Brief Report on National Security Law (September – November 2020)

Introduction

1. Following the first brief report published in September, this brief report continues to provide a snapshot of civil society in Hong Kong during the third to fifth month after the National Security Law ("NSL") – which targets offences of secession, subversion, terrorism and collusion with foreign forces – came into effect on 30 June 2020. Four key observations are highlighted below, with two appendices that contain details of the arrested and wanted persons since then, as well as the visible impacts of the law on civil society.

Overview

2. From 1 September to 30 November, at least six more arrests were made of which two persons were charged under the NSL, marking a total of at least 27 arrests¹ and three people charged upon the promulgation of the law² (for details, see Appendix I).

3. In addition, at least seven people involving in non-NSL cases were arrested and investigated by the National Security Department of the Hong Kong Police Force – precisely established to enforce the NSL³; a case of which has been taken over by the designated judge – also a new arrangement introduced with the NSL, despite the allegations they are facing do not carry elements of national security (for details, see Appendix I).

4. Closing space for civil society in the name of national security continues, and has been extended to private sectors and ordinary businesses. Below are some significant examples (for details, see Appendix II):

- **Civic space** – A new hotline is launched by the Hong Kong Police Force to receive reports in anonymity on suspected national security violations via email, SMS and the China-based app WeChat.

- **Political participation** – Four incumbent legislators have been disqualified by the Hong Kong government on 11 November 2020 immediately after the Standing Committee of the National People’s Congress passed a resolution empowering local officials to oust legislators who deemed to endanger national security;

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¹ 24 people involved. Among them, Tony Chung, Yanni Ho and William Chan from now-disbanded Studentlocalism were arrested under the law for the second time on 27 October.

² The figures are calculated based on open information available from statements by the Hong Kong Police Force and credible news reports. No official list of the arrested and charged person in full has been disclosed. Noting a different sum provided by the Force quoted in individual newspapers, we believe there might be cases unrevealed.

³ The Department is established by the Police Force citing the Article 16 of the NSL, its duties include: (1) collecting and analysing intelligence concerning national security; (2) enforcing measures for safeguarding national security; (3) investigating offences endangering national security; (4) carrying out tasks assigned by the Committee for Safeguarding National Security of the HKSAR (a Committee established under the NSL and supervised directly by the Central People’s Government to oversee affairs relating to national security in Hong Kong).


**Education** – A teacher facing anonymous complaints has been stripped of his teacher registration due to classroom materials which allegedly disseminate pro-independence messages. It is believed that such punishment is unprecedented and the procedural fairness in investigation is questioned;

**Private sectors** – Face mask manufacturer Yellow Factory’s pro-democracy product design and packaging have been attacked by pro-Beijing legislators and state-owned media for breaching the NSL, and thereafter suspended its business. Another health protection equipment manufacturer Savewo has also been accused of offending the law for using a company logo considered inappropriate.

5. As a local human rights organisation, Civil Rights Observer is alarmed by the overarching national security discourse implanted in the society which threatens its citizens’ enjoyment of fundamental rights enshrined in the International Covenant on Civil and Political Rights (“ICCPR”) – ranging from the freedom of expression, academic freedom, the right to free elections to the right to a fair trial. In particular, the increasing inference to national security in arrest and prosecution of politically sensitive cases, including those that could hardly be amount to endangering national security, has invited unnecessary intervention from the National Security Department and designated judges established under the NSL.

6. Such a discourse has as well fuelled the chilling effect to take on a new form: moving from a top-down pressure from the authority to a parallel snitch culture among the peers. It is of our concern that the chilling effect will grow further to encompass every edge of the civic space.

7. In response to the implications of the law, at least 10 countries\(^4\) suspended their extradition treaties with Hong Kong as of the end of November; Australia, the United Kingdom and Canada had renewed their visas or immigration requirements for Hong Kong citizens whilst the United States, Canada and Germany have granted refugee status to Hong Kong pro-democracy activists.

