



ANATOMY OF A CRACKDOWN: THE HONG KONG NATIONAL SECURITY LAW AND RESTRICTIONS ON CIVIL SOCIETY

OLIVIA CHOW
THOMAS E. KELLOGG
ERIC YAN-HO LAI

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Olivia Chow (alias) is a researcher from Hong Kong.

Dr. Eric Yan-ho Lai is a research fellow at the Georgetown Center for Asian Law and the author of *Resistance Through the Cracks: Understanding Hong Kong's Rule by Law and Resistance in the Courtroom in Comparative Perspective* (2024, in Traditional Chinese) .

Thomas E. Kellogg is the executive director of the Georgetown Center for Asian Law, and an adjunct professor of law at Georgetown University Law Center.

TABLE OF CONTENTS

| | | |
|--------------|--|-----------|
| I. | INTRODUCTION | 3 |
| | 1. Report Framework | 5 |
| | 2. Key Findings | 5 |
| | 3. Research Methodology | 7 |
| II. | BACKGROUND | 9 |
| | 1. Civil Society in Hong Kong Pre-NSL — A Qualified Success? | 9 |
| | 2. The 2020 National Security Law and the Crackdown on NGOs | 13 |
| III. | THE NATIONAL SECURITY CRACKDOWN | 15 |
| | 1. Initial Attacks on High-Profile NGOs and Media Outlets: Spring and Summer 2021 | 18 |
| | 2. Attacks on Unions | 21 |
| | 3. Implications for other NGOs | 23 |
| | 4. Weaponization of the Law: National Security Law and Sedition | 25 |
| | 5. The Public Order Ordinance | 26 |
| | 6. Politicization of Covid-19 Public Health Measures | 27 |
| | 7. Extra-Legal Suppression Methods | 29 |
| | 8. Intimidation by government officials and state-owned media | 29 |
| | 9. Intimidation by Intermediaries | 32 |
| | 10. Pressure from Employers | 34 |
| | 11. Blocked access to funding | 36 |
| IV. | THE CIVIL SOCIETY CRACKDOWN: POLITICAL AND POLICY IMPACTS | 37 |
| | 1. Collapse of Collaborative Policy Advocacy | 40 |
| | 2. Undermining of Day-to-Day Advocacy for the Disadvantaged | 42 |
| | 3. Curtailing of Public Debate and Campus Advocacy | 44 |
| | 4. Erosion of Judicial Independence and Rule of Law | 45 |
| V. | ADAPTING TO THE NEW NORMAL | 49 |
| | 1. What have NGOs done in response to the changing landscape? | 49 |
| | 2. Constant risk assessments within organizations | 50 |
| | 3. Moderating media and communications strategies | 51 |
| | 4. Retreat from international networks | 53 |
| | 5. Relocation | 55 |
| VI. | THE NEW CAMPAIGN: TARGETING OVERSEAS ACTIVISTS | 59 |
| | 1. Everybody does it: Hong Kong's extraterritorial jurisdiction claims and international norms | 61 |
| VII. | CONCLUSION | 65 |
| VIII. | APPENDICES | 68 |



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INTRODUCTION

ON JUNE 4, 2023, HONG KONG'S VICTORIA PARK WAS FILLED NOT WITH PROTESTERS MARKING THE 34TH ANNIVERSARY OF THE BLOODY 1989 TIANANMEN SQUARE CRACKDOWN, BUT RATHER WITH PARTICIPANTS TAKING PART IN A TRADE FAIR ORGANIZED BY PRO-BEIJING GROUPS INTENT ON OCCUPYING THAT SYMBOLIC SPACE ON THAT HISTORIC DAY.¹ HONG KONG CIVIL SOCIETY GROUPS HAD ORGANIZED MASS VIGILS ON JUNE 4 FOR THREE DECADES, BUT 2023 MARKED THE THIRD YEAR IN A ROW IN WHICH ANY PUBLIC MARKING OF THE ANNIVERSARY WAS FORBIDDEN.

¹ Tiffany May, "Hong Kong Remembered June 4 Tiananmen Massacre, Until It Couldn't," *New York Times*, June 4, 2023.

The ban on public remembrance was enforced with the threat of criminal prosecution of those who dared to disobey. In the run-up to June 4, Secretary for Security Chris Tang warned that the police would take “resolute action” against individuals who violated Hong Kong’s National Security Law.² On the day itself, police came out in force to patrol the area around Victoria Park. More than two dozen individuals were detained over their efforts to mark the anniversary in public, some of whom were later charged with sedition under the Crimes Ordinance.

This is the state of civil society in today’s Hong Kong.

Just four years earlier, the world watched as the 2019 Anti-Extradition protests showcased the city’s robust spirit of civic resistance.³ From a series of mass demonstrations — the largest involving an estimated two million people⁴ — to innovative advocacy campaigns calling for international support, Hong Kongers stood defiant against tear gas and government intransigence. The Hong Kong government, under Beijing’s direction, reacted with an uncompromising crackdown, first by arresting more than 10,000 people involved in the protests and ultimately prosecuting nearly 3,000 of them,⁵ then by imposing the National Security Law (NSL). The NSL’s terms go well beyond any ordinary definition of “national security,” and seem almost designed to allow the government to target peaceful political speech, including criticism of government policies and actions.⁶

Since then, Beijing has used a mix of legal and extra-legal measures to attack virtually all elements of Hong Kong’s once free-wheeling and robust open society. No sector has been spared: opposition political parties, journalists, lawyers, grassroots activists, protesters, academics and others have all been targeted. The space for public discourse has narrowed dramatically, and self-censorship, always a problem in Hong Kong even in the best of times, has now become rampant.

Civil society activists and NGOs have been particularly hard hit. As this report documents, 90 civil society organizations have been closed down after being pressured by the government. Scores of NGO activists have been arrested, and many have been criminally prosecuted under the NSL. Hundreds if not thousands of activists have chosen to leave Hong Kong, many of them fearing imminent arrest over their peaceful non-governmental activism.

More than three years after the NSL went into effect, the mass exodus of activists continues: as this report was being finalized, prominent political activist Agnes Chow announced on social media that she had left Hong Kong for Canada, and that she would not return anytime soon, even though the conditions of her bail require her to do so on a regular basis.⁷ Chow, who had been arrested and investigated under the NSL in 2020, suggested that she may never go home again. “Perhaps I will never go back again in my lifetime,” she wrote.

2 Edith Lin, “[Hong Kong woman arrested, 23 detained near park that once hosted June 4 vigil](#),” *South China Morning Post*, June 4, 2023.

3 Feliz Solomon, “[Hong Kong is on the frontline of a global battle for freedom](#),” *Time*, June 12, 2019.

4 “‘Nearly 2 million’ people take to streets, forcing public apology from Hong Kong leader Carrie Lam as suspension of controversial extradition bill fails to appease protesters,” *South China Morning Post*, June 17, 2019.

5 Kelly Ho, “[Almost 3,000 people, including 517 minors, prosecuted so far over 2019 Hong Kong protests](#),” *Hong Kong Free Press*, Oct. 27, 2022. For a detailed analysis of the legal system’s handling of the 2019 protest movement, see Jun Chan et al., *The Hong Kong 2019 Protest Movement: A Data Analysis of Arrests and Prosecutions*, Georgetown Center for Asian Law report, October 2023.

6 Lily Kuo, “[Beijing to impose Hong Kong security laws ‘without delay’](#),” *The Guardian*, May 24, 2020.

7 Elaine Yu, “[Activist Flees Hong Kong After Patriotic Education Trip to China](#),” *Wall Street Journal*, December 4, 2023.

REPORT FRAMEWORK

This report examines the post-2019 challenges facing civil society in Hong Kong, focusing especially on non-governmental organizations, which we define as non-state, non-profit, voluntary entities formed by people in the social sphere that are separate from the State and the market.⁸ Through interviews with various civil society actors, we examine the government's tools for eliminating or restricting NGOs, including legal measures like the NSL and Covid-19 emergency measures, and extra-legal pressures like state media intimidation and the co-opting of business interests. We will then examine the state of civil society post-crackdown, and analyze whether there is a way forward for independent NGOs to operate effectively in the city.

In highlighting the tools used to crack down on civil society activists and organizations, we seek to illustrate the ways in which Hong Kong's law and governance structures have evolved since the 2019 protests. To be sure, the Basic Law structure that has been in place since 1997 has always been imperfect: colonial-era laws remained on the books, and the courts were at times unwilling to issue rights-protective rulings in line with international human rights law and comparative best practice. That said, Hong Kong could credibly claim to be an open society prior to the implementation of the 2020 NSL: any visitor to Hong Kong could see for themselves the ways in which Hong Kongers exercised their rights on a daily basis, in stark contrast to the limits on the Mainland. Those days are over, at least for now. This report documents the toolkit that the Hong Kong government and Beijing have used to dismantle a once-robust civil society sector, and how both have placed significant limits on society as a whole.

The report consists of five sections in addition to this Introduction and Overview. Section II provides a factual and legal background of Hong Kong's civil society development and the ensuing crackdown. Section III examines the legal and extra-legal toolkit used by the authorities to intimidate NGOs and activists with reference to first-hand data and publicly available resources, and provides a detailed case study. In view of the enactment of the NSL and sweeping crackdown on civil society amidst the outbreak of Covid-19 pandemic since 2020, Section IV details how the crackdown has undermined good governance and individual rights in Hong Kong. Section V examines how NGOs in Hong Kong have sought to adapt to the new environment to mitigate risks, and assesses the effectiveness and limitations of these strategies. Section V also investigates what is still possible in the existing space, and what diaspora activists and the international community are doing to pick up the effort abroad. Finally, Section VI summarizes our conclusions and makes several recommendations going forward.

KEY FINDINGS

The evidence and accounts we present in this report have led us to a number of key findings:

- **The crackdown's devastating impact on NGOs:** Since 2020, the crackdown on civil society has dealt a severe blow to Hong Kong's NGOs. A few NGOs have been directly targeted by the government or its allies, which created a chilling effect and led a much larger group of NGOs to shut their doors. This report documents the closure of 90 NGOs and 22 media groups between June 30, 2020 and December 31, 2023.

⁸ NGOs represent a wide range of interests and ties. They can include community-based organizations as well as non-governmental organizations (NGOs). In addition, in the context of the UN Guiding Principles Reporting Framework, NGOs do not include business or for-profit associations. See UN Guiding Principles Reporting Framework.

The crackdown wiped out almost all human rights and pro-democracy groups, as well as most independent labor organizations and a number of social and cultural groups.

- **Government's hybrid suppression tools:** The government uses both legal and extra-legal methods to silence dissent and pressure NGOs. The government has used the NSL, Covid-19 emergency measures, and pre-existing laws including sedition to prosecute and harass those who express dissenting political views. But the government has also extended its reach beyond these tools through the use of extra-legal measures such as intimidation through state media, use of government-aligned third parties to harass dissidents and independent media, co-opting employers to hamper NGO activists, and harassment of family members. All of these tools have all too clear parallels with the Party's approach to controlling civil society inside Mainland China.
- **Uncertain red lines cause a chilling effect:** The vagueness of the NSL and the government's seemingly arbitrary use of its suppression methods caused many interviewees to express concerns about the constantly shifting "blurry red line." While this uncertainty has led many NGOs and activists to cease operations, those that remain have sought ways to mitigate legal risks, resulting in weakened mobilization capacities and intensified self-censorship. As the core political rights of free expression, assembly, and association have been curtailed, it has been difficult for NGOs to strike a balance between their missions and the security of their members.
- **Misuse of Covid-19 emergency measures:** During the Covid-19 pandemic, the authorities curtailed freedom of assembly and speech under the guise of anti-pandemic measures such as gathering bans and social distancing rules. Activists and government critics faced penalties or prosecution under these measures, sometimes even while abiding by them, while pro-government gatherings and ordinary gatherings in commercial venues that violated the restrictions were often allowed to proceed. Hong Kong was one of the last places in the world to lift Covid-19 restrictions, finally doing so in early 2023, but the restrictions on public assembly have continued, with different rationales.
- **The weakening of civil society has led to weakened legal and political protections:** The NGO crackdown has severely undermined rule of law, Basic Law rights protections, and good governance. Since 1997, NGOs have served an important purpose in monitoring such encroachments on Hong Kong's autonomy, often mobilizing and collaborating with stakeholders to advocate policies and protect rights. But with the wave of NGO closures and the dramatic curtailing of the civic space, they have been unable to serve this function, creating a self-propagating spiral that continues to weaken the city's once-autonomous institutions and its constitutional rights protections. Rights protections only exist if there are individuals and groups in place to insist on their enforcement, day in and day out. Many of those key voices have gone quiet, and others have left Hong Kong altogether.
- **The quality of government policy and the legislative process will both suffer.** Though an in-depth analysis of government policymaking and the legislative process are beyond the scope of this report, nonetheless we believe it is likely that both will suffer as a result of the crackdown on civil society. For decades, NGOs and civil society activists have weighed in on a range of issues, from public health to education to housing policy. Their recommendations, often informed by day-to-day contact with affected communities, enriched the legislative process, and informed government

policy. We fear that the absence of these groups — paired with a new crop of legislators and government officials whose eyes are turned toward Beijing — will have a direct negative impact on the overall quality of governance in Hong Kong, for years to come.

- **Many activists continue to seek ways to make change:** In light of the deteriorating situation, NGOs have had to revise and limit their goals. While NGOs can no longer overtly work on political and civil rights, there is still room for quieter work on rights matters that Beijing sees as less of a threat, such as rights of ethnic, racial, and sexual minorities, economic justice, and workers' rights. Organizing models are becoming more informal and based around person-to-person connections, moving away from formal coalitions and organizational advocacy.
- **Diaspora groups are picking up the work from abroad:** Many of Hong Kong's most civic-minded citizens have fled to the U.S., the U.K., Canada and elsewhere, as part of a mass migration of hundreds of thousands since the imposition of the NSL. While this "brain drain" has weakened what remains of Hong Kong's civil society, Hong Kong diaspora groups and exiled activists abroad continue to advocate for Hong Kong's democratic development and human rights in ways that are now forbidden in the city itself.
- **The government is pivoting to focus on overseas activists and groups.** Perhaps recognizing the growing effectiveness of diaspora voices, the Hong Kong government has started to train its fire on exile Hong Kongers, including individuals now based in the U.S., the U.K., Australia, and elsewhere. In some cases, the government has targeted foreign citizens who are based in their home country. This emerging pattern of threats and harassment will likely intensify over the coming year, as the government rolls out new so-called Article 23 legislation that could also be used to target overseas voices.

RESEARCH METHODOLOGY

This research adopted a purposive and snowball sampling methodology to identify interviewees. Data collection was conducted via one-on-one in-person or virtual interviews. We conducted 27 interviews, covering 26 NGOs in Hong Kong. The interviewees include activists in and outside Hong Kong who once held significant roles with NGOs that disbanded or were significantly impacted by the government's curtailing of civic space since 2020. The interviewees are either former core members of the organizations' governing bodies or former staff at managerial or operational levels. Many are veteran activists with extensive experience in public affairs and activism, while some are young activists who emerged during the 2014 Umbrella Movement or 2019 Anti-Extradition Movement.

The NGOs covered in the interviews included unions, advocacy groups, professional groups, political groups, cultural organizations, human rights organizations, community groups, humanitarian organizations, and research institutions. Among the 26 organizations, seven were newly established during the 2019 Anti-Extradition Movement, while some were established after the 2014 Umbrella Movement. Approximately one-third of the NGOs were established more than 20 years ago. Given that many experienced Hong Kong civil society advocates are now living in exile, our researchers reached out to activists in various locations worldwide. We conducted 17 interviews in person outside Hong Kong, and the rest were virtual interviews.

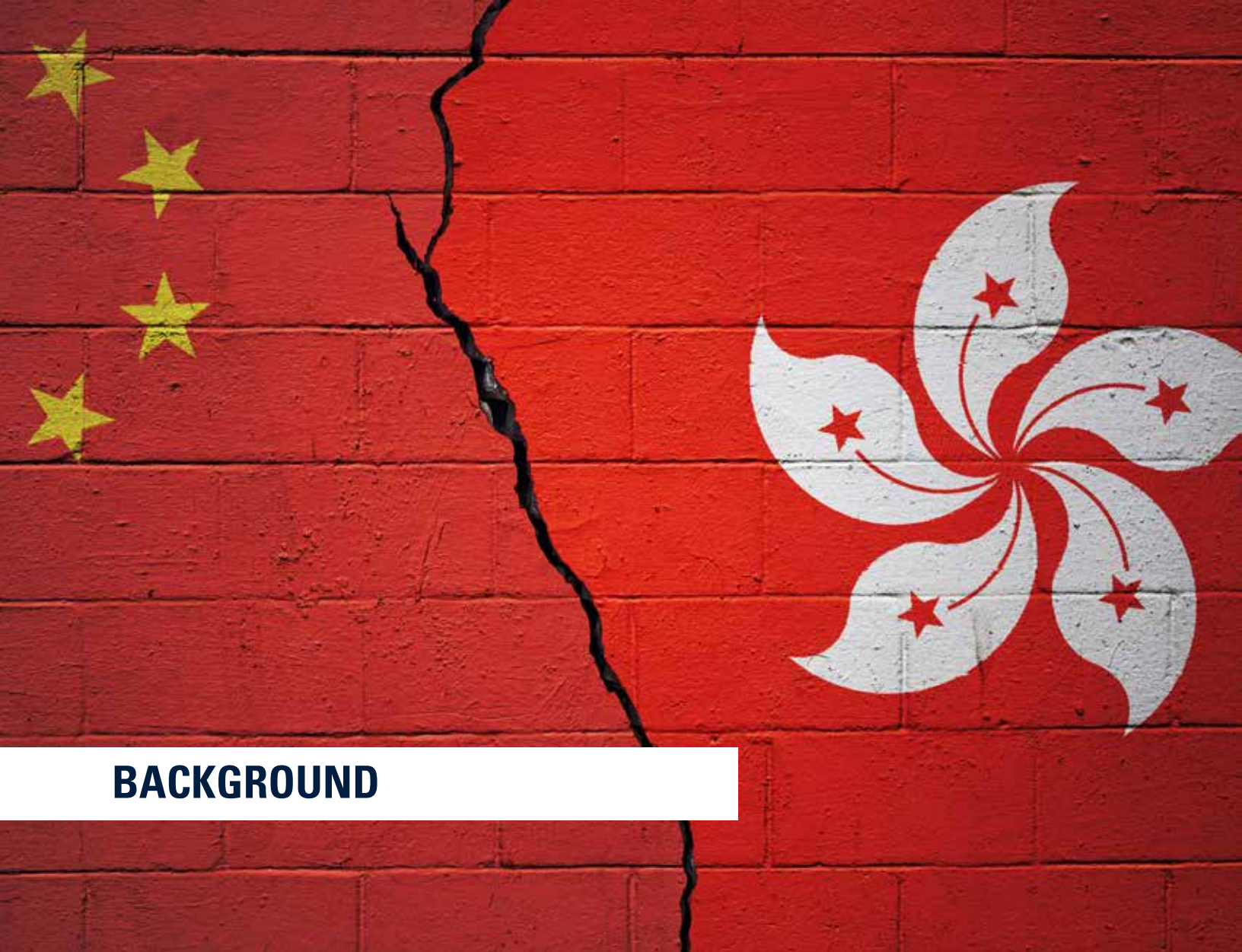
Interviewees did not receive any compensation for their participation. During the interview process, we provided a set of protocols to inform interviewees of the purpose of the research and steps we were taking to ensure the confidentiality of their identity and data.

We obtained verbal informed consent from the interviewees. Interviews were conducted with a set of questions addressing four areas: personal experience with the crackdown on NGOs, NGO strategies in response to the crackdown, observations on the government's methods of suppression, and the impact of Covid-19 measures on the operations of NGOs. All interviewees are anonymized in the reporting of findings.

In addition to interviews, this report is based on a wide-ranging review of the public record, including Chinese and English press reports, academic literature on human rights and rule of law in Hong Kong, and other publicly available sources. The research period covered in this report runs from June 30, 2020 to December 31, 2023.

This report is the latest in a series of reports by the Georgetown Center for Asian Law (GCAL) on human rights and rule of law in Hong Kong in the NSL era. These reports attempt to document the wide-ranging nature of the crackdown on basic rights, and the ways in which the NSL is simply incompatible with Hong Kong's Basic Law constitutional framework.⁹

⁹ See, e.g., Lydia Wong and Thomas E Kellogg, *Hong Kong's National Security Law: A Human Rights and Rule of Law Analysis*, GCAL report, February, 2021. All of our reports on Hong Kong are available on GCAL's website.



BACKGROUND

CIVIL SOCIETY IN HONG KONG PRE-NSL — A QUALIFIED SUCCESS?

THE STORY OF HONG KONG'S POST-WORLD WAR II ECONOMIC TRANSFORMATION IS AN IMPRESSIVE ONE: WITHIN A FEW DECADES, HONG KONG EVOLVED FROM A RELATIVELY POOR COLONIAL TRADING AND MANUFACTURING OUTPOST INTO A GLOBAL FINANCIAL POWERHOUSE WITH A FIRST-WORLD ECONOMY. LEGAL AND POLITICAL REFORMS WERE MEANT TO SERVE THE GOAL OF ECONOMIC DEVELOPMENT, AND ALSO TO BOLSTER THE COLONIAL GOVERNMENT'S WEAK GOVERNING LEGITIMACY. AT THE SAME TIME, HOWEVER, THESE REFORMS ALSO CREATED THE SPACE NEEDED FOR CIVIL SOCIETY FORMATION.

Beginning in the 1970s, the British colonial government — somewhat belatedly, its critics argue — began a series of legal and political reforms that at least partially updated what was a classic colonial governance structure.¹⁰ These reforms were by no means linear, nor were they complete by the time of the 1997 Handover: the restrictive Societies and Public Order Ordinances remained on the books, for example, and both have been used by the post-Handover SAR government to restrict basic rights, including during the 2019 protest and in the years that followed.¹¹

Political parties faced even greater barriers to formation and growth. When they began to form in the late 1980s, political parties had to operate within a non-democratic framework, one that evolved slowly into what could at best be described as a semi-democratic system. The role of political parties, and even elected legislators, was structurally restricted, both under the British colonial regime, and under the post-1997 Basic Law framework. As a result, political parties were limited in what they could deliver to their supporters. Perhaps unsurprisingly, such limitations made it difficult for political parties, particularly those in the pro-democratic camp, to build long-term public trust and support.¹²

Still, these structural limitations and difficulties aside, the story of civil society development in Hong Kong, both before and after the 1997 Handover, is an impressive one: groups were able to form, and to recruit members. They sought both domestic and international funding for their work, and built a cadre of experienced activists, many of whom became key political figures in their own right. For years after 1997, activists and organizations made robust use of the rights protections under the Basic Law constitutional structure: they organized protests, including the annual June 4 vigil; they spoke out on a range of issues of public concern, such as the rights of migrant workers and LGBT individuals; and they pushed, often without success, for pro-democratic reforms that would make Hong Kong's political system more responsive to the needs and wishes of its people. And they formed a wide range of organizations, including grassroots NGOs, trade unions, professional associations, and policy-focused think tanks.¹³

Though it is beyond the scope of this paper, Hong Kong civil society groups also played a vital role in monitoring and reporting on human rights and rule of law in Mainland China. High-profile international groups like Amnesty International and Human Rights Watch maintained offices and research staff in Hong Kong for many years, documenting important developments across Mainland China. Local groups like the China Human Rights Lawyers Concern Group (CHRLCG) were formed in Hong Kong, and staffed largely by Hong Kongers who saw developments across the border as directly tied to Hong Kong's political and legal trajectory. As discussed in more detail below, all of these groups have been deeply impacted by the NSL: international groups have been forced to close their Hong Kong offices and relocate staff elsewhere, and many domestic groups, including CHRLCG, have had to close their doors entirely.¹⁴

10 For a rigorous critical assessment of the British colonial legacy in Hong Kong, see Ming K. Chan, "The Legacy of the British Administration of Hong Kong: A View from Hong Kong," *The China Quarterly*, No. 151, Sept. 1997, pp. 567-582.

11 For an in-depth analysis of the use of the Public Order Ordinance as a tool to crack down on peaceful protest during the 2019 pro-democracy protest movement, see Jun Chan et al., *The Hong Kong 2019 Protest Movement: A Data Analysis of Arrests and Prosecutions*, Georgetown Center for Asian Law report, October 2023, pp. 27-48.

12 Andrew Chun Kit Yu, "Harmony and Discord: Development of Political Parties and Social Fragmentation in Hong Kong, 1980-2017," *Open Political Science*, 2019, 2: 53-63.

13 Yan-ho Lai, "A 'Leader-full' Movement Under Authoritarianism: Mobilization Networks in Hong Kong's Anti-Extradition Movement" in Anthony J. Spires and Akihiro Ogawa (eds), *Authoritarianism and Civil Society in Asia*, Routledge, 2022, chapter 1.

