

Hong Kong Newsletter - June 2022 -

Friday 17 June 2022, by [Hong Kong Project Resilience](#) (Date first published: 15 June 2022).

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News Highlights, May 2022

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NEWS HIGHLIGHTS, MAY 2022

The first Chief Executive election to occur after the passage of the new electoral rules for Hong Kong was conducted at the beginning of May, with the sole candidate John Lee Ka-chiu winning unchallenged.

This month the government also passed a number of new regulations, including tightening restrictions on the qualifications to be a registered social worker and increasing the number of nominees for elections held by the Institute of Certified Public Accountants.

Also worth noting is that the Deputy Commissioner of Police, Edwina Lau Chi-wai advocated for internet security to be improved through the use of a proposed internet security act scheduled for review at the end of the year, as well as through continued application of article 23 of the Basic Law, and through the establishment of a comprehensive internet security and administration system, with related mechanisms for licensing, monitoring, and investigation currently being formulated.

This month also saw the emergence of new trends in the courtroom.

Among anti-extradition movement cases, the administrator of the "SUCK" Telegram channel was charged with seven counts of inciting others to commit sedition, found guilty and sentenced to six years and six months in prison, the most severe sentence in this type of case to date.

In addition, several others charged with rioting were sentenced and several people arrested and released during demonstrations in previous years were rearrested and charged with rioting and illegal assembly.

In the case of the Hong Kong Alliance, accused by the National Security Department of being foreign agents and told to hand over materials to the police, the prosecution refused to identify "which foreign country or foreign agency the Alliance is the agent of," with the defense concerned that the police bureau could easily label anyone a "foreign agent" in the same fashion.

In the legal sphere, the judicial system released its most recent "Guide to Judicial Conduct," requesting that judges avoid publishing their opinions in the media. In addition, police announced that, in the course of their investigation of the 612 Fund, they found several lawyers and barristers involved in the case to be engaging in professional misconduct and filed complaints with the Hong Kong Law and Bar Associations.

As for the state of civil society, five trustees of the 612 Fund (which had already ceased operations) have been accused of conspiring to collude with foreign powers and arrested by the national security department.

Additionally, police have argued that the Fund had not abided by the stipulations of the Societies Ordinance by clearly and promptly registering their society or applying for an exemption.

The League of Social Democrats was also found to be in violation of the ordinance for fundraising without a license.

Online comments continued to be a major point of focus for police this month, with several residents arrested and charged with inciting others to cause grievous bodily harm for comments made online about the government and the police.

This year's May Day went forward without any large-scale demonstrations, though former members of the Hong Kong Confederation of Trade Unions and the League of Social Democrats erected stands on the street. Within the grim political environment, a group of former court reporters have established a new media outlet called "The Witness" to report on courtroom news and several former journalists and former Democratic District Council members have set up independent bookstores in Kowloon.

1. AMENDMENTS TO LAWS AND UPDATES ON ADMINISTRATIVE MEASURES

The government passed the Committee on Professional Accountants (Amendment) Bill 2022, which "comprehensively" reformatted the election system for the Hong Kong Institute of Certified Public Accountants. The legislation substantially increases the number of nominations needed by candidates to run in the election. Formerly, candidates needed 2 nominations, but now they need 10. In addition, candidates must receive at least two nominations by members of the Advisory Committee of the Accounting and Financial Reporting Council.

17 May: Chief Executive-Elect John Lee Ka-chiu has committed to continuing the outgoing government's plans for restructuring, which will increase the total number of government bureaus from the current 12 to a total of 15. In relation to this program, the government plans to add 13 new appointed officials and 57 new office-bearing posts, entailing an additional 95 million HKD in payroll expenses.

18 May: According to an anonymous source quoted in several news outlets, the Privacy Commissioner for Personal Data is considering invoking the Personal Data (Privacy) Ordinance to restrict Hong Kongers' use of popular messaging app Telegram.

20 May: The government released its revised regulations for the registration of social workers, which states that those who have been found guilty of crimes related to national security will not be able to register as social workers. According to the government document, crimes related to national security include but are not limited to 4 offenses under the National Security Law, as well as the offenses of rebellion and sedition, covered under the Crimes Ordinance. (Source in Chinese)

27 May: The Copyright (Amendment) Bill 2022 has been handed over to the Legislative Council. The new bill uses a similar framework as that established in its 2016 precursor, with parody, satire, and commentary related to current events among the 6 major categories that can secure exemptions, but only after the court determines whether or not an exemption is suitable.