**Key Observations**

**Intensifying erosion on freedom of expression**

- **Criminalising of peaceful political expression continues**

8. The second and third prosecution citing the NSL were both related to speeches made publicly online and offline. Former convenor of pro-independence group Student Localism Tony Chung and political activist Adam Ma were accused of secession and inciting secession respectively for posting social media content and chanting slogans advocating Hong Kong independence. They were denied bail. Two more arrests for inciting secession were also made in connection with their expression of political will during the monitoring period (for details, see Appendix I).

9. Under the NSL, persons who are arrested or indicted for the offence of inciting secession and secession could be sentenced up to 10 years and life imprisonment. The crime of secession has been questioned by the UN human rights experts as

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\(^4\) Including Canada, Australia, the UK, New Zealand, Germany, France, the US, Finland, Ireland and Netherlands.
neither specific\textsuperscript{5} nor proportionate to the legitimate aim pursued\textsuperscript{6}. As the European Court of Human Rights ruled\textsuperscript{7}, political ideas when realised in peaceful means, must be afforded a proper opportunity of expression. Even the idea disagrees with the way a state is currently organised or is incompatible with the current principles and structures of the government, it should be respected to safeguard pluralism in democracy\textsuperscript{8}.

**Rights to due process and fair trial undermined**

- **Non-NSL cases handled by the National Security Department**

10. Along with the above-mentioned NSL cases, a number of non-NSL cases also raised concerns. The National Security Department ("Department"), while being a specific task force designated to tackle national security crime, has actively involved in seven criminal cases of other nature. The defendants were allegedly related to the anti-extradition bill protests since last June. Some alleged acts even took place before the enactment of the new law (for details, see Appendix I).

11. Among them, Tam Tak-chi, activist from pro-democracy party People Power, was arrested by the Department hours before a rally against the postponement of the 2020 Legislative Council Election on 6 September. The Department first suspected Tam of inciting secession under the NSL and later charged him with an archaic sedition law. He faces counts of "uttering seditious words" to bring "hatred or contempt" against the government and the police upon chanting slogans that were widely shared among protestors during last year movement, including "Liberate Hong Kong, Revolution of our times" and "Black police and their families go to hell".

12. It calls into question the scope of cases to be assumed by the Department. The government and the Hong Kong Police Force have yet been explicit on this regard. With such ambiguity disabling proper scrutiny, the Department entitled with advanced investigative power – conducting searches without warrant; requiring suspects under investigation to surrender travel documents; freezing property or proceeds considered relating to national security offences; requesting removal of any messages considered endangering national security\textsuperscript{9}— may take advantages of uncertainties in discharging duties, opening doors to arbitrary searches, arrests and restriction on rights in the name of national security.

- **Request for designated judges adjudicating non-NSL cases**

13. Tam’s case flags another issue. A judge has originally been assigned to adjudicate his case following the established court proceeding. Citing the case may involve national

\textsuperscript{5} UN Special Rapporteur communication letters sent to China government on 1 September 2020 (CHN 17/2020) and 23 April 2020 (CHN 7/2020).

\textsuperscript{6} Any restriction on freedom of expression must meet the three-part test under the international human rights law: i.e. (1) provides by law; (2) pursues a legitimate aim; and (3) is necessary in a democratic society and is proportionate. Available at: \url{https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=159211&LangID=E}

\textsuperscript{7} European Court of Human Rights, 2012. \textit{Eğitim ve Bilim Emekçileri Sendikası v. Turkey}, 20641/05, para. 70. Available at: \url{http://hudoc.echr.coe.int/eng?i=001-113410}


\textsuperscript{9} HKSAR government, 2020. Implementation Rules for Article 43 of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region gazetted. Available at: \url{https://www.info.gov.hk/gia/general/202007/06/P2020070600784.htm}
security matters, the Department of Justice however requested the District Court to appoint a NSL designated judge to preside over it.

14. Chief District Judge Justin Ko, the original judge, then transferred the case to his fellow judge Stanley Chan, a designated judge. Notwithstanding the involved charges do not come under the NSL, Ko considered himself has no jurisdiction to hear the case as a non-designated judge, and if insist on doing so may invite judicial review over his decision. The case is now scheduled to be heard by Chan in May 2021.

