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Home Office

Country Policy and Information Note

China: Hong Kong protests

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 6 December 2019

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution by the state or risk of serious harm due to taking part, or being perceived to have taken part, in anti-government protests; and/or
- 1.1.2 Fear of serious harm because the security situation presents a real risk to a civilian's life or person such that removal would be in breach of Article 15(c) (serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict) of European Council Directive 2004/83/EC of 29 April 2004 (the Qualification Directive), as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules.

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.3.1 Actual or imputed political opinion.
- 2.3.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their actual or imputed convention reason.

- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

a. General approach

- 2.4.1 In the country guidance case [AK \(Article 15\(c\)\) Afghanistan CG \[2012\] UKUT 00163\(IAC\)](#), the Upper Tribunal held that ‘the need, when dealing with asylum-related claims based wholly or significantly on risks arising from situations of armed conflict and indiscriminate violence, to assess whether Article 15(c) of the Qualification Directive is engaged, should not lead to judicial or other decision-makers going straight to Article 15(c). The normal course should be to deal with the issue of refugee eligibility, subsidiary (humanitarian) protection eligibility and Article 3 ECHR in that order.’ (para 249A(ii) and headnote A(ii)).
- 2.4.2 Therefore, decision makers must first consider if the person faces persecution or serious harm for a Refugee Convention reason. However, a state of civil instability and/or where law and order has broken down does not of itself give rise to a well-founded fear of persecution for a Convention reason.

b. Context

- 2.4.3 In June 2019, the Hong Kong Special Administrative Region (SAR) Government proposed amending the law to allow extradition to China, something which was not previously possible under arrangements related to the 1997 Handover. While the bill did not go through, the proposals sparked a large protest movement. The protests were initially peaceful, but as they continued, a violent strand emerged (see [Origins and aims](#) and [Timeline](#)).
- 2.4.4 As events continued, some radical protesters vandalised train stations, shops and restaurants, built barricades and road blocks and threw bricks and petrol bombs at police. The police have responded to the disorder by using teargas, pepper spray, rubber bullets, bean bag rounds and water cannons, with live ammunition being used on more than one occasion (see [Origins and aims](#), [Timeline](#) and [Responses to protests – Police and security forces](#)).
- 2.4.5 For more information see the [six-monthly reports produced by the Foreign and Commonwealth Office](#) which provide a detailed rolling assessment of the situation in Hong Kong.

c. Involvement in the protest(s)

- 2.4.6 Where a person was (or was perceived to be) involved in the protests, they are unlikely to be able to establish a well-founded fear of persecution.
- 2.4.7 Over 4000 people have been arrested since protests began with the vast majority being arrested while taking part in demonstrations. Whilst the authorities have, at times, used some heavy-handed responses to violent protests, the ‘targets’ appear to be random. The objective country information does not suggest that the authorities have the will or the means

to specifically identify people who may have taken part and single them out for mistreatment during protests (see [Response to protestors](#)).

- 2.4.8 There have been a small number of incidents of people being arrested while receiving treatment for protest-related injuries. However, aside from high profile activists, the objective country evidence does not suggest that the Hong Kong authorities are actively targeting those who may have been involved in the protests or subjecting them to treatment which is sufficiently serious by its nature and repetition to constitute persecution or serious harm (see [Response to protestors](#)).
- 2.4.9 Large numbers of arrests are common in the wake of large-scale protests, which States would be expected to attempt to control. Whilst there have been many people arrested, there have also been allegations of excessive force used by the police. In response, the Independent Police Complaints Council (IPCC) announced that it would investigate the police's alleged use of excessive force alongside a panel of overseas experts (see [Avenues of Redress](#)).
- 2.4.10 A person fearing the legal consequences of being (or being perceived to be) involved in the protests would fear prosecution not persecution. Regulation 5(2) of the [Refugee or Person in Need of International \(Qualification\) Regulations 2006](#) states that an act of persecution may take the form of:
- (i) a legal, administrative, police, or judicial measure which in itself is discriminatory or which is implemented in a discriminatory manner;
 - (ii) prosecution or punishment, which is disproportionate or discriminatory;
 - (iii) denial of judicial redress resulting in a disproportionate or discriminatory punishment;
- 2.4.11 The instruction on [Assessing Credibility and Refugee Status](#) states that in order to qualify for asylum or humanitarian protection on this basis, a person would need to demonstrate:
- (i) victimisation in the application of the law by the authorities. For example: if it is the vehicle or excuse for the persecution of a person or if only certain ethnic or other groups are prosecuted for a particular offence and the consequences of that discrimination are sufficiently severe; or
 - (ii) that the punishment is cruel, inhuman or degrading (including punishment which is out of all proportion to the offence committed).
- 2.4.12 The objective information does not suggest any of these criteria are likely to be met. The law provides for reasonable sentences for public order offences (see [Legal context](#)).
- 2.4.13 Similarly, in the few cases that have gone before the courts, the penalties appear commensurate with the offence in question; persons are entitled to due process and legal representation; trials appear fair. There is no suggestion from the objective country evidence that the law is being disproportionately applied or applied in a discriminatory way, and not to the

level that it could constitute persecution or serious harm (see [Arrests and prosecutions](#)).

- 2.4.14 Those who take part in unauthorised and violent protests against the government are likely to attract adverse attention from the authorities. Treatment will vary depending on a person's level of involvement, the nature of their activities and their profile. Whilst people have been arrested and detained for their involvement in anti-government protests and there have been reports of mistreatment during these arrests, the treatment incurred is not sufficiently serious by its nature and repetition as to amount to a generalised risk of persecution or serious harm. High profile activists may be at a higher risk of arrest and possible ill treatment depending on their activities. Each case however, must be considered on its facts and the onus is the person to demonstrate why they would be at risk.

d. [Security situation and Article 15\(c\) of the Qualification Directive](#)

- 2.4.15 In order to qualify under Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA (iv) of the Immigration Rules, substantial grounds need to be shown for believing that the person concerned, if returned to Hong Kong, would face a real risk of suffering serious harm by virtue of a serious and individual threat to their life or person by reason of indiscriminate violence in situations of international or internal armed conflict.
- 2.4.16 Article 15(c) of the Qualification Directive applies only to civilians, who must be genuine non-combatants and not those who are party to the conflict. This could include former combatants who have genuinely and permanently renounced armed activity.
- 2.4.17 The ECtHR, in [Diakité \(C-285/12\)](#), concluded that 'The usual meaning in everyday language of 'internal armed conflict' is a situation in which a State's armed forces confront one or more armed groups or in which two or more armed groups confront each other.' (para 28) but that
- '...internal armed conflict can be a cause for granting subsidiary protection only where confrontations between a State's armed forces and one or more armed groups or between two or more armed groups are exceptionally considered to create a serious and individual threat to the life or person of an applicant for subsidiary protection for the purposes of Article 15(c) of Directive 2004/83 because the degree of indiscriminate violence which characterises those confrontations reaches such a high level that substantial grounds are shown for believing that a civilian, if returned to the relevant country or, as the case may be, to the relevant region, would – solely on account of his presence in the territory of that country or region – face a real risk of being subject to that threat' (para 30).
- 2.4.18 Whilst there have been violent confrontations between police and protestors, it is unlikely that the protestors would be considered to form 'one or more armed groups' or, more broadly, the situation meets the definition of an 'internal armed conflict'.
- 2.4.19 More fundamentally, the levels of violence (deaths and serious injuries) – there have been 2 deaths and a very small percentage of protesters have suffered serious injuries as a result of the demonstrations – cannot be said

to be at “such a high level” that there are “substantial grounds for believing that the person (civilian) concerned, if returned to Hong Kong, would face a real risk of serious harm by virtue of a serious and individual threat to their life or person solely on account of their presence”.

- 2.4.20 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.
- 2.5.2 There have been reports of police using excessive force against protestors during arrests as well as misconduct during detention. Police have also been criticised for reportedly failing to wear identity numbers making it difficult for complaints to be made against individuals. At present there have been no incidents of the state handing out punishments for misconduct by police officers. However, at the time of publication, investigations by the Independent Police Complaints Council are still ongoing (see [Timeline](#), [Responses to protests](#), [Responses to protestors](#) and [Avenues of redress](#)).
- 2.5.3 In addition, as set out under ‘risk’ above, fear of being injured during a protest or a fear of being arrested during or after a protest in the Hong Kong context is not sufficiently serious by its nature and/or repetition to amount to a well-founded fear of persecution from the state. Similarly, heavy-handed policing during violent demonstrations is not the same as an unwillingness or inability of the state to provide effective protection.
- 2.5.4 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from the state, it is unlikely a person will be able to relocate to escape that risk.
- 2.6.2 However, as set out under ‘risk’ above, fear of being injured during a protest or a fear of being arrested during or after a protest in the Hong Kong context is not sufficiently serious by its nature and/or repetition to amount to a well-founded fear of persecution from the state.
- 2.6.3 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 19 November 2019

3. Background

3.1 History of Hong Kong

- 3.1.1 An article entitled 'How Hong Kong's complex history explains its current crisis with China' published in August 2019 by National Geographic stated:

'The United Kingdom had held Hong Kong as a colony since 1841, when it occupied the area during the First Opium War. The war broke out after Qing-dynasty China attempted to crack down an illegal opium trade that led to widespread addiction in China. Defeat came at a high cost: In 1842, China agreed to cede the island of Hong Kong to the British in perpetuity through the Treaty of Nanjing.

