that discriminated against same-sex couples.¹⁵²
175. Edgar Ng initially applied for a judicial review in 2019, fearing that in the absence of a will, his partner would not be entitled to inherit his property. The Court of First Instance ruled in Ng's favour in September 2020, identifying the exclusion of same-sex couples from inheritance rights as unlawful discrimination. Later, the Secretary for Justice appealed against this decision, arguing that same-sex marriage and heterosexual couples constituted distinct groups warranting different treatment under the inheritance laws.
176. The HKCFA's three-judge panel dismissed the appeal from the Secretary for Justice. They concurred with the lower court's ruling, confirming that the differential treatment of homosexual and heterosexual couples under the inheritance laws was discriminatory. The judgment emphasised that this discrimination was based on sexual orientation and could not be justified, thus affirming the equal rights of same-sex couples under the Inheritance (Provision for Family and Dependants) Ordinance and the Intestates' Estates Ordinance.

ACADEMIC FREEDOM

Overview

177. Academic freedom continues to be severely restricted during the reporting period. In a concerning development for academic freedom, Dr. Rowena He Xiaoqing, a Canadian-Chinese historian, was dismissed from the Chinese University of Hong Kong.

Visa denial for June Fourth scholar

178. In October 2023, Dr Rowena He Xiaoqing, a Canadian-Chinese academic renowned for her work on the 1989 Tiananmen Square massacre, unexpectedly lost her position at the Chinese University of Hong Kong. This came after the Hong Kong Immigration Department refused to renew her work visa.

179. Dr Rowena joined the Chinese University of Hong Kong in July 2019 as an Associate Professor of History. In 2022, she was chosen for a research program at the National Humanities Centre in the U.S., a collaboration with leading Asian universities. Subsequently, she left for the U.S. to embark on her research project.

180. Upon the completion of her program in May and after an extended period without response from the Immigration Department, the University ceased her salary and eventually dismissed her following the official visa refusal.¹⁵³

Appendix I. Selected Important Legislations passed in 2023

1. **Legal Practitioners (Amendment) Bill 2023:** Introduced in March 2023 and passed in May 2023, it amended the procedures of admission of overseas lawyer in national security cases. Under the new law, an overseas lawyer must not be admitted to a national security case unless: (1) he has obtained a “notice of permission to proceed” issued by the Chief Executive, and (2) the court has obtained a “specified certificate” from the Chief Executive who alone would decide whether the lawyer’s practising for the case would be contrary to the interests of national security.
2. **Lingnan University (Amendment) Bill 2023:** Introduced in March 2023 and passed in June 2023. Under the new law, the President of Students’ Union, who is democratically elected free from any interventions by the university, will no longer be an ex-officio member of the University Council and the University Court. Although the new student representative will remain to be elected by the students, the election has to be held in accordance with the rules to be made by the University Council, and the elected student has to be appointed by the University Council. The bill also completely removed the definition of Students’ Union from the legislation.
3. **District Councils (Amendment) Bill 2023:** Introduced in May 2023 and passed in July 2023. It drastically changed the election system of the District Councils and slashed the number of directly elected seats from 452 to 88.
4. **Regional Flag and Regional Emblem (Amendment) Bill 2023:** Introduced in July 2023 and passed in November 2023. The new law requires the government, the Legislative Council and the Judiciary must use the design of the regional emblem in a prominent position on their websites. It also prohibits any acts of displaying a regional flag/ emblem upside down, and discarding a regional flag/ emblem at will, as well as requiring everybody to stand solemnly facing and look at the regional flag with respectful attention.
5. **2023 Implementation Rules for Amending the Implementation Rules for Article 43 of the NSL:** The amendment to the implementation rules was directly enacted by the Chief Executive without the need to be vetted by the legislature. The amendment puts beyond doubt that a notice issued by the Secretary for Security to freeze offence-related property is valid while the proceedings to which it relates are pending and remains so until the conclusion of the proceedings.¹⁵⁴

Appendix II. Selected Important Court Cases decided in 2023

1. [HKSAR v Choy Yuk Ling \[2023\] HKCFA 12](#), decided by the Court of Final Appeal on 5 June 2023, para. 62-74

Giving effect to the principle against doubtful penalisation and the constitutionally protected freedom of speech and of the press, the CFA concluded that there was no reason that bona fide investigative journalism (in relation to a possible connection between the registered owner of a vehicle and its use in connection with a crime) should be excluded from the legitimate reason to obtain vehicle registration records (i.e. “[o]ther traffic and transport related matters”).

In drawing the inference that the Appellant knowingly made a false statement, substantial and grave injustice had been done to her.

2. [Q v Commissioner of Registration \[2023\] HKCFA 4](#), decided by the Court of Final Appeal on 6 February 2023

The CFA held that it was a breach of the right to privacy under the Hong Kong Bill of Rights for the HKG to apply a policy that the female-to-male transgender applicants could only use their preferred gender on their ID cards after undergoing full reassignment surgery – that is to remove their uterus and ovaries and have an artificial penis constructed.

3. [香港特別行政區訴鍾浣淦 \[2023\] HKDC 300](#), decided by the District Court on 24 February 2023, para. 44-58

Stanley Chan, the District Judge known for his hostile attitude towards pro-democracy protesters, convicted a nursing student who told the judge that he was a volunteer first-aider in the protests. In his Chinese judgment, Chan stated that “volunteer first-aiders is a saying to bewilder the people” (“義務急救員是一種迷惑一些人的說法”). He continued to say that “I believe [the concept of volunteer first-aiders] is a false thought made up by the people behind to induce other people to participate” (“本席相信這亦是一些幕後推手刻意製造的錯誤想法，使人入局”). Not only did Chan refused to recognise the good motives of the first-aiders, but he also, unnecessarily, made a smearing remark about them by saying that the defendant went to the scene without being invited and he used his action to show that he was a real participant of the riot (“D2 沒有責任不請自來進入理大。他明顯地是去支援，鼓勵理大內的暴動人士。他以行動來顯示他是這場暴動的實則參與者”)

Similar opinions also made in two other District Court cases:

[香港特別行政區訴郭志帆 \[2023\] HKDC 207](#), para. 79-83;

[香港特別行政區訴雷曉天 \[2023\] HKDC 456](#), para. 161-166

4. [HKSAR v Lui Sai Yu \(呂世瑜\) \[2023\] HKCFA 26](#), decided by the Court of Final Appeal on 22 August 2023¹⁵⁵

The CFA held that a guilty plea cannot be used in mitigation to reduce jail terms below the five years minimum for NSL offences which are deemed “serious,” after a student who pleaded guilty to

inciting secession was not allowed to enjoy a full discount of sentence (one-third jail term). The court emphasised that minimum term stipulated in Article 21 of the NSL is mandatory.

The CFA also ruled that a list of three mitigating factors in Article 33 is exhaustive, meaning that a guilty plea is not itself a valid mitigating factor.

Appendix III. List of UN Communications concerning Hong Kong in 2023

1. Special procedures

- i. Joint communication from five UN special rapporteurs concerning the cases filed against Jimmy Lai Chee-ying (Jimmy Lai);¹⁵⁶
- ii. Communication from the Special Rapporteur on the independence of judges and lawyers concerning provisions of the NSL, amendments to the Legal Aid Scheme, and proposed amendments to the Legal Practitioners Bill;¹⁵⁷
- iii. Opinions adopted by the Working Group on Arbitrary Detention concerning the deprivation of liberty of Ms. Hang Tung Chow.¹⁵⁸
- iv. In his report on freedom of peaceful assembly and association, Special Rapporteur Clément Nyaletsossi Voule noted concerns over Hong Kong's NSL. The law criminalises local and international actors for "collusion" involving foreign support. Voule indicated that its vague terms have allowed authorities to target civil society figures, notably human rights defenders and protest organisers, who receive foreign funding for pro-democracy efforts.¹⁵⁹
- v. Joint communication from five special rapporteurs concerning the proposed crowdfunding law;¹⁶⁰
- vi. Joint communication from four special rapporteurs concerning the trial of the 47 and the issuance of arrest warrants of seven self-exiled individuals¹⁶¹

2. Treaty bodies

- i. Concluding observations of Committee on Economic, Social and Cultural Rights;¹⁶²
- ii. Concluding observations of Committee on the Elimination of Discrimination against Women.¹⁶³

3. Opinion by working groups

- i. Opinions adopted by the Working Group on Arbitrary Detention concerning the deprivation of liberty of Ms. Hang Tung Chow.¹⁶⁴