14 CHRLCG announced its closure in September 2021, after receiving a letter of enquiry from the Hong Kong police, asking after its funding sources and activities. Rhoda Kwan, "Hong Kong group supporting human rights lawyers in China is latest to disband amid police pressure," *Hong Kong Free Press*, September 23, 2023.

For years in the run-up to 2019, Hong Kong had many of the hallmarks of a vibrant and mostly free civil society. Year in and year out, the streets of Hong Kong were regularly filled with protesters peacefully calling for government action on any number of different issues. Even groups that were barred in China could take to the streets in noisy public protest: the religious group Falun Gong, for example, regularly received government permission to hold rallies and marches to protest the persecution of their movement by officials on the Mainland, even as they were sometimes harassed by pro-Beijing groups.¹⁵ On any given weekend in commercial centers like Causeway Bay and Mongkok, NGOs and political parties would set up street booths where they would advocate for policies, collect petition signatures, and promote their preferred candidates for elective office. The civil society scene was robust, and it touched the lives of virtually every Hong Konger in some way.

Many NGOs took advantage of Hong Kong's semi-democratic political institutions to lobby legislators to adopt their preferred policy proposals. To be sure, key anti-democratic elements of Hong Kong's political structure — including so-called functional constituencies and the lack of direct elections for the Chief Executive — limited what civil society lobbying could achieve. Still, despite these very real limitations, many NGOs built expertise and networks to allow for complex advocacy, rapid political mobilization, and support services for vulnerable groups.

In some cases, these networks of activists and NGOs were formalized into coalitions. The most prominent example was the Civil Human Rights Front (CHRF), a coalition of dozens of NGOs established in 2002 that included a wide range of like-minded groups such as professional unions, democracy NGOs, minority support groups, and LGBTQ advocacy organizations. CHRF demonstrated its effectiveness most prominently with its annual July 1 marches—held on Establishment Day, the anniversary of Britain's 1997 Handover of Hong Kong to Beijing. For the first of these marches on July 1, 2003, CHRF organized a rally attended by an estimated 500,000 people to oppose an earlier version of a proposed national security law (which was soon withdrawn).¹⁶ In each subsequent year, CHRF's July 1 marches would bring masses out in support of democracy and autonomy for the city.

One core NGO member of the CHRF coalition was the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (commonly known as the Hong Kong Alliance), founded during the 1989 Tiananmen Square protests.¹⁷ Since 1990, the Hong Kong Alliance held annual candlelight vigils in Hong Kong's Victoria Park every June 4th—the anniversary of the crackdown in Tiananmen Square — drawing tens of thousands (and sometimes hundreds of thousands) of participants, while advocating throughout the year for democracy in China and Hong Kong.

CHRF also featured several labor unions, including the Hong Kong Professional Teachers' Union (HKPTU) and the Hong Kong Confederation of Trade Unions (HKCTU). The HKPTU was formed in 1974 and was the largest single union in the city,¹⁸ while the HKCTU was formed in 1990 by a diverse group of smaller unions.¹⁹ The founders of the HKCTU also

15 Greg Torode et al., "Special Report: The battle for Hong Kong's Soul," *Reuters*, June 30, 2014.

16 For more on the Article 23 legal proposals that led to the 2003 protest movement, see Thomas E. Kellogg, "Legislating Rights: Basic Law Article 23, National Security, and Human Rights in Hong Kong," *Columbia Journal of Asian Law*, 17(2), pp. 307-369 (2004).

17 Andy Ho, Chris Yeung and John Tang, "Huge HK Rally Backs Students: Up to 600,000 Call on Li Peng to Quit," *South China Morning Post*, May 22, 1989. The 1.2 million figure appears to have been settled on later. See, e.g. Jimmy Cheung & Claudia Lee, "500,000 Take to Hong Kong's Streets in Protest Against Proposed National Security Legislation," *South China Morning Post*, July 2, 2003.

18 David A. Levin & Stephen W.K. Chiu, "Trade Union Growth Waves in Hong Kong," *Labour History*, Nov. 1998, p. 50.

19 Christopher Siu-tat Mung, "History Will Remember HKCTU's Legacy," *HK Labour Rights Monitor*, Mar. 10, 2022.

founded the Labour Party in 2011, which occasionally won seats in the Legislative Council prior to the extensive reforms to the election system in 2021 that made it virtually impossible for pro-democratic political parties to win seats.

During and after the 2014 Umbrella Movement, a new generation of young activists gained prominence and established their own NGOs. In 2014, Scholarism, a student group formed in 2012 by prominent activist Joshua Wong and other students, played a key role in the boycotts, sit-ins, and occupations of the movement. In the wake of the 2014 movement, “localist” groups such as Hong Kong Indigenous and Youngspiration formed to advocate for Hong Kong’s self-determination, while typically refraining from calls for outright independence. These groups began to gain members and support among the community, with two Youngspiration candidates winning seats in the 2016 LegCo election before being disqualified by Beijing. By the time of the 2019 Anti-Extradition protests, this new generation of groups was operating alongside the older, more established NGOs—sometimes cooperatively, and sometimes at odds.

In retrospect, it’s clear that 2014 was a turning point: after the Umbrella Movement ended, the central government in Beijing pursued a more hardline policy on Hong Kong.²⁰ Month by month, Party officials began to push the Hong Kong government to adopt more hardline policies toward pro-democratic activists and politicians. Increasingly, Mainland officials seemed to be asserting greater authority over seemingly local matters, in ways that infringed on Hong Kong’s autonomy under the One Country, Two Systems framework. At the same time, many activists — including younger activists and students — were radicalized by the events of 2014: they became convinced that Beijing would never live up to the democratic promises that it had made in the Basic Law and the Joint Declaration.

For some, the only way to respond to Beijing’s foot-dragging was to push for independence, an idea that had previously been at the margins of Hong Kong’s political discourse. These two competing trends set the stage for the explosive 2019 protest movement, and the uncompromising crackdown that followed. The frustration that many young people felt also contributed to a mini-wave of new organizations and political parties, many of which took a more confrontational approach to democratization and Hong Kong’s relationship with the central government in Beijing.

During and after the 2019 protests, there was yet another wave of civil society formation. Just on the labor front alone, 489 new unions were formed between 2019 and 2020, a 56 percent increase in the overall number of established unions in Hong Kong.²¹ Student unions at the University of Hong Kong, Chinese University of Hong Kong, and other local universities also began to take a more organized and vocal political role in expressing political demands,²² while new groups like Student Politicism formed after the protests ended in an ultimately quixotic effort to sustain the movement and test red lines.²³

As even this short overview of civil society development in Hong Kong shows, many Hong Kong citizens are anxious to engage with their government on matters of public concern. Efforts to block public participation or crack down on civil society activism have generally failed to frustrate this deep-seated desire for public participation and democratic

20 For more on the path from the 2014 Umbrella movement to the 2019 pro-democracy protests, see Davis and Kellogg, *The Promise of Democratization in Hong Kong: Discontent and Rule of Law Challenges*, NDI and GCAL report, April 2020, pp. 12-15.

21 Registry of Trade Unions, Labour Department of Hong Kong, “Annual Statistical Report of Trade Unions in Hong Kong 2020,” Sept. 2021.

22 Timothy McLaughlin, “The Anger of Hong Kong’s Youth,” *The Atlantic*, Sept. 22, 2019.

23 Kelly Ho, “Hong Kong Student Politicism activist seeks ‘to bring hope’ despite multiple arrests,” *Hong Kong Free Press*, Jul. 10, 2021.

governance. Instead, such moves, both by the Hong Kong government and by Beijing, have led to deeper public alienation and distrust. Without doubt, years of foot-dragging on political reform contributed directly to the massive 2019 protests, which in turn has led to the years-long crackdown on civil society documented in this report.

The lesson that the Hong Kong government should take from several decades' worth of civil society mobilization is clear: civil society and public engagement — as well as democratic reform, a key element of an open society that is beyond the scope of this report — is the solution to Hong Kong's political and governance woes, not the problem. The crackdown on civil society has succeeded, at least for now. But we believe that, when the opportunity presents itself, civil society groups will reemerge. It will likely take years, but the people of Hong Kong will eventually reclaim the space that has been closed, and Hong Kong's once-vibrant civil society will return.

THE 2020 NATIONAL SECURITY LAW AND THE CRACKDOWN ON NGOS

At the beginning of 2020, just weeks after the pro-democracy camp won its stunning victory in the District Council elections, the street protests were paused by Covid-19 related restrictions on public gatherings. Unbeknownst to both the protest movement and senior Hong Kong government officials, the Communist Party had already decided to create a new tool for dealing with the protests: a new National Security Law (NSL). The new law would have far-reaching consequences for both Hong Kong civil society, and for human rights and rule of law in Hong Kong.

At midnight on June 30, 2020, with no local consultations, Beijing imposed the NSL on Hong Kong. Its provisions and the process by which it was imposed violated both Hong Kong and Chinese laws, but there was no way to challenge the law or stop its implementation.²⁴ At a protest on July 1, the day the law took effect, ten people were arrested under the NSL, with one ultimately sentenced to nine years' imprisonment after his motorcycle skimmed a police line while he was waving a "Liberate Hong Kong, Revolution of Our Times" protest banner.²⁵ Within a week, the government declared that mere display of protest slogans such as "Liberate Hong Kong" and singing protest-related songs such as "Glory to Hong Kong" could constitute subversion under the NSL.²⁶

Since then, the Hong Kong government has used the NSL and other laws—most notably the British colonial-era Sedition Law, to which the Court of Final Appeal has applied the National Security Law's provisions²⁷—to both silence individual political speech and purge NGOs that it perceived as pro-democracy or acting counter to Beijing policy. As of December 2023, 286 individuals have been arrested under the NSL and Sedition laws, many of whom were affiliated with NGOs. These arrests have targeted both radicals and moderates, from virtually all walks of life. The government has charged everyone from members of the democratic legislative opposition to the authors of anti-police abuse children's books, and from media tycoons to ordinary online commenters.²⁸

24 Lydia Wong & Thomas E. Kellogg, *Hong Kong's National Security Law: A Human Rights & Rule of Law Analysis*, Georgetown Center for Asian Law report, February 2021.

25 Kelly Ho, "Activist Tong Ying-kit jailed for 9 years in Hong Kong's first national security case," *Hong Kong Free Press*, Jul. 30, 2021. For an in-depth analysis of the Tong Ying-kit case and the court's verdict, see Kellogg and Lai, *The Tong Ying-Kit NSL Verdict: An International and Comparative Law Analysis*, GCAL Briefing Paper, October 2021.

26 Reuters Staff, "Timeline: The impact of the national security law on Hong Kong," *Reuters*, Jan. 5, 2021.

27 *HKSAR v. NG Hau Yi Sidney et al.*, [2021] HKCFA 42 (14 December 2021).

28 Lydia Wong et al., "Tracking the Impact of Hong Kong's National Security Law," *ChinaFile*, last updated Mar. 13, 2023.

More than three years after the passage of the NSL, the government has a 100% conviction rate in national security cases, a record that is unlikely to be blemished with even a single loss anytime soon.

The result of this weaponization of Hong Kong's legal system has been the near-complete silencing of pro-democracy and other dissenting voices, with many in Hong Kong now afraid to speak out. And, as the following sections will show, NGOs have been deeply damaged as well.



THE NATIONAL SECURITY CRACKDOWN

AS OF OCTOBER 1, 2022, WE HAVE DOCUMENTED THE CLOSURE OF AT LEAST 90 LOCAL NGOS CONNECTED TO THE POST-NSL CRACKDOWN. (THE TRUE NUMBER IS ALMOST CERTAINLY SIGNIFICANTLY HIGHER: OTHER NGOS NOT INCLUDED IN OUR COUNT, INCLUDING DOZENS OF LABOR UNIONS, HAVE ALSO SHUT DOWN OVER THE PAST THREE AND A HALF YEARS, BUT WE HAVE ONLY INCLUDED THOSE FOR WHICH WE COULD CLEARLY ESTABLISH A CONNECTION BETWEEN THE NSL-FUELED CRACKDOWN AND THE GROUP'S DECISION TO CLOSE.²⁹)

²⁹ Other groups have tallied the total number of closures in specific sectors, citing the NSL as the presumptive reason for the decision to close down. According to the U.K.-based Hong Kong Labour Rights Monitor, for example, 175 labor unions have been forced to disband since the NSL went into effect. Hong Kong Labour Rights Monitor, "[Hong Kong Trade Union Movement Under the National Security Law](#)."

Most of the shuttered organizations were deeply engaged in pro-democratic advocacy or civil and political rights promotion and defense as a core element of their day-to-day work. We also found 22 media organizations that closed, leaving behind only a small, under-resourced group of independent media whose ability to challenge the government has been greatly curtailed.³⁰

Though it is not the focus of this report, a large number of international organizations also left Hong Kong after the NSL went into effect. Many of the groups that closed their Hong Kong offices were focused on human rights, democracy, and the rule of law. In October 2021, for example, the global human rights monitoring organization Amnesty International announced that it was closing its Hong Kong-based East Asia Regional Office.³¹ At the same time, Amnesty also announced the closure of its local chapter, which had been active in Hong Kong for several decades, and had served as a training ground for a number of top rights activists. The rights group Human Rights Watch, which long maintained a lower-profile presence in Hong Kong, had already ended its presence in the city, doing so after the Chinese government threatened the group over its advocacy work on Hong Kong.³²

An uncountable number of other international organizations have also closed their Hong Kong offices, often doing so quietly so as to avoid drawing further unwanted government attention to their local staff. Since the NSL went into effect, the authors of this report have heard from several international organizations who have either closed down their offices in Hong Kong, or have barred staff from traveling to Hong Kong on official business. More than three years after the NSL went into effect, it is still unclear whether international NGOs can travel to Hong Kong safely, and whether they can do collaborative work with Hong Kong partners, including NGOs, professional groups, academics, think tanks, and civil society activists. Given this lack of clarity, many international groups have decided to err on the side of caution, and have refrained from working with, or in some cases even contacting, local partners.

Even with the exodus of a large number of international organizations, local groups have been the hardest hit by the crackdown. The local groups that have shut down can be roughly divided into nine categories: pro-democracy protest groups, human rights advocacy groups, unions and labor rights groups, political parties/groups, professional organizations, student groups, religious groups, cultural groups, and humanitarian aid organizations, with two additional NGOs not fitting into any particular category. Trade unions experienced the most significant impact, with 175 unions de-registering since the NSL went into effect.³³ Of those 175 closures, we have established that at least 31 were a direct response to the crackdown (and are thus included in our count). This surge in closures contrasts with only seven unions deregistering between 2018 and 2020.³⁴ 47 of the 63 dissolved unions in 2021 were established in 2019 or 2020, indicating that unions formed during the protest movement were particularly vulnerable.

30 Since the focus of our report is on NGOs of non-profit nature, we segregate the NGOs and media groups in our statistics. All our data are verified via publicly available sources or first-hand data.

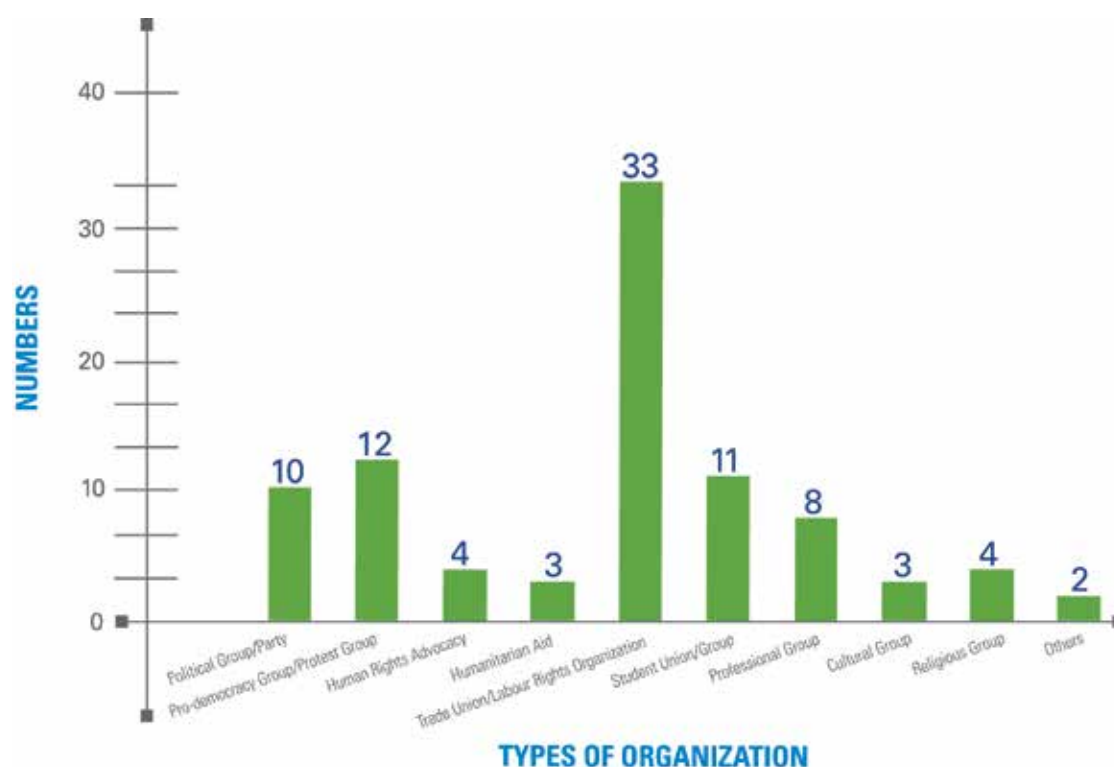
31 "Amnesty International to close its Hong Kong offices," Amnesty International press release, October 25, 2021.

32 Austin Ramzy, "As Hong Kong's Civil Society Buckles, One Group Tries to Hold On," *New York Times*, October 24, 2021.

33 Some unions cancelled their registration without identifiable causes from publicly available sources, and thus are not included in our total of 90 organizations referenced above. It is highly likely that most declined to publicly state their reasons for closure due to fear of government reprisal for doing so.

34 "Hong Kong Trade Union Movement under the National Security Law: Two years into the authoritarian rule," *Hong Kong Labour Rights Monitor*, June, 2022.

Types of Civil Society Organizations Closed in Hong Kong (June 30, 2020 — December 31, 2023)



Some NGOs disbanded immediately after the NSL's enactment, such as the youth-focused political group Demosisto.³⁵ However, many groups attempted to continue operating while attempting to comply with the NSL's vague terms. They initially adopted a wait-and-see attitude, trimming their sails but keeping their doors open. Over the following weeks and months, however, the government's strict implementation of the law led many activists to conclude that continued work, especially on more sensitive issues like democracy and human rights, would no longer be tolerated. The only choice, it seemed was to close down. Many activists decided to leave Hong Kong altogether, fearing arrest and imprisonment under the NSL.

The political suppression campaign unfolded in two roughly defined phases. At first, the government targeted high-profile pro-democracy activists like Jimmy Lai, Benny Tai, and Joshua Wong, as well as several smaller and more radical organizations and figures like Studentlocalism. This phase began just after the NSL went into effect, and peaked with the mass arrest of 53 pro-democracy politicians—nearly the entire democratic opposition—in early 2021 for holding a pre-election primary.³⁶ Forty-seven were later charged with conspiracy to commit subversion under the NSL.

The second phase involved dismantling the long-established network of pro-democracy NGOs and more newly-established media organizations. This phase began with a state-sponsored smear campaign against CHRF in March 2021.

35 "Hong Kong activists shut down protest groups after China passes security law," *The Guardian*, June 30, 2020.

36 "53 Hong Kong democrats, activists arrested under security law over 2020 legislative primaries," *Hong Kong Free Press*, Jan. 6, 2021.

INITIAL ATTACKS ON HIGH-PROFILE NGOS AND MEDIA OUTLETS: SPRING AND SUMMER 2021

In retrospect, it's not surprising that CHRF was the first high-profile group to be targeted as the NGO crackdown began in the early months of 2021. Without doubt, CHRF had been on the Chinese government's radar screen for years: founded in 2002, the group, which was an umbrella for a number of leading Hong Kong NGOs, had long played a central facilitating and coordinating role in pro-democracy protest marches in Hong Kong. CHRF's role on the 2019 protest movement was absolutely vital: the group was instrumental in the nuts-and-bolts organizing of the wave of massive demonstrations in 2019, including the two huge marches in June of that year that took the pro-democracy movement to a new, citywide level. This role, as the organizational backbone of the movement, made them a prime target of Beijing.

The attacks on CHRF were initiated by a pro-Beijing Chinese-language Singaporean newspaper, *Lianhe Zaobao*. On March 5, 2021, the paper published a report alleging that CHRF had received foreign funding, and claimed that the organization was under criminal investigation for NSL violations.³⁷ In response, at least six of CHRF's member organizations withdrew from the coalition. Mainland Chinese state-run media and Hong Kong Party-affiliated outlets then began attacking the organization as well, with Hong Kong's *Ta Kung Pao* and the English-language Communist Party newspaper *Global Times* both claiming that CHRF had encouraged riots, in violation of the Societies Ordinance.³⁸ Coalition members continued to withdraw until CHRF disbanded on August 15, 2021, with fewer than ten members remaining.³⁹

As the attacks unfolded, the group's leadership was in disarray: its former convenor, Jimmy Sham Tsz-kit, was arrested as part of the January 6, 2021 political primary arrests and remanded to pre-trial detention.⁴⁰ His successor, the well-known activist Figo Chan, was sentenced to 18 months' imprisonment in May 2021 and an additional 12 months' imprisonment in October 2021 for his role in organizing two protests in 2019 and 2020.⁴¹

Just as CHRF was unraveling, the Hong Kong government renewed its attacks on *Apple Daily*, the city's leading pro-democracy newspaper. In June 2021, the police launched a raid on the paper: scores of police officers flooded the paper's offices, searching the premises as a worldwide audience watched on real time livestream.⁴² At the same time, the police ordered banks to freeze the assets of *Apple Daily* and its affiliated companies, effectively forcing the paper to cease publishing. On June 24, 2021 *Apple Daily* issued its final print run and took its website offline. One million printed copies of this final edition sold out within hours.⁴³

The assaults on CHRF and *Apple Daily* sent shockwaves through civil society. The number of organizations closing their doors surged between March and July 2021.

37 Dai Qing-cheng, "港泛民最大聯合平臺 涉嫌反國安法民陣或很快被取締 [Hong Kong's Largest Pro-Democracy Coalition May Be Banned Soon for Violating the NSL]," *Lianhe Zaobao*, March 5, 2021.

38 Selina Cheng, "Premier Hong Kong protest coalition comes under fire from pro-Beijing and state media, leader vows to continue," *Hong Kong Free Press*, Mar. 19, 2021.

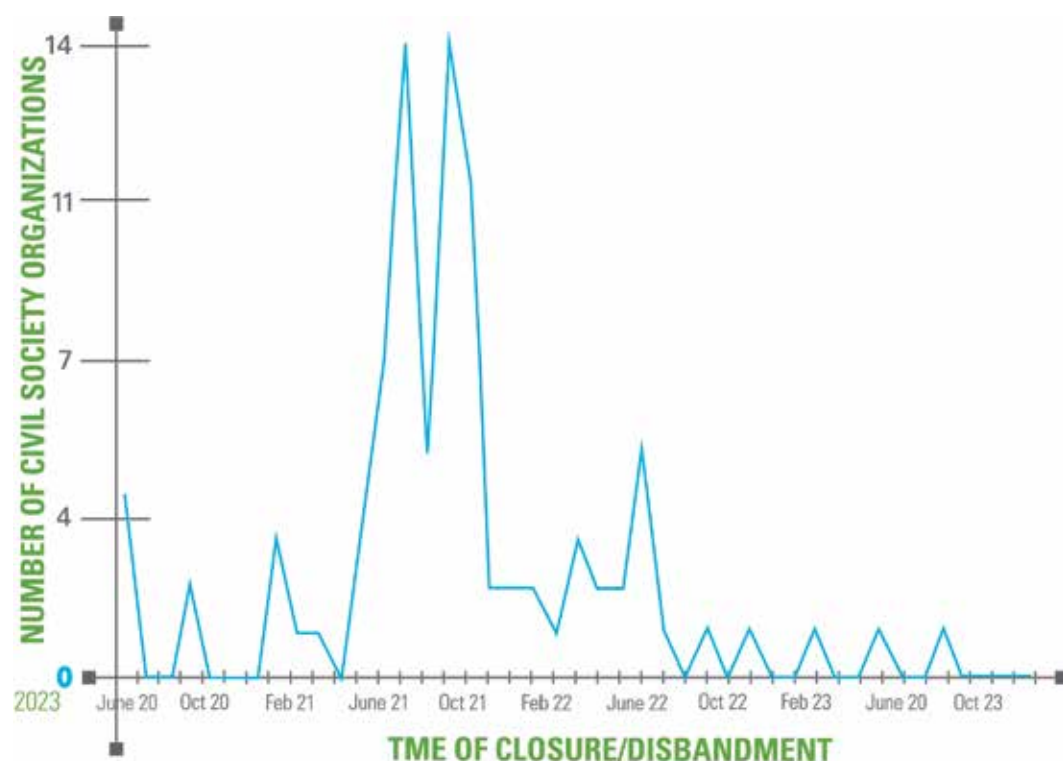
39 Candice Chau, "Organiser of mass Hong Kong demos Civil Human Rights Front disbands citing 'unprecedented challenges,'" *Hong Kong Free Press*, Aug. 15, 2021; "民陣發聲明宣佈解散 稱召集人身陷囹圄 秘書處無法運作" [CHRF Publishes Statement on Disbandment due to Imprisonment of the Convenor and Secretariat's Failure in Operation]," *i-Cable News*, August 15, 2021.