15. There has been no transparent policy and guiding principle concerning case takeover between designated and non-designated judges. The full list of designated judges remains concealed, citizens including members in the legal sector can only gather names of the judges one by one from cases taken to court. Clear procedures and objective criteria for the selection is key to independence and impartiality of a tribunal, the requirement of which is an absolute right that is not subject to any exception, according to the UN Human Rights Committee. The Judiciary and the Department of Justice should explain the matter openly and proactively in maintenance of public confidence on judiciary independence and due process.

16. Currently, judges at all levels are appointed by the Chief Executive based on recommendations of the Judicial Officers Recommendation Commission, an independent statutory body chaired by the Chief Justice of the Hong Kong Court of Final Appeal. However, Article 44 of the NSL empowers the Chief Executive to designate a number of judges from different levels of courts to handle cases concerning offence endangering national security, and when doing so, the Chief Executive may consult the Committee for Safeguarding National Security and the Chief Justice. The Committee, established in accordance with Article 12, is chaired by the Chief Executive with members of leading government officials. It is under the supervision of and is accountable to the Central People’s Government.

17. The dominance of judge appointment by leading officials, in essence, could be detrimental to judiciary independence. The Special Rapporteur on the independence of judges and lawyers has warned alike arrangement in Russia may result in undue political pressure and have a strong influence on judges’ attitudes and behaviour. She urged the selection and promotion of judges to be based on merit alone by an independent body to counter politicisation and improper allegiance to interests. Any representation from the executive should be avoided in the independent body.

Shrinking of civic space and business environment with the rise of snitch culture
- New hotline accepting anonymous report of suspected NSL violations

18. The National Security Department has launched a hotline on 5 November that allows citizens to report suspected national security violations anonymously via SMS, email and WeChat – a China-based app reportedly with records of self-censorship and

10 Human Rights Committee, General Comment No.32. CCPR/C/GC/32, para. 19.
privacy policy issues\textsuperscript{12}. The hotline received more than 10,000 messages in its first week in operation, and some messages were “constructive”\textsuperscript{13}.

19. Reports in anonymity are worrying in a sense that they are hard to trace and verify, which in turn may encourage people to lodge complaints with malicious motives or intents, and to tip off the law enforcement with information obtained through unlawful means. The imprecise and unfettered definitions of crimes outlined in the NSL also make the hotline convenient for misuse to complain others of different political opinion, creating a snitch culture that destroys social trust as well as dissuades dissent from expressing their views and thoughts in fear of retaliation.

- CSO and business sector targeted by the pro-establishment camp

20. Two local businesses in a row have been drawn into allegations of violating the NSL. Face mask manufacturer Yellow Factory has suspended its business, after pro-Beijing legislators and state-owned newspapers Wen Wei Po and Ta Kung Po\textsuperscript{14} criticised its pro-democracy design – the acronym FDNOL implicating a common anti-extradition bill protest slogan “Five Demands, Not One Less” printed on products – for keeping the “opposition spirit alive” and challenging the bottom line of the law. Whilst Savewwo, a health protection equipment manufacturer, reported receiving “hostile attacks” which accuse it of offending the law by using the company logo that resembles hand gesture of “Five” and “One” – a symbolic gesture came popular during last year’s protest.

21. Meanwhile, professor Lee Ching-kwan from the Hong Kong University of Science and Technology was named and shamed by the same media on 17 November\textsuperscript{15} for disseminating pro-independence message – “Hong Kong belongs to the world” – during an online forum back in May.

22. A day earlier, on 16 November, Mainland scholar Tian Fei-long openly slammed the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (“Alliance”) – organiser of the annual June 4 vigil at Victoria Park to memorise the Tiananmen Square crackdown – in a critique published in Hong Kong Commercial Daily, a pro-Beijing newspaper\textsuperscript{16}. He argues the Alliance is a “colour revolution organisation” participating in subversive political activities and colluding with foreign forces, the

\textsuperscript{12} CBC News, 2020. WeChat’s surveillance of international users boosts censorship on China, researchers say. Available at: https://www.cbc.ca/news/technology/wechat-surveillance-users-outside-china-1.5558503