4. Report, resolution, event, or speech

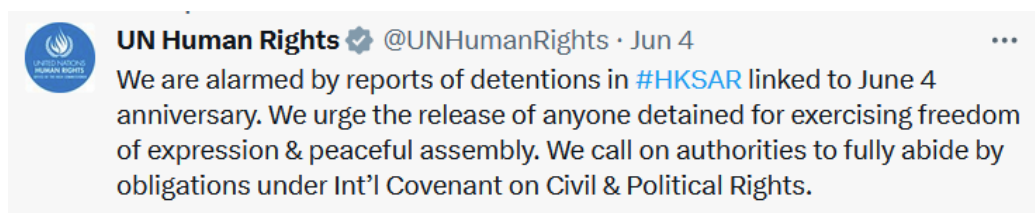
- i. Sebastien Lai, son of Hong Kong political prisoner Jimmy Lai, was speaking on behalf of PEN International at the 53rd regular session of the Human Rights Council featuring Special Rapporteur on the Rights to Freedom of Assembly and of Association.¹⁶⁵
- ii. In his report on freedom of peaceful assembly and association, Special Rapporteur Clément Nyaletsossi Voule noted concerns over Hong Kong's national security law. The law criminalises local and international actors for "collusion" involving foreign support. Voule indicated that its vague terms have allowed authorities to target civil society figures, notably human rights defenders and protest organisers, who receive foreign funding for pro-democracy efforts.¹⁶⁶

5. Tweets

- i. Tweet concerning the trial of 47 people under National Security Law (see the screen capture below)¹⁶⁷



- ii. Tweet concerning the detentions of citizen related the June Fourth anniversary (see the screen capture below)¹⁶⁸



6. Upcoming procedures related to Hong Kong

- i. Universal Periodic Review of China, including Hong Kong and Macau will take place on 23 January 2024.
- ii. The review for the 5th-6th reporting cycle under the Convention on the Rights of the Child remains pending. China's report to the Committee on the Rights of the Child, submitted on 21 July 2023, arrived over three years after the original deadline of 31 March 2019. The schedule for the review is yet to be set.
- iii. The 6th reporting cycle review under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is also outstanding. The required state report, initially due on 9 December 2019, has not been submitted to the Committee against Torture.

Appendix IV. List of Abbreviations

(in alphabetically order)

CESCR – The Committee on Economic, Social and Cultural Rights, United Nations

CSD – Correctional Services Department

CSOs – Civil Society Organisations

HKCFA – Hong Kong Court of Final Appeal

HKG – The Hong Kong SAR government

HRCttee – The Human Rights Committee, United Nations

NPCSC – The National People’s Congress Standing Committee

NSD – National Security Department of the Hong Kong Police

NSL – The Law of the People’s Republic of China on Safeguarding National Security in Hong Kong Special Administrative Region

Appendix V. List of Figures & Tables

Figure 1. Number of people arrested under NSL or sedition law – **see page 6**

Figure 2. Number of arrests made under NSL and sedition (2020 July – 2023) – **see page 7**

Figure 3. Number of charges made under NSL and sedition (2020 July – 2023) – **see page 7**

Figure 4. Average Daily Number of Individuals in Custody at Facilities Managed by CSD (2014 – 2023 September) – **see page 8**

Table 5. List of the traditionally held peaceful assemblies in Hong Kong in 2017-2023 – **see page 18**

Table 6. Examples of materials removed from public libraries – **see page 25**

Table 7. Examples of movies banned for public screening – **see page 26**

¹ “Explainer: Hong Kong’s national security crackdown – month 42”, *Hong Kong Free Press*, 1 January 2024, <https://hongkongfp.com/2024/01/01/explainer-hong-kongs-national-security-crackdown-month-42/>

² These figures were calculated based on the difference between the figures of 2022 and 2023. See “Explainer: Hong Kong’s national security crackdown – month 30”, *Hong Kong Free Press*, 4 Jan 2023, <https://hongkongfp.com/2023/01/04/explainer-hong-kongs-national-security-crackdown-month-30/>

³ Wong, Lydia et al. (2024) “Tracking the Impacts of Hong Kong’s National Security Law” *ChinaFile*, January 5, <https://www.chinafile.com/tracking-impact-of-hong-kongs-national-security-law/>; Please note that its data does not completely match the police’s figures, in which the former claimed that 264 individuals were arrested with 148 of them charged, while the latter claimed that 260 individuals were arrested with around 60% of them prosecuted.

⁴ *Ibid.*

⁵ “香港國安法最大案件：民主派 47 人初選案開審 多數被告已「未審先囚」兩年”, *BBC*, 6 February 2023, <https://www.bbc.com/zhongwen/trad/64508812>

⁶ “Number of persons under CSD management”, *Correctional Services Department*, https://www.csd.gov.hk/english/statistics/ins_mgt/npuc.html

⁷ Amnesty International Submission to the HRCtee 135th Session (2022) on Hong Kong, p.11 <https://www.amnesty.org/en/wp-content/uploads/2022/05/ASA1756632022ENGLISH.pdf>; for a more detailed documentation of groups disbanded, see “Timeline: 58 Hong Kong civil society groups disband following the onset of the security law”, *Hong Kong Free Press*, 30 June 2022, <https://hongkongfp.com/2022/06/30/explainer-over-50-groups-gone-in-11-months-how-hong-kongs-pro-democracy-forces-crumbled/>
“【解散香港】至少 58 組織今年宣布解散、停運 — 現在他們還好嗎?”, *Stand News*, 16 September 2021, <https://collection.news/thestandnews/articles/151827>

⁸ *Concluding observations on the third periodic report of China, including Hong Kong, China, and Macao, China, Committee on Economic, Social and Cultural Rights*, 22 March 2023, E/C.12/CHN/CO/3, §100

⁹ “Overseas NGO accused of breaching Hong Kong national security law, told to shut down website”, *South China Morning Post*, 14 March 2022, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3170449/overseas-ngo-accused-breaching-hong-kong-national>;

“Wordpress denies Hong Kong police pressured it to censor pro-democracy exil[e] group’s website”, *Hong Kong Free Press*, 5 June 2021, <https://hongkongfp.com/2021/06/05/pro-democrat-exile-group-claims-pressure-from-hong-kong-police-forced-wordpress-to-censor-website/>

¹⁰ “Japan voices concern after Hong Kong student arrested over speech whilst abroad; Beijing blasts ‘intervention’”, *Hong Kong Free Press*, 28 April 2023, <https://hongkongfp.com/2023/04/28/japan-voices-concern-after-hong-kong-student-arrested-over-speech-whilst-abroad-beijing-blasts-intervention/>

¹¹ “留日 23 歲港生被控煽動 官准保釋禁離港、設多項條件 辯方爭議裁院無權處理”, *The Witness*, 16 June 2023,

<https://thewitnesshk.com/%E7%95%99%E6%97%A523%E6%AD%B2%E6%B8%AF%E7%94%9F%E8%A2%AB%E6%8E%A7%E7%85%BD%E5%8B%95-%E5%AE%98%E5%87%86%E4%BF%9D%E9%87%8B%E7%A6%81%E9%9B%A2%E6%B8%AF%E8%A8%AD%E5%A4%9A%E9%A0%85%E6%A2%9D%E4%BB%B6/>

¹² “Hong Kong student who made ‘seditious’ online posts in Japan jailed for 2 months”, *Hong Kong Free press*, 3 November 2023, <https://hongkongfp.com/2023/11/03/hong-kong-student-who-made-seditious-online-posts-in-japan-jailed-for-2-months/>

¹³ “Wanted Persons and Reward Notices of National Security Cases”, *Hong Kong Police Force*, https://www.police.gov.hk/ppp_en/06_appeals_public/nsc/index.html

¹⁴ “Hong Kong national security police issue HK\$1 million bounty each for 8 self-exiled activists”, *Hong Kong Free Press*, 3 July 2023, <https://hongkongfp.com/2023/07/03/breaking-hong-kong-national-security-police-issue-hk1-million-bounty-each-for-8-self-exiled-activists/>

¹⁵ “Hong Kong national security police offer HK\$1 million bounties on another 5 fugitive opposition figures”, *South China Morning Post*, 14 December 2023, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3245087/hong-kong-national-security-police-offer-hk1-million-bounties-another-5-fugitive-opposition-figures>

