

The Conservative Party Human Rights Commission Inquiry into "The Human Rights Situation in China from 2013-2016"

Written Evidence Submitted by Mrs Anson Chan GBM GCMG CBE JP and Mr Martin Lee QC SC

Preamble

We thank the Commission for affording us this opportunity to provide written evidence to its Inquiry. Our evidence is part of a continuum of concerns that we have raised in the past three years with the United Kingdom Government (both directly and via the British Consulate General in Hong Kong) and with members of the United Kingdom Parliament.

In its written evidence to the 2014 Foreign Affairs Committee Inquiry into "The UK's relations with Hong Kong: 30 years after the Joint Declaration", Hong Kong 2020 noted that, in her capacity as Convenor, Mrs Anson Chan had written to British Consul General in Hong Kong Ms Caroline Wilson on 5 August 2013, to express concern that recent six monthly reports had not truly reflected the actual situation on the ground in Hong Kong.

These concerns were also expressed during our joint appearance before the Committee on 16 July 2014, and when we met the Right Honourable Hugo Swire MP, Minister of State at the Foreign and Commonwealth Office, on 14 July 2014. Among the principal concerns we expressed were:

- Recent reports had been too sanguine in their assessment of the current state of 'one country, two systems' and may thus have given Parliament and all concerned an overly favourable impression of how well it is holding up seventeen years after the Handover.
- No recognition had been given to the fact that 'one country, two systems' is being progressively undermined, in particular by the blatant interference of the Central Government's Liaison Office in Hong Kong, and associated United Front organizations, in matters that fall squarely within the autonomy of the HKSAR Government under the JD.

We are heartened therefore by the far more robust tone of recent reports which present a fuller and more balanced analysis of the situation in Hong Kong. With particular reference to the Report for the period 1 July – 31 December 2015, we wholeheartedly endorse the assessment by the Secretary of State for Foreign and Commonwealth Affairs that the unexplained disappearance of five individuals, associated with a Hong Kong bookstore and publishing house, and the indications that Hong Kong resident and British citizen, Mr Lee Po, was involuntarily removed to the mainland without any due process under Hong Kong SAR law constitutes **".. a serious breach of the Sino-British Joint Declaration on Hong Kong and undermines the principle of "One Country, Two Systems" which assures Hong Kong residents of the protection of the Hong Kong legal system."**

Abduction and detention of booksellers from Hong Kong

In our opinion the Lee Po case is both the most serious and most blatant breach of the Joint Declaration and the principle of "one Country, two Systems" since the return of Hong Kong to China in 1997. Amongst other things the Basic Law guarantees that Hong Kong people will enjoy the following rights and freedoms:

Under Article 22: "No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law."

Under Article 27: "Hong Kong residents shall have the freedom of speech, of the press and of publication ..."

Under Article 28: "The freedom of the person shall be inviolable. No Hong Kong resident shall be subjected to arbitrary arrest, detention of imprisonment."

Mr Lee's abduction and detention are a clear breach of the above Articles of the Basic Law. The explanations of their disappearances and reappearances that Mr Lee and his colleagues have been coerced into giving are an insult to the intelligence of Hong Kong people and the international community, reminiscent of the grotesque distortions of the facts by George Orwell's Ministry of Truth in the iconic novel '1984'. In particular, it is clear that Mr Lee's television interview and other public comments were carefully scripted by the Mainland authorities, as a quid pro quo for allowing him to return to Hong Kong.

Five questions posed in an article in the 30 January 2016 edition of the South China Morning Post <http://www.scmp.com/news/hong-kong/politics/article/1907061/lee-po-main-actor-mystery-missing-booksellers-and-five> have yet to be adequately answered. These include:

How did Lee Po get to the Mainland?

Mr Lee did not inform his wife he was crossing the boundary and was not carrying a valid travel document. This calls into question both the efficiency of Hong Kong's boundary control procedures and raises the more serious issue of whether – and if so how many – vehicles registered to Mainland military or security personnel, stationed in Hong Kong, are exempt from normal checks of passengers and travel documents at the various boundary crossing points.

What is the role of the Hong Kong government?

Despite well-established channels of communication with their Chinese opposite numbers, the Hong Kong Police and boundary control authorities have been effectively powerless to secure any explanation of how and why Mr Lee left Hong Kong in such mysterious circumstances. At the same time, senior officials and pro-Beijing public figures have been all too ready to accept alternative and incredible explanations for Mr Lee's disappearance.

Although Mr Lee went missing on 30 December 2015, Hong Kong's Chief Executive, Leung Chun-ying, did not comment until 5 January 2016, at which time he said that there was no indication that anyone had been abducted from Hong Kong. Neither Leung nor any of his officials has revealed at what levels of the Central Government they have pressed the issue.

On 12 January, Secretary for Justice, Rimsky Yuen Kwok-keung was quoted as saying the Hong Kong Government was determined to get to the facts <http://www.ejinsight.com/20160112-rimsky-yuen-we-will-get-to-the-facts-of-lee-bo-case/>. The Government has singularly failed in this objective.