\textsuperscript{14} Wen Wei Po, 2020. Yellow Factory used face masks to “poison” youths, breaching the NSL. Available at: https://www.wenweipo.com/a/202011/16/AP5fb29edee4b020344463a289.html (Chinese only); Hong Kong Free Press, 2020. Hong Kong face mask manufacturer suspends business after pro-Beijing lawmaker claims yellow design violates security law. Available at: https://hongkongfp.com/2020/11/18/hong-kong-face-mask-manufacturer-halts-business-after-pro-beijing-lawmaker-claims-yellow-design-violates-national-security-law/


\textsuperscript{16} Hong Kong Commercial Daily, 2020. Hong Kong Alliance in Support of Patriotic Democratic Movements of China suspected of violating domestic law and the NSL. Available at: https://www.hkcd.com/content/2020-11/16/content_1229131.html (Chinese only)
Alliance should at least be punished using existing domestic laws, if not the newly enacted NSL.

23. Attempts of the pro-establishment camp to mobilise public opinion disfavouring targeted pro-democracy merchants, supporters and civil society organisations are evident, leading to a shrinking of civic space and business environment. The worrying situation requires the government to take a step further other than non-interference. It is of the government’s duty to sustain an enabling atmosphere for corporates and every member of civil society to thrive, and to secure the exercise of freedom of expression, even in the sphere of relations between individuals.

**Deprivation of rights in lack of judicial input**

- **Revocation of a teacher’s licence owing to discussion on independence in class**

24. The Education Bureau has revoked the registration of a primary school teacher for purportedly spreading pro-independence messages via teaching materials delivered in a lesson, where discussion around freedom of speech and Hong Kong independence was held subsequent to watching a documentary of a pro-independence activist. Notwithstanding the lesson took place in March 2019 and the materials were found unproblematic in the internal investigation by the school, the Bureau unprecedentedly de-registered the teacher for professional misconduct due to teaching contents. School principal and other teaching personnel involved also received written warnings.

25. The move is perceived as a retroactive administrative punishment extended from the NSL that outlaws advocacy for Hong Kong’s independence. Together with the repeating official narrative that denounces the current education system for leading students astray, it may trigger self-censorship among schools and academia.

26. The UN Committee on Economic, Social and Cultural Rights affirmed the right to education can only be enjoyed if accompanied by the academic freedom of staff and students, which includes the liberty to fulfil one’s functions without fear of repression by the government. The Supreme Court of the United States held that government’s invasion into academic freedom and political expression must be inhibited unless the teaching content is manifested to menace the state’s security by advocating an overthrow of the government with force and violence. “Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die.”

- **Disqualification of four pro-democracy legislators**

27. Four pro-democracy legislators – namely Alvin Yeung, Dennis Kwok and Kwok Ka-ki and Kenneth Leung – have been disqualified by the Hong Kong government shortly after the Standing Committee of the National People’s Congress (“NPCSC”) adopted a resolution to unseat legislators who deemed to support Hong Kong independence, to collude with foreign forces or to threaten national security. The resolution applies to

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“any person standing for election in respect of or taking up the office of Legislative Council (‘LegCo’) members in future”\textsuperscript{20}. While coming in such a far-reaching fashion, it has not been properly discussed in society. The unilateral acceptance of the resolution by the government received criticism of bypassing the court\textsuperscript{21} and ignoring the standard procedure required by the Basic Law in the matter of LegCo member dismissal\textsuperscript{22}.

28. Disqualifications of the four, who remained in the interim council, were grounded on their invalid nominations to stand for the now-postponed legislative election, ruled by the Returning Officers (“RO”) back in July. They were alleged for soliciting foreign intervention and seeking to veto government budgets\textsuperscript{23}. Both the NPCSC’s resolution and the ROs’ invalidation reasonings appear to be discriminatory and with an intent to stifle opposition figures, once again resorting to concerns over national security.