'Over the next half-century, the United Kingdom gained control over all three main regions of Hong Kong: After Hong Kong Island came the Kowloon Peninsula, and finally the New Territories, a swath of land that comprises the bulk of Hong Kong today. The final treaty, the 1898 Convention for the Extension of Hong Kong Territory, leased the New Territories to Britain for 99 years. Under the terms of the treaty, China would regain control of its leased lands on July 1, 1997.

'[...] As the treaty's expiration loomed, separating the New Territories from the rest of Hong Kong became increasingly unthinkable. Starting in the late 1970s, the U.K. and China began to discuss Hong Kong's future. In 1984, British Prime Minister Margaret Thatcher and China's premier Zhao Ziyang signed the Sino-British Joint Declaration, agreeing that China would give Hong Kong some political and social autonomy through a "one country, two systems" policy for a 50-year-period.

'After the handover, Hong Kong became a Special Administrative Region of China with its own "mini constitution," legal system, and some democratic rights like free speech and the freedom of assembly under its Basic Law.'¹

- 3.1.2 The BBC stated the following regarding the history of Hong Kong in a September 2019 article:

'[Hong Kong] was a British colony for more than 150 years - part of it, Hong Kong island, was ceded to the UK after a war in 1842. Later, China also leased the rest of Hong Kong - the New Territories - to the British for 99 years.

'[...] in the early 1980s, as the deadline for the 99-year-lease approached, Britain and China began talks on the future of Hong Kong - with the communist government in China arguing that all of Hong Kong should be returned to Chinese rule.

'The two sides reached a deal in 1984 that would see Hong Kong return to China in 1997, under the principle of "one country, two systems".

¹ National Geographic, 'Hong Kong's complex history', 7 August 2019, [url](#).

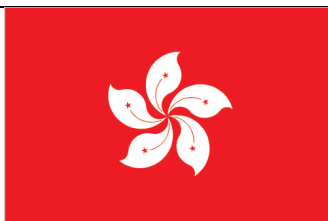
'This meant that while becoming part of one country with China, Hong Kong would enjoy "a high degree of autonomy, except in foreign and defence affairs" for 50 years.

As a result, Hong Kong has its own legal system and borders, and rights including freedom of assembly and free speech are protected.'²

- 3.1.3 A full timeline of Hong Kong's history can be found on the BBC's Hong Kong profile³.

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3.2 Geography and demography

Full name:	The Hong Kong Special Administrative Region of the People's Republic of China ⁴
Area:	Total: 1,108 sq. km ⁵
Flag:	 ⁶
Population:	7,213,338 (July 2018 estimate) ⁷
Position:	Eastern Asia, bordering the South China Sea and China. ⁸
Languages:	Cantonese (official) 88.9%, English (official) 4.3%, Mandarin (official) 1.9%, other Chinese dialects 3.1%, other 1.9% (2016 estimate) ⁹
Ethnic groups:	Chinese 92%, Filipino 2.5%, Indonesian 2.1%, other 3.4% (2016 est.) ¹⁰
Religion:	Buddhist or Taoist 27.9%, Protestant 6.7%, Roman Catholic 5.3%, Muslim 4.2%, Hindu 1.4%, Sikh 0.2%, other or none 54.3% (2016 estimate) ¹¹
Currency:	Hong Kong dollar ¹²

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² BBC, 'Why are there protests in Hong Kong? All the context you need', 4 Sept 2019, [url](#).

³ BBC, 'Hong Kong profile – Timeline', 24 June 2019, [url](#).

⁴ CIA World Factbook, 'Hong Kong', last updated 13 November 2019, [url](#).

⁵ CIA World Factbook, 'Hong Kong', last updated 13 November 2019, [url](#).

⁶ CIA World Factbook, 'Hong Kong', last updated 13 November 2019, [url](#).

⁷ CIA World Factbook, 'Hong Kong', last updated 13 November 2019, [url](#).

⁸ CIA World Factbook, 'Hong Kong', last updated 13 November 2019, [url](#).

⁹ CIA World Factbook, 'Hong Kong', last updated 13 November 2019, [url](#).

¹⁰ CIA World Factbook, 'Hong Kong', last updated 13 November 2019, [url](#).

¹¹ CIA World Factbook, 'Hong Kong', last updated 13 November 2019, [url](#).

¹² BBC, 'Hong Kong territory profile', 9 January 2018, [url](#).

3.3 Map

3.3.1 The UK Ministry of Defence (MOD) produced the following map in 2003¹³.



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Section 4 updated: 26 November 2019

4. Legal context

4.1.1 Part 4 of the Hong Kong Public Ordinance legislation (chapter 245) is entitled 'Unlawful Assemblies, Riots and Similar Offences'¹⁴. Paragraph 18 of this legislation states:

'Unlawful assembly

'(1) When 3 or more persons, assembled together, conduct themselves in a disorderly, intimidating, insulting or provocative manner intended or likely to cause any person reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such conduct provoke other persons to commit a breach of the peace, they are an unlawful assembly.

'(2) It is immaterial that the original assembly was lawful if being assembled, they conduct themselves in such a manner as aforesaid.

¹³ MOD, Map of Hong Kong Special Administrative Region, 2003 - copy available on request.

¹⁴ Hong Kong e-Legislation, 'Cap. 245, Public Order Ordinance', last updated 29 June 2017, [url](#).

‘(3) Any person who takes part in an assembly which is an unlawful assembly by virtue of subsection (1) shall be guilty of the offence of unlawful assembly and shall be liable—

‘(a) on conviction on indictment, to imprisonment for 5 years; and

‘(b) on summary conviction, to a fine at level 2 and to imprisonment for 3 years.’¹⁵

4.1.2 Paragraph 19 of the Hong Kong Public Order Ordinance states:

‘Riot

‘(1) When any person taking part in an assembly which is an unlawful assembly by virtue of section 18(1) commits a breach of the peace, the assembly is a riot and the persons assembled are riotously assembled.

‘(2) Any person who takes part in a riot shall be guilty of the offence of riot and shall be liable—

‘(a) on conviction on indictment, to imprisonment for 10 years; and

‘(b) on summary conviction, to a fine at level 2 and to imprisonment for 5 years.’¹⁶

4.1.3 The Hong Kong UPR (Universal Periodic Review) Coalition (HKUPRC) was founded in 2017 in order to engage the Universal Periodic Review, ‘a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations.’¹⁷

4.1.4 A fact sheet produced by the Hong Kong UPR entitled ‘Freedom of Assembly Rights and the Public Order Ordinance’ and published in March 2018 by Justice Centre Hong Kong stated the following in its ‘Framework in Hong Kong’ Section:

‘The HKSAR [Hong Kong Special Administrative Region] Public Order Ordinance (the Ordinance) is a colonial-era law which gives power to police and other public authorities in the HKSAR to limit protests and assemblies which might affect public order. The Patten reforms (1994-1995) brought the Ordinance in line with the ICCPR [International Covenant on Civil and Political Rights]. After 1995 the police were merely to be notified of such public gatherings, rather than police permission being required. However, in 1997, the Hong Kong Provisional Legislative Council overturned Patten’s amendments, reinstating the requirement that the police permission is required for public gatherings. The range and vague definitions in the Ordinance offer authorities the possibility for broad application, and thus the ability to deter undesired protests.’¹⁸

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¹⁵ Hong Kong e-Legislation, ‘Cap. 245, Public Order Ordinance’, last updated 29 June 2017, [url](#).

¹⁶ Hong Kong e-Legislation, ‘Cap. 245, Public Order Ordinance’, last updated 29 June 2017, [url](#).

¹⁷ Justice Centre Hong Kong, ‘Universal Periodic Review’, undated, [url](#).

¹⁸ HKUPRC, ‘Freedom of Assembly Rights and the Public Order Ordinance’, 6 March 2018, [url](#).

5. Protests

5.1 Origins and aims

- 5.1.1 Reuters noted that following changes initially proposed in February 2019, on 3 April 2019 Hong Kong leader Carrie Lam's government introduced amendments to the extradition laws that would allow criminal suspects to be sent to mainland China for trial¹⁹.
- 5.1.2 The BBC stated in an article published in November 2019 that 'Opponents said this [new set of amendments to extradition laws] risked exposing Hong Kongers to unfair trials and violent treatment. They also argued the bill would give China greater influence over Hong Kong and could be used to target activists and journalists.'²⁰
- 5.1.3 An article published by The Guardian in July 2019 stated the following when reporting on the reasons why people were angry about the new bill:
- 'Many Hong Kongers fear the law would be used by authorities to target political enemies and that it would signify the end of the "one country, two systems" policy, eroding the civil rights enjoyed by Hong Kong residents since the handover of sovereignty from the UK to China in 1997.
- 'China has often used allegations of non-political crimes to target government critics, and there are fears that Hong Kong officials would not be able to reject Beijing's requests.
- 'Legal professionals have also expressed concern over the rights of those sent across the border to be tried. The conviction rate in Chinese courts is as high as 99%. Arbitrary detentions, torture and denial of legal representation of one's choosing are also common.'²¹
- 5.1.4 The amendments to the extradition laws, known as the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, can be found on the Legislative Council of the Hong Kong Special Administrative Region of the People's Republic of China's website²².
- 5.1.5 The BBC further stated that after the bill was finally withdrawn in September, the protests 'spread to reflect wider demands for democratic reform, and an inquiry into alleged police brutality'²³.
- 5.1.6 A number of sources have indicated that five main demands have emerged from the protestors who have adopted the motto: 'Five Demands, not one less!'²⁴. These demands are:
- The withdrawal of the Extradition Bill
 - For the protests to not be characterised as 'riots'

¹⁹ Reuters, 'Timeline: Key dates in Hong Kong's anti-government protests', 11 November 2019, [url](#).