40 "Jimmy Sham's bail denied by the court," *The Standard*, Apr. 12, 2021.

41 Jasmine Siu, "Hong Kong protests: Jimmy Lai jailed for 14 months over role in 2019 illegal rally, while co-defendants receive up to 18 months," *South China Morning Post*, May 28, 2021; "Hong Kong activists jailed for unauthorized protest in 2020," *Al Jazeera*, Oct. 16, 2021.

42 "HK's Apple Daily raided by 500 officers over national security law," *Reuters*, June 17, 2021.

43 Zen Soo, "Hong Kong's last pro-democracy paper sells out final edition," *AP*, June 24, 2021.



Activists we interviewed recounted how the government’s attacks on these two high-profile organizations caused many NGOs to go silent or at least self-censor far more than in the past. A veteran activist of a now-disbanded cultural group noted the realization many groups had at the time, that rights — and therefore potential government targets — are interlinked:

With the narrowing of freedom of assembly, freedom of speech and freedom of the press, artistic freedom would simultaneously be restricted. Since the knife is hovering above your head all the time, you don’t know when you will be beheaded, so there is no longer any freedom from fear.⁴⁴

In other words, the attacks on CHRF and *Apple Daily* sent a message to virtually all activists and organizations in the progressive camp, including those whose work had little in common with either entity. Almost certainly by design, the government was telling civil society groups to beware: if it could force the closure of both one of the top media outlets in Hong Kong, and also one of the most high-profile NGOs, then smaller, less well-known organizations were also highly vulnerable. Activists took note, and many felt compelled to trim their sails accordingly.

As the pressure on NGOs and activists intensified, a climate of fear and frustration emerged. Less than a year after the NSL had gone into effect, no one knew how the lines were being drawn. People were regularly asking each other, who would be targeted next?

With both CHRF and *Apple Daily* well on their way to being shut down, the authorities turned their attention to the Hong Kong Alliance. On June 4, 2021, the 32nd anniversary

44 Interview 20.

of the 1989 massacre, Chow Hang-tung, the then-vice chairperson of the Alliance, was arrested by the Hong Kong Police and charged with inciting an unauthorized assembly under the Public Order Ordinance.⁴⁵ (The annual vigil had itself been denied approval due to Covid-related restrictions on public gatherings.) A few days after the arrest, Luo Huining, the director of the central government's liaison office, told a forum marking the CCP's 100th anniversary that those calling for an end to one-party rule were the "real enemies of Hong Kong."⁴⁶

But it wasn't until they had finally forced CHRF to close down that the national security police fully focused its efforts on the Alliance. On August 25, 2021, ten days after CHRF's dissolution, the national security police wrote to the Alliance, informing the group that it was suspected of being a foreign agent. The letter cited Article 43 of the NSL, which gives national security police wide authority to conduct searches and demand information above and beyond what is allowed under Hong Kong law.⁴⁷ The police demanded detailed information about the Alliance's executive committee members, their identities, the group's income sources, and its activities and meetings since 2014.⁴⁸

The Alliance's chairman, Lee Cheuk-yan, along with Chow and her fellow vice-chair Albert Ho, refused to provide the requested information, calling the request illegal and unjust. The police then arrested all five members of the Alliance's standing committee, including Chow, and charged them in early September 2021 with "not complying with the requirement to provide information."⁴⁹

But the police were not done. On September 9, 2021, Lee, Chow, and Ho were arrested again and charged with "inciting subversion of state power" under the NSL for their advocacy with the Alliance. The Hong Kong Alliance itself was also charged. At the same time, the police froze HK\$2.2 million (USD \$283,000) in Alliance assets.⁵⁰ Police also raided the Alliance's June 4th Museum, which commemorated the Tiananmen Square crackdown, and confiscated computers, documents, and promotional materials from the venue.

With their leadership in prison and assets frozen, the embattled organization was left with little choice but to disband. The organization's remaining members voted to close on September 25, 2021, bringing an end to the organization's 32 years of work.⁵¹ The shutdown of the Hong Kong Alliance and the arrests of its leaders spawned another round of closures by other NGOs. While the dissolutions had tapered off in August, in September and October we found that an additional 25 NGOs that announced their disbandment for reasons related to the crackdown. Sporadic closures would continue, at a much slower pace, in the months following.

By the fall of 2021, the government's approach was clear: it would target a few high-profile organizations, forcing their closure and often jailing the organization's leaders. Likely by design, these moves would trigger other groups to close their doors as well. By targeting NGOs and media outlets occupying different points on political spectrum, including both more radical and relatively moderate voices, the Hong Kong government sent

45 Chan Ho-him and Clifford Lo, "Organiser of Hong Kong's Tiananmen vigil arrested on June 4 anniversary on suspicion of advertising or publicising an unauthorised assembly," *The South China Morning Post*, June 4, 2021.

46 Kari Soo Lindberg, "Rivals of One-Party Rule Are H.K.'s 'Real Enemies,' Beijing Says," *Bloomberg*, June 12 2021.

47 For more on the government's NSL Article 43 investigatory powers, see Wong, et al., *Hong Kong's National Security Law and the Right to a Fair Trial: A GCAL Briefing Paper*, June 2021.

48 Man Hoi Yan, "Hong Kong March Organizers Accused by National Security Police of Acting as 'Foreign Agents,'" *Radio Free Asia*, August 25, 2021.

49 Clifford Lo and Cat Wang, "National security law: three leaders, group behind Tiananmen vigil in Hong Kong charged with inciting subversion against state power," *The South China Morning Post*, September 9, 2020.

50 *Ibid.*

51 Tom Grundy, "Hong Kong Tiananmen Massacre vigil group disbands following pressure from authorities," *Hong Kong Free Press*, September 25, 2021.

the message that any organized pro-democratic political opposition would be closely watched, and could be prosecuted for national security crimes almost at any time — a message heard loud and clear as dozens of NGOs rushed to shut their doors.

ATTACKS ON UNIONS

Later in the summer, the government began to turn its attention to another key sector: labor unions. Starting in the 1970s, unions became more deeply ingrained in the fabric of Hong Kong society. Their formation and proliferation were a key step forward in forging a new and more equitable relationship between Hong Kong citizens and their employers, as well as between Hong Kongers and their government.⁵² During and after the 2019 protests, their numbers and membership exploded. 489 new unions formed between 2019 and 2020, a 56 percent increase over the previous tally.⁵³ Yet, when the government turned its sights on unions in August and September 2021, it didn't just go after these newer, more assertive unions with a younger membership. Instead, the government cast a wider net, targeting both new players and more established, relatively moderate unions.

The Hong Kong Professional Teachers Union (HKPTU), founded in 1973 by prominent activist Szeto Wah, was for many years the city's largest single-industry trade union, with 95,000 members. At the end of July 2021, CCP mouthpiece *People's Daily* and PRC state news agency *Xinhua* began launching attacks on HKPTU, describing it as “a malignant tumor” that should be eradicated from Hong Kong.⁵⁴ Just hours later, in what was almost certainly a coordinated effort between Beijing and the Hong Kong government, a Hong Kong government spokesperson accused the union of “dragging schools into politics” and announced that it was cutting ties with the union altogether.⁵⁵ The education bureau's accompanying written statement announced that it no longer regarded the union as a professional education body and would terminate “any formal or informal meetings with PTU or its representatives” and would no longer “consult it on education-related issues.”⁵⁶

HKPTU initially tried to ease the political pressure by ending its association with a global group of teachers' unions, creating a committee to “promote Chinese history and culture,” restating its opposition to Hong Kong independence, and vowing to “focus on the rights and interests of the education sector.”⁵⁷ None of these efforts worked: it quickly became clear that the government would not be satisfied with any mere political repositioning, and that nothing short of dissolution would do. On August 10, the 48-year-old union announced its closure.⁵⁸ HKPTU's president Fung Wai-wah described the “enormous pressure” they had felt and expressed sorrow at its closure. He lamented that the “social and political situation [had] changed too fast and too quickly,” effectively compelling them to shut down.

With the HKPTU's closure, Hong Kong lost a key voice, both for the rights and interests of

52 David A. Levin and Stephen W.K. Chiu, “Trade Union Growth Waves in Hong Kong,” *Labour History*, No. 75, pp. 40-56 (November 1998).

53 See note 21, above.

54 Liu Ming-yang, “香港教育要正本清源必须铲除‘教协’这颗毒瘤 [Hong Kong Education Sector Needs Radical Reform, ‘HKPTU’ as Malignant Tumour Must be Eradicated],” *Xinhuanet*, July 31, 2021.

55 Rhoda Kwan, “Hong Kong's gov't cuts ties with largest teachers' union hours after Chinese state media attacks,” *Hong Kong Free Press*, Aug. 2, 2021. Candice Chau, “Hong Kong's largest teachers' union to disband following pressure from gov't and Chinese state media,” *Hong Kong Free Press*, Aug. 10, 2021.

56 The Hong Kong Education Bureau, “EDB announces cessation of working relations with PTU,” Press Releases of the Government of the Hong Kong Special Administrative Region, July 31, 2021.

57 Rhoda Kwan, “Hong Kong's largest teacher's union says it will focus on education and serving members after gov't cuts ties,” *Hong Kong Free Press*, Aug. 4, 2021.

58 Chan Ho-him, “Members of Hong Kong's biggest teachers' union vote to disband after 47-year run,” *The South China Morning Post*, September 11, 2021.

Hong Kong's rank-and-file educators, and on education policy more generally. As of this writing, more than two years after PTU shut down, no organization has emerged to take its place. As a result, the Hong Kong education system is navigating a series of difficulties — many of them triggered or exacerbated by the post-2019 mass exodus from Hong Kong — without any institutional input from teachers.⁵⁹

After the PTU was dealt with, the government then turned its attention on the Hong Kong Coalition of Trade Unions (HKCTU). The HKCTU was founded in 1990 and represented almost 100 affiliated organisations with around 145,000 members. It was well-known for its labor advocacy over more than three decades, and was also a leading union voice pushing for democratic reform. Unsurprisingly, many key HKCTU leaders, past and present, were themselves criminally prosecuted in the wake of the 2019 protests: Lee Cheuk-yan, the former secretary general, had been incarcerated for organizing unauthorized assemblies during the 2019 protests, while Carol Ng, its chairperson, had been remanded in custody as one of the 47 democrats who participated in a “subversive” political primary.

The government rolled out the same now-familiar toolkit against HKCTU that it had used against other targets. Beijing-controlled media outlets *Wen Wei Po* and *Ta Kung Pao*, along with local pro-Beijing magazine *East Week*, launched a barrage of attacks, accusing HKCTU of receiving funding from foreign organizations, colluding with foreign forces, and manipulating trade unions into participating in “anti-China” activities to disrupt Hong Kong.⁶⁰ These same outlets cited “sources” who claimed that HKCTU would be criminally investigated soon.

In early September, HKCTU chief executive Mung Siu-tat fled Hong Kong, sensing imminent danger. He resigned his position shortly thereafter.⁶¹ Then, on September 18, the police force declared that the authorities would “definitely follow up on illegal acts or national security violations by any groups.”⁶² The group immediately announced its plans to close, and was formally dissolved on October 3rd, 2021.

Beijing's determination to pursue HKCTU did not stop with the group's closure. Several months later, national security police demanded HKCTU provide information about its sources of income and expenditure, as well as any connections with fellow international unions and foreign organizations.⁶³ After ex-HKCTU officials failed to comply with the request, Hong Kong police searched the shuttered organization's offices, and detained three of its former leaders, including chairman Joe Wong and vice-chair Leo Tang. All three were also ordered to surrender their passports, and were barred from leaving Hong Kong. In November 2022, they were found guilty of violating the Societies Ordinance over their refusal to provide operational information to the police, and were each fined HKD\$8,000. In his statement to the court, Leo Tang said, “I will not just bow and submit my rights.”⁶⁴

As with the HKPTU, no new union has emerged to take the HKCTU's place. As a result, one of the leading voices for labor rights in Hong Kong has been extinguished, with

59 Verna Yu, “Hong Kong schools in crisis as teachers and students flee ‘toxic’ political climate,” *The Guardian*, May 8, 2023.

60 Hong Kong Labour Rights Monitor, “Hong Kong Trade Union Movement under the National Security Law: Two years into the authoritarian rule,” *Hong Kong Labour Rights Monitor*, June, 2022.

61 Mung Siu Tat, *Sept 18, 2021 post*, Facebook.

62 Chan Ho-him, “Hong Kong's largest opposition trade union confirms disbandment, expects to fold by early October,” *South China Morning Post*, September 19, 2021.

63 Peter Lee, “Hong Kong national security police quiz ex-leaders of disbanded pro-democracy union,” *Hong Kong Free Press*, March 31 2022.

64 “HKCTU former executive committee members found guilty of not providing operating information to police,” Hong Kong Labour Rights Monitor press release, November 1, 2022.

almost no prospect of a successor entity emerging anytime soon. Hong Kong workers from a range of different industries have lost an influential institutional player, one that had a long history of standing up for workers' rights against some of the wealthiest and most influential business interests in Hong Kong.⁶⁵ And the Legislative Council and the government, whether they choose to acknowledge it or not, have lost a crucial source of policy expertise. Both this report and much of the broader analysis of the HKCTU's closure has focused on the union's pro-democratic advocacy, and its role in the 2019 protest movement. But the closure of the HKCTU will affect the long-term trajectory of labor law and regulation in Hong Kong, most likely for years to come.

IMPLICATIONS FOR OTHER NGOS

All five of the organizations discussed above — CHRF, *Apple Daily*, the HKPTU, the Hong Kong Alliance, and the HKCTU — disbanded between June and October 2021, as part of a broader wave of 30 civil society groups that shut down in response to the government's crackdown on civil society.⁶⁶ Another spike in closures—primarily among media organizations—took place at the end of 2021 and beginning of 2022, after the forced closure of another major pro-democracy media outlet, *Stand News*.⁶⁷

As the closures mounted, some organizations had their hands forced by the steady departure of their rank-and-file members. Leadership positions also became impossible to fill. As one former union leader told us:

It was the period of time in 2021 when our members had to renew their membership. Our peak membership count was 1,056 people, but during the renewal period, it plummeted to around 100-200 people. When everyone began to quit, there was little we could do. We therefore began to discuss [disbandment]. First, there was the plunge in our membership. Second, after the passage of the NSL, the fear was so strong that nobody dared to take over the committee.⁶⁸

In essence, the government pressure campaign on civil society made it impossible for many organizations to continue to function: their rank-and-file members, quite understandably, feared public harassment or worse merely for continuing to engage, and staffers were hesitant to take on leadership jobs, knowing that doing so could mean that they would face criminal prosecution.

In October 2022, then newly-installed Chief Executive John Lee, Carrie Lam's hardline successor, indicated that any efforts by activists or NGOs to reclaim civic space would be dealt with harshly. In his maiden annual policy speech, he emphasized that national security was the government's priority. Lee vowed to "further strengthen the legal system and enforcement mechanisms for safeguarding national security"⁶⁹ and proposed yet another anti-subversion law, this time under Article 23 of the city's Basic Law.⁷⁰

On January 30, as this report was being prepared for final publication, the government announced its Article 23 proposals, and published a lengthy consultation document. Many of the government's proposals, if enacted, could further restrict the environment

65 Tim Pringle and Peng Pai, "[Hong Kong's Trade Unions Are Under Attack](#)," *Jacobin*, October 2021.

66 See Chart 2: NSL-Related Civil Society Closures (From June 30, 2020 to December 31, 2023) on p.19

67 Natasha Khan, "[Hong Kong Pro-Democracy Site Stand News Closes After Arrests, Raid](#)," *The Wall Street Journal*, December 29, 2021.

68 Interview 10.

69 Clare Jim and Twinnie Siu, "[Hong Kong leader prioritizes talent, security in first policy address](#)," *Reuters*, October 19, 2022.

70 Verna Yu, "[Hong Kong leader aims to attract talent but vows further crackdown](#)," *The Guardian*, October 19, 2022.

for civil society formation and activity in Hong Kong. GCAL is currently researching these proposals, and intends to publish our analysis of them, and of the government's eventual legislation, at a later date.

THE GOVERNMENT'S CRACKDOWN TOOLKIT

As the above summary of the first phases of the crackdown makes clear, the government has used various legal and extra-legal tools to attack, intimidate, and even imprison its targets. In this section, we describe in deeper detail the mix of tools that the Hong Kong government and Beijing have deployed in the ongoing crackdown against NGO activists.

Many of the key tools that Hong Kong and Beijing have deployed are all too familiar to Mainland Chinese activists. They understand the ways in which the legal system can be weaponized to punish peaceful political speech, assembly, and association. They know how policy advocacy can be labeled a national security threat, and punished accordingly. In that sense, the use of the NSL to arrest and imprison Hong Kong NGO activists parallels the increased use of national security laws against activists on the Mainland under Xi Jinping. In both places, the trend seems likely to continue in the months and years to come.

The use of such legal tools is by no means unknown in the Hong Kong context: colonial-era laws such as the Public Order Ordinance and the sedition provision of the Crimes Ordinance remained on the books after the 1997 Handover, and were used from time to time to punish peaceful activism. But there is simply no parallel in post-1997 Hong Kong history — in scope of targets, and severity of punishments doled out — to the weaponization of the law in Hong Kong since 2019, and especially since the implementation of the NSL on July 1, 2020.

Similarly, none of the extra-legal tools that have formed a key component of the government's toolkit in Hong Kong over the past four-and-a-half years are wholly new: some Hong Kongers have been the victims of political violence at the hands of pro-Beijing thugs before 2019, and others have been followed or harassed by unknown parties on the streets of Hong Kong.⁷¹ Pro-Beijing newspapers like *Ta Kung Pao* and *Wen Wei Po* have published attacks on leading pan-democratic politicians, activists, and lawyers for many years, and have done the same to any number of international experts traveling to Hong Kong, including one of the co-authors of this report. Still, the sheer number of published attacks since 2020, and the legal and personal security consequences that flow from them, are unprecedented.

Another new aspect of the current crackdown is its much broader intimidation effect. In years past, those targeted for harassment and intimidation usually knew why they were targeted. Those around them, who had not crossed similar red lines, generally knew that they wouldn't face similar treatment. In 2003, for example, the former journalist and prominent pro-democracy politician Emily Lau had her office vandalized by unknown parties after she spoke at a meeting organized by a pro-independence think tank in Taipei.⁷² The vandalism was apparently meant to send a message about her comments on Taiwan's political status. Other pro-democracy politicians were not similarly targeted.

The current crackdown, by contrast, weaponizes ambiguity and fear: as many interviewees told us, as the crackdown unfolded, it was never clear who was next on the govern-

71 See, e.g., Thomas E. Kellogg, *A Question of Patriotism: Human Rights and Democratization in Hong Kong*, Human Rights Watch briefing paper, September 9, 2004.

72 Thomas E. Kellogg, "The Hong Kong Lawyer Controversy and Self-Censorship in Hong Kong," *The Hong Kong Journal*, Winter 2008.

ment's list. As a result, many organizations chose to shut down rather than waiting to be attacked. The toolkit that we describe below has been incredibly effective in generating fear and uncertainty, and it has apparently had the desired impact: scores of activists left Hong Kong since the NSL went into effect, joining a broader historic exodus numbering in the hundreds of thousands.

WEAPONIZATION OF THE LAW: NATIONAL SECURITY LAW AND SEDITION PROSECUTIONS

From July 2020 to December 31, 2023, 286 individuals were arrested by the Police Force's National Security Department (NSD) for crimes under the national security law or associated sedition law, of which 24% were for subversion and another 40% were for speech crimes.⁷³ 156 people have been charged.

Hong Kong officials often say that the number of arrests and charges support their position that only a "small number of people" have been affected by the law.⁷⁴ However, it is hard to take these comments seriously. As described in the previous section, the national security bureau has targeted a wide range of groups and individuals ranging from radical to moderate, from all walks of life, and for even the most benign forms of political expression. This approach has resulted in a climate of silence and fear among Hong Kong NGOs, and among the broader public. Without question, the law casts a dark shadow over virtually all aspects of public and political life in Hong Kong: every Hong Konger has been affected, either directly or indirectly, by the NSL.

Even activists who have attempted to show support to their colleagues in seemingly innocuous ways have been targeted for criminal prosecution. In one particularly egregious case, six people including the Hong Kong Confederation of Trade Unions vice-chair, Leo Tang, were arrested for sedition for clapping in court in response to statements by political defendants,⁷⁵ sending a message to the public that even expressing unspoken support for prisoners can result in national security charges. In other cases, individuals have been arrested over online comments critical of the government's Covid policy, which suggests that the scope of the NSL is not limited to speech or activism related to democratic reform or the 2019 protest movement.

Perhaps most impactful of all were three high-profile police operations: the citywide sweep in January 2021 in which 53 political leaders were arrested for holding a democratic primary, 47 of whom were later charged,⁷⁶ and the 2021 charges against independent media outlets *Apple Daily* and *Stand News* for collusion with foreign forces and sedition, respectively.⁷⁷ In the case of the 47 politicians, the government signaled that even ordinary democratic processes would not be tolerated—taking steps to win elections against pro-establishment candidates was, quite literally, declared illegal. And in the media cases, the government has made clear to all Hong Kong journalists that challenging the government line in either news or opinion pieces will no longer be tolerated.

Beyond selective prosecution, national security police have engendered a climate of fear via the launch of a national security hotline. This hotline was launched on November 5,

73 Lydia Wong, Eric Yan-ho Lai, Charlotte Yeung, and Thomas Kellogg, "[Tracking the Impact of Hong Kong's National Security Law](#)," *ChinaFile*, Asia Society, January 5, 2024.

74 See, e.g., Harvey Kong, "[Hong Kong national security law: small number of people arrested or convicted in 3 years, justice chief says](#)," *South China Morning Post*, Apr. 2, 2023.

75 "[Hong Kong: 'Sedition' arrests after clapping in court a new low for human rights](#)," *Amnesty International*, Apr. 6, 2022.

76 "[Hong Kong: 47 Lawmakers, Activists Face Unfair Trial](#)," *Human Rights Watch*, Aug. 22, 2022.

77 "[Six months after Apple Daily, Hong Kong executive dismantles Stand News, another symbol of press freedom](#)," *Reporters Without Borders*, Dec. 30, 2021.

2020, and received 200,000 reports by its first anniversary in November 2021.⁷⁸ By December 2022, the number of tip-off messages had reached 380,000.⁷⁹ It's unclear whether the hotline has achieved its intended purpose of creating a tip-off culture in Hong Kong. But at the very least, it has made Hong Kongers more wary of what they say and do, even in ostensibly private conversations among friends and colleagues.

One former NGO staffer we interviewed recalled the group's receipt of an anonymized email sent to the reporting hotline of the NSD, which was also copied to the organization, accusing it of violating the NSL. The NGO staffer clearly recalled the alarm the incident caused: "For a period of time, the situation was tense for us, the pressure immense," this person told us. "Within a very short period of a few days, we undertook risk mitigation measures."⁸⁰

As this case and many others like it make clear, even the mere threat of criminal prosecution is enough to push individuals and organizations to self-censor. In many cases, the authorities can achieve their goals merely by posing questions to members of the group, with no arrest, charge, or conviction needed.

THE PUBLIC ORDER ORDINANCE

The colonial-era Public Order Ordinance (POO) has always been a controversial law, with concerns raised over the years about its approval mechanism for public gatherings, its exceedingly broad definition of rioting, and other encroachments on individual rights. Despite the law's problematic provisions, it lay mostly dormant for the much of its history. In the wake of the 2014 Occupy Central protests, the government began using the law to punish demonstrators who had taken part in the protest movement.

Prior to 2019, its most notable — and most controversial — use was in levying rioting charges against a number of people involved in 2016 "Fishball Revolution," a single night of unrest in Mongkok in response to an enforcement action against hawkers of traditional snacks over the Lunar New Year holiday.⁸¹ During the 2019 protests, the law took on new prominence, with the government using it as the centerpiece of its efforts to arrest and prosecute thousands of demonstrators.⁸²

Many of the 2019 protests were organized by NGOs or their leaders. As a result, the government focused on bringing not just POO charges against protesters, but also incitement to unlawful assembly charges against these more prominent NGO leaders. The Vice-President of the political party People Power, Tam Tak-Chi, was one such arrestee.⁸³ Unsurprisingly, the arrest of Tam did deep damage to People Power: several resignations followed Tam's detention. Today, while the party has not disbanded, it is operating with much smaller membership and capacity and has shut down its website.⁸⁴

Some of the most prominent democrats have been charged multiple times under the POO, including Joshua Wong. In one such cases, Wong was sentenced to 13 months'

78 "警國安處熱線一周年 收逾20萬舉報 [National Security Hotline receives over 200,000 reporting cases at 1st Anniversary]," *Hong Kong Economic Journal*, November 5, 2021.