¹⁶ *Ibid.*

¹⁷ “國安處再懸紅通緝海外 5 人 訂閱許智峯羅冠聰平台 拘 4 人涉資助”, *Ming Pao*, 15 December 2023, <https://news.mingpao.com/pns/%e8%a6%81%e8%81%9e/article/20231215/s00001/1702577995247>

- ¹⁸ “羅冠聰稱 Patreon 美資無需配合國安 若覺增風險可退訂 許智峯批拘訂戶旨在散播恐懼”, *Photo Media*, 15 December 2023, <https://photonmedia.net/providing-financial-assistance/>
- ¹⁹ “Hong Kong app promoting pro-democracy businesses vanishes after arrests linked to self-exiled activists”, *Hong Kong Free Press*, 7 July 2023, <https://hongkongfp.com/2023/07/07/hong-kong-app-promoting-pro-democracy-businesses-vanishes-after-arrests-linked-to-self-exiled-activists/>
- ²⁰ “涉藉 Mee 懲罰師金援羅冠聰 眾志 4 人被捕 包括林朗彥 警國安指控串謀勾結境外”, *Ming Pao*, 6 July 2023, <https://news.mingpao.com/pns/%E6%B8%AF%E8%81%9E/article/20230706/s00002/1688580094810>
- ²¹ “Self-exiled Hong Kong democrat Ted Hui’s in-laws questioned by national security police – reports”, *Hong Kong Free Press*, 15 September 2023, <https://hongkongfp.com/2023/09/12/self-exiled-hong-kong-democrat-ted-hui-in-laws-questioned-by-national-security-police-reports/>; “Hong Kong national security police question more family members of exiled democrat Elmer Yuen – reports”, *Hong Kong Free Press*, 4 August 2023, <https://hongkongfp.com/2023/08/03/hong-kong-national-security-police-question-exiled-democrat-elmer-yuens-ex-wife-and-son-reports/>; “National security police ‘take away’ family members of wanted Hong Kong activists for questioning”, *Hong Kong Free Press*, 20 July 2023, <https://hongkongfp.com/2023/07/20/national-security-police-take-away-family-members-of-wanted-hong-kong-activists-for-questioning/>; “Parents of wanted overseas Hong Kong activist Anna Kwok questioned by national security police – reports”, *Hong Kong Free Press*, 8 August 2023, <https://hongkongfp.com/2023/08/08/breaking-parents-of-wanted-overseas-hong-kong-activist-anna-kwok-questioned-by-national-security-police-reports/>
- ²² “港澳社運人士聯合國人權會議批評兩地人權狀況 違反國際公約”, *Voice of America*, 5 July 2022, <https://www.voacantonese.com/a/p-kc-london-hong-kong-and-macau-activists-slam-human-rights-conditions-and-violations-of-international-covenant-at-un-meeting/6645009.html>
- ²³ “Security law interpretation discussed” 11 January 2023 (https://www.news.gov.hk/eng/2023/01/20230111/20230111_191556_385.html?type=category&name=nationalsecurity&tl=t) The content of the decision was later revealed, see below 24.
- ²⁴ *Lai Chee-ying v. Secretary for Justice* (19/05/2023, HCMP253/2023) [2023] 3 HKLRD 275, [2023] HKCFI 1382, para. 39 (https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=152663&currpage=T&loc=p39)
- ²⁵ Report to the Legislative Council on the Control and Management of the Special Fund to Meet the Expenditure for Safeguarding National Security, *Financial Secretary’s Office*, 12 July 2023, <https://www.legco.gov.hk/yr2023/english/counmtg/papers/cm20230712-sp067-e.pdf>
- ²⁶ *Ibid.*
- ²⁷ “眾志三子圍警總囚 7 至 13 月半 官稱喊貶警口號旨在衝擊 黃之鋒領頭行為自私”, *Ming Pao*, 3 December 2020, <https://news.mingpao.com/pns/%e8%a6%81%e8%81%9e/article/20201203/s00001/1606933945183>
- ²⁸ “Hong Kong democracy activist Agnes Chow jumps bail, will stay in Canada”, *Hong Kong Free Press*, 4 December 2023, <https://hongkongfp.com/2023/12/04/hong-kong-democracy-activist-agnes-chow-jumps-bail-will-stay-in-canada/>
- ²⁹ “Self-exiled activist Agnes Chow says she can never return to Hong Kong as nat. sec. police condemn her for ‘challenging rule of law’”, *Hong Kong Free Press*, 4 December 2023, <https://hongkongfp.com/2023/12/04/self-exiled-activist-agnes-chow-says-she-can-never-return-to-hong-kong-as-nat-sec-police-condemn-her-for-challenging-rule-of-law/>
- ³⁰ “Hong Kong nat. security police decline to confirm activist Agnes Chow’s ‘patriotic’ China trip in exchange for passport”, *Hong Kong Free Press*, 15 December 2023, <https://hongkongfp.com/2023/12/15/hong-kong-national-security-police-decline-to-confirm-activist-agnes-chows-patriotic-china-trip-in-exchange-for-passport/>; “Hong Kong vows to pursue self-exiled activist Agnes Chow, leader says police ‘leniency’ resulted in ‘deception’”, *Hong Kong Free Press*, 5 December 2023, <https://hongkongfp.com/2023/12/05/hong-kong-leader-vows-to-pursue-self-exiled-activist-agnes-chow-says-police-leniency-resulted-in-deception/>
- ³¹ <https://www.facebook.com/photo/?fbid=703864135169001>
- ³² “Tony Chung: Ex-independence group leader flees Hong Kong, seeks asylum in UK after nat. security jail term”, *Hong Kong Free Press*, 29 December 2023, <https://hongkongfp.com/2023/12/29/tony-chung-ex-independence-group-leader-flees-hong-kong-seeks-asylum-in-uk-after-nat-security-jail-term/>; “Tony Chung: Hong Kong orders activist back to prison after breaching supervision order and fleeing to UK for asylum”, *Hong Kong Free Press*, 29 December 2023, <https://hongkongfp.com/2023/12/29/tony-chung-hong-kong-orders-activist-back-to-prison-after-breaching-supervision-order-and-fleeing-to-uk-for-asylum/>
- ³³ “Tony Chung: Ex-independence group leader flees Hong Kong, seeks asylum in UK after nat. security jail term”, *Hong Kong Free Press*, 29 December 2023, <https://hongkongfp.com/2023/12/29/tony-chung-ex-independence-group-leader-flees-hong-kong-seeks-asylum-in-uk-after-nat-security-jail-term/>