29 May: At a public forum on the National Security Law, Deputy Commissioner of Police Edwina Lau Chi-wai advocated for the tightening of the city's internet security. She pointed out the absence of existing measures for service operators to monitor content, keep user records, report any violations, or keep records of all users' real identities. In response, she argued for comprehensive legislation, including the passage of an Internet Security Law by the end of the year, as well as the continued usage of the National Security Law and Article 23 of the Basic Law, as applied to digital content—all integral to the construction of a "comprehensive internet security administration system" with mechanisms for licensing, patrol, and investigation.

Pandemic Measures

4 May: The investigative news agency FactWire exposed the facial recognition technology secretly embedded in the LeaveHomeSafe app. The same day, the Office of the Chief Information Officer released a statement saying that the app's facial recognition capacities had never been made use of and that it had already asked the developer to look into removing the technology from the app.

19 May: Media outlets reported that, in the period since the pandemic measures went into effect, police have issued over 2,235 fines for violations of pandemic regulations for businesses, 27 thousand fines for violations of the ban on gathering, and 10,000 fines for violations of the mask mandate. Among all departments that have the authority to issue fines for violations of the pandemic regulations, the police have issued the highest number. (Source in Chinese)

Chief Executive Election

8 May: The sixth Chief Executive election went forward with only a single candidate, former police commissioner and Chief Secretary for Administration, John Lee ka-chiu. Lee won 1,416 votes of support within the election committee, with 8 votes against, becoming the city's next Chief Executive. The European Union put out a statement criticizing the Chief Executive's role in furthering the collapse of the one country two systems policy, and violating principles of democracy and political pluralism. Lee released a response, stressing that "events in Hong Kong are the affair of the special administrative region government and the nation."

2. THE STATE OF CIVIL SOCIETY

2.1 The Court

Anti-Extradition Movement

3 May: Three individuals among the 213 demonstrators caught and arrested in Yau Ma Tei in a march attempting to break a police kettle at Hong Kong Polytechnic University in November of 2019 have been charged and found guilty of rioting. Each of the cases involved in the mass arrest are being prosecuted and sentenced separately. One individual was sentenced to 35 months in prison and two students were sentenced to correctional training. The judge argued that, although there was no evidence directly showing the defendants to have engaged in rioting, they had deliberately equipped themselves to join into a riotous crowd, chose to stay within this crowd, and did not oppose the crowd's activity, which demonstrated their support for its actions.

5 May: A 21-year-old student accused of possessing two Molotov cocktails who claimed that he had been framed by police was found guilty of possession of offensive weaponry and sentenced to 14 months in jail. (Source in Chinese)

7 May: In a case related to demonstrations against the anti-mask law in 2019, 11 individuals were arrested and found guilty of riot, with some also found guilty of using facial coverings. Eight were sentenced to between 33 and 37 months, while 3 youths were sentenced to correctional training.

10 May: During a demonstration in 2019, a taxi driver ran into the crowd, seriously injuring a number of people and later settling privately in court. A man and a woman accused of attacking the driver were later charged with rioting. One defendant, Chung Wing-yee, passed away before the court hearing. The other pled guilty to rioting and was sentenced to 3 years in prison.

11 May: On the 12th of November, 2019, a group of people launched a "daybreak action" attempting to block roads, resulting in several arrests. Three years later, 3 students involved were rearrested and charged with riot. (Source in Chinese)

12 May: Wong Wai-Yin, one of the 12 Hong Kongers who attempted to escape by boat to Taiwan in 2020, pled guilty to manufacturing explosives and was sentenced to 20 months in prison.

18 May: Two youths accused of attacking plainclothes police officers during a 2020 New Years Day march were sentenced to 3 months for assault on an officer, but the sentence was then extended to 10 months after a review by the Department of Justice. Two years later, another 26-year-old construction worker involved in the incident was arrested and charged with assault on an officer. (Source in Chinese)

19 May: After the National Security Law went into effect on July 1st, 2020, police arrested 10 individuals at a demonstration in Causeway Bay, who were then given a provisional release. Two years later, 4 have been charged with illegal assembly. (Source in Chinese)

19 May: Three individuals involved in a demonstration in Sha Tin's New Town Plaza had previously pled guilty to rioting and been separately sentenced to between 3 years and 4 months and four years. Two years after the incident, two plainclothes police officers claiming that they received minor injuries have asked for personal injury compensation from the three individuals already imprisoned. (Source in Chinese)