29. Depriving any person of the right to participate in public affairs and to stand for elections on the grounds of their political opinion is incompatible with the ICCPR.\textsuperscript{24} No restriction is permissible on pursuing different political ideologies, even if they are unpopular with the authorities, for the sake of pluralism to stand in a democratic society\textsuperscript{25}. Elections would be transformed into tools used to maintain power if candidates running an agenda not espousing the government’s ideas are discouraged from participating in election by regulatory or extralegal means.\textsuperscript{26}

30. In addition, the UN Special Rapporteurs have indicated the disqualification of people convicted under the NSL from running in elections contravenes both the ICCPR and the Universal Declaration of Human Rights\textsuperscript{27}, let alone none of the four has been criminalised. The European Court of Human Rights affirmed that disqualification of legislators elected prior to the implementation of the law, without compelling grounds for democratic order, infringe the right to free elections. Once the public have freely and democratically expressed their wishes, no subsequent amendment should be imposed on that choice. Or else, the right to vote and to be elected would be rendered “illusory” if a legislator and his or her electors could be arbitrarily deprived of them at any time.\textsuperscript{28}

\textsuperscript{20} HKSAR Government, 2020. HKSAR Government announces disqualification of legislators concerned in accordance with NPCSC’s decision on qualification of HKSAR legislators. Available at: https://www.info.gov.hk/gia/general/202011/11/P20201111100779.htm?fontSize=1

\textsuperscript{21} Previous disqualifications were ruled by the High Court under the NPCSC’s interpretation of Article 104 of the Basic Law in the light of the judicial reviews lodged by the HKSAR.

\textsuperscript{22} Article 79 of the Basic Law specifies the President of the Legislative Council can declare a member is no longer qualified when he or she is censured for misbehaviour or breach of oath by a vote of two-thirds of the members of the Council present.


\textsuperscript{24} Human Rights Committee, General Comment No.25. CCPR/C/21/Rev.1/Add.7, para. 3 and 17.


\textsuperscript{27} CHN 17/2020

About Civil Rights Observer

Established in 2014, the Civil Rights Observer works to protect and promote civil and political rights in Hong Kong, with a focus on police abuse of powers. The four pillars of our work are: human rights education, police power monitoring, policy advocacy, and emergency human rights support. More information available at: https://www.hkcro.org/.

Civil Rights Observer is a project under Civic Incubator Limited.

Contact: info@hkcro.org
Website: www.hkcro.org
## Appendix I – List of Charged and Arrested Persons in relation to national security
(From 30 June to 30 November 2020)*

<table>
<thead>
<tr>
<th>Date</th>
<th>Involved Persons</th>
<th>Alleged Charges</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td><strong>Charged under the NSL</strong></td>
<td></td>
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</tr>
<tr>
<td>1/7/2020</td>
<td>Tong Ying-kit</td>
<td>Terrorism; Inciting secession</td>
<td>During an annual protest marking the anniversary of the city’s handover, Tong was arrested and prosecuted for committing terrorist activities and inciting secession by driving a motorcycle into the police cordon while flying a “Liberate Hong Kong, Revolution of our times” banner. His bail application and Habeas Corpus were denied.</td>
</tr>
<tr>
<td>29/10/2020</td>
<td>Tony Chung</td>
<td>Secession; Money laundering; Conspiracy to publish seditious material</td>
<td>Former convenor of Studentlocalism, was arrested again during his reported attempt to seek shelter at US consulate. Police accused as the administrator of three Facebook pages advocating Hong Kong independence. He was denied bail and held in remand ahead of his next scheduled court appearance on January 2021.</td>
</tr>
<tr>
<td>24/11/2020</td>
<td>Adam Ma</td>
<td>Inciting secession</td>
<td>Police indicted Ma has repeatedly chanted pro-independence slogans on 19 occasions between August and November. His bail application was denied and the case was adjourned until February 2021.</td>
</tr>
<tr>
<td><strong>Arrested under the NSL</strong></td>
<td></td>
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<tr>
<td>1/7/2020</td>
<td>9 protestors</td>
<td>Secession; Inciting secession; Inciting subversion</td>
<td>9 others, including a 15-year-old girl, were also arrested in the 7.1 protest for displaying or carrying materials considered advocating independence or other political messages by the authority.</td>
</tr>
<tr>
<td>21/7/2020</td>
<td>Rayman Chow</td>
<td>Unknown</td>
<td>In a dispersal operation of a protest on the anniversary of the 7.21 incident, District Councillor Rayman Chow was arrested for holding a sign with the slogan “Liberate Hong Kong, Revolution of our times”. He was allegedly released on bail after detained for 20 hours.</td>
</tr>
<tr>
<td>29/7/2020</td>
<td>Tony Chung</td>
<td>Secession; Inciting secession</td>
<td>Four former members of Studentlocalism – disbanded after the law was enforced – were accused of inciting secession for advocating Hong Kong independence on a social media group. They were released on bail without charge after 48-hour detention, were asked to surrender their passports and were required to remove messages from the group.</td>
</tr>
<tr>
<td>10/8/2020</td>
<td>Jimmy Lai[31]</td>
<td>Collusion with foreign forces</td>
<td>Police sources accused Agnes Chow, Wilson Lee and Andy Lee of involving in the “Fight for Freedom, Stand with Hong Kong” campaign, which had encouraged international sanctions on Hong Kong, with financial support provided by the other 3 via overseas bank accounts. They were denied bail and detained until the next hearing on 16 April 2021.</td>
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31 Jimmy Lai has been additionally charged with fraud and collusion with foreign forces on 2 December and 11 December respectively. He was denied bail and detained until the next hearing on 16 April 2021.
Andy Li was later confirmed as one of the 12 persons detained by the Chinese Coast Guard on 23 August for fleeing to Taiwan illegally. He was arrested for “secretly crossing the border” which could carry a year prison sentence and has been held incommunicado since then.