On 2 March it was reported that Hong Kong's Commissioner for Police, Stephen Lo Wai-chung suspected that Mr Lee was hiding some facts, but was quoted as saying there was no evidence to support speculation that Lee was kidnapped by mainland agents over the sale of banned books across the border. <http://www.scmp.com/news/hong-kong/law-crime/article/1919564/hong-kong-bookseller-lee-po-not-telling-full-story-police>

On 26 March Mr Ip Kwok-him, Executive Councillor and leading member of the pro-Beijing political party: the Democratic Alliance for the Betterment and Progress of Hong Kong argued that, following Mr Lee's return to Hong Kong and various explanations, the mystery of his disappearance should be laid to rest. <http://news.rthk.hk/rthk/en/component/k2/1250940-20160326.htm> This view was echoed by another pro-Beijing heavyweight and member of the Standing Committee of China's National People's Congress, Rita Fan Hsu Lai-tai.

During the same period, a 5 January article in a Central Government mouthpiece, the Global Times, baldly stated that the action by Mainland authorities was justified, and that "powerful agencies" around the world all have their own ways to get around laws when necessary to their national interest. The article thereby effectively acknowledged that the disappearances of Mr Lee and his colleagues were the result of intervention by China's "powerful agencies" <http://news.rthk.hk/rthk/en/component/k2/1233911-20160106.htm>. On 27 January Hong Kong's Secretary for Security, Lai Tung Kwok, tried to argue that the article did not necessarily reflect the Central Government's position <https://www.hongkongfp.com/2016/01/27/sec-for-security-state-newspaper-editorials-do-not-represent-official-stance-on-bookseller-case/>, but many find its contents to be much more convincing and logical than the official version of the events that we are now asked to believe.

Rumours have also circulated (including in the UK's Sunday Times) of a 'Guangdong Action Plan', approved at the highest levels in Beijing, which specifically grants authorisation for cross border operations to stamp out the publication of materials that are banned on the Mainland. <http://www.scmp.com/news/hong-kong/law-crime/article/1904852/guangdong-governor-says-he-believes-case-hong-kong>.

The alarming conclusions to be drawn from this sorry affair are that:

- China considers it can act with impunity and complete disregard for 'one country, two systems' when its national interests are deemed to be under threat.

- The Hong Kong SAR Government has not only shown itself completely powerless to uphold the fundamental rights guaranteed to Hong Kong residents in the Basic Law, it has quietly acquiesced in the absurd fiction foisted upon Hong Kong and the rest of the world as to the circumstances of the booksellers' disappearances and detention.
- Despite the fact that the fundamental contract between Britain and China, at the time of the signing of the Joint Declaration, was that no Hong Kong resident would have to fear a midnight knock on the door, what happened to Lee Po can happen to any Hong Kong resident whom the Mainland authorities wish to silence or bring before their own system of 'justice'. In short, none of us is safe.

Political Situation in Hong Kong

The political situation in Hong Kong remains extremely polarised. Young Hong Kongers, in particular, are becoming increasingly disenchanted by a steady decline in the quality of governance which is doing nothing to address their basic concerns about job prospects and the cost of housing. At the same time, they are more and more distrustful of the Central Government's long term intentions towards Hong Kong. Symptomatic of this unease is a recent sharp rise in the number of applications for student visas at our local US Consulate General.

Precious rights and freedoms guaranteed under 'one country, two systems' such as freedom of the press, of publication and of academic thought - are being chipped away, while our local government seems to turn a blind eye - more bent on pleasing the Central Authorities in Beijing than standing up for Hong Kong and its core values. A locally produced film, entitled 'Ten Years', paints a grim picture of Hong Kong ten years into the future, increasingly under Central Government influence and control. It has just won the award for best film in this year's Hong Kong Film Awards, while the live broadcast of the ceremony was blocked on the Mainland.

Violent clashes between the Police and crowds protesting against the arbitrary clearance of traditional stall holders in Mong Kok on the first day of the Lunar New Year mark a further deterioration in sentiment towards the Government. Recently, however, aware that pro-establishment political parties may suffer in the coming September elections to the Legislative Council, there seems to be a marked softening of the Chief Executive's uncompromising stance on some issues <http://www.ejinsight.com/20160323-future-of-one-country-two-systems/>.

Fifteen months on from the Occupy Central/Umbrella Revolution, the protest movement has brought to the fore a new generation of highly educated young people, passionate about the future of the city they love and with the courage to stand up and be counted.

New political movements are springing up to give voice to this passion, some of which may develop into political parties and field candidates in forthcoming elections to our Legislature in September. Despite Government urgings that voters should punish those allied to the 'Occupy' protest movement at the polls, the results of recent district elections have shown that the majority of the Hong Kong electorate has no intention of doing so.

On the contrary, at a recent by-election called to select a replacement for a legislator who had resigned, a young 'localist' candidate – with no previous political track record – garnered a significant number of votes and, in the process, succeeded in rattling the cage of the established parties contesting the seat.