National Security Law

- Hong Kong Alliance

10 May: In 2021, national security police accused the Hong Kong Alliance of being “Foreign Agents” and, in accordance with Article 43 of the National Security Law, they requested that the organization hand over materials. This request was refused. Former chairperson of the Alliance, Chow Hang-tung was among the 5 individuals charged with refusing to comply with the request to hand over materials. Another was former standing committee member Chan To-wai, who pled guilty and was sentenced to three months in jail. The defendants asked the prosecution which foreign countries or foreign organizations they alleged that the Alliance had worked for, but the request was refused by the court, citing public-interest privilege (which prevents the compulsory disclosure of information which is against the public interest). The defense argued that, if the prosecution could accuse the Alliance of being foreign agents on such a basis, the result would be that police could accuse anyone of being foreign agents in the same fashion.

31 May: Chow Hang-tung, former chairperson of the Hong Kong Alliance charged with incitement to subvert state power, applied again to have the press restrictions lifted from her case. The application is against the ruling of magistrate Peter Law, who had imposed the restrictions on reporting. Chow’s petition was filed with the High Court for judicial review, requesting that the court throw out Law’s previous ruling. In her filing, Chow emphasized that the case judge has no legal authority to deny a defendant’s request to lift press restrictions from their case, accusing Law of damaging fundamental principle of open justice.

- 612 Humanitarian Relief Fund

11 May: Four trustees of the 612 Humanitarian Relief Fund were arrested, joining a fifth already in jail. By the time of the arrests, the Fund had already ceased operations. The arrestees include scholar Hui Po-keung, cardinal Joseph Zen Ze-kiun, barrister Margaret Ng Ngoi-yee, singer Denise Ho Wan-see, and former member Cyd Ho Sau-lan, already in jail for other offenses. Police accused them of violating the National Security Law by colluding with foreign organizations or foreign countries to endanger national security. According to the media, national security police suspect that the Fund was used to support a local organization’s travel abroad to ask for foreign sanctions of local officials, and that the Fund had received donations from Apple Daily.

12 May: Police claimed that the five trustees, alongside a former secretary at the Fund, had not abided by the stipulations of the Societies Ordinance by clearly and promptly registering their society or applying for an exemption. On May 25th, the 6 individuals pled not guilty.

19 May: Trustee Margeret Ng Ngoi-yee filed a claim with the High Court demanding that police return materials covered by legal professional privilege or not covered under their warrant, that the police be prohibited from accessing, inspecting and making use of such information, and that they pay compensation for the items.

- Sedition

10 May: Police arrested 6 individuals aged between 16-36 across Hong Kong accused of being members of “extremist localist organizations.” Among them, 3 were accused of issuing hateful statements toward the government and police via Telegram and charged with inciting others to cause intentional harm. Their request for bail was refused.

11 May: Police and the Office of the Privacy Commissioner for Personal Data conducted a joint action, arresting a 23-year-old and charging him with disclosing personal data without consent and inciting others to intentionally cause grievous bodily harm for posts on social media allegedly doxing police, legislators and others, and calling for attacks on election officials.

19 May: The administrator of the Telegram channel "SUCK" was arrested and found guilty of 7 different conspiracy charges, including conspiracy to incite others to riot, conspiracy to incite others to cause criminal damage, and conspiracy to incite others to cause public obstructions. He was sentenced to 6 years and 6 months in prison, the most severe sentence in this type of case to date. The court argued that the defendant allowed posts on the Telegram channel that had incited others to block traffic and to join the "Three Strikes" demonstrations, intentionally paralyzing society, and that the crimes occurred over a period of 7 months.

23 May: Two men involved in a case related to comments on a WhatsApp group advocating for the killing and maiming of police officers and their families have been charged with two counts of inciting others to cause grievous bodily harm two and a half years after the initial incident. (Source in Chinese)

24 May: Police arrested a 31-year-old man on suspicion of manufacturing explosives and inciting others to intentionally cause grievous bodily harm. Police argued that the man had made online posts calling for police to be killed and judges to be attacked in revenge, and that they had found suspected bomb-making tools and materials in his residence. Two family members who lived in the same flat were also arrested.

- Fraud

16 May: Next Digital founder Jimmy Lai and former director of administration Wong Wei-keung, have been charged with one count of fraud for allegedly violating their lease contract by running a consulting firm out of the Next Digital office building at Tseung Kwan O Industrial Estate. Another defendant, former financial affairs director Royston Chow, became a witness for the prosecution in exchange for having charges dropped.