79 Candice Chau, "Hong Kong police get over 380,000 national security tip-off messages in 2 years," *Hong Kong Free Press*, August 10, 2023.

80 Interview 2.

81 Kong Tsung-Gan, "Justice it ain't: The repercussions and implications of Hong Kong's Mong Kok 'riot' trials," *Hong Kong Free Press*, June 17, 2018.

82 For more on the weaponization of the legal system to crack down on pro-democracy protesters, see Jun Chan et al., *The Hong Kong 2019 Protest Movement: A Data Analysis of Arrests and Prosecutions*, GCAL report, October 2023. The report offers an in-depth look at the Public Order Ordinance from a human rights perspective, as well as other laws that were used to detain and imprison protesters.

83 "Hong Kong police arrest pro-democracy politician set to run for legislature," *Reuters*, Jul. 17, 2020.

84 "原文網址：政Whats噏：譚得志劉嘉鴻等37黨員退出人力 形容棄之不可惜 [Political Whats Gossip: Tan Dezhi, Liu Jiahong and other 37 party members quit, say it's a pity]," *On.cc*, Dec. 14, 2021.

imprisonment.⁸⁵ Hong Kong Alliance's Chow Hang-Tung was charged under the POO for inciting others to attend June 4th candlelight vigils in both 2020 and 2021. In the 2020 case, she was sentenced to 12 months in prison, while in the 2021 case she was sentenced to 15 months (though the latter sentence remains under appeal after a judge overturned the conviction in 2022).⁸⁶

POLITICIZATION OF COVID-19 PUBLIC HEALTH MEASURES

The beginning of the Covid-19 pandemic in January 2020 led to mass closures and restrictions across the world. In Hong Kong, limited preventative measures were taken from the first week of January,⁸⁷ but after the first two local cases emerged on January 22, the government imposed more widespread restrictions. The first quarantine center in rural Sai Kung was opened on January 23, and on the same day the government canceled upcoming Lunar New Year festivities.⁸⁸ On January 25, the government declared the outbreak a public emergency and ordered the closure of schools and entertainment venues.⁸⁹

Without doubt, the Hong Kong government needed to impose public health-based restrictions on public gatherings in the early stages of the pandemic. After those initial stages were over, however, it became clear that the government was using pandemic-related restrictions to ban almost all pro-democracy protests, even as they allowed some pro-Beijing gatherings to go forward.

During the first few months of the pandemic, civil society mobilization was an important factor in controlling the outbreak in Hong Kong. The work of civil society to respond to the pandemic was perhaps all the more important given extremely low trust in government in the wake of the 2019 protests.⁹⁰ Civil society advocacy, including mobilization by public health workers, had a direct impact on government policy. After the government initially refused to close the border with Mainland China, for example, the Hospital Authority Employees Alliance (HAEA) organized a medical workers' strike in which more than 9000 medical workers refused to work, causing the government to partially change course and close some key entry points from China on February 3rd.⁹¹

But while most of the world was issuing restrictions in response to the outbreak, the Hong Kong government soon began to use the opportunity the pandemic provided to target political opponents. On May 1, 2020 — Labor Day in Hong Kong — with a regulation in place limiting gatherings to four people, eight leaders of the League of Social Democrats and the Labour Party took turns in groups of four to protest outside the Central Government Offices. Yet the police ticketed them anyway.

At their trial in 2021, Magistrate Cheang Kei-hong convicted them and sentenced them to 14 days' imprisonment. They were also given an additional 18-month suspended prison

85 Jessie Pang, "Hong Kong activist Joshua Wong defiant as he is jailed over 13 months for protest," *Reuters*, Dec. 2, 2020.

86 Hillary Leung, "Ex-organiser of Hong Kong Tiananmen vigil Chow Hang-tung wins appeal against conviction and sentencing," *Hong Kong Free Press*, Dec. 14, 2022.

87 Karen Zhang, "China pneumonia: Hong Kong authorities take low-key approach to passengers arriving in Hong Kong on Wuhan trains," *South China Morning Post*, Jan. 5, 2020.

88 Jerome Taylor & Xinqi Su, "Wuhan virus: Hong Kong holiday camps become quarantine zones as Lunar New Year festival canceled," *AFP*, Jan. 23, 2020.

89 "Hong Kong Declares Wuhan virus outbreak 'emergency' — the highest warning tier" *AFP*, Jan. 25, 2020.

90 Samson Yuen et al, "A tale of two city-states: A comparison of the state-led vs civil society-led responses to Covid-19 in Singapore and Hong Kong," *Global Public Health* vol. 16, 8-9, 2021: pp. 1283-1303.

91 Chris Chan and Anna Tsui, "Hong Kong: From Democratic Protests to Medical Workers' Strikes in a Pandemic," In B. Brangel & G. Pleyers (Eds.), *Social Movements and Politics during COVID-19: Crisis, Solidarity and Change in a Global Pandemic* 1st ed., Bristol University Press, 2022, pp. 202–208; Austin Ramzy & Tiffany May, "Hong Kong Tightens Border as Medical Workers Call for Shutdown," *New York Times*, Feb. 3, 2020.

sentence. The Magistrate said that despite their groups limiting themselves to four, they still violated the gathering restriction by organizing the event with a “common purpose”—a nonsensical ground for conviction under a public health restriction. Magistrate Cheang also stated that, based on eyeballing of the video of the incident, he thought they came closer than 1.5 meters together at one point.⁹²

Days later, the government eased social distancing rules to allow gatherings of up to eight people. In the first weekend after the announcement, crowds returned to public venues and widely ignored the remaining limits. Yet while the police did little to enforce the eight-person gathering limit in packed bars, they aggressively enforced the restriction against pro-democracy demonstrators, arresting more than 200 protesters over the weekend for breaching the rule.⁹³

The selective enforcement of Covid restrictions was highlighted less than a month later, when Chinese leader Xi Jinping visited Hong Kong for the 25th anniversary of the Handover of Hong Kong to the PRC. During the July 1, 2022, visit, pro-Beijing groups organized mass celebrations in which crowds gathered to sing songs and take group photos.⁹⁴ The police did nothing to stop these events, nor did they accuse anyone taking part in them of violating social distancing rules. Instead, police focused on warning pro-democratic figures to refrain from public protest during Xi’s visit: in the lead-up to the event, police took the chairwoman of the League of Social Democrats Chan Po-ying and five other party members to different police stations for interrogation after their residences were searched, and warned them not to hold any protests on July 1.⁹⁵ The practice of issuing threats and warnings to activists prior to sensitive dates is a common tactic in Mainland China, but at that time it was a new development in Hong Kong.

According to government data, between April 1, 2021 and February 28, 2022, the police issued a total of 21,613 fixed-penalty notices, of which around 60% were for violations of the gathering ban. In addition, 1,107 people were prosecuted for offences under the Prevention and Control of Disease Ordinance.⁹⁶ It is not known how many of those fines were handed down to pro-democracy activists. As far as we have been able to discern, there have been very few if any publicly-reported cases of pro-Beijing activists being fined or prosecuted for holding meetings or public rallies in violation of the gathering ban, nor have we seen any publicly-reported cases of prosecution of pro-Beijing figures for violating the Prevention and Control of Disease Ordinance.

Beyond public protests, other day-to-day activities of progressive NGOs were also inhibited by the restrictions. A former veteran union activist we spoke to reported that general member meetings and most strikes were suspended due to the gathering ban: rank-and-file union members were concerned about being targeted for violating the law.

This activist also noted that on Labor Day in 2020, approximately eight to ten union members were penalized for violating the gathering ban while they were distributing anti-pandemic supplies—a purpose explicitly exempted from the gathering ban under

92 “8 democrats sentenced over breach of Covid-19 gathering limit over Labour Day protest,” *Hong Kong Free Press*, Mar. 11, 2021.

93 Iain Marlow & Jinshan Hong, “Hong Kong Uses Virus Rules to Stop Protests Even as Bars Fill Up,” *Bloomberg*, May 10, 2020.

94 Yu Mei-ha, “沒有遊行的黑衣白衣、社運人士無故遭搜屋——七一剩下一片紅和藍[No Black or White clothing in Demonstration, Activists’ Residences are Searched — What’s Left on July 1 is all Red and Blue],” *Initium Media*, July 1, 2022.

95 Kelly Ho, “Hong Kong 25: National security police search homes of activist group members ahead of July 1 anniversary,” *Hong Kong Free Press*, June 30, 2022.

96 Gigi Choy, “Hong Kong police issue almost HK\$90 million in fines over 11 months to more than 21,600 people for Covid-19 rule breaches,” *The South China Morning Post*, April 13, 2022.

relevant public health regulations.⁹⁷ Pro-Beijing groups that also distributed pandemic supplies were not bothered by the police.⁹⁸

EXTRA-LEGAL SUPPRESSION METHODS

While Beijing has been effective in reshaping the law to crack down on pro-democratic activists and politicians, longstanding legal and institutional structures still hamper Beijing's efforts to exert full control over Hong Kong using the law alone. Thus, Beijing and its local allies have increasingly turned to extra-legal suppression methods to further rein in Hong Kong's civic life. These tactics focus on using intimidation to silence critics, and on erecting barriers to the smooth day-to-day functioning of civil society groups.

In this section, we highlight four commonly-used forms of extra-legal suppression identified through our interviews and research: intimidation by government officials and state-owned media; intimidation via private intermediaries; pressure from employers; and blocked access to funding. These methods are an effective way to exert influence and control while drawing comparatively less attention from international observers.

INTIMIDATION BY GOVERNMENT OFFICIALS AND STATE-OWNED MEDIA

Beijing's extensive control over a wide swath of the media allows it to use these mouthpieces, often in combination with attacks by officials and intimidation by the police, to intimidate NGOs and activists into silence.⁹⁹ Over two-thirds of the groups covered in our interviews were attacked by Beijing's media mouthpieces at some point in the past several years. Two state-owned newspapers in particular, *Wen Wei Po* and *Ta Kung Pao*, were frequently referenced by our interviewees and are often seen by the public as harbingers of what's to come on the national security front: if an attack appears in one of these two newspapers, there is a real chance that the named individuals or groups will be raided or arrested.

Most frequently, these attacks on NGOs and pro-democracy advocates will begin with the publication of multiple attack articles over a short period of time, usually ranging from a few days to several weeks, listing and repeating a number of accusations. From there, the course of events often escalates to "unofficial" statements from government officials or the police, questioning and harassment by police, and other forms of intimidation.

If, after these efforts, the targets do not fold or back down, in some cases the police will then proceed with raids and criminal charges. In many cases, however, these intimidation methods have worked: the targets have closed their doors, rather than risk continued media attacks and likely criminal prosecution. Often, that has effectively ended the matter, though in a handful of more prominent cases, the police have continued to pursue members of the defunct group.

As discussed above, the pro-Beijing Chinese-language Singaporean newspaper, *Lianhe Zhaobao*, first reported in March 2021 that national security police were investigating NGO umbrella organization CHRF for allegedly taking funds from the US-based National

97 Interview 1; According to Schedule 1 Part 1 on Exempted Gathering in the Prevention and Control of Disease (Prohibition on Gathering) Regulation (Chapter 599G of the Laws of Hong Kong), a gathering held for imparting information or skills, or handling supplies or items, that are conducive to the prevention and control of the specified disease shall be exempted.

98 "職工盟屬會街站派防疫品被指違限聚 工會幹事質疑警差別對待容許建制工會 [Trade union affiliated street station distributed anti-pandemic supplies and was accused of violating restrictions on gatherings.]" *The Witness*, May 10, 2023.

99 Liam Mahony, "Intimidation and its Impact on Engagement with the UN Human Rights System: Methodological challenges and opportunities," International Service for Human Rights, March 2020.

Endowment for Democracy (NED).¹⁰⁰ Hong Kong-based government mouthpiece *Ta Kung Pao* quickly followed suit, launching its own attacks less than two weeks later. On March 19, *Tao Kung Pao* published a full-page front cover article accusing the coalition of being “the anti-China agent of chaos in Hong Kong.” It further alleged that CHRF, by organizing large-scale demonstrations, served as a platform for rioters to engage in radical activities. The paper also claimed that CHRF was guilty of “collusion with foreign forces” and operating without proper registration in breach of the Societies Ordinance. The group was described as “a malignant tumor” that should be “eradicated” from Hong Kong.¹⁰¹

State media has used similar rhetoric to target other NGOs, often using the exact same language. Mainland-based CCP mouthpiece *People’s Daily* and state news agency *Xinhua*, for example, both described the HKPTU as “a malignant tumor” that should be “eradicated” from Hong Kong. The reports detailed the “crimes” of the HKPTU — that the teachers’ union “had disrupted and poisoned the next generation,” “frantically launched filibustering in the Legislative Council,” “instigated troubles during the anti-patriotic education movement, Occupy Central movement and the anti-extradition protests,” and “repeatedly instigated strikes at primary and secondary schools as well as universities.”¹⁰²

When state attention turned to HKCTU, *Wen Wei Po* ran a full-page story on August 12, 2021, detailing the confederation’s alleged violations of the NSL, including allegedly receiving foreign funding, supporting the pro-democracy general strike that had occurred on August 5, 2019 amid the Anti-Extradition protests, publishing anti-China articles that supported “black-clad rioters,” and screening documentaries about the 2019 democracy movement.¹⁰³

The 612 Fund, which provided humanitarian assistance and legal support to arrested protesters, was another target of state media. Prior to the arrest of the trustees of the group, *Wen Wei Po* accused the group of “subsidizing black-clad rioters by supporting their legal and medical fees, and even providing emergency assistance for those penniless rioters.” The report further stated that “the group was widely criticized for encouraging unscrupulous rioters to become fearless warriors, severely disrupting public security and order.”¹⁰⁴

Days later, the National Security Police said in a statement that they had uncovered misconduct by some lawyers linked to the 612 fund and had filed complaints to the Law Society of Hong Kong, which represents solicitors, and the Hong Kong Bar Association, which represents barristers. Perhaps unsurprisingly, these individual lawyers then became targets of pro-Beijing media as well.¹⁰⁵ The Bar Association then announced in July that these lawyers were being formally investigated.¹⁰⁶

Months earlier, the Hong Kong Bar Association itself had been attacked by pro-Beijing forces before capitulating and appointing more Beijing-friendly leadership. Traditionally, the HKBA tended to be more vocal than the Law Society on matters of democracy and

100 Dai Qing-cheng, “港泛民最大聯合平臺 涉違反國安法民陣或很快被取締 [Hong Kong’s Largest Pro-Democracy Coalition CHRF that Allegedly Violates National Security Law Will Face Clampdown Soon],” *Lianhe Zhaobao*, March 5, 2021.

101 Tu Hai-ming, “「民陣」亂港罪難逃 依法取締不姑息 [CHRF Can’t Escape From the Crime of Disrupting Hong Kong, Clampdown is Inevitable Without Tolerance],” *Ta Kung Pao*, March 19, 2021.

102 Liu Ming-yang, “香港教育要正本清源必須剷除‘教協’這顆毒瘤 [Hong Kong Education Sector Needs Radical Reform, ‘HKPTU’ as Malignant Tumor Must be Eradicated],” *Xinhuanet*, July 31, 2021.

103 “攞炒派劣行錄 | 職工盟屢涉黑暴應徹查 [Records of the Pursuers of Mutual Destruction: HKCTU that Repeatedly Involves in Black-clad Riots Needs Thorough Investigation],” *Wen Wei Po*, August 12, 2021.

104 “612 Fund Subsidizes Black Rioters to Become Fearless Warriors,” *Wen Wei Po*, May 12, 2022.

105 “黑暴案律師 瓜分基金逾億元 [Lawyers linked to Black Riot Share Over a Million Dollars from 612 Fund],” *Ta Kung Pao*, May 20, 2021.

106 Peter Lee, “Some 35 lawyers linked to protester relief fund being probed by Hong Kong Bar Association — reports,” *Hong Kong Free Press*, July 5, 2022.

human rights, in part because many barristers had fewer financial ties to Mainland clients. On August 15, 2021, *People's Daily* called the Bar Association a “street rat” and warned that “its failure in Hong Kong is certain.”¹⁰⁷

Paul Harris, the former chairperson of the HKBA and a vocal human rights barrister, was heavily criticized by State-backed media for “causing a political storm” when he expressed support for amending the NSL to better protect human rights.¹⁰⁸ In March 2022, Harris was summoned to a meeting with national security police where he was interrogated about an alleged breach of the security legislation. Immediately after the meeting, Harris decided to leave Hong Kong permanently, and was on a plane hours later. At the airport, he was followed by a *Wen Wei Po* reporter, which suggested that security officials had leaked his itinerary to State media. The attacks on Harris sent a clear message: even mild criticism of the NSL would not be tolerated, and would be dealt with harshly.

The attacks on the HKBA were enough to turn it into a staunch defender of the government, the NSL, and the post-2019 legal system. Since Harris’ departure, the Bar Association has generally refrained from issuing any statements critical of the government on human rights or rule of law grounds. Instead, under the leadership of current Bar Association chair Victor Dawes, the Bar has focused its critical fire on Western governments that have sought to impose penalties on Hong Kong officials and judges over the implementation of the NSL.¹⁰⁹ At the same time, both Dawes and other senior lawyers have travelled overseas to argue on behalf of Hong Kong’s legal system. At times, the Bar Association’s statements have mirrored the government’s own defence of the new status quo.

In addition to public attacks, pro-Beijing media outlets also engage in information gathering. After the implementation of the NSL, many activists fear that such information could be turned over to the Hong Kong government and used to bolster criminal prosecution of NGO activists. One NGO activist described this process to us:

The pro-Beijing media outlets are sort of a “spy.” Besides the reports available to the public, their reporters reached out to people associated with the group and called them in for interviews. They asked the interviewees questions such as their relation to our group, trying to test their knowledge of specific details of the organization. They were actually fishing for evidence via this means.¹¹⁰

Hong Kong and Chinese officials often add their own statements to media-led intimidation campaigns, further increasing the pressure on NGOs and activists. Perhaps the most frequent user of this intimidation tactic is Hong Kong Secretary for Security Chris Tang Ping-Keung. (Tang previously served as Commissioner of Police toward the end of the 2019 protests). Tang has gained a level of notoriety for his at times extreme and intemperate public accusations. One NGO that fell prey to Tang’s intimidation was the humanitarian support group Wall-fare. This organization’s work, while associated with the protest movement, was seen as relatively innocuous. It was founded during the protests to provide daily necessities and emotional support via letter writing to individuals

107 “香港律师会应把握住再出发的历史机遇 [Hong Kong Law Society Should Take Advantage of Historic Opportunity to Start Afresh],” *Xinhua*, August 15, 2021.

108 Tony Kwok, “Paul Harris Poses Existential Threat to the Bar Association as Chairman,” *China Daily*, February 26, 2021.

109 Willa Wu, “Hong Kong Bar Association chief warns any US sanctions on judges pose ‘real threat’ to judiciary’s hunt for top talent,” *South China Morning Post*, September 11, 2023.

110 Interview 19.

detained and imprisoned. When a person entered jail or prison, Wall-fare would usually arrange for a handful of strangers to write the prisoner with encouraging words, along with materials to pass the time like puzzles and news articles. If requested, Wall-fare would also arrange people to visit prisoners at designated visit times, and provide them with the limited number of things prisoners were allowed to receive from outside, such as toiletries, notebooks, and snacks, such as M&Ms.

On Sept. 8, 2021, Secretary Tang spoke to reporters and claimed that groups providing items such as hair clips and M&Ms to prisoners were “sowing seeds that threatened national security,” suggesting that these items were being used to somehow bribe other prisoners to become political allies.¹¹¹ These comments led to widespread coverage in local media, state media, and abroad. More importantly, Tang’s comments drew attention to Wall-fare’s efforts, and to concerns that the organizers of Wall-fare might face imminent arrest.

Six days after Tang’s comments, Wall-fare announced it was shutting down. Its decision to fold left a temporary vacuum in essential, perfectly lawful support for people imprisoned over their participation in the 2019 protests.¹¹² After Wall-fare was shuttered, some other groups have emerged to fill the gap left by Wall-fare’s closure, but they have had to tread carefully: they too face threats from government officials over work that is ostensibly legal.¹¹³

Also in September 2021, Tang claimed in an interview with *Ta Kung Pao* that the Hong Kong Journalists Association was “infiltrating” schools to attract student journalists to its cause. Tang also suggested that the HKJA might be breaching the National Security Law. The HKJA hit back at the comments as “factually wrong” and has, to this day, managed to continue to keep its doors open.¹¹⁴ However, HKJA’s chairman, Ronson Chan, has been arrested twice since then — first, as part of the *Stand News* raids on December 29, 2021, and then again for “obstruction” in September 2022. (Chan was charged in the second case, but not in the first. He was later convicted and sentenced to five days in prison. Chan has appealed the verdict.¹¹⁵) Chan then left the city for a fellowship in the United Kingdom, and has since returned.¹¹⁶

INTIMIDATION BY INTERMEDIARIES

Beijing’s harassment of NGOs often reaches beyond the officials and departments formally under its control, however. As has long been the case in the Mainland, in Hong Kong the authorities have increasingly turned to private organizations and individuals to pressure NGO activists and others.

Even before the Handover, Beijing had a long history of making use of local triads, pro-CCP village councils, and others to further its political aims in Hong Kong. After the 2014 protest movement and during the 2019 protests, there were multiple violent attacks in the street against prominent activists such as Joshua Wong, who was beaten in what

111 Selina Cheng, “China’s national security threatened by Hong Kong prisoners’ chocolates, hair clips, says security chief,” *Hong Kong Free Press*, Sept. 8, 2021.

112 Rhoda Kwan, “Hong Kong prisoner rights support group Wall-fare to disband,” *Hong Kong Free Press*, Sept. 14, 2021.

113 One such group is called Waiting Bird, which provides different support services to individuals imprisoned over their participation in the 2019 protest movement. Inmedia.hk story, link [here](#).

114 Kelly Ho, “‘Factually wrong’: Hong Kong press group hits back at criticism from security chief,” *Hong Kong Free Press*, Sept. 15, 2021.

115 Hillary Leung, “Head of Hong Kong journalist group Ronson Chan sentenced to 5 days’ jail over obstructing police officer while reporting,” *Hong Kong Free Press*, September 25, 2023.

116 Helen Davidson, “Hong Kong journalist allowed to travel to UK after court grants bail,” *The Guardian*, Sept. 22, 2022.



appeared to be a targeted attack in 2015,¹¹⁷ and CHRF convenor Jimmy Sham, who was beaten brutally by men with hammers in October 2019.¹¹⁸ Most infamous, however, was an attack on July 31, 2019, by dozens of white-shirted men organized by rural village chiefs who attacked protesters in the Yuen Long MTR Station. The shocking videos of the chaotic and bloody scene were broadcast around the world. In investigations by the *New York Times* and others, journalists found evidence of collusion between the attackers, police, triad gangs, and pro-China lawmakers.¹¹⁹

As the crackdown on civil society shifted into full gear in 2020 and 2021, instances of “unofficial” harassment and intimidation, mostly non-violent, were widely reported in our interviews. One interviewee recounted the experience of meeting a middleman believed to have been sent by the Chinese authorities. The veteran activist had three meetings with the middleman roughly a month prior to the closure of his organization.

Amid the three meetings, the middleman repeatedly asked about the financial sources of our organization and our collaboration with foreign groups in particular. The middleman, who told me the Chinese authorities had labelled us as an anti-China organization disrupting Hong Kong,

117 Lai Ying-kit, “Attack on Hong Kong student leader Joshua Wong ‘a threat to free speech,’” *South China Morning Post*, Jun. 29, 2015.

118 “Jimmy Sham: Hong Kong protest leader ‘attacked with hammers,’” *BBC*, Oct. 17, 2019.

119 Barbara Marcolini et al., “‘Please Stop Beating Us’: Where Were Hong Kong’s Police?,” *New York Times*, July 29, 2019. Subsequent journalistic investigations confirmed the ties between then attackers and pro-Beijing politicians. See, e.g., Mahtani and McLaughlin, *Among the Braves*, Hachette Books, 2023.

continually asked if there had been any discussions about disbanding, and inquired as to any backup plans if the organization were to be banned.¹²⁰

During the meetings with the middlemen, verbal threats of “serious consequences” were often conveyed, which the activists would then bring back to the organization’s leadership for further risk assessment.