²⁰ BBC, 'The Hong Kong protests explained in 100 and 500 words', 12 November 2019, [url](#).

²¹ The Guardian, 'What are the Hong Kong protests about?', 25 July 2019, [url](#).

²² Legislative Council of Hong Kong, 'Fugitive Offenders and Mutual Legal Assistance Bill 2019', [url](#).

²³ BBC, 'Why are there protests in Hong Kong? All the context you need', 4 September 2019, [url](#).

²⁴ BBC, 'The Hong Kong protests explained in 100 and 500 words', 12 November 2019, [url](#).

- Amnesty for arrested protestors
- An independent investigation into the use of force by police
- The implementation of complete universal suffrage^{25,26,27}.

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5.2 Timeline

- 5.2.1 In February 2019, 'Hong Kong's Security Bureau proposed amendments to extradition laws that would allow extraditions to countries, including mainland China, beyond the 20 states with which Hong Kong already has treaties.'²⁸
- 5.2.2 On 3 April 2019, the 'government introduced its proposed bill to the Legislative Council with a goal to pass it before the session ends in July [2019].'²⁹
- 5.2.3 On 9 June 2019, the BBC reported that protests involving between 240,000 and 1 million took place. It described it as 'a mainly peaceful demonstration that included a wide range of people - from business people and lawyers to students, pro-democracy figures and religious groups' but also explained that 'After it ended, clashes erupted between hundreds of demonstrators and police.'³⁰ Bloomberg added that 'Hundreds of thousands of demonstrators marched from Victoria Park to Admiralty, home to the government's headquarters, to express their dismay with the proposed extradition bill' noting that 'Skirmishes broke out after dark, and riot police used pepper spray and batons to disperse violent demonstrators who attacked them.'³¹
- 5.2.4 On 12 June 2019, '[Carrie] Lam announced that the controversial bill would continue to a second reading, during which the legislative council could consider further amendments to quell public anger. In response, thousands of black-shirted protesters gathered around the Hong Kong Legislative Council building to prevent lawmakers from gathering to debate the bill further.'³²
- 5.2.5 On 15 June 2019, Carrie Lam announced that she was going to indefinitely suspend the new extradition law following the mass protests³³.
- 5.2.6 On 16 June 2019, 'As many as 2 million people took to the streets in Hong Kong's largest protest turnout ever, a day after Lam suspended work on—but didn't withdraw—the extradition bill. The march started in Victoria Park and ended at the Legislative Council in Admiralty. Protesters called for the complete withdrawal of the legislation as well as the embattled chief executive's resignation.'³⁴

²⁵ BBC, 'The Hong Kong protests explained in 100 and 500 words', 12 November 2019, [url](#).

²⁶ SCMP, "'Five key demands, not one less'" 4 September 2019, [url](#)

²⁷ The Atlantic, 'The Hong Kong protesters aren't driven by hope', 12 November 2019, [url](#)

²⁸ Reuters, 'Timeline: Key dates in Hong Kong's anti-government protests', 11 November 2019, [url](#).

²⁹ Bloomberg, 'Hong Kong's descent to Emergency Rule', first published 16 August 2019, [url](#).

³⁰ BBC, 'Hong Kong protesters demonstrate against extradition bill', 9 June 2019, [url](#)

³¹ Bloomberg, 'Hong Kong's descent to Emergency Rule', first published 16 August 2019, [url](#).

³² Bloomberg, 'Hong Kong's descent to Emergency Rule', first published 16 August 2019, [url](#).

³³ The Guardian, 'Hong Kong leader suspends extradition bill', 15 June 2019, [url](#).

³⁴ Bloomberg, 'Hong Kong's descent to Emergency Rule', first published 16 August 2019, [url](#).

- 5.2.7 On 1 July 2019 the BBC stated that ‘the Legislative Council (LegCo) building was stormed by protesters who sprayed graffiti on the walls, displayed the colonial-era flag and defaced Hong Kong’s regional emblem.’³⁵ Bloomberg also noted:
- ‘While demonstrations marking the 22nd anniversary of Hong Kong’s return to China stayed largely peaceful, a militant group of demonstrators wearing hard hats stormed the city’s legislature in the evening. Using a metal cart as a battering ram, protesters smashed through a glass entryway as riot police huddled inside and shot rounds of tear gas. Demonstrators pulled down portraits, spray-painted slogans and draped a Union Jack-emblazoned colonial flag across the president’s desk.’³⁶
- 5.2.8 The BBC noted ‘One week later, on 7 July [2019], tens of thousands marched in Kowloon - an area popular with mainland tourists - in a bid to explain their concerns. Until this point the protests had received little if any coverage in state-run mainland media.
- ‘On 9 July [2019], Carrie Lam reiterated that the extradition bill was "dead" urging protesters to stop their actions. She still refrained from fully withdrawing the bill.’³⁷
- 5.2.9 On 21 July 2019, the BBC reported that ‘protesters defaced China’s Liaison Office in Hong Kong’.³⁸ Bloomberg also stated ‘The protests took a violent turn as a mob of white-shirted men used sticks and umbrellas to attack screaming protesters and bystanders trapped in a metro station in the suburb of Yuen Long, near the border with mainland China. Police say some of the men later arrested in connection with the incident had links to Hong Kong’s organized crime syndicates, known as triads.’³⁹
- 5.2.10 On 27 July 2019, ‘thousands demonstrated in Yuen Long condemning the station attack [on 21 July 2019]. Police responded by firing tear gas at the unauthorised protests.’⁴⁰
- 5.2.11 At the beginning of August 2019 more protests took place, including city wide strikes bringing services across Hong Kong to a standstill. Police engaged protesters staging “flash mob” style protests in railway stations, while thousands of other protestors staged a five-day sit-in at the Hong Kong airport’s arrivals hall, causing flights to be cancelled and leaving thousands of travellers stranded⁴¹.
- 5.2.12 On 18 August 2019, Bloomberg reported that:
- ‘Protesters braved an afternoon of pouring rain to march peacefully from Victoria Park, as the movement’s more moderate leaders sought a reset after violent scenes at the city’s airport earlier in the week. “When we make mistakes, we do admit it. We apologize. We promise to do better next time,

³⁵ BBC, ‘Hong Kong: Timeline of extradition protests’, 4 September 2019, [url](#).

³⁶ Bloomberg, ‘Hong Kong’s descent to Emergency Rule’, first published 16 August 2019, [url](#).

³⁷ BBC, ‘Hong Kong: Timeline of extradition protests’, 4 September 2019, [url](#).

³⁸ BBC, ‘Hong Kong: Timeline of extradition protests’, 4 September 2019, [url](#).

³⁹ Bloomberg, ‘Hong Kong’s descent to Emergency Rule’, first published 16 August 2019, [url](#).

⁴⁰ BBC, ‘Hong Kong: Timeline of extradition protests’, 4 September 2019, [url](#).

⁴¹ BBC, ‘Timeline of protests, 4 Sept 2019, [url](#) / Bloomberg ‘Hong Kong’s descent’, 16 Aug 2019, [url](#).

which is exactly contrary to our government,” said Wong Yik-mo, vice convener of the Civil Human Rights Front, which organized the rally. CHRF said more than 1.7 million people attended, while police put the turnout at a more conservative 128,000.⁴²

- 5.2.13 On 24 August 2019, violence returned to Hong Kong as the protests took place for the 12th consecutive week. Thousands gathered in Kowloon’s Kwun Tong area and what started as a peaceful march became violent after protestors clashed with police near Ngau Tau Kok police station. The next day further violent protests took place in Kwai Chung and resulted in police officers drawing their weapons in response to advancing crowds of demonstrators with one officer firing a live warning shot for the first time⁴³.
- 5.2.14 On 1 September 2019, the BBC reported ‘People took to the streets on Saturday [31 August 2019] to mark the fifth anniversary of China’s government banning fully democratic elections in Hong Kong. [...] Protesters lit fires and attacked the parliament building, with petrol bombs being thrown. In response, police used tear gas, rubber bullets and water cannons to disperse crowds, and fired live warning shots as they tried to clear the streets.’⁴⁴ Bloomberg also stated ‘Protesters disrupted transport to and from the Hong Kong International Airport following a night of violence in the city. They built barricades to block the freeway, vandalized turnstiles and damaged equipment at train stations. The Airport Express train services were suspended, as well as nearby Tung Chung and Disneyland Resort lines.’⁴⁵
- 5.2.15 On 4 September 2019, Carrie Lam announced in a televised address that she was to withdraw the controversial extradition bill which triggered months of protests⁴⁶.
- 5.2.16 On 8 September 2019, Bloomberg reported that:
‘Police fired tear gas at protesters who built barricades, started blazes and paralyzed traffic in prime business areas, as activists sought to show they weren’t satisfied with Carrie Lam’s concessions. Some demonstrators set a fire at an entrance to the Central subway station, one of the city’s busiest transit hubs, before scattering to other districts. [...] By Saturday morning, MTR Corp. said it shut down several major airport rail stations, while groups of people staged sit-ins at malls near train stations.’⁴⁷
- 5.2.17 Protests continued across the weekends of the 15th, 22nd and 29th September 2019 with raised levels of aggression and violence. Protestors continued to vandalise train stations, set fires and use petrol bombs as the police responded with tear gas, water cannons and pepper spray to try and clear the crowds⁴⁸.