24 May: In the case of singer Tommy Yuen Man-on, who was earlier charged with engaging in one or more seditious acts and has already been in jail for three months in the lead-up to the trial, the prosecution has added another charge of fraud, accusing the singer and his wife of cheating others in a fundraising campaign for an anonymous young woman "A" accused of rioting. (Source in Chinese)

- Election Regulations

4 May: During the 2021 Legislative Council Elections, one individual posted a message on Facebook saying that "by filing more blank than valid ballots, we can clearly show the world that Hong Kongers oppose this kind of election." This individual has pled guilty to two counts of inciting others to cast blank or spoiled ballots, and was sentenced to two months in jail.

24 May: Former Hong Kong legal scholar Benny Tai was sentenced to 10 months in jail. Tai had previously pled guilty to charges of illegal election spending for his role in the "ThunderGo" ad campaign designed to increase the number of pro-democracy candidates in the 2016 legislative council elections.

- Other

5 May: A 30-year-old courier accused of writing "all cops are bastards" in a shopping mall bathroom has been sentenced to 6 months in jail and ordered to pay cleaning expenses in compensation. The defendant claimed that a police officer in the bathroom had grabbed him by the neck and slapped his face but, when giving the ruling, the judge said that the defendant was not a trustworthy witness and that the police officer could not have possibly used force within the bathroom. (Source in

Chinese)

16 May: A 33-year-old renovation worker and a 50-year-old unemployed man were arrested earlier in relation to the destruction of flags along the street during National Day in 2021. The two had earlier pled guilty to insulting the flag and were sentenced to two months in jail and restitution. (Source in Chinese)

2.2 Political Figures and Activists

1 May: The Cleaning Service Industry Workers Union set up stands on May Day calling for the government to improve minimum wage laws. The union's organizer said that, after the dissolution of the Hong Kong Confederation of Trade Unions, workers have found it difficult to express their demands and that the union would continue to fight for workers' interests. On the same day, members of the League of Social Democrats petitioned in front of the Central Government Complex, loudly shouting slogans such as "no equal and universal suffrage, no workers' rights" and "no union solidarity, no workers' power." (Sources in Chinese)

16 May: During the Equal Opportunities Commission (EOC) report to the Legislative Council, lawmaker Regina Ip inquired about the timeline for formulating a Sexual Orientation Discrimination Ordinance. Another lawmaker, Junius Ho, argued that article 23 of the National Security Law specifically prohibits the dissemination of harmful forms of consciousness and that legalizing gay marriage will destroy the basic composition of society and the family. (Source in Chinese)

20 May: The US Justice Department has charged Wang Shujun, "head a pro-democracy organization," as well as 4 Chinese members of the Ministry of State Security with spying for their participation in a transnational effort to suppress dissidents. According to the details of the case, Wang passed on information from conversations with former chairperson of the Hong Kong Alliance Albert Ho to the Chinese Ministry of State Security.

24 May: The Hong Kong Catholic diocese announced that it would not hold a Tiananmen memorial mass on June 4, as it has in the past. The statement said that the church's frontline colleagues were concerned that such an activity might violate the National Security Law.

24 May: Last year, when signing his name in support of the Basic Law and pledging allegiance to the government, as is now required by law, one senior environmental inspector signed "heaven and sun are bright and clear" (天日昭昭)—Song military general Yue Fei's last words before his execution, implying a clear conscience. This was taken as a refusal to sign, and the inspector was forced into early retirement. The inspector filed for a judicial review, hoping to overthrow the decision. But the judge has now denied the application, arguing that the phrase was a slogan and not a signature.

26 May: League of Social Democrats Chairperson Chan Po-ying, alongside members and volunteers, were ticketed for unlicensed streetside fundraising in 2021. Four individuals in the case have pled guilty and been sentenced to pay a fine. (Source in Chinese)

Members of the League of Social Democrats petitioned in front of the Central Government Complex, shouting slogans such as "no equal and universal suffrage, no workers' rights." (Source: League of Social Democrats Facebook)

2.3 Media

3 May: Reporters Without Borders released their newest World Press Freedom Index, with Hong Kong's position tumbling from 80th place in 2021 to 148th in 2022, the most substantial decline seen in the index.

4 May: FactWire reported that its website and internal systems had suffered an attack by hackers, who gained access to a list of subscribers' e-mail addresses.