Another veteran activist described a separate encounter with a middleman:

The signal from the middleman is very clear: if our organization doesn’t disband, the authorities will suppress us using the *Apple Daily* approach, which means arrests of people at different organizational levels, office raids, and confiscation or freezing of assets.¹²¹

The “middleman” tactic is familiar to veteran activists in Hong Kong. Long before the imposition of the NSL, politicians and activists were occasionally approached by middlemen from Mainland China. “Middlemen from Mainland China often came to contact politicians in political parties in the past, whereas it became less frequent in recent years prior to the enactment of the NSL,” said one longtime Hong Kong political activist. The difference now, he said, was that in the past the middlemen mainly came to “collect information and write reports to their superiors back in the Mainland.”¹²² Now, many such figures travel to Hong Kong to deliver veiled threats, apparently on behalf of the CCP itself.

In addition, there have been increasing cases of activists or journalists being followed by unknown suspicious people. In August 2020, former lawmaker Ted Hui was followed by a suspicious private car on the way home, while a number of pro-democracy activists, including former convenors of the CHRF, also reported being followed as well.¹²³ A former district councilor we spoke with reported that two suspected plainclothes officers were found stationed outside the interviewee’s office in 2021.

There were two or three plainclothes people standing guard outside my office for a long time. Even when I went in and out by myself, and when I went home, I was followed. There were two people who followed me on public transportation. I could recognize them.¹²⁴

Faced with this intimidation, the activist, who had been prepared to face imprisonment, re-assessed the situation. He eventually decided to flee the city.

More recently, in March 2023, *Hong Kong Free Press* reported that one of its journalists had been stalked by a suspected government agent from her home. The reporter confronted the man and HKFP published the video. In the following days, a number of reporters at other media outlets reported similar experiences.¹²⁵

PRESSURE FROM EMPLOYERS

The Hong Kong government has strong influence over private entities with significant financial interests in the city such as banks and real estate companies, which stand

120 Interview 1.

121 Interview 14.

122 Interview 6.

123 “許智峯被神秘車輛跟蹤 警員稱車上為記者 許阻車離開被警推跌 [Ted Hui Followed by Suspicious Car, Police Claim Driver as Journalist, Hui Pushed to the Ground by Police When Obstructing the Car from Leaving,” *CitizenNews*, August 14, 2020.

124 Interview 17.

125 Candice Chau, “Hong Kong press group receives more reports of reporters being tailed, as police slam ‘unverified speculation,’” *Hong Kong Free Press*, Mar. 28, 2023.

to lose large amounts of money if they fall from the government's good graces. As the government and pro-Beijing media have increasingly attacked various pro-democratic activists and politicians, some of these business interests have also stepped in to help punish dissenting voices.

Some activists we spoke with reported meetings at their workplace in which they were subjected to complaints, intimidation, or even reprisals for the activism they undertook on their own time. These incidents appear particularly prevalent for members of professional groups and trade unions. Several activists told us that either they or other members of their NGO received complaints or warning from their management,¹²⁶ or were even rejected for ordinary-course promotions despite a strong performance record.¹²⁷

One former activist with a disbanded education union told us that several members of the union, despite never appearing in the media, were summoned by their school's leadership to a meeting. At the meeting, they were pressured to cease their political activity:¹²⁸

I'm not sure what the reason was, but these core board members had never appeared in the media. They were summoned by the school principal, who reminded them to focus on their professional work and not get involved in too many things, lest they influence [the employer].

Pro-democracy activists were also harassed at their workplaces. One longtime activist we spoke to from a now-defunct union reported that banners denouncing their union were hung outside the workplaces of core members in early 2021.¹²⁹

In one particularly public effort to pressure employers, 803 Funds Limited, a pro-Beijing organization founded by former Hong Kong chief executive Leung Chun-ying, launched a campaign of naming and harassing teachers who had been arrested for alleged crimes like unlawful assembly during the 2019 protests. This public pressure led to a number of these teachers being fired or having their contract renewals declined.¹³⁰

Universities have also succumbed to government pressure and cut ties with activists associated with NGOs. In July 2020, Hong Kong University fired law professor Benny Tai, who had been in the government's crosshairs since he co-founded the organization Occupy Central with Love and Peace to promote the 2014 pro-democracy sit-in movement. The next month, Hong Kong Baptist University terminated former legislator Shiu Ka-chun, who was also associated with Occupy Central.¹³¹ And in November 2020, Hong Kong University of Science & Technology Professor Ching Kwan-Lee was attacked in *Wen Wei Po* and *Ta Kung Pao* as "pro-independence" and for allegedly violating the National Security Law after she spoke at a webinar organized by the U.S.-based Hong Kong Democracy Council. Lee, under pressure with her university, soon left for the University of California, Los Angeles.¹³²

The authorities' pressure on employers to suppress opposition voices has forced many activists — who are of course dependent on their jobs for their livelihood — to cease or curtail their activist work. Others have chosen to leave Hong Kong, rather than risk

126 Interview 9; interview 14; interview 15.

127 Interview 25.

128 Interview 9.

129 Interview 14.

130 Rachel Wong, "[Hong Kong ex-leader CY Leung urges public to report teacher misconduct](#)," *Hong Kong Free Press*, Oct. 19, 2020.

131 "[Dismantling a Free Society: Hong Kong One Year After the National Security Law](#)," *Human Rights Watch*, Jun. 25, 2021.

132 Rachel Wong, "[Scholar who said 'Hong Kong belongs to the world' refutes pro-Beijing press claim she may have violated security law](#)," *Hong Kong Free Press*, Nov. 19, 2020.

potentially serious professional repercussions. One exiled veteran former activist from a professional group told us about her decision to leave Hong Kong in order to protect both her livelihood and mental health:

As to my reasons for leaving [activist work], these [government and third party] attacks were a factor, as these transformed into some complaints [filed against me at work], but I have always had confidence that I did not act unethically in my profession. Yet, psychologically, this became a significant burden on me, and in the long run, it would have posed a danger to my career in Hong Kong.¹³³

BLOCKED ACCESS TO FUNDING

Most civil society groups depend on both public and private funding to maintain their operations. Both types of funding have been significantly curtailed, if not cut off entirely, since implementation of the NSL. As a result, maintaining financial stability has become a major challenge in the NSL era.

Many of the biggest funders that support human rights, rule of law, and democratic development work are based in the United States, Europe, and Australia. Hong Kong groups seeking funding for this kind of work often faced limited options and opportunities at home: Hong Kong funders were reluctant to support such work, seeing it as politically sensitive, and Chinese donors knew that it was almost impossible for them to support such work. As a result, many Hong Kong groups applied for funding from overseas donors. (Others, including some of the organizations covered in this report, chose to forego overseas funding, and instead relied on a membership model to support their day-to-day operations.)

The implementation of the NSL effectively blocked most international funding for human rights and other initiatives. Under Articles 29 and 30 of the NSL, “collusion with foreign forces” is criminalized. Since the law went into effect, pro-Beijing media outlets have repeatedly launched smear campaigns against organizations that have received foreign funding in the past. These campaigns, almost certainly by design, have stigmatized foreign funding, and have made it extremely risky for local groups to receive foreign funds, especially for work that is deemed politically sensitive. Many organizations have thus had to cease applying for grants overseas, which has reduced their programming budgets significantly.

At the same time, organizations that used to rely on local government funding have seen that funding terminated. Two interviewees, who were senior members of now-defunct NGOs, told us that their local government funding was halted after the NSL went into effect. One group told us that an approved government grant for public education work in 2020 was later withdrawn due to “the political nature” of the organization.¹³⁴ Another group reported that the final settlement of the funding for one of their projects was abruptly withheld by the government department in 2021. At the same time, the organization found its bank accounts frozen.¹³⁵

These funding limitations have had a direct and lasting effect on the autonomy of many NGOs. Many have closed down. Others were forced to take a more moderate approach to continue their work.

133 Interview 15.

134 Interview 1.

135 Interview 16.



THE CIVIL SOCIETY CRACKDOWN: Political and Policy Impacts

IN COUNTRIES AROUND THE WORLD, CIVIL SOCIETY GROUPS LEND THEIR EXPERTISE TO LEGISLATORS AND GOVERNMENT OFFICIALS AS THEY FORMULATE LAWS AND POLICIES.¹³⁶ AT THE SAME TIME, THEY ALSO PLAY AN IMPORTANT WATCHDOG ROLE, MAKING SURE THAT GOVERNMENT OFFICIALS ARE HELD TO ACCOUNT OVER THEIR EXERCISE OF AUTHORITY. HONG KONG IS NO EXCEPTION: FOR YEARS, HONG KONG NGOS HAVE DIRECTLY INFLUENCED BOTH LAW AND POLICY FORMATION. THEY ALSO CLOSELY MONITORED GOVERNMENT OFFICIALS, REGULARLY CALLING FOR ACCOUNTABILITY WHEN GOVERNMENT HAS FALLEN SHORT.

¹³⁶ See, e.g., Carmen Malena et al., “The Role of Civil Society in Holding Government Accountable: A Perspective from the World Bank on the Concept and Emerging Practice of ‘Social Accountability,’” *World Bank*, Dec. 2004.

The post-2019 crackdown on civil society has made it virtually impossible for Hong Kong NGOs to fulfil these vital functions. This is no mere speculation: as the Hong Kong government's response to the Covid-19 pandemic makes clear, the crackdown on civil society has already weakened the government's policy response, and has undercut both the legitimacy and the effectiveness of policy implementation by key government actors. As time goes on, if the government continues to take steps to weaken civil society groups, this problem will likely only intensify.

The story of civil society's response to the Covid-19 pandemic in Hong Kong is a mixed one: prior to the enactment of the NSL and the subsequent crackdown on civil society, NGOs were able to influence government policy. But as the pandemic continued, and as the government rolled out the key elements of the toolkit described in this report, civil society's ability to respond to new pandemic challenges, and to push back against government policies that in some cases were off the mark, declined.

At the beginning of the pandemic in February 2020, a healthcare worker strike showed how important civil society engagement could be. As the virus spread rapidly in Wuhan and the Mainland, the government decided to leave the border with Mainland China open, despite widespread public support for closing it. In response, civil society groups mobilized and called a healthcare worker strike. About 2,400 medical workers from the Hospital Authority Employees Alliance refused to report for duty,¹³⁷ while countless members of the public expressed their support via petitions and online posts. Within days, the authorities backed down and settled on a compromise in which entry to Hong Kong from the mainland would be curtailed.¹³⁸

But in the following months as NGOs collapsed or retreated, the government's policies became increasingly unchecked. At times, government policies failed to strike a reasonable balance between public health concerns and the needs and rights of individual Hong Kongers, such as a decision to cull thousands of pet hamsters in January 2022¹³⁹ and a prison lockdown that reportedly led to prisoners not receiving basic services or being able to meet with family members or legal counsel.¹⁴⁰ While some media outlets were still able to report on these excesses in real time, effective civil society mobilization against them proved impossible.

As the authorities tightened their political grip, members of health-focused NGOs and unions we spoke to expressed concern and frustration over their limited ability to counter misguided Covid-19 policies. A former leader of a now-dissolved union told us about the challenges unions faced when weighing in on Covid policies:

Our union continued to comment on the government's pandemic policies. For example, when hospitals were bursting at the seams and patients were even forced to sleep outside, we posted an explanation of what happened. We couldn't, however, directly criticize the government at that time due to the [political] circumstances, but instead only criticized the poor management of the Hospital Authority. In fact, it is very clear that the entire incident was caused by the government's orders.¹⁴¹

137 "Hong Kong medical workers strike to urge closure of China border to block virus," *Reuters*, Feb. 3, 2020.

138 Austin Ramzy & Tiffany May, "Hong Kong Tightens Border as Medical Workers Call for Shutdown," *New York Times*, Feb. 5, 2020.

139 Jessie Pang & Tyrone Siu, "Hong Kong to cull 2,000 hamsters after COVID-19 outbreak," *Reuters*, Jan. 18, 2022.

140 Alexandra Stevenson, "Empty Stores and an Exodus: Hong Kong's Covid Crackdown Stirs Panic," *New York Times*, March 9, 2022; Brian Wong, "Coronavirus: lawyers voice concern after Hong Kong prison service stops visits, court trips for all inmates to conduct Covid-19 testing," *South China Morning Post*, February 18, 2022. For a first-person account of prison conditions in Hong Kong during the pandemic, see Samuel Bickett, "The Black Box: My Experience in Hong Kong's Prisons During the Pandemic Lockdown," *Hong Kong Law & Policy*, Apr. 26, 2022.

141 Interview 8.

This interviewee also noted the politicization of the Hong Kong's approach to Covid testing, and the reluctance of many public health groups to call out the shortcomings of the government's approach:

The timing of compulsory testing was also a problem. It should be done when the infection rate is high to isolate the infected, but the government only proposed it after the infection rate had dropped. The government just wanted to perform a “political show” in response to China's zero-Covid policy in order to show gratitude to Beijing. Moreover, many medical experts no longer dare to express opinions against the government, which is an erosion of civil society. Professional judgments cannot be expressed, as those with differing views will be denounced. This is something even those without a pan-democratic background have experienced. This has also affected the public's understanding of the situation, which has severely influenced normal judgement.¹⁴²

One veteran academic activist explained how the loss of trusted, independent civil society voices directly contributed to the low levels of public trust in vaccines and the government's failure to achieve high vaccination rates:

With regard to the overall impact on civil society, opposition or alternative voices have lost so much in society that there is no longer a mechanism to rectify the government's mistakes. The failure of the fight against Covid-19 pandemic, for instance, is at least partly owing to a loss of the people's faith in the government's claims about the efficacy of the drugs from Mainland China. For example, Carrie Lam said Sinovac and Pfizer-BioNTech vaccines, which are both effective, have no difference. Nonetheless, according to international studies, it's proven that Sinovac vaccine is much less effective than the Pfizer-BioNTech one. The disappearance or substantial disappearance of an independent civil society with critical views and safety to highlight the lies of the government amounts to a loss of a self-correction mechanism on government policies.¹⁴³

Public opinion polling further illustrated the public's dissatisfaction with the government's policy response to the Covid pandemic. According to a survey conducted between April 24 and September 21, 2022, by Hong Kong Public Opinion Research Institute (HKPORI), 50% of the respondents were dissatisfied with the Hong Kong government's response to the pandemic.¹⁴⁴ Another survey conducted between July and August 2022 found that over 71% respondents considered the government's group gathering ban to be too strict.¹⁴⁵ As the world began to open back up in 2022, the Hong Kong government announced in late September that some Covid-19 restrictions would be eased,¹⁴⁶ yet the restriction on gatherings of more than four people remained in place.¹⁴⁷

These strict policies, along with the political crackdown, drove hundreds of thousands of Hong Kongers and expatriates to leave the city. Those who left included many profession-

142 Interview 8.

143 Interview 11.

144 Hong Kong Public Opinion Research Institute, Community Health Project Research Report No. 79, *Hong Kong Public Opinion Research Institute*, September 21, 2022.

145 “香港民研：七成市民認為限聚措施過緊 [HKPORI: 70% Citizens Thinks Group Gathering Ban is Too Strict]” *Inmedia.net*, September 25, 2022.

146 Almond Li, “Covid-19: Hong Kong to ease some social distancing measures from Oct 6, with up to 12 allowed per table at restaurants,” *Hong Kong Free Press*, September 30, 2022.

147 “Government relaxes certain social distancing measures,” Press Releases of the Government of Hong Kong Special Administrative Region, September 30, 2022.

als from the core business and banking sectors.¹⁴⁸ Many believed that Hong Kong officials were basing their policy decisions not on sound public health considerations, but rather with an eye to Beijing's approach to managing the pandemic.

In December 2022, the central government in Beijing abruptly scrapped its own draconian zero-Covid policies after a wave of nationwide protests — the so called “white paper protests,” which quickly became the first truly nationwide protest movement since the 1989 protests — forced the government's hand. Within days, a series of restrictive policies — including travel restrictions, quarantines, mandatory tests, and other restrictions — were drastically scaled back or dropped altogether.¹⁴⁹ Following Beijing's lead, the Hong Kong government soon scrapped its own Covid restrictions as well, just weeks after Mainland's shift.¹⁵⁰

With the government no longer able to use public health measures as an excuse for banning political gatherings, a few remaining NGOs applied for permits in order to test the waters. In response, the government revealed its new strategy: heavy reliance on extra-judicial measures to intimidate activists. When pro-democracy labor groups applied to hold a May Day protest on May 1, 2023, for example, the police intentionally delayed the approval process while Hong Kong and Mainland officials made threatening comments. On April 24, 2023, for example, Secretary for Security Chris Tang stated that organizers of the proposed protest would “bear the legal consequences of any incidents that might occur” if they failed to take “reasonable actions” to clearly identify actual participants, and to ensure that the meeting would not become a platform for politically-objectionable speech.¹⁵¹

A few days before the parade, organizer Joe Wong—the former chair of the defunct Hong Kong Confederation of Trade Unions—disappeared from his home and could not be reached by friends and family. Four hours later, Wong reappeared and would not say where he had been. Instead, he simply announced that he was canceling the march and that the NSL prevented him from saying where he had been or why he was canceling.¹⁵²

Such extra-legal tools, especially when paired with the government's legal authority under the Public Order Ordinance to block protests that it doesn't like, have been extremely effective: since the lifting of Covid-related restrictions on public gatherings over a year ago, precious few protests have been held in Hong Kong. No pro-democracy protest gatherings have been allowed, and it seems highly unlikely that any such protests would be approved by the government anytime soon.¹⁵³

COLLAPSE OF COLLABORATIVE POLICY ADVOCACY

In recent years in Hong Kong and across the world, we have seen the advent of social media-based protests and leaderless movements in which people are told to appear at

148 Elizabeth Palmer, “Strict COVID-19 policies drive people out of Hong Kong,” *CBS News*, October 22, 2022; Laura Westbrook, “Spooked by pandemic situation: Hong Kong's compulsory Covid-19 testing, tough rules push some expatriates to leave,” *South China Morning Post*, February 25, 2022.

149 Ryan Woo, “In COVID U-turn, China's message to the people shifts from war to self-care,” *Reuters*, December 14, 2022.

150 Kathryn Armstrong, “Hong Kong to scrap almost all its Covid rules,” *BBC*, December 28, 2022.

151 Elizabeth Cheung and Natalie Wong, “Hong Kong protests: ‘irresponsible’ to downplay safety risks of rallies, security chief Chris Tang warns after May 1 event organizer urges authorities not to exaggerate matter,” *South China Morning Post*, April 24, 2023.

152 Lea Mok, “‘Emotional meltdown’: Hong Kong Labour Day demo cancelled, as activist says security law prevents disclosing why,” *Hong Kong Free Press*, Apr. 26, 2023; Christopher Siu-tat Mung, “May 1 Labor Day Demonstration Still a No-Go in Hong Kong,” *The Diplomat*, Apr. 29, 2023.

153 Groups have been denied permission to hold pro-democracy rallies on July 1, for example, a date which had for years been used by pro-democracy groups as a key day to hold protests in favor of democratic reform. See James Lee, “15 stopped by Hong Kong police on anniversary of city's return to Chinese rule,” *Hong Kong Free Press*, July 3, 2023.

a certain place on short notice via social media, rather than being mobilized through traditional NGO networks. These protests have an advantage over traditional movements in that the loose, temporary networks they create are harder for authoritarian governments to shut down. Yet where this approach often fails is in furthering sustained, expertise-based policy advocacy and negotiated solutions. In this area, professional civil society organizations are often better suited to the task.

In the decades prior to 2019, Hong Kong NGOs had developed a deep pool of expertise on key public policy issues. When opportunities for legislative and policy advocacy arose, they could leverage that expertise to directly influence legal and policy outcomes. Often, groups could coordinate among themselves, sharing information on successful advocacy strategies, amplifying each other's messages, and avoiding duplication of effort. Such sophisticated, coordinated outreach and advocacy among well-resourced NGOs and others, communicated to the public through a free and open media, is a vital resource. It's especially valuable in the Hong Kong context, given the lack of mechanisms for democratic feedback from the public on government and legislative work.

The post-2019 crackdown deeply damaged that rich civil society ecosystem, and all but ended, at least for now, that mechanism for public engagement and feedback on government policy and legislative work.

One longtime human rights activist we spoke to lamented this loss of capacity:

I think institutional knowledge was literally lost. Professionalization of NGOs allows regular staff equipped with years of experience and knowledge to communicate with specific stakeholders, such as the Independent Police Complaints Council (IPCC), Office of the Privacy Commissioner for Personal Data (PCPD), international organizations like the UN, and government representatives.

He then provided an example how coordination on international advocacy among NGOs in Hong Kong benefited society:

In the past, when one group called for a coordination meeting, it could be easily joined by 20 or so groups and you would probably know clearly their issues of interest and their positions on messaging. Now we don't have the bonds between these organizations. Without the institutional knowledge of these organizations, you need to start from scratch, ask others whether they are interested in the particular issue and explain the significance of the matter.¹⁵⁴

This degradation of civil society was publicly visible. One veteran union activist described to us the rapid decline in the number of public-facing NGO street booths that could be seen on the streets of Hong Kong every year on the May Day holiday:

The withering away [of civil society] is much wider and faster than expected. The most notable example is the number of street booths on May 1 [Labor Day]. There were 50 to 60 street booths in 2020 organized by unions, district councilors, grassroots organizations and political parties, which dropped to 14 on Labor Day in 2021, with the majority being unions' booths.¹⁵⁵

The impact on policy was quite broad, extending beyond a relatively narrow band of

154 Interview 24.

155 Interview 1.

issues related to democratic reform and the rule of law. A veteran activist doctor with a longstanding commitment to policy advocacy on public health issues described to us his own frustration with the closing of advocacy pathways between civil society and the government on the public health front:

I see myself not only as a doctor but also a member of civil society. Although I am not a politician, I am proud of my public engagement in civil society as a doctor, which I appreciate much. Yet it turned out to be impossible in 2021 and there is no hope at all. In the past, there were multi-stakeholder collaborations among NGOs, closely-connected legislators with expertise on specific issues, and professionals. NGOs or professionals that usually first shared their views on particular issues would approach the lawmakers concerned to make concerted efforts on policy advocacy.¹⁵⁶

For the NGOs that remain, it's not clear that there's an audience, either within government or among the Legislative Council, for engaged policy work. In other words, if civil society capacity starts to reemerge in Hong Kong in the years to come, it's not clear that there will be a receptive audience anywhere inside the Hong Kong political system.

As one veteran human rights activist told us:

We can no longer adopt the advocacy strategies in the past. We used to invite lawmakers to attend our press conference to demonstrate importance and seriousness of the issues concerned, but who can we invite now? We can invite nobody.¹⁵⁷

The level of media interest in civil society advocacy has also declined significantly, not least because many key media outlets that had deep ties to civil society groups have been forced to close their doors. This same activist told us:

On media communications of a civil society group, if you worked on a specific issue, you would probably know which journalists to contact so that you could secure some media coverage...but all those media outlets have already shut down.¹⁵⁸

The most effective civil society organizations are able to operate within a broader open society framework: they can meet with sympathetic legislators and policymakers, and communicate their message through an open and robust media. They can mobilize the public through public campaigns and rallies, and they can pressure recalcitrant officials by reminding them of the potential electoral consequences of failing to act. Hong Kong's most dynamic and influential civil society groups have now been shuttered. But the broader, mostly open, operating environment that allowed them to grow and flourish over the past several decades is also now gone. Those broader changes will shape the future of civil society in Hong Kong just as much as future growth or contraction of civil society organizations themselves.

UNDERMINING OF DAY-TO-DAY ADVOCACY FOR THE DISADVANTAGED

Prior to the post-2019 crackdown, NGOs in Hong Kong didn't just do policy work and organize protests. For many groups, much of their work was focused on day-to-day advocacy for their members who are facing difficulties or who have had their rights violated.

156 Interview 15.

157 Interview 19.

158 Interview 19.

A labor rights organization may organize a May Day protest, but it also will take up the cause of a specific worker who was wrongfully terminated. An immigrant rights organization may advocate in LegCo for fairer immigration measures, but it may also provide counsel to individual asylum seekers. These wide-ranging services and programs protect vulnerable citizens and provide them with services that they otherwise could not afford. The weakening of civil society and shuttering of so many NGOs has eliminated many of these programs, and increases the vulnerability of people in need.

Take the Hong Kong Professional Teachers Union, for example. Prior to its disbandment, the HKPTU handled over 3,000 enquiries and complaints per year.¹⁵⁹ The city's largest teachers' union safeguarded the rights of teachers and fought for their benefits for 48 years.¹⁶⁰ But after being accused of "dragging schools into politics," teachers have been closely surveilled by the authorities for their conduct at school. From 2019 to 2021, the Education Bureau received 344 complaints related to teachers at the protests, amounting to over 77 percent of the total 445 reports of "suspected professional misconduct by teachers."¹⁶¹ Added to this, as of July 2022, at least seven teachers have been disqualified in relation to the 2019 protests.¹⁶² Without the assistance previously provided by the HKPTU, teachers have little recourse to push back and ensure their rights are protected.