⁴² Bloomberg, ‘Hong Kong’s descent to Emergency Rule’, first published 16 August 2019, [url](#).

⁴³ Bloomberg, ‘Hong Kong’s descent to Emergency Rule’, first published 16 August 2019, [url](#).

⁴⁴ BBC, ‘Hong Kong police storm metro system after protests’, 1 September 2019, [url](#).

⁴⁵ Bloomberg, ‘Hong Kong’s descent to Emergency Rule’, first published 16 August 2019, [url](#).

⁴⁶ BBC, ‘Hong Kong leader Carrie Lam to withdraw extradition bill’, 4 September 2019, [url](#).

⁴⁷ Bloomberg, ‘Hong Kong’s descent to Emergency Rule’, first published 16 August 2019, [url](#).

⁴⁸ Bloomberg, ‘Hong Kong’s descent to Emergency Rule’, first published 16 August 2019, [url](#).

- 5.2.18 On 1st October 2019, Reuters reported that the ‘City rocked by the most widespread unrest since the protests began as China’s Communist Party rulers celebrate the 70th anniversary of the founding of the People’s Republic.’⁴⁹
- 5.2.19 On 5 October 2019, the BBC reported that ‘Most of Hong Kong’s metro system remains shut after a day which saw stations and businesses attacked in violent anti-government protests.’ and that ‘Unrest intensified on Friday after a young demonstrator was shot in the leg by a police officer.’ Describing the situation on Saturday 5 October 2019, the BBC further stated: ‘MTR (Mass Transit Railway), the rail operator, said it was unable to resume normal services as repairs were still being made at damaged stations. A limited bus service would be provided. ‘Supermarkets and banks were also closed, reeling from Friday’s chaos when rioters targeted MTR stations and, reportedly, businesses with links to mainland China.’⁵⁰
- 5.2.20 20 October 2019 saw protestors throw petrol bombs at Tsim Sha Tsui police station with officers responding with tear gas and water cannons during a rally which was attended by 350,000 people according to organisers. Shops and Chinese banks were also vandalised during the march⁵¹. The BBC reported that ‘The anger of the crowd was partly fuelled by an attack on pro-democracy leader Jimmy Sham earlier this week which left him in hospital. He was set upon by five men with hammers in the Mong Kok district of Kowloon’ and also noted that ‘On Saturday [19 October 2019], another man who was reportedly handing out pro-democracy flyers was stabbed.’⁵²
- 5.2.21 On 23 October 2019 Hong Kong formally scrapped the extradition bill originally proposed to the Legislative Council in April 2019⁵³.
- 5.2.22 On 2 November 2019, protestors vandalised the Hong Kong office of China’s official Xinhua agency as other protests occurred across the city for the 22nd weekend in a row⁵⁴.
- 5.2.23 On 3 November 2019, Reuters reported that ‘A man with a knife bites off part of a politician’s ear and slashes several people after a shopping mall rally turns into a conflict with police.’⁵⁵ and on 6 November Junius Ho, a pro-Beijing lawmaker, was stabbed in the street by a man pretending to be a supporter of his⁵⁶.
- 5.2.24 On 8 November 2019 impromptu protests were sparked following the death of a Hong Kong student after he fell from a ledge of a car park, reportedly while trying to get away from tear gas that was deployed during a police

⁴⁹ Reuters, ‘Timeline: Key dates in Hong Kong’s anti-government protests’, 11 November 2019, [url](#).

⁵⁰ BBC, ‘Hong Kong: Transport paralysed in clampdown on rioters’, 5 October 2019, [url](#).

⁵¹ BBC, ‘Hong Kong: Petrol bombs tossed at police in latest protest’, 20 October 2019, [url](#).

⁵² BBC, ‘Hong Kong: Petrol bombs tossed at police in latest protest’, 20 October 2019, [url](#).

⁵³ BBC, ‘Hong Kong formally scraps extradition bill that sparked protests’, 23 October 2019, [url](#).

⁵⁴ The Guardian, ‘Hong Kong protesters attack Chinese news agency offices’, 2 November 2019, [url](#).

⁵⁵ Reuters, ‘Timeline: Key dates in Hong Kong’s anti-government protests’, 11 November 2019, [url](#).

⁵⁶ BBC, ‘Pro-Beijing lawmaker stabbed by “fake supporter” in Hong Kong’, 6 November 2019, [url](#).

operation to clear the area⁵⁷. The BBC reported 'At Hong Kong's University of Science and Technology, dozens of protesters vandalised a Starbucks, Bank of China and at least three cafeterias on site, the South China Morning Post reports. They wrote "condemn police brutality" on the walls of the Starbucks store.'⁵⁸

5.2.25 On 11 November 2019, The Guardian reported:

'Two people are in a critical condition in Hong Kong after another day of protests and violent clashes between anti-government protesters and police that left more than 60 people injured.

'A police officer shot an unarmed 21-year-old male university student in the stomach as demonstrators attempted to disrupt the Monday morning rush hour as part of a day of planned protests and strikes.

'[...] Demonstrators on Monday also faced off with riot police outside of universities, seen as havens by protesters, many of them students. Demonstrators at Polytechnic University threw petrol bombs at police and set a barricade made out of ladders and noticeboards on fire in a huge blaze later put out by firefighters. At least six universities cancelled classes on Tuesday over "escalating tension and unrest".

'Police said protesters had earlier blocked the Cross Harbour tunnel, linking Kowloon to Hung Hom. Several mass transit railway (MTR) lines were delayed or suspended as some protesters smashed gates at stations. The MTR said a protester had thrown two petrol bombs into a carriage carrying commuters.

'Police fired teargas and pepper spray and aimed their firearms at residents and demonstrators in multiple locations, including Hong Kong's central business district. More than 260 people were arrested, according to the police.'⁵⁹

5.2.26 On 14 November 2019 a 70 year-old-man 'died in Hong Kong after being hit on the head during clashes between government supporters and protesters.'⁶⁰

5.2.27 On 17 November 2019 protestors barricaded themselves inside the Polytechnic University Campus⁶¹. The BBC reported that 'The authorities responded by sealing off the university grounds, trapping more than 1,000 protesters inside at one point. Activists - armed with bricks, petrol bombs, and even bows and arrows - attacked the police lines during the siege.'⁶²

5.2.28 On 28 November 2019 after all of the protesters had left, the police entered the university campus. The South China Morning Post (SCMP) reported that 'a team of about 400 officers recovered more than 3,800 petrol bombs, 921 gas canisters and 588 chemicals, including acid and other corrosive liquids,

⁵⁷ BBC, 'Hong Kong student's death sparks impromptu protests and vigils', 8 November 2019, [url](#).

⁵⁸ BBC, 'Hong Kong student's death sparks impromptu protests and vigils', 8 November 2019, [url](#).

⁵⁹ The Guardian, 'Man shot by police and burns victim in critical condition', 11 November 2019, [url](#).

⁶⁰ BBC, 'Hong Kong: Man dies after being hit "by hard object" during protests', 15 November 2019, [url](#).

⁶¹ SCMP, 'Hong Kong police lift cordon around Polytechnic University', 29 November 2019, [url](#).

⁶² BBC, 'PolyU: Hong Kong Police find almost 4000 petrol bombs on campus', 29 November 2019, [url](#)

during their search of the university.⁶³ SCMP added that following searches on 29 November 2019 police found an additional 280 petrol bombs, 318 gas canisters, and other weapons and discovered that 44 vehicles inside the campus car park had been damaged with protesters believed to have siphoned petrol from them⁶⁴.

- 5.2.29 An article published on 29 November 2019 by SCMP provides a number of accounts from protestors who took part in the stand-off with the police at the Polytechnic University⁶⁵.
- 5.2.30 On 1 December 2019 SCMP reported that protests again took place after two weeks of relative calm. Protestors hurled bricks and vandalised restaurants and shops that had links to mainland China, while police responded by firing tear gas and rubber bullets. The organiser of the protest said that 380,000 people took part in the march, while police estimated an attendance of 16,000 at the event's peak⁶⁶.
- 5.2.31 For more information see the [six-monthly reports produced by the Foreign and Commonwealth Office](#) which provide a detailed rolling assessment of the situation in Hong Kong.

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Section 6 updated: 5 December 2019

6. Responses to protests

6.1 Government

- 6.1.1 On 10 June 2019, the BBC stated the following in an article entitled 'Hong Kong protests: Leader Carrie Lam defiant on extradition plan':
- 'Hong Kong leader Carrie Lam has said she will not scrap a controversial plan to allow extradition to mainland China, despite mass protests. [...] Speaking to reporters on Monday, she insisted the law was necessary and said human rights safeguards were in place.
- '[...] Carrie Lam said in a press conference on Monday the law would in no way erode any of the special freedoms the territory enjoys.
- "The bill wasn't initiated by the central people's government," Ms Lam said, referring to Beijing. She said the law was proposed out of "conscience" and "commitment to Hong Kong".
- 'She also promised legally binding human rights safeguards, and regular reports of implementation of the bill to the legislature.'⁶⁷
- 6.1.2 On 18 June 2019, Carrie Lam apologised for the extradition bill that sparked the protests. The BBC stated:
- "I personally have to shoulder much of the responsibility. This has led to controversies, disputes and anxieties in society," Hong Kong's chief executive said.