6 May: Early in the morning, the TVB News app issued a series of notifications, including one that read "Patriots rule Hong Kong!!!", after which a 27-year-old employee was arrested and charged with accessing a computer with dishonest intent.

12 May: RTHK announced that it had "streamlined its consulting architecture" in April of this year. Formerly, this consulting system included individuals from across the political and professional spectrum divided into 12 groups. After the streamlining, this system is no longer operating. (Source in Chinese)

16 May: A group of former courtroom reporters have set up a new media outlet called The Witness, hoping to continue their faithful courtroom reporting and to protect the public's right to information.

19 May: The Hong Kong Journalists Association will elect a new executive committee next month. Current chairperson Ronson Chan announced that he would not actively seek reelection and would instead travel to the UK to take a Reuters Institute fellowship at Oxford University, with plans to return to Hong Kong afterwards and continue his work.

2.4 Educational Institutions

Postsecondary Education

4 May: Lingnan University has demanded that its student union leave campus and has also removed its rights to use the democracy wall, the bulletin board or the Fu Tei Bookstore. The student union ultimately left campus on May 27th. (Source in Chinese)

2.5 Arts and Culture

12 May: Former media workers have opened an independent bookstore Have a Nice Stay. (Source in Chinese)

18 May: The Hong Kong Book Fair will take place in July, but invited businesses Hillway Culture, Kindofculture and Humming publishing all had their applications to participate in the fair denied by the Trade and Development Council.

20 May: Former Sha Tin district councilor Leticia Wong Man-huen opened Hunter Bookstore on Tai Nan St. (Source in Chinese)

27 May: It was announced that the anti-extradition movement documentary Revolution of Our Times, which won Best Documentary at the Golden Horse Film Festival, will be released online via Vimeo at the end of the month. On May 31st, a scheduled TED Talk by director Kiwi Chow to be held at Hang Seng University was cancelled. (Source in Chinese)

28 May: VA Wong Sir, a former art teacher and political cartoonist fired and found guilty of malpractice by the Education Bureau, has announced that he has already left Hong Kong. He said: “I carry guilt and remorse, shame, and indignation but will continue to give voice to voiceless through my art.”

Former media workers have opened an independent bookstore Have a Nice Stay. (Source: Have a Nice Stay Facebook)

2.6 Law

12 May: After the arrest of 5 trustees for the 612 Humanitarian Relief Fund, the police announced that, in the course of their investigation, they suspected several lawyers and barristers who had provided legal aid to have been engaged in professional misconduct and have filed complaints with the Law Association and Bar Association. The Hong Kong Law Association confirmed that it had received a complaint, but said that it was unlikely they would cooperate or share materials with the Bar Association.

16 May: The judiciary released its most recent Guide to Judicial Conduct, which includes guidelines for judges’ use of social media, including caution in adding friends or following groups online, as well as avoiding publishing viewpoints in the media or giving anonymous interviews. The Guide suggests that, if contacted by media, the request should be forwarded on to the judiciary’s information and public relations department.

21 May: In an earlier hearing, Judge Ernest Lin had required lawyers and members of the court audience who were wearing yellow masks to change their masks and had also, upon viewing a video of the riot related to the case, had commented that reporters on site were “part of the riot.” For this, a complaint was filed against Lin and another judge accusing them of misconduct. A recent judicial inquiry ruled both judges not guilty. The judicial panel that reviewed the case argued that the courtroom should not be used as a platform for political campaigns and that Judge Lin was not deliberately targeting the journalists in his verbal description of the video.

2.7 Labor Unions

18 May: The Hong Kong Accounting Bro’Sis Labour Union announced on social media that it had received an official admonishment from the Registry of Trade Unions accusing it of engaging in activities beyond the scope of the Trade Unions Ordinance. (Source in Chinese)

Correction: In both the Chinese and English versions of last month’s News Highlights, we incorrectly referred to the senior partner at Vidler & Co. as John Vidler. But his full name is Michael John Vidler. The error has now been corrected in both versions.

About Us

Hong Kong Project Resilience was established in summer 2020 by a group of citizens concerned about the rapidly closing civic space in Hong Kong. Project Resilience aims to connect members of

civil society to learn from each other, strengthen resilience in reflecting and coping with the changes in operating environment.

Project Resilience Newsletter will summarize news impacting civic space in Hong Kong and feature topics of interest by members of civil society. We welcome any suggestions and enquiries regarding the content of monthly update, please feel free to contact us at hkresilience@gmail.com.

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