One young teacher told us:

The shock of the closure of the HKPTU is that teachers have lost a protective umbrella which used to cover approximately a hundred thousand members. HKPTU, notwithstanding its conservative nature, would support these arrested teachers. Now that this protective umbrella is gone, teachers have no leverage to safeguard themselves. For instance, if a teacher wants to fight for the right to teach freely in the classroom, they could seek help from the HKPTU. But now, they can't.¹⁶³

In some cases, the government appeared to be targeting organizations specifically because of the individual support services they provide, rather than for their participation in protests or their policy positions. The 612 Humanitarian Relief Fund (612 Fund) is one such likely case. Established during the early stages of the 2019 protests, the 612 Fund provided assistance to individuals detained in connection with the protests, giving them legal, medical, psychological, and financial assistance. After being threatened and harassed by government officials and the police, the Fund announced its decision to close in August 2021.¹⁶⁴

As a result, countless defendants were left without financial assistance for their lawyers, support structures for their imprisonment, and other critical assistance. The 612 Fund had raised a total of HK\$253.7 million (US\$32.3 million) in donations since mid-2019, over 90 percent of which went towards direct financial support for almost 23,000 individuals, covering such things as legal fees, medical expenses, and psychological counselling services, according to the final report by the Fund in July 2021.¹⁶⁵ The fund reported having assisted with a total of 2,221 legal cases.

159 Candice Chau, "Questions over remaining teacher union caseload, as pro-Beijing figures hail disbandment," *Hong Kong Free Press*, August 11, 2021.

160 Wong Lai-sa and Chan Yee-lam, "教協多年如暗室逢燈 會員感激支援解難、團結教師聲音[HKPTU as a Lamp in Darkroom, Members Pay Tribute to the Union for its Support and Uniting Teachers]," *CitizenNews*, August 12, 2021.

161 Candice Chau, "6 Hong Kong teachers disqualified over complaints linked to 2019 protests," *Hong Kong Free Press*, April 13, 2022.

162 "Education Bureau: One more teacher disqualified due to anti-ELAB protests, a total of 11 teachers disqualified as of last month," *Singtao Daily* (in Chinese), August 23, 2022.

163 Interview 9.

164 "612基金即日停收個案 10月正式解散 [612 Fund that ceases to take up cases from today will formally disband in October]," *Inmedia.net*, August 18, 2021.

165 612 Humanitarian Relief Fund, Annual Report 2021, June 2021.

During its short lifespan, the 612 Humanitarian Relief Fund organized no protests, and did no formal advocacy work. Its sole function was to provide various forms of support to individuals arrested during the 2019 protests. The government's decision to pressure it out of existence must also be directly tied to that support work.

A veteran human rights activist told us:

I haven't seen such a mature mechanism like the 612 Fund and the legal support hotline in other countries like we had in Hong Kong. It's basically a well-developed system to safeguard legal rights and provide remedies to the victims [of protest arrests and police abuses].¹⁶⁶

Likely the greatest impact of the 612 Fund's shutdown was that it forced many defendants to give up their legal battle, either by pleading guilty or giving up on legal appeals. In one case, for example, the defendant decided to give up their appeal due to a lack of financial support after 612 ceased operations. Lawyers and their law firms were increasingly pressured to fully support pro bono cases without the 612 Fund,¹⁶⁷ and arrested protesters were deprived of effective and timely remedies.

CURTAILING OF PUBLIC DEBATE AND CAMPUS ADVOCACY

As discussed throughout this report, Hong Kong's iconic scenes of bustling protests, street booths, and colorful political banners of all stripes have all been decimated. NGOs were at the core of this vibrant civic culture, regularly launching campaigns for public engagement and mobilization on various political and social issues involving a mix of highly visible methods. Most of the NGOs that took part in this work are gone entirely, and the ones that remain are highly restricted in their public activities.

A former union leader lamented the shrinking civic space:

On July 1 [2021], all street booths were banned in Causeway Bay, which was completely cordoned-off. Street booths could still be set up in Wai Chai, but the police came and inspected all banners and publication materials for any issues, which I had never encountered before. My situation wasn't the worst. There was a severe police raid on the street booths set up by my other colleagues in the pedestrian area in Mong-kok. The police accused one of the street booths of hanging a banner on a bridge without applying for permission, which was not required in the past. My colleague took it off and put the banner on the floor, but and the police subsequently said it obstructed the area. My colleague later spoke through a microphone, but a policeman approached and said his content was inciting hatred against the government and the country, and if he continued to speak, he would be arrested.¹⁶⁸

Perhaps unsurprisingly, student unions also emerged as a core target of the crackdown.

Because universities were seen as key battlefields during the 2019 protests, bringing higher education under control was a high government priority. After the NSL went into effect, student unions were regularly attacked by state media and several student union leaders received death threats.¹⁶⁹ All eight Hong Kong universities terminated their finan-

166 Interview 26.

167 "612基金告终 律师被告同受累 [612 Humanitarian Relief Fund terminates, both lawyers and defendants suffer]," *U-Beat Magazine of The Chinese University of Hong Kong Issue 156*, December 1, 2021.

168 Interview 1.

169 Candice Chau, "Chinese University Hong Kong student union leaders quit after withdrawing election manifesto, citing death threats," *Hong Kong Free Press*, March 2, 2021.

cial support of student unions, six banned the unions from using university venues for their operations, and several fully derecognized the unions, including the University of Hong Kong and the Hong Kong Polytechnic University.¹⁷⁰ With almost no resources, most of the student unions simply could not survive. Government and university officials' moves to neuter or close student unions deprived students of a once-vital forum for both on-campus debate and broader political activism.

A former student union leader told us that the atmosphere on his campus changed dramatically after the NSL went into effect:

After the 2020 NSL was passed, the environment for students to discuss politics suddenly disappeared. Most of the book clubs and movie clubs that had already been planned were all cancelled. No one dared post their opinions on the campus Democracy Wall, since the school would no longer tolerate dissenting opinions.¹⁷¹

EROSION OF JUDICIAL INDEPENDENCE AND RULE OF LAW

As the Hong Kong government and Beijing ramped up their use of lawfare and extra-legal pressure against NGOs, activists, journalists, student groups, and others, many hoped that judges and magistrates — whose independence is constitutionally mandated — would shield those targeted. But it soon became clear that the courts themselves were under massive political pressure, which severely limited their ability to apply basic rights protections to national security cases. In case after case, the courts have delivered pro-government verdicts, generally declining to apply constitutional rights protections to national security cases in any meaningful way. More than three and a half years after the NSL went into effect, the government has an unblemished record: it has yet to lose a single case.

At the same time, the bulk of procedural rulings have also favored the government. As a result, NSL defendants are generally denied key due process rights, including the right to pre-trial release, the right to a jury trial, and, in some cases, the right to counsel of one's choosing.¹⁷² The courts have also generally declined to rein in the government's expanded surveillance and search and seizure powers under the NSL. As a result, under certain circumstances, members of the special national security unit of the Hong Kong Police force can engage in electronic surveillance of Hong Kong citizens without first seeking a judicial warrant, and can even search the premises of a private citizen without judicial authorization.

These changes have not gone unnoticed, either by the general public,¹⁷³ NGO activists, or lawyers affiliated with the pan-democratic camp.

Civil society activists we interviewed were deeply saddened by the damage done to rule of law in Hong Kong, and the perceived decline in judicial independence. For many activists we spoke with, these principles were fundamental to their public service work, and their sense of Hong Kong itself. Some took the failure of judges to assert their independence as akin to a personal betrayal, one that went against everything that generations of Hong Kongers had been taught about their government and legal system.

170 Fung Hui-Tung and Lau Yu-shing, “【八大學生會】解散後重組、遷出校園、與校方有商有量——他們在狹縫下面對甚麼 [8 Student Unions] Restructuring After Dissolution, Moving out of Campus, Negotiating with School Authorities — What They are Facing in the Fissure,” *Inmedia.net*, September 3, 2022.

171 Interview 27.

172 Wong et al., *Hong Kong's National Security Law and the Right to a Fair Trial: A GCAL Briefing Paper*, June 28, 2021.

173 Rhoda Kwan, “Survey finds declining confidence in Hong Kong's democracy, rule of law, and stability amid promise of 'patriots' ruling city,” *Hong Kong Free Press*, March 26, 2021.

One longtime political activist said:

We can't understand the changes among judges now. It used to be common sense to us that judges in Hong Kong upheld the spirit of rule of law and judicial independence. Since childhood, we learned about the separation of powers in school, but how can judges override these most basic values? They can arbitrarily make any decisions and orders, including restrictions on media reporting... I don't understand the decisions made by Hong Kong's judges, which are completely controlled by political authorities. The rule of law no longer exists, and even the courts could not be safeguarded. The lawyers in our group are deeply disappointed.¹⁷⁴

Some lawyers have started to question the relevance of the role of defense counsel in national security cases. One exiled activist lawyer told us:

As legal professionals, I already feel that we are no longer doing legal work. What's the point of my participation if the courts do not rule based on the law? If I argue about the law, [the courts] simply ignore it. The situation has become such that I am merely a person who knows a bit more about court procedures, accompanying the defendants on this journey [to conviction].¹⁷⁵

The frustration that many lawyers have felt is fed by the extreme uncertainty that was generated by the law's vague and overbroad provisions. One activist lawyer shared with us concerns shared by many lawyers over the law's vague provisions, and over threats made by senior government officials to prosecute individuals for activities that took place before the NSL went into effect:

Legally, the question is not which law the authorities can use to suppress you, but what you think you can do to avoid being punished by them. Basically, there is nothing they can't use as leverage against you... In looking back now [at the NSL arrests and prosecutions], pre-NSL activities have been taken into account. The legal community has been discussing the question about how far-reaching the evidence can be, as the law's actual operation is unclear. For example, "collusion with foreign forces" in the NSL covers not only local activities but also anything on a global level — doing an interview with foreign media can cause trouble.¹⁷⁶

To be fair, no individual has yet been prosecuted solely for actions that took place prior to the law's implementation. That said, some NSL defendants have seen their pre-July 2020 actions emerge as elements of the government's case against them. Others have been threatened with prosecution for acts that took place prior to the implementation of the NSL.

Given the impossibility of conducting candid on-the-ground interviews with lawyers handling NSL cases, it's impossible to know how widespread such views are among current members of the Hong Kong bar. That said, it's clear from our conversations with lawyers who have left Hong Kong that such views are by no means uncommon. These sentiments serve as a damning indictment of the damage being done to the judicial system's once-vaunted reputation for independence, professionalism, and respect for core rule of law values. For many lawyers, the decline of judicial independence is best illustrated by the

174 Interview 6.

175 Interview 13.

176 Interview 4.

judiciary's unwillingness to check the powers of the National Security Department of the Hong Kong Police Force. Under the NSL, the NSD has broad powers to detain and interrogate activists, to arrest them, and to ensure that NSL defendants are held for months or even years in pre-trial detention, with no hope of bail. The NSD's powers continue to expand: in July 2023, the NSD temporarily detained and questioned family members of overseas activists. That move was seen as part of a broader effort to silence those who lobby Western governments to take action on Hong Kong human rights. Family harassment and short-term detention continued in the 2nd half of 2023, and in early 2024, and shows no sign of abating anytime soon.¹⁷⁷ The legal basis for such harassment remains unclear, but it seems unlikely that the courts will be able to check the NSD's increasing use of this disturbing tool.

The inability of the courts to exercise genuine oversight over the NSD also extends to the NSD's extremely broad search and seizure powers. One veteran lawyer we spoke with noted the ways in which the police ignored search warrant restrictions in a raid on the offices of *Next Media*, home to *Apple Daily*:

When *Apple Daily* was searched in 2020, the search warrant approved by the court clearly stated that it was a media organization, and that journalistic materials on the premises needed to be sealed. This is an important protection for press freedom, and this protection was respected during the first search of *Apple*. But by the time *Apple Daily* was searched [again] in June 2021, this protection was gone. [The courts] approved search warrants that [the police] wanted, and anything could be taken away.¹⁷⁸

For this lawyer, the connection between police behavior and the changes wrought by the NSL were all too clear:

How the police enforce the law very much depends on the overall social environment. They discovered that they no longer need to follow previous social norms, and the restrictions that used to protect freedom no longer need to be complied with.¹⁷⁹

In August 2022, former *Apple Daily* publisher Jimmy Lai filed a notice seeking a judicial review challenging the national security search warrant that was executed during the August 2020 raid on *Apple Daily*. Lai argued that the journalistic materials seized during that search should be excluded from the police investigation of his NSL case. The High Court judgment handed down on August 30, 2022, affirms that police are entitled to seize journalistic materials under common law in light of 'paramount' public interest.¹⁸⁰

Given the highly technical nature of the ruling, the court's August 2022 decision in the government's favor drew little press or public attention. But the decision was noted by Hong Kong's legal community. It was seen as yet another example of the failure of the courts to rein in the NSD. The veteran lawyer told us:

It is worth noting that subsequently in 2022 the courts have actually found in favor of the police... [that] it is not necessary to seal journalistic materials for court approval when [executing] an NSL warrant. Since this

177 Pak Yiu, "Hong Kong police raid family home of exiled activist Simon Cheng," *Nikkei Asia*, January 11, 2024.

178 Interview 13.

179 Interview 13.

180 Brian Wong, "Hong Kong national security law: media tycoon Jimmy Lai loses legal bid to block police access to journalistic articles on phones," *South China Morning Post*, August 30, 2022.

had not yet been clarified at the time of the two *Apple Daily* searches, I would see this as the police pushing the envelope, and the courts subsequently ratifying their practice.

In other words, rather than using their oversight powers to limit police authority, the courts are merely offering an *ex-post* legal rationale and seal of approval. As of this writing, the courts have yet to issue any decisions that have checked the power of the NSD, or the Hong Kong government more generally, in national security cases.¹⁸¹ As far as the Hong Kong courts are concerned, it seems that the government has an almost entirely free hand in the execution of its expansive powers under the NSL.

181 The one limited exception might be the Court of Final Appeal's November 2022 decision to allow U.K. barrister Tim Owen to appear in court as part of Jimmy Lai's defense team. That decision was effectively blocked by the government, which refused to allow Owen to enter Hong Kong for the purpose of participating in Lai's defense. The central government in Beijing later issued an interpretation effectively overruling the court's decision. For more on the legal implications of the Tim Owen controversy, see Kevin Yam and Thomas E. Kellogg, "[In Hong Kong, Another Blow to the Rule of Law](#)," *Lawfare*, May 23, 2023.



ADAPTING TO THE NEW NORMAL

WHAT HAVE NGOS DONE IN RESPONSE TO THE CHANGING LANDSCAPE?

THE CONSTANT HARASSMENT AND PROSECUTION OF PRO-DEMOCRACY ACTIVISTS CAUSED MANY NGOS TO FOLD. FOR THOSE THAT REMAINED, THEY HAD TO TAKE A NUMBER OF MITIGATION MEASURES TO PROTECT THEMSELVES FROM LEGAL RISKS, OFTEN IN WAYS THAT UNDERCUT THEIR EFFECTIVENESS. MOST ACTIVISTS WE SPOKE TO FROM NGOS THAT ARE STILL OPEN REPORTED RECALIBRATING THEIR WORK IN LIGHT OF THE CRACKDOWN. THAT SAID, NGOS CONTINUE TO FACE TREMENDOUS CHALLENGES IN ASSESSING OPERATIONAL RISKS.

In our interviews, we noted four common strategies NGOs have used to mitigate risks to their organization, staff and members: regular internal risk assessment; a more moderate approach to external communications, which at times includes self-censorship; cutting off relationships with international organizations, and ending collaborative international advocacy with those groups; and departure from Hong Kong and reestablishment of the group overseas, beyond the reach of the NSL.

CONSTANT RISK ASSESSMENTS WITHIN ORGANIZATIONS

After the NSL went into effect, many groups launched processes to conduct risk analysis and plan for the future. But such assessments were not one-time events: many NGO activists reported having to continually conduct assessments and adjust strategies whenever significant political incidents took place, such as the January 2021 arrest of 47 pro-democracy political candidates and the collapse of CHRF and Hong Kong Alliance in August and September of that same year. Some of the mitigation measures reported by these NGOs included strengthening office and digital security, and developing personal risk profile assessments.¹⁸²

International organizations and longstanding NGOs of considerable size and sophistication were often better equipped to allocate resources to strategic planning and mitigation measures. For example, one human rights organization shared with their members their experience installing security equipment and advised them, in view of their activism, on what mitigation measures to take.¹⁸³ Some groups formulated contingency plans for potential office raids or the arrest of key leaders, including preparing legal support and training on how to respond to police actions and investigations.

Still, activists know that there are limits to the protection that improved security measures can provide. Many people we interviewed criticized the NSL's vagueness, and the often unpredictable and legally arbitrary police action that flowed from it. One veteran activist lawyer commented:

I expect to know what the law is so that I can conform to it, which means there should be legal certainty in the law. Notwithstanding the nature of the National Security Law, you ought to tell me that I can't advocate for sanctions by the US Congress, or demand that others sanction the Chief Executive or officials at any rank. This way, I will be very clear as to where the line is.¹⁸⁴

The NSL is designed to operate in almost the exact opposite way: its vagueness and elasticity is a core element of its effectiveness. Activists know this, and they are doing their best to try to protect themselves, even despite this defining aspect of the law.

Beyond the NSL, the government has also used laws like the sedition provision of the Crimes Ordinance and the Societies Ordinance in new and dramatically expanded ways to prosecute activists. This trend has made it even more difficult for NGOs and activists to adapt to the new national security era: the government can choose from various laws to crack down on civil society activists and groups, depending on the specific circumstances of the target organization and the political exigencies of the moment.

The use of older laws also made it somewhat more difficult for overseas activists to rally support from Western governments. One longtime human rights activist told us:

182 Author interviews.

183 Interview 7.

184 Interview 13.

The authorities can also now employ colonial-era laws for prosecution, which have already become what is commonly referred to as ‘pocket crimes’ on the Mainland. If all cases were charged under the NSL, it would [more] easily be denounced as a draconian law by the international community.¹⁸⁵

As a result of these difficulties, NGOs face huge challenges in making timely and accurate risk assessments. Most have chosen to operate very carefully and conservatively. “We became low-key after the enactment of the NSL,” one representative of a now-shuttered union told us.¹⁸⁶

A few, however, were initially committed to testing boundaries. For those who adopted this strategy, it quickly became clear that the risks of such an approach were simply too great, and the potential impact of the work itself was limited. In other words, the risk was great, and the potential reward, in terms of actual policy influence or impact, was extremely low.

A leader from a now-defunct group told us how the NGO eventually decided to shut itself down:

Prior to the arrest of [Hong Kong Alliance’s] Chow Hang-tung, we were still walking on the tightrope, testing where the bottom line was. We eventually realized we might not be able to achieve [any] social impact, and we didn’t want everyone to end up in jail.¹⁸⁷

All too often, ongoing risk assessment made clear the difficult choice that organizations faced: NGO activists had to accept that the work environment had fundamentally changed, and adapt accordingly, or close their doors.

MODERATING MEDIA AND COMMUNICATIONS STRATEGIES

Adaptation strategies took many different forms. Perhaps not surprisingly, changes to communications strategies were often at the top of the list. Many of the activists we spoke to reported that their NGOs moderated their media and communications strategies for fear of being accused of speech crimes like sedition or secession.

Public discussion and debate in Hong Kong, once rich and robust, was transformed almost overnight. Sensitive terms were cut from publications, statements, and social media posts to avoid drawing unwanted government attention. Civil society groups refrained from strongly-worded statements or articles, avoiding any discussion of concepts like Hong Kong independence, sanctions, police brutality, the “liberate Hong Kong” protest slogans, and moves by some foreign governments to offer so-called “lifeboat” immigration pathways to Hong Kongers seeking to leave. Media organizations stopped reporting on speeches or articles by certain prominent arrested or overseas pro-democracy activists.

The self-censorship regime that has emerged was not just a question of avoiding certain forbidden terms, or refraining from direct and sharply-worded criticism of the government. With the implementation of the NSL, certain ideas can no longer be expressed, certain topics no longer discussed: all NGOs, media outlets, and academics now avoid any discussion of Western sanctions for example, and any discussion of self-determination for Hong Kong is also now forbidden. Criticism of the NSL, when published or spoken, is

185 Interview 5.

186 Interview 9.

187 Interview 8.

often careful and qualified; some lawyers and legal academics have decided to refrain from commentary on the law altogether.¹⁸⁸

A veteran human rights activist shared her experience:

I began to observe clearer signals from different arrests that there were certain red lines that couldn't be crossed, such as Hong Kong independence, sanctions, and lifeboat schemes.¹⁸⁹

In addition to fully forbidden topics, the government also actively sows doubt about what forms of speech and criticism are acceptable, in order to further entrench self-censorship and soften public discourse in its favor. Since 2021, for example, senior Hong Kong government officials have regularly used the term “soft resistance” to refer to forms of speech and action that it views as problematic.¹⁹⁰ At times, these officials have suggested — without making any sort of definitive statement — that some forms of soft resistance are illegal under the NSL. The benefits of such vagueness are all too clear: in the absence of any line-drawing by the government, individuals must decide on their own what they can say and do. Given the harsh penalties meted out in national security cases, they may decide to err on the side of keeping silent.

In this complicated and shifting environment, self-censorship has become widespread. For many groups, the decision to scale back external communications was both sudden and dramatic. “We did a frenzy of media interviews in 2019. Both local and foreign media would seek us out,” one activist recalled. “After the NSL, we kept completely quiet.”¹⁹¹

One veteran human rights advocate, who shared a common dilemma with many other activists in Hong Kong, described his organization's approach:

We became more cautious with our wording when writing reports. We had no choice but to self-censor, given our own and our staff's risk. Our concern was how to conduct investigations and publish reports within a range that we still considered to be safe. With regard to wording, for example, we adopted a more descriptive approach to demonstrate human rights violations by the government, such as identifying non-compliance with the provisions of the ICCPR. We would choose a more diplomatic approach rather than strongly criticizing them in our report.¹⁹²

For many groups, self-censorship was also retroactive: after the NSL went into effect, many activists told us their NGOs deleted sensitive contents from previous social media posts, or even shut down their social media accounts entirely. A core member of a now-closed group told us that his NGO staff colleagues went through their social media accounts and deleted any potentially risky posts, including policy commentaries on the 2019 protests and content that could be seen as “inciting hatred against the government.”¹⁹³

Self-censorship has a direct impact on an organization's policy advocacy, its public engagement, and other work. It therefore has an indirect but very real impact on govern-

188 Author interviews. For an excellent assessment of how academic freedom in Hong Kong has been impacted by the NSL, see Cora Chan, “Scholarship in Times of Constitutional Transformation: A View from Hong Kong,” *Human Rights Law Review*, vol. 24, pp. 1-15 (2023).

189 Interview 3.

190 For an excellent background on the rise of “soft resistance” rhetoric among Hong Kong and Mainland officials since 2021, see “[Explainer: What is ‘soft resistance’? Hong Kong officials vow to take a hard line against it, but provide no definition](#),” *Hong Kong Free Press*, August 4, 2023.

191 Interview 13.

192 Interview 26.

193 Interview 10.

ment policy formation and the legislative process: if government officials and legislators are no longer hearing candid — and, when necessary, strongly-worded — assessments from civil society groups, they are less likely to craft or adjust policies and laws that meet public needs, and that reflect the public's priorities and preferences. The gap between government and the governed continues to grow, and the political legitimacy of government institutions declines.

RETREAT FROM INTERNATIONAL NETWORKS

Over the years, NGOs in Hong Kong developed strong ties with international organizations, including those in the fields of human rights and democratic development. These ties allowed Hong Kong NGOs to collaborate with these well-resourced groups, apply for funding, and learn about international advocacy approaches. The benefits to international groups are also significant: they learn more about domestic political and legal developments, and get a better sense of what is feasible in terms of near-term reforms. Yet under Articles 29 and 30 of the NSL, “collusion with foreign forces” is a crime. GCAL believes that Articles 29 and 30 were crafted specifically to break ties between Hong Kong groups and their international partners and supporters.¹⁹⁴

The NSD put Articles 29 and 30 to work almost immediately after the NSL went into effect. When *Apple Daily* publisher Jimmy Lai and other *Apple* colleagues were arrested in August 2020, for example, they were arrested under Article 29. (Lai was later charged with conspiracy to collude with foreign forces under Article 30, and with sedition.) The overall number of arrests for collusion with foreign forces remain relatively small — according to GCAL data, only 38 individuals have been arrested for collusion, and only nine have been criminally charged, as of December 31, 2023.¹⁹⁵ Still, the limited number of arrests and prosecutions has been more than enough to send a clear signal to NGO activists: collaboration with foreign NGO partners carries with it significant legal and political risk, even if the substance of the collaboration is outside the scope of the topics considered the most sensitive under the NSL.

In light of the potential risk, activists told us that they have had to cut ties in various ways. Joint statements with global groups are no longer possible as part of their advocacy and campaign strategies, and many sources of foreign funding are too risky. Even meetings with foreign government officials are often deemed too dangerous.