⁶³ SCMP, 'Hong Kong police lift cordon around Polytechnic University', 29 November 2019, [url](#).

⁶⁴ SCMP, 'Hong Kong police lift cordon around Polytechnic University', 29 November 2019, [url](#).

⁶⁵ SCMP, 'From war zone to "prison": voices from University siege', 29 November 2019, [url](#).

⁶⁶ SCMP, 'Tens of thousands return to streets after days of calm', 1 December 2019, [url](#).

⁶⁷ BBC, 'Hong Kong protests: Leader Carrie Lam defiant on extradition plan', 10 June 2019, [url](#).

"For this I offer my most sincere apology to all people of Hong Kong."

'[...] Mrs Lam said that unless the government was able to address concerns about the proposed laws "we will not proceed with the legislative exercise again".

'She added that it was "very unlikely" the government could pass the bill before the current legislative session expires next year and "should that happen, the government will accept the reality".'⁶⁸

6.1.3 On 9 July 2019, the BBC reported:

'Hong Kong leader Carrie Lam has said the controversial bill that would have allowed extradition to the Chinese mainland "is dead".

'At a press conference on Tuesday, Ms Lam said the government's work on the bill had been a "total failure".

'But she stopped short of saying it had been fully withdrawn, and protesters have vowed to continue mass rallies.

'The bill sparked weeks of unrest in the city and the government had already suspended it indefinitely.

"But there are still lingering doubts about the government's sincerity or worries whether the government will restart the process in the Legislative Council," Ms Lam told reporters.

"So I reiterate here, there is no such plan. The bill is dead."⁶⁹

6.1.4 The South China Morning Post (SCMP) stated in an article published on 13 August 2019:

'Speaking to the media on Tuesday morning before reconvening the Executive Council, her de facto cabinet, [Carrie] Lam said: "Hong Kong is seriously wounded. It will take a long time to recover."

'She asked protesters whether they wanted to "push Hong Kong into an abyss".

'In a direct appeal to demonstrators, she said: "Let's set aside differences and spend one minute to look at our city and our home. Could we bear to push it into an abyss where everything will perish?"

"We need to object to violence and maintain the rule of law ... When this all calms down, we will start to have sincere dialogues and rebuild harmony."

'[...] Lam declined to say if police had done anything wrong on Sunday and over the past two months.

'[...] "Officials like us have to make policy decisions. Similarly, police officers have to make judgments, and sometimes it's hard ... and it's a dilemma for them," she said, adding police officers could not turn a blind eye and had to enforce the law.

⁶⁸ BBC, 'Hong Kong protests: Carrie Lam sorry for extradition controversy', 18 June 2019, [url](#).

⁶⁹ BBC, 'Hong Kong extradition bill "is dead" says Carrie Lam', 9 July 2019, [url](#).

'The chief executive also said police had been following guidelines and using minimum force when dealing with protesters.'⁷⁰

- 6.1.5 An article published by Al Jazeera on 20 August 2019 entitled 'Hong Kong's Carrie Lam offers talks but shuns protestors' demands' stated:

'Hong Kong's Chief Executive Carrie Lam has offered talks with critics of her government, even as she continues to dig in by refusing to address protestors' demands for her to withdraw the controversial extradition bill, which sparked weeks of demonstrations.

'In a news conference on Tuesday morning, Lam announced that her office "will start immediately a platform for dialogue with people from all walks of life", while promising to conduct an investigation into alleged police abuse.

"This is something that we want to do, in a very sincere and humble manner," she said, saying her administration is "committed to listen to what the people have to tell us".

'[...] While appearing to offer an olive branch to protestors, Lam still refused to say that the extradition bill has been withdrawn.

"I can give you this very clear commitment at the political level, that the bill is dead. There is no plan to revive this bill, especially in light of the public concerns," she said.'⁷¹

- 6.1.6 In an article published on 4 October 2019, Time stated:

'Hong Kong Chief Executive Carrie Lam, invoked colonial-era emergency regulations to ban the wearing of face masks at all public gatherings. [...] Violators of the new regulations, which apply to any kind of facial covering including paint, are liable to imprisonment for a year. The move is intended to curtail the months of anti-government protests that have rocked the former British possession and injured more than 1,100 people.

'[...] Speaking at a press conference this afternoon, in front of a screen that read "Treasure Hong Kong, End Violence," Lam said the ban would come into effect on Oct. 5. "Why do we need to have this? Because, in the past four months, we've seen that almost all protestors who carry out vandalism and violence cover their faces," she said.

"The purpose is to hide their identity and evade the law and they have become more and more daring. We believe the prohibition on face covering will be an effective deterrent on radical behavior and help police in upholding the law."

'Asked if she would consider imposing more measures under the Emergency Regulations Ordinance, Lam said "The situation is a fluid and evolving one" and "If the situation continues to worsen, we will identify other means."⁷²

- 6.1.7 A report by the BBC entitled 'Hong Kong protests: Two people in critical condition after day of chaos' published on 11 November 2019 stated:

⁷⁰ SCMP, 'Carrie Lam warns protestors they are pushing city "into an abyss"', 13 August 2019, [url](#).

⁷¹ Al Jazeera, 'Carrie Lam offers talks but shuns protestors' demands', 20 August 2019, [url](#).

⁷² Time, 'Hong Kong invokes Emergency Powers to Ban Face Masks', 4 October 2019, [url](#).

'The territory's Chief Executive Carrie Lam, speaking at a news conference on Monday evening, called the demonstrators enemies of the people.

"If there's still any wishful thinking that by escalating violence, the Hong Kong government will yield to pressure, to satisfy the so-called political demands, I'm making this statement clear and loud here: that will not happen," she said.⁷³

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6.2 Police and security forces

6.2.1 In an article published on 13 June 2019, the Hong Kong Free Press (HKFP) stated:

'Hong Kong Police Commissioner Stephen Lo has said "low fatality weapons" were used to clear Wednesday's [12 June 2019] anti-extradition law protests because demonstrators charged police lines with weapons.

'Lo said the protests were organised, describing them as a "riot." He added that around 150 tear gas canisters, "several" rounds of rubber bullets, and 20 beanbag shots were fired during the protest clearance.

'[...] Eleven people were arrested for crimes in relation to disorderly conduct in public, unlawful assembly, assaulting police officers, and riot-related offences. He said 22 police officers were injured.'⁷⁴

6.2.2 A separate article also published by HKFP on 13 June 2019 stated that as a result of the use of force in trying to maintain public order by the police, 72 people were injured with two in a serious condition⁷⁵. The article further stated:

'The Civil Human Rights Front (CHRF), who organised one of the city's largest-ever protest on Sunday in opposition to the extradition bill, condemned the "significantly excessive" use of force against protesters.

'They said that, on two occasions, police officers repeatedly beat participants with batons after restraining them and – in one instance – fired a tear gas canister within 15 metres of demonstrators.

"We believe this use of force to be significantly excessive, and goes beyond the purpose of dispersing or arresting demonstrators. The behaviour of the police officers may be subject to criminal liability, including inflicting grievous bodily harm," their statement read.'⁷⁶

6.2.3 An article published on 14 June 2019 by the South China Morning Post stated:

'Hong Kong police have drawn flak for their handling of protesters, several of whom were shot in the head by rubber bullets during Wednesday's [12 June 2019] clashes, but the police chief rejected accusations of excessive use of force, countering that his officers were also in grave danger.

⁷³ BBC, 'Two people in critical condition after day of chaos', 11 November 2019, [url](#).

⁷⁴ HKFP, '150 rounds of tears gas, 20 bean bag shots fired during "riot"', 13 June 2019, [url](#).

⁷⁵ HKFP, '72 injured in clashes as rights group condemn use of tear gas', 13 June 2019, [url](#).

⁷⁶ HKFP, '72 injured in clashes as rights group condemn use of tear gas', 13 June 2019, [url](#).

[...] Accusations of police brutality surfaced as pictures and videos of bloodied protesters circulated on social media while former officers defended their erstwhile colleagues, pointing out they had projectiles such as metallic items thrown at them.

‘Among those injured in the crowds were a contract driver of public broadcaster RTHK, whose heart stopped once after he was hit by a tear gas round, and a secondary school teacher who suffered a gash above his right eye.