### Non-NSL cases handled by the National Security Department

<table>
<thead>
<tr>
<th>Date</th>
<th>Names</th>
<th>Charges</th>
<th>Details</th>
</tr>
</thead>
</table>
| 10/8/2020  | Jimmy Lai, Royston Chow, Timothy Lai, Cheung Kim-hung, Wong Wai-keung, Ng Tat-kong | Conspiracy to defraud | In addition to NSL allegations, Jimmy Lai, Royston Chow and Wong Wai-keung were later accused of fraud charges in relation to the lease of the headquarters of his company Next Digital in Tseung Kwan O for other purpose.  
Jimmy Lai was released on bail of HK$300 thousands, citizens chanting slogans to support Apple Daily (Chinese only). Available at: [https://hk.appledaily.com/breaking/20200811/AATTI3U4H6NGQ2ZCQW7XW755V5Q/](https://hk.appledaily.com/breaking/20200811/AATTI3U4H6NGQ2ZCQW7XW755V5Q/)

| 6/9/2020   | Tam Taki-chi (Fast beat)  | Uttering seditious words; Conspiracy to utter seditious words; Holding an unauthorised assembly; Refusing to obey a police officer's order; Disorderly conduct in public | The police charged Tam over sedition after consulting the Department of Justice, while he was initially surmised of committing incitement to secession. Some of the charges he is facing relate to the common protest slogans, which were alleged of bringing hatred and contempt against the government. A designated judge was assigned to oversee his case. He will remain in custody until next hearing on May 2021 due to bail denial.  

| 6/9/2020   | Lai Chun-bon              | Conspiracy to wound with intent               | Lai, an owner of a yellow merchant, was claimed to be involved in a conspiracy to “attack police officers” in October 2020.  
Lai Chun-bon was taken over by a NSL designated judge. No further details were available. |
A group had been arrested earlier.