“There are foreign consulates who have sought me out [for meetings], but I have refused to meet them,” a veteran activist told us.¹⁹⁶

A longtime human rights activist from a now-closed NGO described the dramatic curtailing of once-common collaboration with international groups:

International advocacy has already become extremely difficult to do. We have suspended all joint statements except less sensitive collaboration with certain professional lawyers' groups that only focus on lawyer-related issues. It's just support within the legal sector, not really collusion with foreign forces.¹⁹⁷

194 Lydia Wong and Thomas E Kellogg, *Hong Kong's National Security Law: A Human Rights and Rule of Law Analysis*, GCAL report, February, 2021.

195 Kellogg and Yeung, *Chinafile*. In addition, three companies have also been charged with collusion with foreign forces as well.

196 Interview 1.

197 Interview 15.

It even became challenging to maintain partnerships with other groups in Hong Kong. Some groups even refused to communicate or hold meetings with sensitive NGOs out of fear. One former senior staff member who worked for the Hong Kong-based office of a targeted international human rights organization told us:

The biggest impacts are twofold: first, no one wanted to collaborate with us openly. It became very hard to launch campaigns after July 1, 2020 [the implementation date of the NSL] as no one would even co-sign a statement with us or co-organize events.¹⁹⁸

Foreign funding has also become an important security risk. Given the political sensitivity of human rights and pro-democracy work, many Hong Kong funders have generally declined to support groups engaged in rights advocacy. For Mainland Chinese donors, it is all but impossible to support such work. As a result, many of the core funders for such work are based outside of Hong Kong. The implementation of the NSL meant that even that stream of international funding carried with it significant risk.

In many cases, NGOs faced a hard choice: continue to receive foreign funding, and risk criminal prosecution for doing so, or forego that funding and face the all too real possibility of having to close due to lack of funds. For their part, foreign funders also had to engage in a complicated risk calculus: should they continue to support Hong Kong-based groups, given that doing so could expose them to legal and political risk? Or should they stop funding groups in Hong Kong altogether, even as they faced the worst crackdown on human rights since the 1997 Handover?

For many organizations, the end of foreign funding meant that closure was inevitable. The founder of a now-defunct human rights organization explained their decision to close down:

At that time, we felt that the organization couldn't continue operating, one of the reasons being the lack of resources. We had staff, but without resources, we can't maintain their salaries. We assessed that if we were to take in [foreign] resources again, the risk would be too high. That is to say, we couldn't find a secure way to accept these resources.¹⁹⁹

This organization's experience was by no means unique: many other organizations also found themselves forced to close their doors, after being unable to find a way to manage the interlinked challenges of political pressure and the loss of key overseas donors. In some ways, the extreme curtailment of international funding that Hong Kong NGOs experienced dovetailed with the experience of Mainland NGOs after the implementation of the 2016 Foreign NGO Law,²⁰⁰ which similarly forced the closure of a number of civil society groups after they lost access to foreign funding under the much stricter legal regime.

RELOCATION

Some NGOs based in Hong Kong have chosen to move the organization, and also key staff, to other countries in order to mitigate risk. This approach brings with it many downsides, including the loss of easy access to professional networks that were in some cases built up over decades. And of course, in the case of Hong Kong-focused NGOs,

198 Interview 2.

199 Interview 26.

200 For more on the PRC Foreign NGO Law and an initial assessment of its impact on civil society on the Mainland, see Thomas E. Kellogg, "The Foreign NGO Law and the Closing of China," in Fu Hualing and Chen Weitseng, eds., *Authoritarian Legality in Asia: Formation, Development, and Transition*, Cambridge University Press, 2020, pp. 114-140.

relocation means that the organization can no longer engage directly with governmental institutions and legislative actors, all but nullifying any opportunity to directly influence law and policy in Hong Kong.

Still, for many groups, the security-related benefits of relocation can outweigh even quite significant costs. A former board member of a now-relocated group illustrated how they managed to survive after the crackdown:

It seemed that if our organization were to move overseas, the operating space will be larger, the projects we used to do can be continued, and everyone can use different methods in the process of planning and execution. The needs of our target group have not decreased. On the contrary, they are more motivated to contact us when they learn about our relocation because they feel that our risk is much lower. This is very encouraging: we can tell our funders that we are not without operating space, that on the contrary, the group we have been serving will continue to look for us and still needs our support — even more than before.²⁰¹

Still, the decision to relocate is often an extremely difficult one, which includes difficult decisions made at both the organizational and the individual level about whether to stay or go. Relocation is often a more feasible option for regional or international NGOs, which have greater resources and more experience transferring staff from one locale to another. Smaller Hong Kong NGOs are often less mobile: they lack the resources needed to move, and are less able to continue to do their Hong Kong-focused work elsewhere.

Relocation decisions also forced NGO staffers to make difficult decisions on whether to leave what for many NGO activists was their home. Some staffers who felt that they could not leave Hong Kong, whether for family reasons or otherwise, were forced to leave civil society work altogether: given the dramatic shrinkage of the civil society sector in Hong Kong after the passage of the NSL, there were precious few new job opportunities for individuals whose organizations had decided to leave. One former staff member of an international NGO that left Hong Kong told us that colleagues had to choose: they could opt for relocation to another position based outside Hong Kong, and those who could not relocate had to leave the organization with severance pay.²⁰²

But even for those who did choose to relocate, the professional implications were significant. One veteran human rights activist shared her experience of relocation:

What I feel disconnected from the most is I can't feel the pulse on the ground. When you're there, you could sense how winds were shifting, the emotions of the people. It's harder when I am abroad. After I left Hong Kong, I couldn't participate in in-person events such as interacting with people in cultural activities. I can't participate in the network anymore.²⁰³

In essence, civil society activists have faced the same excruciating choice that many Hong Kongers have dealt with since the NSL went into effect: whether to stay and accept significant limits on basic rights, or go into exile and perhaps never set foot in Hong Kong again. The personal and professional tradeoffs of exile are impossible to measure, but they are all too real for the hundreds of thousands of Hong Kongers who have left the city since 2020.

201 Interview 5.

202 Interview 21.

203 Interview 3.

IS ACTIVISM STILL POSSIBLE? MOVING FORWARD UNDER PRESSURE

As we have recounted in this report, civic space has been severely restricted. Activists can no longer overtly advocate for civil and political rights or directly mobilize against government policies. While many activists we spoke with lamented the withering of Hong Kong's once-thriving civic space, some still maintain faith that civil society in Hong Kong will survive in a different form. A number of NGOs have managed to maintain at least limited operations in the city while focusing on a variety of less controversial social and professional rights issues. Groups like the Hong Kong Journalists Association and League of Social Democrats are examples of civil society entities that have managed to survive in the challenging environment.

One longtime human rights advocate with expertise in civil society development in both Hong Kong and Mainland China reflected on civil society's chances for survival:

There is a wide spectrum of work that can be considered NGO and human rights work. Traditional NGOs focus on civil and political rights, promoting universal suffrage, freedom, and so on, but they are now in the eye of the storm. There are many different NGO sectors with different dimensions, and in fact, many other NGOs addressing different topics still exist. NGOs are not political parties. They can be relatively neutral and work on issue-based advocacy or under the framework of international human rights laws. I don't think it's the end of the NGO sector in Hong Kong.²⁰⁴

What is still possible in this remaining space? A number of activists we interviewed told us that there is still at least some limited space for work related to economic, social and cultural rights such as women's rights, environmental rights, LGBTQ rights and labor rights, but with a more confined focus on advocating the basic rights of specific target groups. Organizing models will also need to become more informal and individual-based. Large, formal institutions or coalitions simply aren't feasible at present.

One veteran grassroots activist told us:

We used to take diverse approaches [to our advocacy and campaigns]. Meeting with officials or taking other actions were possible, but now it can only be very moderately and politely submitting opinions, publishing research reports, writing case studies, or publishing stories for the media.²⁰⁵

With the shutdown of most rights-based groups in Hong Kong, one encouraging sign has been the establishment of new groups and online media platforms both inside and outside of Hong Kong with a different focus. Activists once committed to the democracy movement have adjusted their course, adjusting their activism goals in response to the new political paradigm. While they are well aware of the precarious road ahead, activists in Hong Kong have been learning to strike a balance between testing red lines and maintaining their security.

The NGOs that remain active on the ground in Hong Kong are facing significant challenges that they will need to address if they hope to survive. First, the loss of countless experienced activists to emigration, prison, or career changes has led to a shortage of both manpower and expertise. Many veteran activists who were also leading members of longstanding civil society groups went into exile due to security concerns, and while

204 Interview 21.

205 Interview 16.

some have continued their activism abroad, their relocation is a great loss to Hong Kong's civil society as they can no longer pass on valuable experience to the younger generation of activists. Second, due to tightened scrutiny of funding sources, particularly foreign funding, it has become more difficult to maintain stable and secure financial resources. Third, networking and alliance building among civil society actors are much more challenging as activists must be more cautious about the people with whom they are collaborating.

Several activists we spoke to believe that online activism is still viable to a certain extent, notwithstanding the more stringent censorship of online speech. "Hong Kong has some advantages over the Mainland. For example, the internet is relatively more free. Individuals can still publish posts or even become influencers," one overseas activist told us.²⁰⁶

Since criticizing government policies online can lead to accusations of sedition, many members of the general public have gone silent, yet the Internet remains a significant platform for dissemination of news and social commentary. And with hundreds of thousands of Hong Kongers moving overseas to safer locations, online commentary in Cantonese among the diaspora remains robust. Hong Kong activists and journalists abroad have established an ever-increasing number of online media platforms, while some former journalists from defunct media outlets like *Apple Daily* and *Stand News* launched new local media channels to publish news and produce documentary series.²⁰⁷ The Hong Kong-based audience for these new media platforms is not known, but it is likely quite robust. And overall global audience numbers for some Hong Kong exile media outlets have now reached into the hundreds of thousands.

With numerous exiled activists scattered around the world, a growing diaspora community has formed in countries such as the U.K., Canada and Australia, with smaller communities in places like the U.S. and Germany. Many activists we interviewed believe that diaspora groups can play a crucial role in continuing the work of international advocacy for democratic development and human rights issues in Hong Kong. These new exile groups can take advantage of their relative safety to engage with international groups that have been forced to cut ties with Hong Kong-based NGOs.

As the Executive Director of Hong Kong Labour Rights Monitor, a newly established diaspora organization founded by a group of former Hong Kong unionists and activists, wrote:

We spread the stories of our brave labour activists in Hong Kong to the U.K., France, the USA, and Australia. We called for the global labour movement to constantly keep an eye on Hong Kong. We found strength in our solidarity. This is now our obligation in the free world: to tell the truth, to speak out for those in Hong Kong who are being silenced.²⁰⁸

Some newly-established diaspora groups have been closely monitoring developments in Hong Kong through submissions to UN committees such as the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. Recent reports from both of these UN bodies, which relied heavily on submissions from Hong Kong diaspora groups, presented substantial evidence of human rights violations by the Hong Kong authorities, found that the government crackdown violates Hong Kong's treaty

206 Interview 2.

207 Peter Lee, "Explainer: Small Chinese-language media outlets press on as Hong Kong's big names disappear," *Hong Kong Free Press*, May 9, 2022.

208 Siu Tat Mung, "Our battle for Hong Kong labour rights on the global front," Hong Kong Labour Rights Monitor statement, July 7, 2022.

obligations, and called for the repeal of the NSL.²⁰⁹ The information provided by diaspora groups to these committees is invaluable, as local Hong Kong groups would face almost-certain arrest if they were to submit evidence critical of the government.

Bearing in mind that the NSL is “asserting extraterritorial jurisdiction over every person on the planet,”²¹⁰ engagement in UN advocacy is a risky move even for diaspora groups. Foreign NGOs or diaspora activists can also be accused of violating the NSL.²¹¹ Diaspora activists or groups also face harassment and could put their families still in Hong Kong at risk when they speak out overseas.

Some of our interviewees suggested that more support should be provided to young activists abroad who may not be well-connected with NGOs or any resource networks. Unlike experienced activists with wider networks and financial capacities, young activists are often less knowledgeable about how to tap into global networks and access helpful resources.

209 Hong Kong Human Rights Information Centre and Hong Kong Rule of Law Monitor, *NGO Alternative Report for the 4th periodic report of Hong Kong, China to Human Rights Committee (CCPR) at 135th session (27 June to 29 July 2022)*, May 30, 2022; UN Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Hong Kong, China, CCPR/C/CHN-HKG/CO/4, Advanced Unedited Version, arts. 14(a), 49, July 27, 2022; Committee on Economic, Social and Cultural Rights, “Concluding observations on the third periodic report of China, including Hong Kong, China and Macao, China,” *United Nations Economic and Social Council*, Mar. 22, 2023.

210 Jerome Taylor, “‘Every person on the planet’ affected: Hong Kong security law more draconian than feared, say analysts,” *Hong Kong Free Press*, July 2, 2020.

211 AFP, “Hong Kong demands UK-based rights group shut down website,” *The Guardian*, March 14, 2022.



THE NEW CAMPAIGN: Targeting overseas activists

IN MID-2022, HONG KONG ENTERED INTO A CONSOLIDATION PHASE: NATIONAL SECURITY ARRESTS AND PROSECUTIONS SLOWED, AS DID THE NUMBER OF FORCED NGO CLOSURES. IF, AS THIS REPORT HAS ARGUED, THE GOVERNMENT LAUNCHED A CAMPAIGN-STYLE ATTACK ON HONG KONG CIVIL SOCIETY GROUPS AND LEADING MEDIA OUTLETS, THEN IT SEEMS LIKELY THAT THIS CAMPAIGN'S WORK WAS LARGELY DONE BY JULY 1, 2022. IN THIS PHASE, THERE WAS STILL WORK TO BE DONE: INDIVIDUALS WHO CROSSED SPEECH-RELATED RED LINES WERE STILL ARRESTED, FOR EXAMPLE. BUT THE NSL WAS USED LESS OFTEN, AND WHEN IT WAS USED, THE FOCUS WAS LARGELY ON MAINTAINING EXISTING RED LINES, RATHER THAN STRIKING OUT AT WHOLLY NEW TARGETS.²¹²

²¹² Thomas Kellogg and Charlotte Young, "Three Years in, Hong Kong's National Security Law Has Entrenched a New Status Quo," *China-File*, September 6, 2023.

By mid-2023, it was possible for the government to declare victory: it had used the NSL and the sedition provision to fundamentally reshape civic life in Hong Kong. As this report documents, the government pressured scores of leading NGOs to close, and arrested and prosecuted key civil society leaders. It has decimated pro-democratic political parties, arrested and prosecuted a number of the pan-democratic camp's leading lights, and forced others into exile. And it has dramatically curtailed Hong Kong's once-vibrant public discourse, forcing the closure of 22 media outlets and curbing online commentary by average citizens on social media.

If the government had decided to scale back its national security efforts in mid-2023, such a decision would have made sense: it would have allowed the government to focus its efforts on winning back the confidence of the international business community, and rebuilding trust with its own citizens. Faced with a historic brain drain and a slowing economy, Chief Executive John Lee would have been well-advised to move on from the national security crackdown, and to signal both to local and international audiences that Hong Kong was turning the page on the 2019 protest movement and the yearslong crackdown that followed.

Instead, on July 1, 2023, the government launched a new campaign-style national security effort, pivoting away from the local situation to target top overseas activists and groups. On July 1, 2023, the government announced arrest warrants against 8 overseas activists, and also offered bounties of up to HKD\$1 million (roughly USD\$128,000) for information leading to their arrest. Those targeted included former Legislative Councilors Dennis Kwok and Ted Hui, Hong Kong Democracy Council executive director Anna Kwok, prominent pro-democracy advocate Nathan Law, and former Hong Kong solicitor and pro-democracy advocate Kevin Yam. (Yam is also a senior fellow at GCAL.) As it issued the warrants, the Hong Kong government cited Article 38 of the NSL, which states that non-citizens living outside Hong Kong can also be criminally prosecuted for actions that violate the law's criminal provisions.

After the warrants and bounties were announced, Secretary for Security Chris Tang told reporters that the Hong Kong police would take on "a lifetime's endeavor to catch the wanted." Tang also called Nathan Law a "modern-day *hanjian*," or traitor to the Chinese nation, who had engaged in "evil acts."²¹³

The Hong Kong government almost certainly knew that the eight activists it named would not be extradited back to Hong Kong. After the NSL went into effect, a number of countries cancelled their extradition agreements with Hong Kong, effectively breaking the mechanism that would otherwise be used to return individuals to Hong Kong to face trial. In the absence of any likely legal effect, GCAL believes that the government was using the warrants and bounties to achieve a *political* effect: it wanted to both intimidate the eight activists into silence, and also to warn other overseas Hong Kongers to stay away. Its larger goal was apparently to neutralize these overseas activists, and to punish them for their ongoing lobbying work, including calls for sanctions against key Hong Kong and mainland Chinese officials involved in rights abuses related to the implementation of the NSL.

Troublingly, at the same time, the Hong Kong government also began a campaign of threats and harassment against the family members of exile activists. On July 11, for example, national security police detained Nathan Law's parents and brothers for questioning. They were asked about their ties to Law, including whether they had provided

213 Irene Chan, "Hong Kong security chief lashes out at 'wanted' self-exiled activists, claiming Nathan Law a 'modern day traitor,'" *Hong Kong Free Press*, July 5, 2023.

him with any financial support or acted as his “agent” in Hong Kong, acts which could be construed by the Hong Kong government as a crime under the NSL.²¹⁴ They were later released. According to press reports, at least 28 family members and friends of the eight wanted activists were detained or questioned by the police in the weeks following the July 3rd announcement of the warrants and bounties.²¹⁵

The criminal provisions of the NSL were also used as an adjunct tool in the campaign against overseas activists. Just days after the warrants were announced, Hong Kong authorities arrested seven individuals that it alleged were funding Nathan Law and others via the online platform Mee. Those arrested included former Demosisto chairman Ivan Lam, as well as other members of the now-defunct group.²¹⁶ Lam and the others were charged with collusion with foreign forces under the NSL, and also with sedition, but they have not yet been prosecuted, and they are currently on police bail as they await further government action on their case. The arrests seemed designed to underscore the Hong Kong government’s commitment to punishing anyone whom it believed maintained ties to key exile activists, which has emerged as one of the most important red lines under the NSL.

Hong Kong authorities continued their campaign against overseas activists in December 2023, announcing warrants against an additional five overseas activists. Those named included Francis Hui, a campaigner working for the Committee for Freedom in Hong Kong, and Joey Siu, a pro-democracy advocate at the National Democratic Institute (NDI). The latest round of arrest warrants more directly implicated U.S. interests: both Hui and Siu are based in Washington, D.C., and Siu is a U.S. citizen. The latest round of warrants was likely issued in response to recent efforts by overseas activists to press the U.S. Congress and the Biden administration to impose additional sanctions on Hong Kong and Mainland officials responsible for the NSL crackdown.²¹⁷

Once again, Article 38 was cited as the basis for jurisdiction for the warrants issued against non-Hong Kong citizens living outside Hong Kong.

EVERYBODY DOES IT: HONG KONG’S EXTRATERRITORIAL JURISDICTION CLAIMS AND INTERNATIONAL NORMS

In justifying its threats against overseas activists, the Hong Kong government claimed that it was merely following well-established international norms related to extraterritorial jurisdiction. Echoing prior statements that attempted to justify other elements of the NSL crackdown, the Hong Kong government drew on both international and comparative law to argue that its actions were no different from those of other governments, including countries that had criticized Hong Kong over its expansive use of the NSL.

But is the Hong Kong government right? Does its claim, that its assertion of extraterritorial jurisdiction is in line with the general practice of other states, hold up to legal scrutiny?

The Hong Kong government is right on the basic point that all states have laws that assert overseas jurisdiction. But the Hong Kong government is wrong to suggest that

214 “Hong Kong activist Nathan Law’s family released after being questioned by national security police — reports,” *Hong Kong Free Press*, July 11, 2023.

215 “Parents of Anna Kwok questioned by national security police; a total of 28 family members and friends questioned and arrested to this day,” *Photonmedia* (in Chinese), August 8, 2023.

216 Clifford Lo and Ng Kang-chung, “Four ex-members of Hong Kong’s Demosisto arrested for ‘yellow circle’ fundraising,” *South China Morning Post*, July 5, 2023.

217 See, e.g., Congressional-Executive Commission on China, “Chairs and House CCP Select Committee Leadership Seek Sanctions for Hong Kong Officials Involved in Bounties,” CECC press release, December 20, 2023.

there are clear parallels between its actions and those of other states. In its public defense of the NSL's extraterritorial reach, the Hong Kong government has regularly referred to the national security laws of other states, including the United States, the U.K., and Australia.²¹⁸ To be sure, all of these countries, as well as virtually all other states, assert jurisdiction over foreign nationals who commit national security crimes overseas. It is indeed standard practice for states to include provisions on extraterritorial jurisdiction in criminal provisions covering crimes such as espionage, for example.²¹⁹

But, as this report has documented, Hong Kong's NSL is not geared toward protecting — and criminalizing — *national* security, along the lines of the other laws cited by the Hong Kong government. Instead, the NSL is meant to protect *domestic*, *regime* security and stability, a much broader concept that, in its view, encompasses peaceful political activity and speech.²²⁰ The extensive use of the NSL as a political weapon to crack down on the government's peaceful critics differentiates the NSL from the national security laws of other states. And the government's assertion of extraterritorial jurisdiction to punish peaceful speech and political activity in third countries by its own citizens and third country citizens is an effort to export this fundamental flaw in the NSL.

But there is a second important concern that differentiates the NSL's extremely broad extraterritorial jurisdiction claims from those of other states. In order to target non-citizens based overseas, the government asserts jurisdiction under a doctrine known as the protective principle. Under the protective principle, states can assert jurisdiction over individuals who are non-citizens, if those actions represent a threat to a core — but necessarily limited — set of vital state interests, including national security.²²¹ The Hong Kong government explicitly invoked the protective principle in its assertion of jurisdiction over foreign nationals it targeted with warrants and bounties, including Australian citizen Kevin Yam and U.S. citizen Joey Siu, among others.²²²

Without doubt, states can — and regularly do — assert jurisdiction over foreign nationals who they allege have committed national security crimes. And there are other commonly-accepted uses of the protective principle by states to assert jurisdiction over foreign nationals to protect vital state interests: foreign nationals engaged in counterfeiting of a state's currency, for example, are engaged in actions which have a negative impact on that state's core interest in protecting the soundness of its currency. In recent decades, other economic crimes have been included by some states in their assertion of protective jurisdiction, as part of a broader expansion of the protective principle to cover other crimes.²²³

218 The constant reference to international and comparative best practice has been a constant refrain by the Hong Kong government, even when such parallels don't fit. For more on the Hong Kong government's efforts to draw upon Western government parallels, see Kellogg and Lai, *The Tong Ying-kit NSL Verdict: An International and Comparative Law Analysis*, GCAL briefing paper, October 20, 2021.

219 For an excellent assessment of the U.S. government's assertion of extraterritorial jurisdiction, see *Extraterritorial Application of American Criminal Law*, Congressional Research Service report, March 21, 2023.

220 As one leading scholar of Chinese and Hong Kong law puts it, "the Party, in its typical authoritarian fashion, exerts extensive ideological and organizational control over society." In this context, "political challenges principally take the form of creating alternative political thinking, nurturing political opposition forces, and mobilizing civil society to rally in support of certain legal or political changes," and are thus criminalized under national security law. Fu Hualing, "China's Imperatives for National Security Legislation," in Chan and de Londras, *China's National Security: Endangering Hong Kong's Rule of Law?*, Hart Publishing, 2020, pp. 44.

221 For an excellent book-length study of the protective principle, see Iain Cameron, *The Protective Principle of International Criminal Jurisdiction*, Dartmouth Publishing Company, 1994.

222 Government of the Hong Kong Special Administrative Region, "The jurisdiction of Hong Kong National Security Law accords with international norms and double-standard criticisms are for an ulterior motive," Hong Kong government press release, July 6, 2023.

223 Kenneth S. Gallant, *International Criminal Jurisdiction: Whose Law Must We Obey?*, Oxford University Press, 2022, pp. 419-20, 430-31. The U.S., for example, has used the protective principle to assert jurisdiction over foreign nationals accused of violating U.S. drug laws.

What states have generally *not* done is accept the right of other states — or, in the case of Hong Kong, other legal systems — to assert jurisdiction over political crimes. Such efforts are not geared toward protecting a government’s genuine security interests or the smooth operation of normal government functions. Instead, the Hong Kong government is mobilizing both the criminal justice system and its overbroad jurisdictional claims to harass and, it hopes, silence, its overseas critics. In doing so, it is clearly abusing the protective principle, and infringing on the sovereignty of other states.