‘Among video footage being circulated was a clip of a police officer spritzing pepper-based spray onto the face of a man sitting next to bushes on Lung Wo Road. Another clip showed officers from the Special Tactical Squad repeatedly dealing blows to protesters with batons even after they were already restrained by others.’⁷⁷

- 6.2.4 Articles published on 20 June 2019 and 21 June 2019 by SCMP and HKFP respectively both reported on criticism of police officers accused of excessive force for not displaying their identification numbers during clashes, despite having done so during demonstrations previously^{78,79}. In response to further criticism Hong Kong police announced in October 2019 that they will wear white identification tags with “operational callsigns” what are unique to each officer⁸⁰.
- 6.2.5 On 21 June 2019 Amnesty International published a report entitled ‘How not to police a protest: Unlawful use of force by Hong Kong Police’ which they claim highlight 14 incidents of excessive use of force by the police during the mass protest on 12 June 2019⁸¹.
- 6.2.6 An article published on 30 September 2019 reported that there were a number of occasions where journalists covering the protests were targeted by the police. Incidents included a journalist getting shot in the head by a rubber bullet or bean bag round and others being targeted with pepper spray⁸².
- 6.2.7 On 1 October 2019, Bloomberg reported:
- ‘Police shot a protester with live ammunition for the first time during a day of fierce, widespread clashes on a holiday marking 70 years of Communist Party rule in China. The series of rallies kicked off simultaneously across Hong Kong hours after President Xi Jinping made a speech in Beijing urging national unity.
- ‘During Tuesday’s protests, police fired six live shots, 1,407 rounds of tear gas, 192 bean bag rounds, and 923 rubber bullet rounds—the latter surpassing the total of the previous three months combined. More than 100 people were hospitalized, the Hospital Authority said, with five in serious

⁷⁷ SCMP, ‘Did police use excessive force or issue a proportional response?’, 14 June 2019, [url](#).

⁷⁸ SCMP, ‘Questions over credibility of Hong Kong Police Force’, 20 June 2019, [url](#).

⁷⁹ HKFP, ‘Hong Kong activists complain police failed to display ID numbers’, 21 June 2019, [url](#).

⁸⁰ HKFP, ‘Hong Kong police say officers will wear unique identifiers’, 29 October 2019, [url](#).

⁸¹ Amnesty International, ‘How not to police a protest: Unlawful use of force’, 25 November 2019, [url](#).

⁸² HKFP, ‘Hong Kong riot police target journalists during Sunday unrest’, 30 September 2019, [url](#).

condition. The 18-year-old protester hit with live ammunition was stable after undergoing surgery.’⁸³

6.2.8 An article published by The Guardian reported that during protests on 11 November 2019 during ‘one incident, a police officer on a motorbike weaved in and out of a crowd of protesters on a road before hitting one, dragging the demonstrator along the road. The police said the officer had been suspended and the incident would be investigated.’⁸⁴

6.2.9 An article published on 19 November 2019 by SCMP stated that the protests have resulted in 1700 people being injured, including 450 police officers⁸⁵. The same article featured quotes taken from an interview with Hong Kong’s new Commissioner of Police, Chris Tang. Rejecting accusations of police using excessive force, the article stated:

“I totally disagree that our officers are out of control and have used excessive force. We use force when there is violence,” he said. “Many of our officers have been brutally attacked. They [drew their guns] to protect themselves, not to suppress the crowd.”

‘[...] Tang said people were quick to judge a snapshot of police action without knowing the full picture of what the protesters had done or understanding why officers sometimes continued to hit those who had been caught.

‘Suspects had to be subdued and handcuffed, he explained, or there was a high chance that they would struggle, flee and even attack the officers.

‘Asked if he will apologise for the misconduct of his officers when he is commissioner, Tang replied: “We must look at the situation as a whole, instead of examining every single thing with a magnifier. Do we have to apologise for every segment?

“Doing that will undermine the contribution and hard work of my men over the past five months. We make thousands and millions of decisions, it is impossible for each and every one of them to be perfect.”⁸⁶

6.2.10 Another article published by SCMP on 20 November 2019 stated:

‘Since the protests broke out on June 9, the Post was told that police have fired at least 11,100 rounds of tear gas, more than 6,200 rubber bullets, and about 1,400 sponge grenades and beanbags rounds to disperse crowds and knock rioters down.

‘As of Sunday, police have fired 19 live rounds, hitting three students in the chest, thigh and abdomen respectively.

‘[...] Security consultant and former police superintendent Clement Lai Ka-chi, who helped set up the force’s Counter Terrorism Response Unit, said the deadliness of the weapons now being deployed depends on the type of bullets used, even for live rounds. In his view, police are responding with an

⁸³ Bloomberg, ‘Hong Kong’s descent to Emergency Rule’, first published 16 August 2019, [url](#).

⁸⁴ The Guardian, ‘Man shot by police and burns victim in critical condition’, 11 November 2019, [url](#).

⁸⁵ SCMP, ‘Police Chief tells residents: the force cannot end protests alone’, 19 November 2019, [url](#).

⁸⁶ SCMP, ‘Police Chief tells residents: the force cannot end protests alone’, 19 November 2019, [url](#).

“appropriate and suitable level of force” to the lethal weapons used by radicals [examples include bow and arrows].

‘Although some members of the public might perceive this as police increasing their use of force, Lai said this was still far from an “extreme level” of response.

[...] “Honestly, police have been very lenient,” he said. “They have a lot of options, in terms of tactics and weapons – way more than you can imagine. But they have only used the tip of the iceberg of what is available to them. The force hopes the mob will surrender and avoid mass casualties.”

‘Although the force’s Mercedes-Benz Unimog U5000 armoured vehicle has often been seen at the front lines, it has yet to reveal its full capability – the vehicle’s exterior can be electrified to shock anyone who touches it, but this function has so far not been deployed.’⁸⁷

6.2.11 An article published by Reuters on 22 November 2019 stated:

‘An incident in which riot police armed with shields and batons interrogated a pregnant woman at her bedside in a hospital labor ward has become a rallying cry for medical professionals who fear that patient confidentiality and high standards of treatment are under threat.

‘The two officers ignored requests by medical staff to not enter the room of the pregnant woman, a 19-year-old arrested on suspicion of taking part in an illegal protest. The Oct. 7 incident was corroborated by medical staff, the city’s government-funded Hospital Authority and police.

‘Police rarely entered areas like labor or emergency wards before the protests escalated in June, according to Arisina Ma, president of the Hong Kong Public Doctors’ Association (HKPDA) [...].

‘Now, arrests and interrogations of suspects in public hospital rooms have become commonplace, they said. That has raised concerns that protesters requiring medical care might avoid the public hospital system for fear of arrest.’⁸⁸

6.2.12 On 1 December 2019, Hong Kong’s Commissioner of Police Chris Tang confirmed that the police officer who drove his motorcycle into a crowd of masked protesters on 11 November had resumed active duty⁸⁹. An article published by HKFP stated:

‘Tang said the decision was not a sign of “leniency” and that the officer was still under investigation despite his reinstatement. At the time of his suspension, police said the officer had driven into people to “try to separate his colleagues and rioters.”

‘Speaking on radio programmes on Sunday, Tang also rejected calls for an independent Commission of Inquiry (Col) – one of the five core demands of protesters – to look into instances of alleged misconduct since the start of the pro-democracy movement in June.

⁸⁷ SCMP, ‘Police bring out lethal anti-riot weapons not used earlier in unrest’, 20 November 2019, [url](#).

⁸⁸ Reuters, ‘Hong Kong hospitals find themselves on protest frontlines’, 22 November 2019, [url](#).

⁸⁹ HKFP, ‘Cop who drove motorbike into protestors back on active duty’, 1 December 2019, [url](#).

“If the [commission of inquiry] was used as a tool to target the police and incite hatred against the force, that would be an injustice,” he said.’⁹⁰

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Section 7 updated: 29 November 2019

7. Response to protestors

7.1 Arrests and prosecutions

7.1.1 An article published on 24 June 2019 by the Hong Kong Free Press stated:

‘At least five anti-extradition bill protesters were arrested at public hospitals whilst seeking treatment, a group of 82 medical and legal professionals said on Sunday. They accused the police of spreading “white terror.”

‘The group said at a press conference that three protesters were arrested at Queen Elizabeth Hospital, one at Kwong Wah Hospital and one at Yan Chai Hospital. Of the five, four were held on suspicion of rioting and one for unlawful assembly.

‘[...] Hung Tsz-yin, a health service sector elector of the chief executive election committee, said that some police officers did not wear their warrant cards and showed up at medical cubicles to eavesdrop on medical staff after the protests. Hung did not mention which hospital was involved, in order to protect the medical staff.

“One used a rather threatening tone and told nurses to give them patients’ information,” Hung said, apparently referring to accusations that some nurses gave patient data to the police.’⁹¹

7.1.2 On 31 July 2019, The Telegraph reported that ‘Hundreds of people surrounded a police station in Hong Kong on Tuesday chanting “free the martyrs” after 44 activists were charged with rioting following weekend clashes between protesters and police defending China’s representative office.’⁹² The report further stated that it was the first time that people had been charged with rioting since the protests began⁹³.

7.1.3 An article published on 30 August 2019 by The Independent reported that:

‘Some of Hong Kong’s most prominent pro-democracy activists have been arrested in a 24-hour crackdown that critics say is designed to intimidate the movement ahead of a planned rally on Saturday [31 August 2019].

‘Joshua Wong, Andy Chan and Agnes Chow were all arrested over the course of Thursday night and Friday morning, their respective groups and political parties said.

‘[...] Officials said the arrests of Wong and Chow were related to a 21 June protest in which demonstrators blockaded a police headquarters for 15 hours. Later on Friday they were charged with inciting people to protest and

⁹⁰ HKFP, ‘Cop who drove motorbike into protestors back on active duty’, 1 December 2019, [url](#).

⁹¹ HKFP, ‘Five anti-extradition bill protesters arrested at public hospitals’, 24 June 2019, [url](#).