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<tr>
<th>Date</th>
<th>Name(s)</th>
<th>Charge(s)</th>
<th>Description</th>
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<tbody>
<tr>
<td>25/9/2020</td>
<td>Lui Sai-yu and his mother</td>
<td>Possession of firearms without a licence; Import of strategic commodities; Possession of offensive weapons</td>
<td>The 23-year-old student was said to possess a pepper ball launcher, respirators and an extendable baton at his residence, and to deliver pro-independence messages. His defence lawyer complained that the National Security Department officers had threatened Lui to confess, otherwise they would prosecute his mother and girlfriend.</td>
</tr>
<tr>
<td>1/10/2020</td>
<td>Ng Wing-tak</td>
<td>Conspiracy to wound with intent</td>
<td>Founder of an online media PPPN international was arrested with regard to a wounding case last December (see description of Lai Chun-bon’s case), and is now released on bail pending further investigation by the Department.</td>
</tr>
<tr>
<td>10/10/2020</td>
<td>Chung Suet-ying</td>
<td>Possession of firearms without a licence</td>
<td>Chung, former assistant of two ousted localist legislators, was prosecuted of keeping unlicensed firearms at a flat alongside a man suspected of firing a live round at police during a search in last December, after she was accused as one of the nine helping 12 Hongkongers fleeing to Taiwan. The Department has taken over her case from the Organised Crime and Triad Bureau. Her bail application was denied and is kept in detention until next hearing.</td>
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<tr>
<td>9/11/2020</td>
<td>Tim Luk</td>
<td>Assisting offenders</td>
<td>The former assistant for Sha Tin District Councillor had been detained by the Department for “assisting fugitives”. The arrest was reportedly linked to Tony Chung’s case.</td>
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**Wanted**

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<th>Date</th>
<th>Name(s)</th>
<th>Charge(s)</th>
<th>Description</th>
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<tr>
<td>30/7/2020</td>
<td>Nathan Law; Simon Cheng; Wayne Chan; Ray Wong; Honcques Laus; Samuel Chu</td>
<td>Inciting secession; Collusion with foreign forces</td>
<td>6 activists living in exile abroad were allegedly wanted on suspicion of foreign lobbying, attending hearings, calling for international sanctions, and supporting Hong Kong independence. Among them, Samuel Chu was a US citizen, raising a concern that the law would be used to target a non-Chinese citizen for lobbying his own government.</td>
</tr>
<tr>
<td>10/8/2020</td>
<td>Mark Simon</td>
<td>Collusion with foreign forces</td>
<td>Mark Simon, an aide of Jimmy Lai and a US citizen, was allegedly wanted.</td>
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37 Ming Pao, 2020. Owner of '3C repair workshop' was charged with conspiracy to wound with intent and denied bail. (Chinese only) Available at: https://news.mingpao.com/ins/%E6%B8%AF%E8%81%9E/article/20200907/s00001/1599475311892
Lau is the spokesperson for “Fight for Freedom, Stand with Hong Kong”. The group had lobbied foreign politicians and funded the All-Party Parliamentary Group (APPG) which published a report urging the UK government to impose sanctions on officials deemed responsible for human rights violations.

*The information gathered from news reports above is by no means exhaustive.
Appendix II – Impacts on Civil Society under National Security Law  
(From September to November)*

<table>
<thead>
<tr>
<th>Sector</th>
<th>Key Implication</th>
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<tbody>
<tr>
<td>Politics</td>
<td>- 4 legislators have been disqualified by the Hong Kong government soon after the China’s top legislature passed a resolution empowering local</td>
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<td>official to unseat legislators for endangering national security without going through the courts, the move prompted the entire opposition bloc to</td>
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<td></td>
<td>resign en masse.42</td>
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<td>- Following the director of the Liaison Office urges of civil servants and youth to be patriotic43, all civil servants are required to take an oath or</td>
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<td>sign a declaration – swearing allegiance to the HKSAR and pledging to uphold the Basic Law, anyone who refuses will be dismissed44.</td>
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<td>Education</td>
<td>- Heung To Middle School suspended a Form Four student from school for a week after he displayed “Liberate Hong Kong, Revolution of our times” in his</td>
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<td>profile picture for online classes. The school warned to expel him if he is found to participate in protests.45</td>
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<td>- St. Paul’s Convent School will replace four sessions of its ethics course by teaching the NSL to Form Five and Six students, invoking fear among</td>
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<td>students that the lessons will brainwash them with patriotic messages.46</td>
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<td>- A teacher was de-registered for life after being accused of promoting Hong Kong independence over a class planned for discussing freedom of speech.</td>
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<td>The Secretary for Education said they will consult with law enforcement agencies for future cases in relation to national security.47</td>
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<td>Academia</td>
<td>- The Friedrich Naumann Foundation for Freedom, a German think tank, is closing its Hong Kong office on the grounds of its employees’ safety under the</td>
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<td>NSL.48</td>
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<td>- Several US colleges have adopted new policies in response to the law, for example, Oxford University requires students specialising in Chinese</td>
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<td>study to submit papers anonymously, replaces group tutorials to one-to-one study.</td>
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44 South China Morning Post, 2020. All civil servants will have to pledge allegiance to Hong Kong, Basic Law from as early as next month – and could face dismissal for refusing. Available at: https://www.scmp.com/news/hong-kong/politics/article/3113456/all-civil-servants-will-have-pledge-allegiance-hong-kong