- ³⁴ “前工盟 6 人國安處助查 無被捕 其他勞團成員曾被接觸 原因未明”, *Ming Pao*, 23 March 2023, <https://news.mingpao.com/pns/%E6%B8%AF%E8%81%9E/article/20230323/s00002/1679509227081>
- ³⁵ “Emotional meltdown’: Hong Kong Labour Day demo cancelled, as activist says security law prevents disclosing why”, *Hong Kong Free Press*, 26 April 2023, <https://hongkongfp.com/2023/04/26/emotional-meltdown-hong-kong-labour-day-demo-cancelled-as-activist-says-security-law-prevents-disclosing-why/>
- ³⁶ “Government-aided schools in Hong Kong must include national security terms in tender, quotation contracts”, *Hong Kong Free Press*, 16 June 2023, <https://hongkongfp.com/2023/06/16/government-aided-schools-in-hong-kong-must-include-national-security-terms-in-tender-quotation-contracts/>
- ³⁷ Education Bureau, *Guidelines on Procurement Procedures in Aided Schools (Updated in June 2023)*, §6, https://www.edb.gov.hk/attachment/en/sch-admin/fin-management/procurement-procedures-in-aided-schools/Guidelines%20on%20Procurement%20Procedures%20in%20Aided%20Schools%20Eng_2023.pdf
- ³⁸ “Hong Kong’s John Lee denies inclusion of national security terms in land leases has impact on developers”, *Hong Kong Free Press*, 14 February 2023, <https://hongkongfp.com/2023/02/14/hong-kongs-john-lee-denies-inclusion-of-national-security-terms-in-land-leases-has-impact-on-developers/>
- ³⁹ “環保基金主席稱將要求申請者遵守國安 兼審查曾否涉「港獨」活動”, *inmediak*, 20 February 2023, [https://www.wenweipo.com/a/202302/20/AP63f28a63e4b0c3a3c4b94a8a.html](https://www.inmediak.net/node/%E6%94%BF%E7%B6%93/%E7%92%B0%E4%BF%9D%E5%9F%BA%E9%87%91%E4%B8%BB%E5%B8%AD%E7%A8%B1%E5%B0%87%E8%A6%81%E6%B1%82%E7%94%B3%E8%AB%8B%E8%80%85%E9%81%B5%E5%AE%88%E5%9C%8B%E5%AE%89-%E5%85%BC%E5%AF%A9%E6%9F%A5%E6%9B%BE%E5%90%A6%E6%B6%89%E3%80%8C%E6%B8%AF%E7%8D%A8%E3%80%8D%E6%B4%BB%E5%8B%95; “環保基金「排獨」環團須遵國安法”, <i>Wen Wei Po</i>, 20 February 2023, <a href=)
- ⁴⁰ “謝展寰稱追求環保「無盡頭」 容易被人作為「反政府藉口」”, *inmediak*, 10 July 2023, <https://www.inmediak.net/node/%E6%94%BF%E7%B6%93/%E8%AC%9D%E5%B1%95%E5%AF%B0%E7%A8%B1%E8%BF%BD%E6%B1%82%E7%92%B0%E4%BF%9D%E3%80%8C%E7%84%A1%E7%9B%A1%E9%A0%AD%E3%80%8D-%E5%AE%B9%E6%98%93%E8%A2%AB%E4%BA%BA%E4%BD%9C%E7%82%BA%E3%80%8C%E5%8F%8D%E6%94%BF%E5%BA%9C%E8%97%89%E5%8F%A3%E3%80%8D>
- ⁴¹ “明年藝博廣邀全球藝術家 須守國安法 料吸 2000 人參與 楊潤雄：港續有好多創作空間自由”, *Ming Pao*, 31 August 2023, <https://news.mingpao.com/pns/%E6%B8%AF%E8%81%9E/article/20230831/s00002/1693419545190>
- ⁴² “聞風筆動：民主黨晚宴告吹 傳有行會成員介入”, *Ming Pao*, 4 September 2023, <https://news.mingpao.com/pns/%E8%A7%80%E9%BB%9E/article/20230904/s00012/1693766374526>
- ⁴³ “教局製國安暑期作業 籲中小學生一日一題”, *Ming Pao*, 10 June 2023, <https://news.mingpao.com/pns/%E6%B8%AF%E8%81%9E/article/20230610/s00002/1686331619382>; National Security Education Summer Self-learning Materials (Chinese version only), *Education Bureau*, https://www.edb.gov.hk/en/curriculum-development/4-key-tasks/moral-civic/nse/l-and-t-resources/self_learning_materials.html
- ⁴⁴ National Security: Specific Measures for Schools (Enhanced Version dated June 2023), *Education Bureau*, <https://www.edb.gov.hk/attachment/en/sch-admin/national-security/specific-measures.pdf>
- ⁴⁵ Guidelines on Teachers’ Professional Conduct, *Education Bureau*, 2022, https://www.edb.gov.hk/attachment/en/teacher/guidelines_tpc/guidelines_en.pdf
- ⁴⁶ “劏房戶組團考察簡約屋選址 《文匯》指煽動負面情緒「軟對抗」”, *inmediak*, 15 May 2023, <https://www.inmediak.net/node/%E6%94%BF%E7%B6%93/%E5%8A%8F%E6%88%BF%E6%88%B6%E7%B5%84%E5%9C%98%E8%80%83%E5%AF%9F%E7%B0%A1%E7%B4%84%E5%B1%8B%E9%81%B8%E5%9D%80-%E3%80%8A%E6%96%87%E5%8C%AF%E3%80%8B%E6%8C%87%E7%85%BD%E5%8B%95%E8%B2%A0%E9%9D%A2%E6%83%85%E7%B7%92%E3%80%8C%E8%BB%9F%E5%B0%8D%E6%8A%97%E3%80%8D>
- ⁴⁷ “Explainer: What is ‘soft resistance’? Hong Kong officials vow to take a hard line against it, but provide no definition”, *Hong Kong Free Press*, 5 August 2023, <https://hongkongfp.com/2023/08/05/explainer-what-is-soft-resistance-hong-kong-officials-vow-to-take-a-hard-line-against-it-but-provide-no-definition/>
- ⁴⁸ “John Lee appeals to communities for full support of legislative exercise on Article 23”, *The Standard*, 3 December 2023, <https://www.thestandard.com.hk/breaking-news/section/4/210997/John-Lee-appeals-to-communities-for-full-support-of-legislative-exercise-on-Article-23>
- ⁴⁹ Committee on Economic, Social and Cultural Rights, *Concluding Observations on the third periodic report of China, including Hong Kong, China, and Macao, China*, 22 March 2023, E/C.12/CHN/CO/3, §100
- ⁵⁰ Mandate of the Special Rapporteur on the independence of judges and lawyers, 19 April 2023, OL CHN 2/2023
- ⁵¹ Working Group on Arbitrary Detention, *Opinions adopted by the Working Group on Arbitrary*

Detention at its ninety-sixth session, 27 March–5 April 2023, 1 May 2023, A/HRC/WGAD/2023/30, §95

⁵² “Security law interpretation discussed” 11 January 2023

(https://www.news.gov.hk/eng/2023/01/20230111/20230111_191556_385.html?type=category&name=nationalsecurity&tl=t) The content of the decision was later revealed, see below 54.

⁵³ *Lai Chee-ying v. Secretary for Justice* (19/05/2023, HCMP253/2023) [2023] 3 HKLRD 275, [2023] HKCFI 1382, para. 11 (https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=152663&currpage=T&loc=p11)

⁵⁴ *Lai Chee-ying v. Secretary for Justice* (19/05/2023, HCMP253/2023) [2023] 3 HKLRD 275, [2023] HKCFI 1382, para. 39 (https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=152663&currpage=T&loc=p39)

⁵⁵ *Guide to Judicial Conduct, The Judiciary*, https://www.judiciary.hk/doc/en/publications/gic_e.pdf, §89

⁵⁶ “應勇晤張舉能 稱香港法院在維護國家主權發揮重要作用”, *RTHK*, 23 May 2023,

<https://news.rthk.hk/rthk/ch/component/k2/1701848-20230523.htm>

⁵⁷ In 2019, protests limited the Hong Kong Pride Parade to a rally at Edinburgh Place. The 2020 parade shifted online due to the pandemic, with 2021 and 2022 featuring indoor 'Rainbow Markets'. In 2023, despite eased restrictions, a new event format was adopted.

⁵⁸ “女工會婦女節行動取消通知”, *Hong Kong Women Workers' Association*, 4 March 2023,

<https://www.facebook.com/hkwwa/posts/10160593556697140/>

⁵⁹ “婦女勞工協會首回應取消遊行 遺憾無奈 竭力修訂但不能如願舉”, *HK01*, 8 March 2023,

<https://www.hk01.com/article/874860>

⁶⁰ “League of Social Democrats statement on the March 8 Women's March”, *League of Social Democrats*, 5

March 2023, <https://www.facebook.com/photo/?fbid=743718643784005&set=a.516596056496266>

⁶¹ “婦女勞工協會首回應取消遊行 遺憾無奈 竭力修訂但不能如願舉”, *HK01*, 8 March 2023,

<https://www.hk01.com/article/874860>

⁶² “為何申請五一遊行”, Joe Wong Nai-yuen & Denny To Chun-ho, 10 April 2023,

<https://www.facebook.com/hkmarch51/posts/pfbid024oBytLRKsPahvWzCYmQih5ny8UJCtjRQweqXibUhYchv7R3SSYsANA52Q4n7WhiGj>

⁶³ Announcement of the missing of Joe Wong, *Labour Day in Hong Kong*, 26 April 2023,

<https://www.facebook.com/hkmarch51/posts/pfbid08x7hesn8PweTdmVD99UsiTRu3Fn4GNfidBZF9Q6ywoRgW2mG7P3B1325kmSNGXr9l>

⁶⁴ “關於今早經歷及被迫作出的決定”, Denny To Chun-ho, 26 April 2023,

<https://www.facebook.com/hkmarch51/posts/pfbid06d8fwcZnmbEbwTzTF7kj5UYhiZ7WJoZkH5o1hNv8k7aXiSywib7hg6HYbL1MYcxl>

⁶⁵ “Pro-Beijing labour union calls off Labour Day march as Hong Kong police yet to issue approval”, *Hong Kong*