⁹² The Telegraph, ‘Protestors clash with police as 44 activists charged with rioting’, 31 July 2019, [url](#).

⁹³ The Telegraph, ‘Protestors clash with police as 44 activists charged with rioting’, 31 July 2019, [url](#).

released on bail. Chan was detained on suspicion of “rioting” and assaulting an officer, police said.’⁹⁴

7.1.4 The BBC also reported that ‘Three pro-democracy lawmakers, Cheng Chung-tai, Au Nok-hin and Jeremy Tam Man-ho, were also arrested for offences relating to past protests’ on 30 August 2019⁹⁵.

7.1.5 On 30 September 2019, The Guardian stated:

‘Authorities have arrested at least two high-profile activists as Hong Kong prepares to mark the 70th anniversary of the founding of the People’s Republic of China on Tuesday.

‘On Monday activist Ventus Lau and actor Gregory Wong were arrested on charges related to an incident on 1 July when protesters barged into the legislature building and vandalised the chamber. Wong was accused of “conspiring to commit criminal damage” and “entering or remaining in the Legislative Council chamber”, said the pro-democracy Demosisto party, while Lau was accused of the same offences, according to the timeline of his Facebook account.’⁹⁶

7.1.6 On 7 November 2019 the Washington Post reported that ‘A 24-year-old mainland Chinese music student living in Hong Kong on Thursday became among the first to be convicted on a charge related to the months-long protests in the city, receiving six weeks in prison for carrying an expandable baton.’⁹⁷

7.1.7 The same Washington Post article further reports that at the time of publication over 3000 people had been arrested and ‘Of those arrested, however, only a few hundred have been charged. Cases from earlier in the summer are still making their way through Hong Kong’s judicial system, which lawyers say is under great strain over the huge number of detentions and mass arrests as a crackdown on the protest movement intensifies.’⁹⁸

7.1.8 An article published on 19 November 2019 by SCMP stated that at the time of publication, 4491 people had been arrested in the months since the protests began, the youngest of which was 11 years old⁹⁹.

7.1.9 On 21 November 2019 the BBC reported that a 12-year-old boy became the youngest person to be convicted of an offence connected to the protests after he admitted causing criminal damage by spray-painting slogans on a police station and a metro station and will be sentenced in December 2019¹⁰⁰.

7.1.10 On 25 November 2019, the South China Morning Post reported on the sentencing of a 16-year-old anti-government protester who was found guilty of possessing offensive weapons in the form of a modified umbrella, a hiking stick and a laser pointer. The boy, who was 15 at the time of his arrest in

⁹⁴ The Independent, ‘Hong Kong police arrest high-profile activists’, 30 August 2019, [url](#).

⁹⁵ BBC, ‘Hong Kong activists arrested: Joshua Wong and others charged’, 30 August 2019, [url](#).

⁹⁶ The Guardian, ‘Arrests and rising tension as Hong Kong prepares for protests’, 30 Sept. 2019, [url](#).

⁹⁷ Washington Post, ‘Mainland Chinese student among first to be sentenced’, 7 November 2019, [url](#).

⁹⁸ Washington Post, ‘Mainland Chinese student among first to be sentenced’, 7 November 2019, [url](#).

⁹⁹ SCMP, ‘Police Chief tells residents: the force cannot end protests alone’, 19 November 2019, [url](#).

¹⁰⁰ BBC, ‘Boy, 12, is youngest person convicted in Hong Kong protests’, 21 November 2019, [url](#).

September, was sentenced to spend between 3 and 9 months in two rehabilitation centres where he will receive disciplinary training, workplace training and psychological counselling¹⁰¹.

- 7.1.11 An article published on 26 November 2019 by SCMP stated that 'A protester who spat at an officer while taking part in an unlawful anti-government rally outside the police headquarters was jailed for 10 months on Tuesday [26 November 2019], marking the heaviest sentence since the civil unrest broke out in June.'¹⁰² The article further stated that he 'was the first protester convicted of unlawful assembly since the social unrest'¹⁰³ began in June 2019.
- 7.1.12 Following the end of the siege at the Polytechnic University, the BBC reported that 1377 people had been arrested in total, of which 810 people were arrested as they were leaving the campus and a further 567 people arrested nearby. In addition to this 318 people under the age of 18 had their names recorded¹⁰⁴.

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7.2 Treatment

- 7.2.1 On 23 August 2019, the Hong Kong Free Press reported on accusations of indecent assault made against police by a Hong Kong woman who was arrested during a protest. The woman 'accused a female officer of conducting an unreasonable full strip search without gloves, and of using a pen to force her to spread her legs.'¹⁰⁵
- 7.2.2 On 19 September 2019, Amnesty International published a report entitled 'Hong Kong: Arbitrary arrests, brutal beatings and torture in public detention revealed' after 'interviewing nearly two dozen arrested persons and gathering corroborating evidence and testimonies from lawyers, health workers and others'¹⁰⁶ The report stated the following regarding the levels of force used during arrests:

'Amnesty International documented a clear pattern of police officers using excessive force while arresting people at protests. The worst abuses were typically carried out by anti-riot police and members of the Special Tactical Squad (STS), the latter referred to commonly as "raptors". Almost every arrested person interviewed described being beaten with batons and fists during the arrest, even when they were not resisting and often already restrained.

'[...] a man arrested at a protest in Tsim Sha Tsui in August [2019] described retreating and then running away as police charged at the assembled protesters. He told Amnesty International that STS police caught up to him and hit him from behind with their batons on his neck and shoulder. He recalled:

¹⁰¹ SCMP, 'Anti-government protester sentenced for carrying laser pen', 25 November 2019, [url](#).

¹⁰² SCMP, 'Man who spat at police officer gets 10 months in jail', 26 November 2019, [url](#).

¹⁰³ SCMP, 'Man who spat at police officer gets 10 months in jail', 26 November 2019, [url](#).

¹⁰⁴ BBC, 'PolyU: Hong Kong Police find almost 4000 petrol bombs', 29 November 2019, [url](#)

¹⁰⁵ HKFP, 'Police accused of indecent assault after protester strip searched', 23 August 2019, [url](#).

¹⁰⁶ Amnesty International, 'Arbitrary arrests, brutal beatings and torture revealed', 19 Sept 2019, [url](#).

"Immediately I was beaten to the ground. Three of them got on me and pressed my face hard to the ground. A second later, they kicked my face; everything I had on my face, including my glasses, flew off ... The same three STU kept putting pressure on my body. I started to have difficulty breathing, and I felt severe pain in my left ribcage ... They said to me, "Just shut up, stop making noise. You came out; you're a hero, right?"

'The man eventually spent two days in the hospital and was diagnosed with a fractured rib, among other injuries, according to medical records seen by Amnesty International.'¹⁰⁷

- 7.2.3 The report further stated that 18 of the 21 persons interviewed were admitted to hospital for injuries or illness related to their arrest and detention. Most people spent between 1 or 2 days in hospital, 3 people spent 3 or more days and 3 people spent at least 5 days in hospital¹⁰⁸.

- 7.2.4 The same report also stated the following in its 'Cases of Torture or Other Cruel, Inhuman, and Degrading Treatment in Detention' section:

'Most of the arrested persons interviewed by Amnesty International said that, after the initial beating before or during the period of arrest, the police did not commit further physical violence against them or against others with whom they were held. In a few cases, however, police abuse continued in detention, including in police vehicles, police stations and other holding facilities [...].

'A man detained at a police station following his arrest at a protest in the New Territories in August told Amnesty International that after he refused to answer a police intake question, several officers took him to another room. There, they beat him severely and threatened to break his hands if he tried to cover himself where they were striking. He recalled:

"I felt my legs hit with something really hard. Then one flipped me over and put his knees on my chest. I felt the pain in my bones and couldn't breathe. I tried to shout but I couldn't breathe and couldn't talk."

'As the man was pinned to the ground, a police officer then used his fingers to force open the man's eye and shine a laser pen into it, asking, "Don't you like to point this at people?" The man was later hospitalized for several days with a bone fracture and internal bleeding.'¹⁰⁹

- 7.2.5 The same section further stated:

'Lawyers interviewed by Amnesty International provided a similar account of the situation, saying that while most of their clients arrested at protests had not been physically mistreated after the initial arrest, there were exceptions. Two lawyers each mentioned a client, separate from those referenced above, whom police officers had beaten in a station severely enough that the person was hospitalized for several days.

¹⁰⁷ Amnesty International, 'Arbitrary arrests, brutal beatings and torture revealed', 19 Sept 2019, [url](#).

¹⁰⁸ Amnesty International, 'Arbitrary arrests, brutal beatings and torture revealed', 19 Sept 2019, [url](#).

¹⁰⁹ Amnesty International, 'Arbitrary arrests, brutal beatings and torture revealed', 19 Sept 2019, [url](#).

'In several instances, as in the first case described above, police officers appear to have inflicted ill-treatment in detention as punishment for talking back or for being perceived as particularly uncooperative.'¹¹⁰

7.2.6 The report also covers incidents of body searches, delayed access to medical care, delayed access to counsel and arbitrary arrests¹¹¹.

7.2.7 An article published by Hong Kong Free Press on 28 September 2019 reported on a protest against alleged mistreatment of arrestees who had been taken to the San Uk Ling Holding Centre – a former detention centre camp for immigrants crossing the border¹¹². The article stated:

'Allegations of abuse were raised shortly after 54 people were brought to the facility following arrests on the night of August 11. Of those detained, 31 were later hospitalised, with six treated for fractured bones.