46 Hong Kong Free Press, 2020. Fears of ‘brainwashing’ as Hong Kong elite school St Paul’s to give classes on national security law. Available at: https://hongkongfp.com/2020/09/14/fears-of-brainwashing-as-hong-kong-elite-school-st-pauls-to-give-classes-on-national-security-law/


ones, and prohibits classes recording or sharing learning materials with outside groups.49
- Professor Lee Ching-kwan from the Hong Kong University of Science and Technology (HKUST) was accused by the state-owned media of disseminating pro-independence message – “Hong Kong belongs to the world” – at a webinar in May.50
- Some materials in an exhibition organised in the Chinese University of Hong Kong to mark the campus clash during last year’s protests had been blacked out after the university warned they could breach the law.51
- Around 100 students at the Chinese University of Hong Kong chanted and displayed slogans that were deemed pro-independence during an unofficial graduation day. The National Security Department has taken over the investigation and entered the campus for searches after receiving reports from the university.52
- The “Lennon Wall” of the University of Hong Kong, where students used to express political opinions, has been closed off owing to the university’s rejection to manage the site after the Chief Executive warns of police intervention in any content not complying with the law.53

| Local businesses | - Face mask manufacturer Yellow factory has suspended operations after its pro-protest designs – the acronym FDNOL printed on products implicates a common anti-extradition bill protest slogan “Five Demands, Not One Less” – were accused by state-owned media of keeping the “opposition spirit alive”.54
- Another health protection equipment manufacturer Savewo has also been accused of offending the law by using a company logo that resembles hand gesture of “Five” and “One” – a symbolic protesting gesture during last year’s protests.55 |
| Financial institutions | - The Hong Kong Monetary Authority (HKMA) updated its advice – a non-official guideline that applies to both Hong Kong and international banks, asking banks and companies to report any transactions suspected to be a breach of the NSL. Those transactions should be treated the same as transactions suspected to be money laundering or financing terrorism, and be to filed to the Joint Financial Intelligence Unit between the Hong Kong Police Force and the Customs & Excise Department.56 |

50 Hong Kong Free Press, 2020. Scholar who said ‘Hong Kong belongs to the world’ refutes pro-Beijing press claim she may have violated security law. Available at: https://hongkongfp.com/2020/11/19/scholar-who-said-hong-kong-belongs-to-the-world-refutes-pro-beijing-press-claim-she-may-have-violated-security-law/
52 Hong Kong Free Press, 2020. Hong Kong national security police enter Chinese University campus following peaceful graduation day demo. Available at: https://hongkongfp.com/2020/11/20/hong-kong-national-security-police-enter-chinese-university-campus-following-peaceful-graduation-day-demo/
55 Savewo, 2020. Radical and unreasonable attacks on SAVEWO recently. Available at: https://www.facebook.com/savewohk/posts/202479081358863
| Legal profession | Australian Judge James Spigelman resigned from Hong Kong’s highest court, citing concerns “related to the content of the NSL”.  
58 |
| CSOs | The Hong Kong Alliance in Support of Patriotic Democratic Movements of China – organiser of the annual June 4 vigil which supports students and pursues accountability for the Tiananmen Square crackdown – was criticised by Chinese scholar Tian Fei-long as a political subversion group that colludes with foreign forces.  
59 |
| Press | National Security Department officers raided a private office of Jimmy Lai, owner of pro-democracy newspaper Apple Daily, following his arrest on suspicion of collusion with foreign forces and search of his media outlet by over 200 officers in August.  
60 |

*The information gathered from news reports above is by no means exhaustive.*

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