Free Press, 17 April 2023, <https://hongkongfp.com/2023/04/17/pro-beijing-labour-union-calls-off-labour-day-march-as-hong-kong-police-yet-to-issue-approval/>

⁶⁶ “Hong Kong national security law: protesting not the only way to express views, Beijing's top man on city affairs says as he urges residents to focus on economy”, *SCMP*, 15 April 2023,

<https://www.scmp.com/news/hong-kong/politics/article/3217167/hong-kong-national-security-law-groups-can-voice-interests-other-ways-instead-protests-beijings-top>

⁶⁷ “勞動節 | 工聯會棄遊行改辦記者會爭權益 吳秋北：工運形態改變”, *HK01*, 1 May 2023,

<https://www.hk01.com/article/893450>

⁶⁸ “計劃到選舉事務處示威 國安警拘古思堯 被指「企圖煽動」”, *The Collective*, 8 December 2023,

<https://thecollectivehk.com/%E8%A8%88%E5%8A%83%E5%88%B0%E9%81%B8%E8%88%89%E4%BA%8B%E5%8B%99%E8%99%95%E7%A4%BA%E5%A8%81%E3%80%80%E5%9C%8B%E5%AE%89%E8%AD%A6%E6%8B%98%E5%8F%A4%E6%80%9D%E5%A0%AF%E3%80%80%E8%A2%AB%E6%8C%87%E3%80%8C/>

⁶⁹ “區議會選舉 | 據悉社民連主席陳寶瑩等三人涉企圖煽惑干擾區選被捕”, *RTHK*, 10 December 2023,

<https://news.rthk.hk/rthk/ch/component/k2/1731545-20231210.htm>

⁷⁰ “社民連稱郊遊被指違《國安法》遭搜查 警指忠告注意遠足安全 未答是否涉嫌危國安”, *The Witness*, 4

December 2023, <https://thewitnesshk.com/%E7%A4%BE%E6%B0%91%E9%80%A3%E7%A8%B1%E9%83%8A%E9%81%8A%E8%A2%AB%E6%8C%87%E9%81%95%E5%9C%8B%E5%AE%89%E6%B3%95%E9%81%AD%E6%90%9C%E6%9F%A5-%E8%AD%A6%E6%8C%87%E5%BF%A0%E5%91%8A%E6%B3%A8%E6%84%8F%E9%81%A0/>

⁷¹ “【青年手機亮燈 女警一手搶走】”, *Create City Stories*, 4 June 2023,

<https://www.facebook.com/hkcitycreation/posts/pfbid02T8ZpShRXwkjadeteArXDfCv36PHYJD2HJ1zucPw22KGxnEA1Rxf2sFrbrM1r4VLQl>

⁷² “【六四 34】警方銅鑼灣帶走至少 6 人 藝術家三木：香港人唔好驚”, *inmediahk*, 3 June 2023,

<https://www.inmediahk.net/node/%E7%A4%BE%E9%81%8B/%E3%80%90%E5%85%AD%E5%9B%9B34%E3%80>

[%91%E8%AD%A6%E6%96%B9%E9%8A%85%E9%91%BC%E7%81%A3%E5%B8%B6%E8%B5%B0%E8%87%B3%E5%B0%916%E4%BA%BA-](#)

[%E8%97%9D%E8%A1%93%E5%AE%B6%E4%B8%89%E6%9C%A8%EF%BC%9A%E9%A6%99%E6%B8%AF%E4%BA%BA%E5%94%94%E5%A5%BD%E9%A9%9A](#)

⁷³ “【六四 34】王婆婆持鮮花舉「五一」手勢 被帶上警車”, *inmediakh*, 4 June 2023,

<https://www.inmediakh.net/node/%E7%A4%BE%E9%81%8B/%E3%80%90%E5%85%AD%E5%9B%9B34%E3%80%91%E7%8E%8B%E5%A9%86%E5%A9%86%E6%8C%81%E9%AE%AE%E8%8A%B1%E8%88%89%E3%80%8C%E4%BA%94%E4%B8%80%E3%80%8D%E6%89%8B%E5%8B%A2-%E8%A2%AB%E5%B8%B6%E4%B8%8A%E8%AD%A6%E8%BB%8A>

⁷⁴ Statement on the June 4 anniversary in Hong Kong, *The UN Human Rights Office of the High Commissioner*, 4 June 2023, <https://twitter.com/UNHumanRights/status/1665415438514176002?fbclid=IwAR0dKkbt5qj-YeYnCC9tCdzqs9mKn6SY1sFF4ox9UPTiFPUF0DKlA1tMXXg>

⁷⁵ “七一 | 警方執法異於六四 疑送示威者搭港鐵離開銅鑼灣代上警車”, *HK01*, 1 July 2023,

<https://www.hk01.com/article/914799>

⁷⁶ “【七一】八旬伯舉「釋放政治囚犯」標語 半百警包圍「護送搭車」”, *inmediakh*, 1 July 2023,

<https://www.inmediakh.net/node/%E7%A4%BE%E9%81%8B/%E3%80%90%E4%B8%83%E4%B8%80%E3%80%91%E5%85%AB%E6%97%AC%E4%BC%AF%E8%88%89%E3%80%8C%E9%87%8B%E6%94%BE%E6%94%BF%E6%B2%BB%E5%9B%9A%E7%8A%AF%E3%80%8D%E6%A8%99%E8%AA%9E-%E5%8D%8A%E7%99%BE%E8%AD%A6%E5%8C%85%E5%9C%8D%E3%80%8C%E8%AD%B7%E9%80%81%E6%90%AD%E8%BB%8A%E3%80%8D>

⁷⁷ “Hong Kong residents hold first protest in years under new rules”, *Al Jazeera*, 26 March 2023,

<https://www.aljazeera.com/news/2023/3/26/hong-kong-residents-hold-first-protest-in-years-under-strict-rules>

⁷⁸ “工殤紀念日 | 工業傷亡權益會撤遊行申請 改四人請願促設紀念碑”, *The Collective*, 28 April 2023,

<https://thecollectivehk.com/%e5%b7%a5%e6%ae%a4%e7%b4%80%e5%bf%b5%e6%97%a5%ef%bd%9c%e5%b7%a5%e6%a5%ad%e5%82%b7%e4%ba%a1%e6%ac%8a%e7%9b%8a%e6%9c%83%e6%92%a4%e9%81%8a%e8%a1%8c%e7%94%b3%e8%ab%8b%e3%80%80%e6%94%b9%e5%9b%9b%e4%ba%ba/>

⁷⁹ “職工會登記局去信白領工會 要求解釋六項活動及言論”, *inmediakh*, 11 January 2023,

<https://www.inmediakh.net/node/%E7%A4%BE%E9%81%8B/%E8%81%B7%E5%B7%A5%E6%9C%83%E7%99%B B%E8%A8%98%E5%B1%80%E5%8E%BB%E4%BF%A1%E7%99%BD%E9%A0%98%E5%B7%A5%E6%9C%83-%E8%A6%81%E6%B1%82%E8%A7%A3%E9%87%8B%E5%85%AD%E9%A0%85%E6%B4%BB%E5%8B%95%E5%8F%8A%E8%A8%80%E8%AB%96>

⁸⁰ “公民黨通過清盤解散 梁家傑：已走了應行的路 來到終點”, *Ming Pao*, 27 May 2023,

<https://news.mingpao.com/ins/%E6%B8%AF%E8%81%9E/article/20230527/s00001/1685175612757>

⁸¹ “港浸大學生會成立不足兩周 全體成員均被罰決定集體請辭”, *RFA*, 9 May 2023,

<https://www.rfa.org/cantonese/news/htm/hk-bu-05092023050609.html>

⁸² “All members of student union cabinet resign after Hong Kong Baptist University probe”, *Hong Kong Free Press*, 9 May 2023, <https://hongkongfp.com/2023/05/09/all-members-of-student-union-cabinet-resign-after-hong-kong-baptist-university-probe/>;

“Hong Kong Baptist University allegedly threatens to take revenge on student leaders, according to leaked recording”, *Hong Kong Free Press*, 9 June 2023,

<https://hongkongfp.com/2023/06/09/hong-kong-baptist-university-allegedly-threatens-to-take-revenge-on-student-leaders-according-to-leaked-recording/>

⁸³ “Hong Kong Cantonese-language advocacy group closes after national security police raid founder’s home”, *Hong Kong Free Press*, 29 August 2023, <https://hongkongfp.com/2023/08/28/hong-kong-cantonese-language-advocacy-group-closes-after-national-security-police-raid-founders-home/>