'Localism' is a new phenomenon on the Hong Kong political scene which places top priority on the defence of Hong Kong's core values and way of life. It has been fostered directly by perceptions that, on the one hand, the Central Government is not fulfilling its side of the bargain in implementing 'one country, two systems' while, at the same time, Hong Kong's Government is not doing enough to defend the rights and freedoms that underpin this concept.

The recent establishment of the pro-independence Hong Kong National Party has drawn predictably negative reaction from the Central Government in Beijing <https://www.hongkongfp.com/2016/03/31/beijing-slams-new-pro-independence-party-as-govt-warns-of-legal-action/>. The fact is that the concept of 'independence' for Hong Kong has never hitherto been mooted. It is a symptom of the current disillusionment among young people, rather than the cause.

While it is likely that the majority of Hong Kong people do not see independence from China as either a desirable or realistic objective, the reaction of SAR Government officials is already giving rise to concern and needs to be carefully calibrated if it is not to prompt further social unrest. http://www.chinadailyasia.com/hknews/2016-04/02/content_15409820.html. It is vitally important that, instead of simply denouncing developments of this sort as incompatible with the Basic Law, the Government does more to understand and address their root causes.

Another symptom of growing unease is a recent sparking of discussion on whether the Basic Law can survive beyond 2047. While some are optimistic on this score, others fear that the deepening divisions in Hong Kong society may prompt Beijing to consider the need to intervene sooner rather than later. Chief Executive Leung Chun-ying is stoking concerns in Beijing about social instability in Hong Kong in order to strengthen the case for him to be given a second term. Comments by National People's Congress Deputy Maria Tam Wai-chu, in the margins of the recent meeting of the Congress in Beijing, to the effect that changing Chief executives every five years may not be desirable, are ominous www.hongkongfp.com/2016/03/02/changing-leader-every-five-years-may-not-be-good-for-hk-says-npc-deputy-maria-tam-wai-chu.

Meanwhile students at the University of Hong Kong remain outraged at the appointment by the Chief Executive of Professor Arthur Li Kwok-cheung as Chairman of the University's Council. Given his very confrontational style, and extreme unpopularity with both students and academic staff, this was a needlessly provocative act at a time when the goal should be to heal the divisions caused by the failure to appoint pro-democracy academic, Professor Johannes Chan Man-mun, to a post of Vice Chancellor. <http://www.scmp.com/news/hong-kong/education-community/article/1897821/more-3000-march-against-arthur-lis-appointment>.

It is widely perceived that Leung Chun-ying is systematically abusing his position as Chancellor of all eight Hong Kong universities to appoint to their governing bodies persons who can be relied upon to toe the Government line. This is a blatant threat to academic freedom.

Leung is also making questionable appointments to other key Advisory Committees and public bodies that risk threatening their impartiality and/or commitment to supporting human rights. In December 2014 he appointed Maria Tam Wai-chu, a staunch pro-Beijing figure and Deputy of China's National People's Congress, as Chair of the key Operations Committee of the Independent Commission Against Corruption. This prompted grave disquiet in many sectors of the community that understand the importance of eliminating any suggestion of political bias in prosecution of corruption related offences <http://www.scmp.com/news/hong-kong/article/1666567/npc-deputy-appointed-key-post-hong-kongs-corruption-watchdog-icac>

More recently he has decided not to re-appoint the current popular and respected chairperson of Hong Kong's Equal Opportunities Commission, York Chow. Amongst other things, Dr Chow has been a staunch advocate of the rights of ethnic minorities and of the local Lesbian, Gay, Bisexual and Transgender community. Chow's liberal views have clearly upset some religious and conservative elements in society; it is both disturbing and depressing that public figures of integrity and good conscience, who are prepared to speak up strongly for minority interests, are being side-lined in this way by the current Hong Kong Administration. <https://www.change.org/p/hong-kong-sar-government-hong-kong-chief-executive-reappoint-hong-kong-equality-chief-york-chow>.

Conclusion

We understand that the United Kingdom, like many other countries, is keen to expand its trade ties with an increasingly wealthy and economically powerful China; but this must not be at the expense of its legal and moral obligations to Hong Kong under the terms of the Joint Declaration. The deterioration in human rights in Mainland China is causing severe unease in Hong Kong. Recent articles in The New York Review of Books <http://www.nybooks.com/articles/2016/04/21/crackdown-in-china-worse-and-worse/> and the 11 April edition of Time Magazine in Asia point to the disturbing trends that have emerged since President Xi took over as Head of State. Among other things the Time article claims that Xi is demanding 'absolute loyalty' from China's main media organisations – something that does not bode well for Hong Kong's already struggling press freedom.

<http://time.com/4277504/chinas-chairman/http://time.com/4277504/chinas-chairman/http://time.com/4277504/chinas-chairman/>.

We need the UK to speak up forcefully in defence of the rights and freedoms that distinguish Hong Kong so sharply from the rest of China. Where it leads the rest of the international community will follow. If it does not lead, then the future of 'one country, two systems' is at best troubled and at worst doomed.

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Hong Kong**