

# **Hong Kong : My Arrest on February 28 2020 for Protest March on August 31 2019**

Tuesday 3 March 2020, by [LEE Cheuk Yan](#) (Date first published: 3 March 2020).

The people of Hong Kong are now protecting themselves from the Coronavirus but the people had not forgotten the five demands of the Movement.

The fight will start again and will continue until Hong Kong is free and democratic.

We are even more threatened by ever the escalating police brutality and suppression of our basic freedom and rights than the deadly infamous virus COVID-19.

On around 7:30 am of February 28, 2020, I was taken away by six police officers from my residence. Disregarding my civil rights and privacy, the police with a Court Search Warrant confiscated the clothes, umbrella and backpack that were worn and carried by me at the alleged assembly during the arrest and also suspiciously took away my phone.

The arrest is part of a well-coordinated operation carried out by the Hong Kong Police which saw another pro-democracy politician, former Chairman of the Democratic Party, YEUNG Sum and media publisher, Jimmy LAI also arrested at the same time.

All three were released on Court Bail and have to appear in Court on Early May. The following is a translation of the charge sheet:

*Charge : Knowingly participate in unauthorized assembly*

*Prosecution under the law: In breach of Hong Kong Law Cap 245 Public Order ordinance Section 17A(3)(a)*

Details : Lee Cheuk Yan, you are charged, on 31<sup>st</sup> August, 2019, in Hong Kong, Lai Chi Ying, Yeung Sum and you, without any legal authorization or reasonable defense, knowingly participate in a public march that was in breach of Hong Kong Law Cap 245 Public Order Ordinance Section 13 , and the said March was an unauthorized assembly in accordance to Public Order Ordinance Section 17A(2)(a)

The August 31, 2019 march marked the 5<sup>th</sup> Anniversary of the National People's Congress' 831 decision that denied the Hong Kong people's right to universal suffrage, which eventually led to the Umbrella Movement in 2014.

Before the day came, the Civil Human Rights Front (CHRF), the umbrella organization responsible for the big and peaceful March of June 9 and June 16, applied to the Police for the Letter of No Objection under the Public Order Ordinance.

The Police refused on the ground that the CHRF cannot guaranteed the March will be peaceful and orderly, shifting responsibility of maintaining order to the organizer of the March which was ridiculous.

On the day, other groups mobilized through the social media for people to gather at 10 am in Wanchai Sutherland Playground and undertake a religious march which, under the Public Order Ordinance, is exempted from the requirement for Letter of No Objection from the Police.

On the day, I went to the Playground and followed the march. Before arriving the Wanchai Police Station, Jimmy LAI, YEUNG Sum and I had moved to the front to make sure everything was smooth.

I was there shouting slogans and continued the march towards the Charter Garden in the Central District. After a short time of gathering in the Park, the three of us moved on to different ways. I continued the March with others to another location for a short time and returned home.

On that night after the March, Police Tactical Team stormed one of the subway stations and assaulted protestors and ordinary citizens alike without discrimination, causing many seriously injured.

However, before an independent investigation on the police brutality is conducted, the police have now taken the initiative to arrest political leaders who allegedly participated in the peaceful march earlier that day.

The prosecution against me is just one more among more than 7000 cases and, as in other cases, meant to intimidate the people of Hong Kong into submission. Instead of uniting the people against the threat of Coronavirus, this Government sought to divide the society further.

The prosecution was based on the Public Order Ordinance which we will argue was totally in breach of the rights of the people of Hong Kong under the Basic Law.

Article 27 of the Basic Law states:

*"Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike".*

Article 39 of the basic Law states:

*"The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region.*

*The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of the preceding paragraph of this Article".*

The Basic Law guaranteed the rights of the people of Hong Kong to freedom of assembly but the Public Order Ordinance gives the power to the police to ban assemblies and marches.

The March on August 31 2019 was peaceful and placed no threat to public order.

The mere fact that the Police can issue objections to assembly is a denial of the rights to assembly and was a trap for those who want to exercise their rights. There were numerous occasions before and after that date where the Police do not give authorization to assembly, then when hundreds of thousands of people turned out, all of them can be prosecuted as in my case. On the occasion of August 31 2019, hundreds of thousands of people were on the street participating in unauthorized assembly and can be prosecuted.

The selective prosecution of Jimmy Lai, Yeung Sum and I is obviously politically driven.

The people of Hong Kong are now protecting themselves from the Coronavirus but the people had not forgotten the five demands of the Movement.

The fight will start again and will continue until Hong Kong is free and democratic.

We are even more threatened by ever the escalating police brutality and suppression of our basic freedom and rights than the deadly infamous virus COVID-19.

We also need to fight all the legal battles facing the protestors, there are already more than 7000 arrested and more than 1000 prosecuted. We need the international community to continue to stand with us in our drag in fight for democracy.

**Lee Cheuk Yan**

March 3, 2020

---

**P.S.**

<https://en.hkctu.org.hk/content/my-arrest-february-28-2020-protestmarch-august-31-2019>