The Hong Kong government’s effort to assert global jurisdiction over its overseas critics, even in the face of well-established norms, is nothing new: state manipulation of jurisdiction claims is a well-known problem, one that government officials and legal experts have been grappling with for decades, if not centuries. Some proposals have emerged to formally limit the abuse of jurisdiction by states, rather than — as is usually the case — dealing with them on an ad hoc basis. In 1935, for example, a group of American scholars at Harvard University proposed a treaty on state assertion of jurisdiction that was meant to deal with the problem. Under their proposal, a state could assert protective jurisdiction to protect its “security, territorial integrity, or political independence,” but only if the alleged crime was not in fact the “exercise of a liberty guaranteed the alien by the law of the place where it was committed.”²²⁴

The Harvard proposal never gained traction, perhaps because the post-World War II human rights revolution meant that states could rely on international human rights obligations, as well as basic principle of double criminality, to block extradition.²²⁵ And, as noted above, there is virtually no chance of extradition in any of the Hong Kong cases that have been announced over the last several months.

Still, even though the named individuals won’t be extradited back to Hong Kong, they still face very real harms as a result of the Hong Kong government’s arrest warrants: they need to be careful about travel to third countries that could extradite them back to Hong Kong, for example. Though it hasn’t done so yet, the Hong Kong government could contact Interpol to issue a so-called “red notice,” which would signal to other governments that they are meant to detain and extradite the individuals so named.²²⁶ Even if those red notices aren’t honored, they are yet another form of harassment that named individuals need to deal with. Just as important, those targeted have to deal with the stresses and difficulties of being named by the Hong Kong government as an alleged criminal, including day-to-day safety concerns, social stigma, and online harassment and abuse by pro-Beijing voices.²²⁷

The Hong Kong government’s assertion of jurisdiction over foreign nationals living overseas — often in their own home country — is also a violation of the sovereignty of other states whose nationals are threatened with criminal prosecution. The Hong Kong government’s affront to the sovereignty of other states has not gone unnoticed: in a July 2023 statement responding to the warrants and bounties, the U.S. Department of State called on the Hong Kong government to “respect other countries’ sovereignty,” and to imme-

224 Research in International Law under the Auspices of the Faculty of Harvard Law School, Draft Treaty, art. 7, quoted in Gallant, *International Criminal Jurisdiction*, p. 421. The Harvard Research Project’s authors were primarily concerned with threats made against “aliens,” or a state’s own nationals who were living overseas, but the same concerns apply to threats made against foreign nationals as well.

225 In order for a state to extradite an individual to a requesting state for criminal prosecution, the criminal charge against the individual must be on the books in both states; this is known as the double criminality requirement.

226 For more on China’s use of Interpol red notices against overseas activists, see Safeguard Defenders, *No Room to Run: China’s expanded mis(ue) of Interpol since the rise of Xi Jinping*, Safeguard Defenders report, November 2021.

227 Anna Kwok, “Written Testimony of Anna Kwok,” U.S. Select Committee on the Chinese Communist Party, *CCP Transnational Repression: The Party’s Effort to Silence and Coerce Critics Overseas*, December 13, 2023.

diately withdraw the offending warrants.²²⁸ Instead, the government followed up with additional warrants several months later, including warrants that targeted a U.S. citizen and a U.S. resident.

Statements by the U.S. government and others calling out Hong Kong's violation of international norms are vitally important. But they will likely fail to sway the Hong Kong government's decision-making process. Senior Hong Kong government officials are keeping their eyes closely fixed on Beijing, and their public statements seem geared toward pleasing that key audience to the north. Increasingly, Hong Kong government official statements on the implementation of the NSL have adopted a somewhat hectoring and dismissive tone, one that seems borrowed from PRC government statements.²²⁹ Such language, which was uncommon in Hong Kong prior to the implementation of the NSL, suggests that the Hong Kong government is seeking to win praise from Beijing, even when doing so does damage to its reputation for technocratic governance and respect for international rules and norms.

Going forward, Western governments will have to bring concerns over Hong Kong's violations of international jurisdictional norms directly to Party officials in Beijing. Going forward, it seems clear that the Hong Kong government will continue to issue warrants against overseas activists, and will only stop doing so on direct orders from the central government. Western governments whose citizens have been threatened by Hong Kong government officials — and whose sovereignty has been infringed by the issuance of arrest warrants — should respond accordingly.

228 Matthew Miller, "Hong Kong's Extra-Territorial Application of the National Security Law," U.S. Department of State Press Statement, July 3, 2023. *See also* Frances Vinall, "[Blinken denounces Hong Kong government's bounties on overseas activists](#)," *Washington Post*, December 16, 2023.

229 Its July 2023 press statement, for example, dismisses Western government criticisms that "are made in complete disregard of basic jurisprudence and facts," and chides those same governments for engaging in "double standards and sophistry."

CONCLUSION

This report has documented the decimation of Hong Kong's once-vibrant civil society sector. The government's rationale for the ongoing crackdown seems all too clear: the Hong Kong government and Beijing view the shuttering of scores of NGOs, and the jailing of dozens of activists, as in its own self-interest. These groups must be eliminated, the thinking goes, so that the Hong Kong government can reassert control over the SAR, and ensure that the massive pro-democracy protests that engulfed Hong Kong in 2019 will never happen again.

This report has argued that the closures described in this report will have a direct impact on policy formation, both by the Hong Kong government, and by the Legislative Council. In key areas, ranging from public health to education to environmental protection, Hong Kong has lost an uncountable number of non-governmental advocates and experts, all of whom had previously been in dialogue with government and legislators on the key challenges that Hong Kong faces. Some have been jailed, but even more have fled into exile. Others remain in Hong Kong, but have been silenced by a political environment that discourages public debate and discussion on hot-button issues, even beyond the more sensitive realms of political and constitutional reform.

But the long-term impact of the crackdown will extend well beyond policy formation: the long-term health and strength of Hong Kong's governing institutions are at stake. Since the NSL went into effect, Hong Kong's core political institutions have shown very real signs of institutional decline. The primary driver of this worrying trend is the serious loss of talent that has taken place over the past three and a half years: civil servants have quit in droves, leaving government agencies diminished in terms of their technical capacity.²³⁰ Hong Kong's top pro-democratic legislators have been purged, and in some cases criminally prosecuted. As a result, the LegCo's level of legislative experience and expertise is a fraction of what it once was. All of these trends have been noticed by Hong Kongers, and contribute to declining public faith in the core institutions of governance.

Some would argue that these departures will be addressed, as new civil servants and lawmakers come into the system. But it's not clear that these newcomers will see themselves as fulfilling a vital institutional role. Instead, we fear, incoming officials and legislators may view themselves more as executors of decisions made by Hong Kong's senior political leaders, or in some cases by Beijing. Even those who wish to exercise the powers of their office autonomously, in line with professional civil service norms, have to worry about the growing restrictions on political activity by civil servants, which some fear could extend to technical criticism of government policies.²³¹

230 Irene Chan, "Hong Kong's civil service see higher staff turnover than last fiscal year, with nearly 4,000 resignations," *Hong Kong Free Press*, November 20, 2023.

231 Willa Wu and Natalie Wong, "Proposed new rules bar Hong Kong's civil servants from criticizing policies," *South China Morning Post*, December 13, 2023.

It's not clear, for example, whether civil servants can publicly express concerns about elements of the government's recent Article 23 national security proposals, even if such criticisms fall within their professional remit.²³²

Take the newly-reformed Legislative Council: there is growing evidence that many legislators don't see themselves as members of a co-equal branch of government, meant to represent the interests of their constituents, as well as the needs of Hong Kong society as a whole. Instead, at least some legislators see themselves as merely responding to signals from the government: they vote for the government's bills, and they do precious little if any legislating outside of the government's core priorities. In this context, a political system that is executive-led quickly becomes executive-dominated, with little in the way of checks or even meaningful input coming from the LegCo. Issues that the government deems unimportant go unaddressed, and those that senior officials have labelled off-limits are immune from criticism.

Some legislators aren't fulfilling their most basic function: showing up to debate and vote on bills. According to an October 2023 report by the *Ming Pao* newspaper, the LegCo often struggled to maintain a quorum during key legislative debates and votes.²³³ Over the first seven months of 2023, *Ming Pao* reported, the Legislative Council passed 24 government bills into law; a full 16 of these 24 bills passed their third and final reading without a quorum present. The lack of engagement by some pro-government legislators prompted longtime pro-establishment politician Jasper Tsang Yok-sing to take to the pages of *Ming Pao* himself to urge legislators to be more active in their work.²³⁴ Tsang noted that patriotism did not exclude the duty to closely scrutinize government proposals, and even to legislate on key issues of public concern.

Even when legislators do take the initiative, the government may not be open to dialogue and debate. In January 2024, for example, longtime pro-establishment legislator Paul Tse questioned what he viewed as the government's excessive approach to enforcement of parking regulations, public obstruction rules, and even regulations relating to jaywalking. Tse noted that many Hong Kongers were being ticketed and fined for such violations, and asked whether the stepped-up enforcement was an effort by the government to make up for lost revenue.²³⁵ Rather than engaging with the merits of Tse's concerns, Chief Executive John Lee verbally attacked and threatened Tse. Lee called Tse's remarks "dangerous," and suggested that he was engaged in a form of "soft resistance," a term which Lee had previously used to intimidate the Hong Kong government's political opponents, many of whom have been imprisoned under the NSL.

In an open and democratic political system, civil society groups have a vital role to play: they urge legislators to take action on key issues, especially those matters that are not getting enough attention from the government, the media, or the public. They offer up specific legislative and policy proposals, and explain their merits to potential champions inside the halls of power. And they hold legislators' feet to the fire when they fail to take action, publicly criticizing them when they don't do their jobs. By pushing lawmakers

232 In December 2023, for example, the Secretary for Civil Service Ingrid Yeung Ho Poi-yan said in a media interview that all civil servants should "fully support" the government's Article 23 proposals. Pan Yaosheng, "[原文網址: 公務員守則 | 表明公務員應支持23條立法](#) [Civil Service Code Indicates that civil servants should support Article 23 legislation]," *HK 01*, December 24, 2023.

233 "立會復會表決夠人 多時段在席不過半 [There were enough people to vote on the resumption of the Legislative Council, but less than half of the seats were present]," *Ming Pao*, October 19, 2023.

234 Jasper Tsang, "本屆立法會中期評核——如何評價議員個人和議會整體的表現 [Mid-term evaluation of the current Legislative Council - how to evaluate the performance of individual members and the overall performance of the Legislative Council]," *Ming Pao*, January 9, 2024.

235 Irene Chan, "[Hong Kong's John Lee rebuts lawmaker's criticism of 'high pressure' law enforcement actions as 'dangerous'.](#)" *Hong Kong Free Press*, January 26, 2024.

to do more, NGOs strengthen legislative capacity, both at the individual and the institutional levels.

None of this is happening in Hong Kong right now. More often than not, both the government and the Legislative Council are operating in an almost criticism-free zone, walled off from organized scrutiny or even the most basic forms of civil society engagement. Even cross-institutional checks and balances are much diminished, with the government often able to pass key bills with minimal feedback and oversight from LegCo. Unless the government changes course on the national security crackdown, the quality of government and legislative work will suffer. And Hong Kong's core political institutions will continue to deteriorate.

APPENDICES

TABLE 1A:

A list of Civil Society Organization Closures in Hong Kong (30 June 2020 to December 31 2023)²³⁶
(In chronological order by date of disbandment)

| A LIST OF CIVIL SOCIETY ORGANIZATION CLOSURES IN HONG KONG (JUNE 30 2020 TO DECEMBER 31 2023) | | | | | |
|--|--|-------------------------------|---|------------------------------|---|
| | Name of Civil Society Organizations | Type | Date of Disbandment/ Announcement of Closure | Year of Establishment | Status |
| 1 | Societas Linguistica Hongkongensis | Cultural group | Aug-23 | 2013 | Disbanded |
| 2 | Civic Party | Political Party | May-23 | 2006 | Disbanded |
| 3 | The Hong Kong White Collar (Administration and Clerical) Connect Union | Trade Union | Feb-23 | 2019 | Disqualified by the Registry of Trade Union |
| 4 | Hong Kong Baptist University Communication Society 2022-2023 | Student Group | Nov-22 | 1968 | Operation was suspended by the school authorities |
| 5 | Hong Kong Insurance Union | Trade Union | Sep-22 | 2019 | Disbanded |
| 6 | Hong Kong Liberal Studies Teachers' Association | Professional group (teachers) | Jul-22 | 2005 | Disbanded |
| 7 | Hospital Authority Employees Alliance | Trade Union | Jun-22 | 2019 | Disbanded |
| 8 | Retail Frontline Synergy Union | Trade Union | Jun-22 | 2020 | Disbanded |
| 9 | The Confederation of Tertiary Institutes Staff Unions | Trade Union Coalition | Jun-22 | 2011 | Disbanded |
| 10 | Hong Kong Marketing & Sales Professionals Union | Trade Union | Jun-22 | 2021 | Disbanded |
| 11 | Community Care and Nursing Home Workers General Union | Trade Union | Jun-22 | 1991 | Disbanded |

²³⁶ This list summarizes the information of civil society organization closures between June 30, 2020, and December 31, 2023. The information is based on cross-comparison between public materials and contributions from personnel of multiple disbanded organizations. Public sources include: 1/ "Timeline: 58 Hong Kong civil society groups disband following the onset of the security law," *Hong Kong Free Press*, June 30, 2022; 2/ Kong Tsung-gan, "CCP crushing Hong Kong civil society," *Safeguard Defenders*, January 24, 2022; 3/ other publicly available sources including media coverage and social media platforms of the closed organizations.

| | | | | | |
|----|--|--------------------------------------|--------|------|---|
| 12 | Hong Kong Allied Health Professionals and Nurses Association | Trade Union | May-22 | 2018 | Disbanded |
| 13 | CTU Education Foundation Limited | Labour rights organization | May-22 | 2002 | Disbanded |
| 14 | Students' Union of the Hong Kong Polytechnic University | Student Union | Apr-22 | 1972 | Forced to shut down by school authorities |
| 15 | Hong Kong Testing and Certification Union | Trade Union | Apr-22 | 2019 | Disbanded |
| 16 | Hong Kong Financial Industry Employees General Union | Trade Union | Mar-22 | 2019 | Disbanded |
| 17 | CitizenNews Staff Union | Trade Union | Mar-22 | 2020 | Disbanded |
| 18 | Neighbourhood & Worker's Service Centre Staff Union | Trade Union | Mar-22 | 2002 | Disbanded |
| 19 | Hong Kong Aviation Staff Alliance | Trade Union | Feb-22 | 2020 | Disbanded |
| 20 | The Hong Kong General Union of Physiotherapists | Trade Union | Jan-22 | 2020 | Disbanded |
| 21 | Students' Union of the Education University of Hong Kong | Student Union | Jan-22 | 1994 | Forced to shut down by school authorities |
| 22 | Amnesty International Regional Office on East and Southeast Asia and the Pacific | Human rights advocacy | Dec-21 | 1976 | Relocated |
| 23 | Hong Kong Tourism Industry Innovation General Union | Trade Union | Dec-21 | 2020 | Disbanded |
| 24 | Guardians of Hong Kong University Joint Team | Student group | Nov-21 | 2019 | Disbanded |
| 25 | Government Non-Civil Service Staff General Union | Trade Union | Nov-21 | 2020 | Disbanded |
| 26 | Amnesty International Hong Kong | Human rights advocacy | Oct-21 | 1982 | HK Chapter closed |
| 27 | Student Union of the Chinese University of Hong Kong | Student Union | Oct-21 | 1971 | Disbanded |
| 28 | Defenders Right | Humanitarian aid (prisoners' rights) | Oct-21 | 2021 | Disbanded |
| 29 | Hong Kong Company Secretarial Professionals Association | Trade Union | Oct-21 | 2020 | Disbanded |
| 30 | The Hong Kong Early Childhood Educators' Union | Trade Union | Oct-21 | 2020 | Disbanded |

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|----|--|---|--------|------|---|
| 31 | The General Union of Hong Kong Speech Therapists | Trade Union | Oct-21 | 2019 | Disqualified by the Registry of Trade Union |
| 32 | Student Union of the United College of the Chinese University of Hong Kong | Student Union | Oct-21 | 1962 | Disbanded |
| 33 | The Union of Hong Kong Occupational Therapists | Trade Union | Oct-21 | 2020 | Disbanded |
| 34 | 612 Humanitarian Relief Fund | Humanitarian aid | Oct-21 | 2019 | Disbanded |
| 35 | Hong Kong Confederation of Trade Unions | Trade Union Coalition | Oct-21 | 1990 | Disbanded |
| 36 | Stage 64 | Cultural group | Oct-21 | 2009 | Disbanded |
| 37 | Hong Kong Real Estate Agents Rights and Benefit General Union | Trade Union | Sep-21 | 2020 | Disbanded |
| 38 | Asia Monitor Resource Centre | Labour rights organization | Sep-21 | 1968 | Disbanded |
| 39 | Hong Kong Alliance in Support of Patriotic Democratic Movements of China | Pro-democracy group | Sep-21 | 1989 | Disbanded |
| 40 | Student Politicism | Student Group | Sep-21 | 2020 | Disbanded |
| 41 | Tsz Wan Shan Constructive Power | Pro-democracy group (local community group) | Sep-21 | 2014 | Disbanded |
| 42 | Cheung Sha Wan Community Establishment Power | Pro-democracy group (local community group) | Sep-21 | 2015 | Disbanded |
| 43 | China Human Rights Lawyers Concern Group | Human rights advocacy | Sep-21 | 2007 | Disbanded |
| 44 | Hong Kong Information Technology Workers' Union | Trade Union | Sep-21 | 2019 | Disbanded |
| 45 | Wall-fare | Humanitarian aid (prisoners' rights) | Sep-21 | 2020 | Disbanded |
| 46 | Hong Kong Professional Teacher's Union | Trade Union | Sep-21 | 1973 | Disbanded |
| 47 | Community March | Political group | Sep-21 | 2017 | Disbanded |
| 48 | Civic Passion | Political party | Sep-21 | 2012 | Disbanded |
| 49 | Hong Kong Pastors Network | Religious group | Sep-21 | 2019 | Disbanded |
| 50 | Student Front Union | Student group | Sep-21 | 2020 | Disbanded |

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|----|--|--|--------|------|---|
| 51 | Physio Action | Professional group (physiotherapists) | Aug-21 | 2016 | Disbanded |
| 52 | Alliance for True Democracy Ltd | Pro-democracy group (Coalition) | Aug-21 | 2013 | Disbanded |
| 53 | Financial Technology Professional Services Personnel Union | Trade Union | Aug-21 | 2020 | Disbanded |
| 54 | Civil Human Rights Front | Pro-democracy group (Coalition) | Aug-21 | 2002 | Disbanded |
| 55 | Silver-haired support group | Protest group | Aug-21 | 2019 | Disbanded |
| 56 | Hong Kong Educators Alliance | Trade Union | Jul-21 | 2019 | Disbanded |
| 57 | Hong Kong Pharmaceutical and Medical Device Industries Employees General Union | Trade Union | Jul-21 | 2019 | Disbanded |
| 58 | Maritime Transport Services Industry Trade Union | Trade Union | Jul-21 | 2020 | Disbanded |
| 59 | Students' Union of the University of Hong Kong | Student Union | Jul-21 | 1912 | Forced to shut down by school authorities |
| 60 | Democratic Alliance | Pro-democracy group | Jul-21 | 2001 | Disbanded |
| 61 | Act Voice | Professional group (actuarial workers) | Jul-21 | 2014 | Disbanded |
| 62 | Civil Rights Observer | Human rights advocacy | Jul-21 | 2014 | Disbanded |
| 63 | Umbrella Parents | Pro-democracy group (parents' group) | Jul-21 | 2014 | Disbanded |
| 64 | HK Psychologists Concern | Professional group (psychologists) | Jul-21 | 2015 | Disbanded |
| 65 | Financier Conscience | Professional group (Financial workers) | Jul-21 | 2015 | Disbanded |
| 66 | Hong Kong Shield | Cultural group | Jul-21 | 2014 | Disbanded |
| 67 | Progressive Teachers' Alliance | Professional group (Teachers) | Jul-21 | 2014 | Disbanded |
| 68 | Progressive Lawyers' Group | Professional group (Lawyers) | Jul-21 | 2015 | Disbanded |
| 69 | Next Media Trade Union | Trade Union | Jul-21 | 2009 | Disbanded |

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|----|--|---|--------------|------|---|
| 70 | Ignite our community | Pro-democracy group (alliance for district councils) | Jun-21 | 2019 | Disbanded |
| 71 | g0v.hk | Others (Online poll platform) | Jun-21 | 2016 | Disbanded |
| 72 | Médecins Inspirés | Professional group (Doctors) | Jun-21 | 2015 | Disbanded |
| 73 | Frontline Doctors' Union | Trade Union | Jun-21 | 2002 | Disbanded |
| 74 | NeoDemocrats | Political party | Jun-21 | 2010 | Disbanded |
| 75 | Ekklesia Hong Kong | Religious group | Jun-21 | 2014 | Disbanded |
| 76 | Community Sha Tin | Pro-democracy group (Community group of district councillors) | Jun-21 | 2017 | Disbanded |
| 77 | Good Neighbour North District Church | Religious group | May-21 | 2014 | Disbanded |
| 78 | Team Eddie Chu Hoi-dick of New Territories West | Political group | May-21 | 2016 | Disbanded |
| 79 | 18 District Councils Liaison | Political group | May-21 | 2020 | Disbanded |
| 80 | Hong Kong Civil Assembly Team | Protest group | Mar-21 | 2019 | Disbanded |
| 81 | Power for Democracy | Political group | Feb-21 | 2002 | Disbanded |
| 82 | Union for New Civil Servants | Trade Union | Jan-21 | 2019 | Disbanded |
| 83 | KICKSTART Wan Chai | Political group | Jan-21 | 2019 | Disbanded |
| 84 | Hong Kong Christian Patriotic Democratic Movement | Religious group | Jan-21 | 1989 | Disbanded |
| 85 | New School For Democracy | Pro-democracy group | Sep-20 | 2011 | Relocated to Taiwan |
| 86 | The Global Innovation Hub | Others (Think tank) | Sep-20 | 2018 | Relocated to Taiwan |
| 87 | Demosisto | Political party | June 30 2020 | 2016 | Disbanded |
| 88 | Hong Kong National Front | Political group | June 30 2020 | 2015 | Disbanded |
| 89 | Studentlocalism | Student group | June 30 2020 | 2016 | Disbanded headquarters in HK |
| 90 | Hong Kong Higher Institutions International Affairs Delegation | Student group | June 30 2020 | 2019 | Disbanded right ahead of the enactment of the NSL |

TABLE 1B:

A list of Media Organization Closures in Hong Kong (30 June 2020 to December 31 2023)
(In chronological order by date of disbandment)

| A LIST OF MEDIA ORGANIZATION CLOSURES IN HONG KONG (JUNE 30 2020 TO DECEMBER 31 2023) | | | | | |
|--|--|----------------------------|---|------------------------------|---|
| | Name of Media Organizations | Type | Date of Disbandment/ Announcement of Closure | Year of Establishment | Status |
| 1 | Citizens' Radio | Online media outlet | Jun-23 | 2006 | Disbanded |
| 2 | Transit Jam | Online media outlet | Apr-23 | 2020 | Disbanded |
| 3 | Factwire | Online media outlet | Jun-22 | 2015 | Disbanded |
| 4 | Chinese University of Hong Kong Campus Radio | Student media organization | Apr-22 | 1999 | Forced to shut down by school authorities |
| 5 | Chinese University of Hong Kong Student Press | Student media organization | Apr-22 | 1999 | Forced to shut down by school authorities |
| 6 | Local Press | Online media outlet | Mar-22 | 2014 | Disbanded |
| 7 | Hong Kong Baptist University Students' Union Editorial Board | Student media organization | Jan-22 | 1968 | All members resigned due to university censorship |
| 8 | White Night | Online media outlet | Jan-22 | Unknown | Disbanded |
| 9 | Dare Media HK | Online media outlet | Jan-22 | Unknown | Disbanded |
| 10 | Ploymer | Online media outlet | Jan-22 | 2013 | Disbanded |
| 11 | Mad Dog Daily | Online media outlet | Jan-22 | 1996-1998; 2018 resumed | Disbanded |
| 12 | Citizen News | Online media outlet | Jan-22 | 2017 | Shut down |
| 13 | Internet Broadcasting Hong Kong | Online media outlet | Dec-21 | 2013 | Disbanded |
| 14 | CLS | Online media outlet | Dec-21 | unknown | Disbanded |
| 15 | Hong Kong Exclusive Media News | Online media outlet | Dec-21 | 2019 | Disbanded |
| 16 | Stand News | online media outlet | Dec-21 | 2014 | Shut down |
| 17 | DB Channel | Online media outlet | Nov-21 | 2019 | Disbanded |
| 18 | Rice Post | Online media outlet | Jul-21 | 2015 | Disbanded |

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|----|--------------------|---------------------|--------|------|----------------------------|
| 19 | Apple Daily | Media outlet | Jun-21 | 1995 | Shut down |
| 20 | Next Magazine | Media outlet | Jun-21 | 1990 | Shut down |
| 21 | Post 852 | Online media outlet | May-21 | 2013 | Disbanded |
| 22 | Mirror Media Group | Media outlet | Jul-20 | 1991 | Hong Kong Office Shut down |

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