⁸⁴ “HKSAR Government delegates to attend meetings of UN Committee on the Elimination of Discrimination against Women”, *info.gov*, 9 May 2023, <https://www.info.gov.hk/gia/general/202305/09/P2023050900515.htm>

⁸⁵ “UN finished its review on Hong Kong human rights; Beijing refused to guarantee no retaliation against participating civil groups; Hong Kong officials defended NSL by cherry-picking data”, *Hong Kong Centre for Human Rights*, 17 February 2023, <https://hkchr.org/en/archives/2064>

⁸⁶ “HKSAR Government strongly objects to unfounded and misleading concluding observations of UN Committee on Economic, Social and Cultural Rights”, *info.gov.hk*, 7 March 2023,

<https://www.info.gov.hk/gia/general/202303/07/P2023030700015.htm>

⁸⁷ “HSBC terminates bank accounts of Hong Kong opposition party League of Social Democrats without giving reason”, *Hong Kong Free Press*, 5 June 2023, <https://hongkongfp.com/2023/06/02/hsbc-terminates-bank-accounts-of-hong-kong-opposition-party-league-of-social-democrats-without-giving-reason/>

⁸⁸ “Accounts of Hong Kong opposition party members terminated by HSBC and other banks, League of Social Democrats says”, *Hong Kong Free Press*, 9 June 2023, <https://hongkongfp.com/2023/06/07/accounts-of-hong-kong-opposition-party-members-terminated-by-hsbc-and-other-banks-pro-democracy-party-says/>

⁸⁹ “酒樓稱爆玻璃 民主黨晚宴六度撤訂 羅健熙質疑食肆遇外來壓力 指無礙參選與否決定”, *Ming Pao*, 4 September 2023,

<https://news.mingpao.com/pns/%E6%B8%AF%E8%81%9E/article/20230904/s00002/1693766361263>

⁹⁰ “國安處拘 10 人涉 612 基金 葉寶琳被押至油麻地塔冷通書舍調查”, *HK01*, 10 August 2023, <https://www.hk01.com/article/928654>

⁹¹ “國安處再懸紅通緝海外 5 人 訂閱許智峯羅冠聰平台 拘 4 人涉資助”, *Ming Pao*, 15 December 2023, <https://news.mingpao.com/pns/%E8%A6%81%E8%81%9E/article/20231215/s00001/1702577995247>

⁹² “LCQ16: Enhancing regulation of crowdfunding activities”, *info.gov.hk*, 26 April 2023,

<https://www.info.gov.hk/gia/general/202304/26/P2023042500449.htm>

⁹³ “審計促護國安後 圖書館多項作品下架 統計：涉政治資料兩年少四成 湯家驊：宜解釋準則不應隨便審查”, *Ming Pao*, 15 May 2023,

<https://news.mingpao.com/pns/%E8%A6%81%E8%81%9E/article/20230515/s00001/1684089306936>

⁹⁴ “《蘋果日報》在公共領域消失 公共圖書館電子剪報刪所有《蘋果》紀錄 電子書庫下架至少 28 本「敏感」書籍”, *HK Feature*, 27 June 2022,

<https://hkfeature.com/local/%E8%98%8B%E6%9E%9C%E6%97%A5%E5%A0%B1%E5%9C%A8%E5%85%AC%E5%85%B1%E9%A0%98%E5%9F%9F%E6%B6%88%E5%A4%B1-%E5%85%AC%E5%85%B1%E5%9C%96%E6%9B%B8%E9%A4%A8%E9%9B%BB%E5%AD%90%E5%89%AA%E5%A0%B1%E5%88%AA%E6%89%80/>

⁹⁵ “審計促護國安後 圖書館多項作品下架 統計：涉政治資料兩年少四成 湯家驊：宜解釋準則不應隨便審查”, *Ming Pao*, 15 May 2023,

<https://news.mingpao.com/pns/%E8%A6%81%E8%81%9E/article/20230515/s00001/1684089306936>

⁹⁶ “香港被下架 內地圖書館可借司徒華、區家麟、吳靄儀著”, *HK01*, 16 May 2023,

<https://www.hk01.com/article/898672>

⁹⁷ “下架書單 | 圖書館三年下架 255 本中文電子書 近四成涉政治或敏感議題、人物”, *The Collective*, 17 May 2023,

<https://thecollectivehk.com/%E4%B8%8B%E6%9E%B6%E6%9B%B8%E5%96%AE%EF%BD%9C%E5%9C%96%E6%9B%B8%E9%A4%A8%E4%B8%89%E5%B9%B4%E4%B8%8B%E6%9E%B6-255-%E6%9C%AC%E4%B8%AD%E6%96%87%E9%9B%BB%E5%AD%90%E6%9B%B8%E3%80%80%E8%BF%91%E5%9B%9B/>

⁹⁸ “Hongkongers ‘welcome’ to report library books that may endanger national security”, *Hong Kong Free Press*, 6 July 2023, <https://hongkongfp.com/2023/07/06/hongkongers-welcome-to-report-library-books-that-may-endanger-national-security/>

⁹⁹ “康署拒供下架書清單總數 申訴署裁本報投訴不成立”, *Ming Pao*, 4 December 2023, <https://news.mingpao.com/pns/%E8%A6%81%E8%81%9E/article/20231204/s00001/1701628543151>

¹⁰⁰ Information gathered and collected from multiple news sources. Please check “香港被下架內地圖書館可借司徒華、區家麟、吳靄儀著”, *HK01*, 16 May 2023, <https://www.hk01.com/article/898672>; “審計促護國安後 圖書館多項作品下架 統計：涉政治資料兩年少四成 湯家驊：宜解釋準則不應隨便審查”, *Ming Pao*, 15 May 2023, <https://news.mingpao.com/pns/%E8%A6%81%E8%81%9E/article/20230515/s00001/1684089306936>

¹⁰¹ “【創作自由】香港影片節入圍兩作品 被要求刪社運、黃頭盔畫面”, *RFA*, 20 February 2023,

<https://www.rfa.org/cantonese/news/htm/hk-delete-02202023054955.html>

¹⁰² Ibid.

¹⁰³ “港澳無故取消《小熊維尼：血與蜜》上映 評論：揣摩上意蓋過「依法辦事」”, *RFA*, 22 March 2023,

<https://www.rfa.org/cantonese/news/htm/hk-winnie-03222023055539.html>

¹⁰⁴ “「豐美股肥」兩短片被電檢處拒公映 《艙》涉疫情、示威被指「上映不利於國家安全」”, *inmediahk.net*, 29 March 2023,

<https://www.inmediahk.net/node/%E6%96%87%E8%97%9D/%E3%80%8C%E8%B1%90%E7%BE%8E%E8%82%A1%E8%82%A5%E3%80%8D%E5%85%A9%E7%9F%AD%E7%89%87%E8%A2%AB%E9%9B%BB%E6%AA%A2%E8%99%95%E6%8B%92%E5%85%AC%E6%98%A0-%E3%80%8A%E8%89%99%E3%80%8B%E6%B6%89%E7%96%AB%E6%83%85%E3%80%81%E7%A4%BA%E5%A8%81%E8%A2%AB%E6%8C%87%E3%80%8C%E4%B8%8A%E6%98%A0%E4%B8%8D%E5%88%A9%E6%96%BC%E5%9C%8B%E5%AE%B6%E5%AE%89%E5%85%A8%E3%80%8D>

- ¹⁰⁵ “內地電影《隱入塵煙》無准映證 科大臨時改播導演李睿珺另一作品”, 4 March 2023, <https://www.hk01.com/article/884439>
- ¹⁰⁶ “獨立電影《於是我安靜了》現眾志旗 改國安海報仍不過電檢”, *RFA*, 22 April 2023, <https://www.rfa.org/cantonese/news/htm/hk-movie-04222023051942.html>
- ¹⁰⁷ “六四 34 | 黃店展示「天安門母親」蠟燭遭警要求收起 警告涉「煽動意圖」”, *The Collective*, 4 June 2023, <https://thecollectivehk.com/%E5%85%AD%E5%9B%9B34%E5%BD%9C%E9%BB%83%E5%BA%97%E5%B1%95%E7%A4%BA%E3%80%8C%E5%A4%A9%E5%AE%89%E9%96%80%E6%AF%8D%E8%A6%AA%E3%80%8D%E8%A0%9F%E7%87%AD%E9%81%AD%E8%AD%A6%E8%A6%81%E6%B1%82%E6%94%B6%E8%B5%B7/>; “門外蠟燭掛畫被警收走「西多」陳嘉琳：香港變成一個點樣嘅地方”, *inmediahk.net*, 5 June 2023, <https://www.inmediahk.net/node/%E7%A4%BE%E9%81%8B/%E9%96%80%E5%A4%96%E8%A0%9F%E7%87%AD%E6%8E%9B%E7%95%AB%E8%A2%AB%E8%AD%A6%E6%94%B6%E8%B5%B0-%E3%80%8C%E8%A5%BF%E5%A4%9A%E3%80%8D%E9%99%B3%E5%98%89%E7%90%B3%EF%BC%9A%E9%A6%99%E6%B8%AF%E8%AE%8A%E6%88%90%E4%B8%80%E5%80%8B%E9%BB%9E%E6%A8%A3%E5%98%85%E5%9C%B0%E6%96%B9>
- ¹⁰⁸ “Hong Kong police arrest six for selling ‘seditious’ book at lunar new year fair”, *South China Morning Post*, 18 January 2023, <https://www.theguardian.com/world/2023/jan/18/hong-kong-police-arrest-six-seditious-book-lunar-new-year-fair>; “Hong Kong’s ‘Pastor Keung’ and 2 others jailed for up to 10 months over ‘seditious’ book”, *Hong Kong Free Press*, 21 March 2023, <https://hongkongfp.com/2023/03/21/hong-kongs-pastor-keung-and-2-others-jailed-for-up-to-10-months-over-seditious-book/>
- ¹⁰⁹ “涉女排聯賽時辱國歌 青年不認罪”, *Ming Pao*, 15 December 2023, <https://news.mingpao.com/pns/%E6%B8%AF%E8%81%9E/article/20231215/s00002/1702578000875>
- ¹¹⁰ “男子涉穿煽動字句衣物 離港登機前被捕 控煽動等罪 申保釋遭拒”, *HK Court News*, 29 November 2023, <https://hkcourtnews.com/%E7%94%B7%E5%AD%90%E6%B6%89%E7%A9%BF%E7%85%BD%E5%8B%95%E5%AD%97%E5%8F%A5%E8%A1%A3%E7%89%A9%E3%80%80%E9%9B%A2%E6%B8%AF%E7%99%BB%E6%A9%9F%E5%89%8D%E8%A2%AB%E6%8D%95%E3%80%80%E6%8E%A7%E7%85%BD%E5%8B%95/>
- ¹¹¹ “代收由英寄港 18 本《羊村》繪本 男文員認輸入煽動刊物罪囚 4 個月 控方確認僅指刊物而非被告具煽動意圖”, *HK Court News*, 6 October 2023, <https://hkcourtnews.com/%E4%BB%A3%E6%94%B6%E7%94%B1%E8%8B%B1%E5%AF%84%E6%B8%AF18%E6%9C%AC%E3%80%8A%E7%BE%8A%E6%9D%91%E3%80%8B%E7%B9%AA%E6%9C%AC%E3%80%80%E7%94%B7%E6%96%87%E5%93%A1%E8%AA%8D%E8%BC%B8%E5%85%A5%E7%85%BD%E5%8B%95/>
- ¹¹² “More than 100 media leaders from around the world join RSF in calling for the release of Hong Kong press freedom emblem Jimmy Lai”, *Reporters Without Borders*, <https://rsf.org/en/more-100-media-leaders-around-world-join-rsf-calling-release-hong-kong-press-freedom-emblem-jimmy>
- ¹¹³ “Hong Kong’s Press Freedom Index hits new low With most hesitation in criticising the Central Government”, *Hong Kong Journalists Association*, 7 July 2023, <https://www.hkja.org.hk/en/press-release/hong-kongs-press-freedom-index-hits-new-low-with-most-hesitation-in-criticising-the-central-government/>
- ¹¹⁴ World Press Freedom Index, *Reporters Without Borders*, <https://rsf.org/en/index>
- ¹¹⁵ “認識我們”, *hkcourtnews.com*, <https://hkcourtnews.com/%E8%aa%8d%E8%ad%98%E6%88%91%E5%80%91/>
- ¹¹⁶ “關於《集誌社》”, *The Collective*, <https://thecollectivehk.com/%E9%97%9C%E6%96%BC%E6%88%91%E5%80%91/>
- ¹¹⁷ “關於我們”, *Photon Media*, <https://photonmedia.net/about/>
- ¹¹⁸ Report on the Hong Kong Journalist Diaspora Community, *Association of Overseas Hong Kong Media Professionals*, supported by the International Federation of Journalists, <https://drive.google.com/file/d/1GN8Dw5JPFhZoo4H79P8hQ5968k-4cSR7/>
- ¹¹⁹ “Hong Kong police urged to give explanation after journalist taken away on Tiananmen crackdown anniversary”, *Hong Kong Free Press*, 6 June 2023, <https://hongkongfp.com/2023/06/06/hong-kong-police-urged-to-give-explanation-after-journalist-taken-away-on-tiananmen-crackdown-anniversary/>; see also “Hong Kong police urged to give explanation after journalist taken away on Tiananmen crackdown anniversary”, *Hong Kong Free Press*, 6 June 2023, <https://hongkongfp.com/2023/06/06/hong-kong-police-urged-to-give-explanation-after-journalist-taken-away-on-tiananmen-crackdown-anniversary/>
- ¹²⁰ “Hong Kong’s first protest in 3 years shows how the city has changed”, *CNN*, 28 March 2023, <https://edition.cnn.com/2023/03/28/asia/hong-kong-first-protest-in-years-intl-hnk/index.html>

¹²¹ “Hong Kong police urged to ‘maintain professionalism’ after officer reportedly pushes journalist”, *Hong Kong Free Press*, 13 June 2023, <https://hongkongfp.com/2023/03/20/hong-kong-police-urged-to-maintain-professionalism-after-journalist-reportedly-pushed-by-officer/>

¹²² “Press freedom groups condemn harassment of Hong Kong journalists after HKFP reporter tailed”, *Hong Kong Free Press*, 26 March 2023, <https://hongkongfp.com/2023/03/24/press-freedom-groups-condemn-harassment-of-hong-kong-journalists-after-hkfp-reporter-tailed/>

¹²³ “Hong Kong press group receives more reports of reporters being tailed, as police slam ‘unverified speculation’”, *Hong Kong Free Press*, 28 March 2023, <https://hongkongfp.com/2023/03/28/hong-kong-press-group-receives-more-reports-of-reporters-being-tailed-as-police-slam-unverified-speculation/>

¹²⁴ “Is Hong Kong tightening its grip on foreign journalists?”, *DW*, 23 Jan 2023, <https://www.dw.com/en/is-hong-kong-tightening-its-grip-on-foreign-journalists/a-64485811>

¹²⁵ “Hong Kong denies entry to Japanese journalist Yoshiaki Ogawa”, *Committee to Protect Journalist*, 30 June 2023, <https://cpj.org/2023/06/hong-kong-denies-entry-to-japanese-journalist-yoshiaki-ogawa/>

¹²⁶ “Channel C 開台兩年宣布告急 新媒體仍有生存空間嗎”, *RFA*, 9 June 2023, <https://www.rfa.org/cantonese/news/htm/hk-media-06092023061227.html>

¹²⁷ “Hong Kong’s largest journalist group faces financial strain, plunging membership as outlets close and reporters leave, re-elected chairman says”, *South China Morning Post*, 10 June 2023, <https://www.scmp.com/news/hong-kong/politics/article/3223652/hong-kongs-largest-journalist-group-faces-financial-strain-plunging-membership-outlets-close-and>

¹²⁸ “記協經費緊拙不出兩年財政見底 6月舉辦55周年籌款聚餐 非會員可參與”, *Photon Media*, 10 May 2023, <https://photonmedia.net/hkja-dinner/>

¹²⁹ “Hong Kong may drop plans for ‘fake news’ law, says leader John Lee”, *Hong Kong Free Press*, 29 June 2023, <https://hongkongfp.com/2023/06/29/hong-kong-may-drop-plans-for-fake-news-law-says-leader-john-lee/>

¹³⁰ United Nations Human Rights Committee, Concluding Observation, CCPR/C/CHN-HKG/CO/3, §6

¹³¹ “How will Hong Kong’s district council overhaul change neighbourhood political life? Direct voting curbed, lines redrawn in ‘patriots-only’ revamp”, *South China Morning Post*, 3 May 2023, <https://www.scmp.com/news/hong-kong/politics/article/3219182/how-will-hong-kongs-district-council-overhaul-change-neighbourhood-political-life-direct-voting>

¹³² “Democratically-elected seats to be slashed to 20% for local Hong Kong elections; candidates vetted”, *Hong Kong Free Press*, 2 May 2023, <https://hongkongfp.com/2023/05/02/breaking-democratically-elected-seats-slashed-to-20-for-local-hong-kong-elections-candidates-vetted/>

¹³³ “Hong Kong election success for pro-democracy camp gives Beijing a headache when dealing with ‘kingmaker’ tycoons”, *South China Morning Post*, 28 November 2019, <https://www.scmp.com/news/china/politics/article/3039832/hong-kong-election-success-pro-democracy-camp-gives-beijing>

¹³⁴ “How will Hong Kong’s district council overhaul change neighbourhood political life? Direct voting curbed, lines redrawn in ‘patriots-only’ revamp”, *South China Morning Post*, 3 May 2023, <https://www.scmp.com/news/hong-kong/politics/article/3219182/how-will-hong-kongs-district-council-overhaul-change-neighbourhood-political-life-direct-voting>

¹³⁵ “Democratically-elected seats to be slashed to 20% for local Hong Kong elections; candidates vetted”, *Hong Kong Free Press*, 2 May 2023, <https://hongkongfp.com/2023/05/02/breaking-democratically-elected-seats-slashed-to-20-for-local-hong-kong-elections-candidates-vetted/>

¹³⁶ “區議會修例全票通過 李家超：完善地區治理重要里程碑”, *RTHK*, 6 July 2023, <https://news.rthk.hk/rthk/ch/component/k2/1707780-20230706.htm>

¹³⁷ “Member of public are encouraged to take part in ‘District Council Election Fun Day’ events”, *info.gov.hk*, 8 December 2023, <https://www.info.gov.hk/gia/general/202312/08/P2023120800670.htm>

¹³⁸ Voter Turnout Rate, 2023 District Council Ordinary Election, https://www.elections.gov.hk/dc2023/eng/vtr_dcgc_all.html; see also “Hong Kong sees record-low turnout for District Council polls”, *The Standard*, 11 December 2023, <https://www.thestandard.com.hk/breaking-news/section/4/211285/Hong-Kong-sees-record-low-turnout-for-District-Council-polls>

¹³⁹ “區議會選舉 | 民主黨稱未獲足夠三會提名無法參選 羅健熙指要商討政黨的前路”, *Ming Pao*, 30 October 2023, <https://news.mingpao.com/ins/%E5%8D%80%E8%AD%B0%E6%9C%83%E9%81%B8%E8%88%89/article/20231030/special/1698657085158>

- ¹⁴⁰ “區議會選舉 | 料無民主派獲足夠三會提名參選 市民提名超額仍卡關”, *HK01*, 30 October 2023, <https://www.hk01.com/article/956445>
- ¹⁴¹ The Legislative Council was originally made up of 35 directly-elected seats (50%) and 35 functional constituency seats (50%). However, in 2021, the Chinese government amended the Annex to the Basic Law to significantly reformed the composition of the Legislative Council, leaving only 22.2% of the seats returned by direct elections. Candidates must also pass the national security background check to show that they are patriotic before standing for the election.
- ¹⁴² “Hong Kong ‘patriots’ poll results: Lowest election turnout yet, as pro-govt candidates sweep into legislature”, *Hong Kong Free Press*, 20 December 2021, <https://hongkongfp.com/2021/12/20/hong-kong-patriots-poll-results-lowest-election-turnout-yet-as-pro-govt-candidates-sweep-into-legislature/>; “Explainer: 7 charts showing voter demographics in Hong Kong’s first ‘patriots-only’ legislative election”, *Hong Kong Free Press*, 1 May 2022, <https://hongkongfp.com/2022/05/01/explainer-7-charts-showing-voter-demographics-in-hong-kongs-first-patriots-only-legislative-election/>
- ¹⁴³ “Bills of the Seventh Legislative Council”, *Legislative Council*, <https://www.legco.gov.hk/en/legco-business/council/bills-list.html#bills>
- ¹⁴⁴ “Council meetings”, *Legislative Council*, <https://www.legco.gov.hk/en/legco-business/council/council-meetings.html?2023#schedule>
- ¹⁴⁵ “17 法案通過僅兩記名 葉劉：今屆共識 稱不記名表決市民仍可問責 蔡子強：反映監察力度削弱”, *Ming Pao*, 4 January 2023, <https://news.mingpao.com/pns/%E6%B8%AF%E8%81%9E/article/20230104/s00002/1672769052494>
- ¹⁴⁶ “政府法案 2/3 表決 參與議員未過半 謝偉俊憂遭法律挑戰 劉健儀：勿覺得不爭議議案就可少人”, *Ming Pao*, 14 August 2023, <https://news.mingpao.com/pns/%E8%A6%81%E8%81%9E/article/20230814/s00001/1691950303105>
- ¹⁴⁷ *ibid*
- ¹⁴⁸ “Hong Kong press group slams omission of lawmakers’ names from legislature meeting minutes”, *Hong Kong Free Press*, 18 January 2023, <https://hongkongfp.com/2023/01/18/hong-kong-press-group-slams-omission-of-lawmakers-names-from-legislature-meeting-minutes/>
- ¹⁴⁹ *ibid*
- ¹⁵⁰ *Sham Tsz Kit (岑子杰) v. Secretary for Justice* (05/09/2023, FACV14/2022) [2023] HKCFA 28, para. 120-124 (https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=154774&currpage=T&loc=p120)
- ¹⁵¹ *Ng Hon Lam Edgar v. The Hong Kong Housing Authority* (17/10/2023, CACV362/2021) [2023] HKCA 1178 (https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=155621)
- ¹⁵² *Ng Hon Lam Edgar v. Secretary for Justice* (24/10/2023, CACV558/2020) [2023] HKCA 1224 (https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=155764)
- ¹⁵³ “續簽工作簽證不獲批 研究六四加籍學者何曉清失中大歷史系教席”, *HK01*, 28 October 2023, <https://www.hk01.com/article/956037>
- ¹⁵⁴ “NSL implementation rules amended”, *news.gov.hk*, 15 December 2023, https://www.news.gov.hk/eng/2023/12/20231215/20231215_111947_210.html
- ¹⁵⁵ *HKSAR v. Lui Sai Yu (呂世瑜)* (22/08/2023, FAC7/2023) [2023] HKCFA 26 (https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=154516)
- ¹⁵⁶ AL CHN 1/2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27848>
- ¹⁵⁷ OL CHN 2/2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27992>
- ¹⁵⁸ A/HRC/WGAD/2023/30, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-30-AEV.pdf>
- ¹⁵⁹ A/HRC/50/23, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/HRC/50/23&Lang=E>
- ¹⁶⁰ OL CHN 12/2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28178>
- ¹⁶¹ AL CHN 16/2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28323>
- ¹⁶² E/C.12/CHN/CO/3, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW%2BALqOml1btoJd4YxREVF2UhnJqajOdf70Jna4zIzlttiWL2Gm56NxTNU%2B5uvm%2Bz8Ck3PyH5SB2c78KQhI%2FC1g9riHvZuzWKzpwT A2dN1Mly>

¹⁶³ CEDAW/C/CHN/CO/9,

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsoVqDbaslinb8oXgzpEhivjizqMQWEXdMnLJwYiiXOolsoGNXbO3xCh%2BDeB54qgMR2qUWotAokVEq3gIBbabQEg5AwaX6sj8PX30fihB%2F3en>

¹⁶⁴ A/HRC/WGAD/2023/30, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-30-AEV.pdf>

¹⁶⁵ Sebastien Lai's speech starts at around 2:24:00 <https://media.un.org/en/asset/k18/k18uc10ibe>. See also PEN International for the transcript of Sebastien Lai: <https://www.pen-international.org/news/son-of-jimmy-lai-to-address-the-unhrc-on-behalf-of-pen-international>

¹⁶⁶ A/HRC/50/23, <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/HRC/50/23&Lang=E>

¹⁶⁷ <https://twitter.com/UNHumanRights/status/1622544825336709120>

¹⁶⁸ <https://twitter.com/UNHumanRights/status/1665415438514176002>