'Organisers of Friday's rally read out a statement by one male arrestee who said he was tortured after he refused to unlock his mobile phone for the police – even though a court warrant is generally required.

"[They] sprayed pepper spray directly into his face and neck, despite the fact his hands were tied behind his back," said an organiser. "He was then taken to San Uk Ling... where he heard the screams of another male[s]."

"His hands and feet were tied to the legs of a table, and one police officer put a mask over his head... he was then subjected to torture beyond what he had imagined, and two officers took turns to abuse him."

'The organiser said that, after over 30 hours in custody without access to a lawyer, the protester was taken to court: "Before being taken to court, in order to destroy the evidence, officers washed the victim with water and antiseptic."¹¹³

7.2.8 HKFP also reported that 'Another female arrestee – who appeared and spoke at the rally – said that she was strip-searched at San Uk Ling by a female officer, but within sight of male officers. She added that when male officers handcuffed her, they slapped her breasts.'¹¹⁴

7.2.9 On 11 October 2019, the Hong Kong Free Press published an article entitled "I am not the only one": Hong Kong student removes mask and accuses police of sexual assault' which stated:

'A Chinese University of Hong Kong (CUHK) student has accused the police of "sexual violence" when she was arrested and detained at a police station.

'[...] [Sonia] Ng said she was arrested at Prince Edward MTR station on August 31, and she was sent to Princess Margaret Hospital, Kwai Chung Police Station and San Uk Ling Holding Centre.

"Do you know that when we get arrested, police will take away and switch off our phones, swear at us, force us to go wherever they like, enter dark rooms, remove our clothes?" she said. "Do you know the body search room

¹¹⁰ Amnesty International, 'Arbitrary arrests, brutal beatings and torture revealed', 19 Sept 2019, [url](#).

¹¹¹ Amnesty International, 'Arbitrary arrests, brutal beatings and torture revealed', 19 Sept 2019, [url](#).

¹¹² HFKP, 'Thousands rally to support protestors who allege police torture', 28 September 2019, [url](#).

¹¹³ HFKP, 'Thousands rally to support protestors who allege police torture', 28 September 2019, [url](#).

¹¹⁴ HFKP, 'Thousands rally to support protestors who allege police torture', 28 September 2019, [url](#).

in San Uk Ling is all dark? Do you know I am not the only one who suffered sexual violence by the police? Other arrestees have suffered sexual assaults and torture by more than one officer, regardless of gender,” she said.

‘Ng later said on her Facebook account on Friday that she was sexually assaulted at Kwai Chung Police Station. In a testimony she gave at a protest rally on September 27, she accused a male officer of hitting her breast.’¹¹⁵

- 7.2.10 An article published on 20 October 2019 by SCMP looked at the treatment of children when they are arrested and detained. The article reported on how one teenager was detained with adults at a police station and how three other teenagers were placed in a children’s home, normally used for youngsters who cannot be controlled by their parents or guardians, for 28 days while their backgrounds were investigated¹¹⁶.

- 7.2.11 The same article also stated:

‘Tong, a lawyer who spoke on the condition that his full name would not be used, had other concerns about the arrest and detention of minors.

‘He said he helped a boy under 16, who was caught at an MTR station. The boy maintained that he was only an onlooker, but he was injured in his face by a police baton while being arrested.

‘He had to wait for about five hours before he was allowed to call a lawyer and his family was worried all night as they had no information on his whereabouts.

“The delay for him was relatively long,” Tong said. “He was on his own, he was young and stayed at the police station not knowing what was going on.”¹¹⁷

- 7.2.12 An article published by The Telegraph on 27 October 2019 reported on the treatment of a Hong Kong teenager when he was arrested following a day of protests in August 2019. The article stated:

“They slowly walked towards us as we were all changing clothes...it was basically peace and quiet and we were going to go home...We noticed people walking but we just thought they were normal protesters. Suddenly they hit us with batons,” he said.

[...] “When I got arrested, I kept asking them, are you some kind of gang or the police because that day protesters were saying that pro-China gangs would attack us..I got no reply,” he claimed.

“They kept hitting me with a baton, but I’m actually not sure when my head got hit. The moment they put plastic straps around me then I realised they were police and I had to follow instructions,” K added.

“One of them told me to get up, then when I got up one of them said ‘why are you getting up?’ and put me back on the floor...I think they hit me with the baton again and they kicked my left eye, it was really swollen,” he alleged.

¹¹⁵ HKFP, “‘I am not the only one’: student accuses police of sexual assault”, 11 October 2019, [url](#).

¹¹⁶ SCMP, ‘Arrest and detention of children raise questions on police treatment’, 20 October 2019, [url](#).

¹¹⁷ SCMP, ‘Arrest and detention of children raise questions on police treatment’, 20 October 2019, [url](#).

'The teenager's injuries made him dizzy, but he claims he was denied medical treatment until "six or seven hours" later when he was diagnosed with a brain haemorrhage. "The police refused to let me contact a lawyer or my parents," he alleged.'¹¹⁸

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Section 8 updated: 5 December 2019

8. Avenues of redress

8.1.1 Following complaints of alleged police misconduct during the large-scale demonstration that took place on 12 June 2019, protestors demanded an independent investigation into the use of force by police on 20 June 2019¹¹⁹.

8.1.2 An article by HKFP published on 22 June 2019 stated:

'Hong Kong Secretary for Justice Teresa Cheng has said that people should consider filing complaints against the police through existing mechanism first, as the force faces mounting anger over alleged cases of misconduct during recent protests.

'[...] Cheng said on Saturday morning that there was a mechanism in place to handle the grievances. "People should consider handling complaints through the existing mechanism such as the Independent Police Complaints Council. An independent decision can come from this mechanism," she said.

'The Independent Police Complaints Council reviews complaints handled by the Complaints Against Police Office – a police internal department.'¹²⁰

8.1.3 On 4 July 2019 the Independent Police Complaints Council (IPCC) announced that it would conduct a fact-finding study into the police's handling of the protests between 9 June 2019 and 2 July 2019¹²¹.

8.1.4 An article published by HKFP stated: 'Protesters have demanded that an independent commission of inquiry be formed to examine alleged police violence. An investigatory commission formed by the chief executive and led by a retired judge would have the legal power to summon witnesses, but the government has refused to launch one. The IPCC investigation, on the other hand, will have no such powers.'¹²²

8.1.5 Anthony Neoh, the chairman of the IPCC, was quoted in the same article as stating that:

'[...] he considered inviting a judge to lead the study, but abandoned the idea: "Once a judge sits as a member of this committee, it will be difficult for him to do his judicial duty," he said. "Even if it is a retired judge, most retired judges sit a few months a year as a deputy judge or a non-permanent judge in the Court of Final Appeal. So it takes him away from his duties."

¹¹⁸ The Telegraph, 'UK student left with brain haemorrhage in violent arrest', 27 October 2019, [url](#).

¹¹⁹ HKFP, 'Hong Kong gov't must respond to demands or protests will escalate' 20 June 2019, [url](#).

¹²⁰ HKFP, 'Use existing mechanism for complaints, says Hong Kong justice chief', 22 June 2019, [url](#).

¹²¹ HKFP, 'Hong Kong's police watchdog to investigate protest complaints', 4 July 2019, [url](#).

¹²² HKFP, 'Hong Kong's police watchdog to investigate protest complaints', 4 July 2019, [url](#).

“The two [don’t] mix very well as far as I am concerned.”¹²³

- 8.1.6 On 20 August 2019, Hong Kong Chief Executive Carrie Lam announced that the IPCC study will also cover events that occurred after 2 July 2019 and added that it ‘will provide “fact-finding, assessment, and recommendations” once it concludes its six-month study [...]’¹²⁴

- 8.1.7 An SCMP article stated that:

‘The current investigation focuses on six key dates – protests on June 9 and 12, July 1, August 1 and 31, as well as the attack at Yuen Long railway station on July 21.

‘One of the most controversial issues relates to identifying officers. IPCC chairman Anthony Neoh promised to “go into this deeply” in the preliminary report, which is expected to be published in early 2020.

‘It would also look into the use of San Uk Ling Holding Centre, which is located near the border.’¹²⁵

- 8.1.8 On 4 September 2019 an article published by SCMP stated:

‘Hong Kong’s leader Carrie Lam Cheng Yuet-ngor has appointed two more members to the Independent Police Complaints Council (IPCC), as the watchdog announced it would set up a panel of overseas experts to help its ongoing probe into the police’s alleged use of excessive force when handling anti-government protests in recent months.

‘[...] While effectively rejecting the call for an independent inquiry into police handling of the protests, one of the protesters’ key demands, Carrie Lam said in a televised address: “The government believes that matters relating to police enforcement actions are best handled by the existing and well-established [IPCC], which was set up for exactly this purpose.”

‘She added: “I pledge that the government will seriously follow up the recommendations made in the IPCC’s report.”’¹²⁶

- 8.1.9 The article further stated:

‘The IPCC comprises a chairman, three vice-chairmen, and no fewer than eight members, all appointed by the chief executive. They are drawn from a wide spectrum of society including the legal, medical, education, social welfare, and business sectors and Legislative Council members.

‘There are 27 members at present, according to its website. There is no upper limit to its membership size.

‘Meanwhile, the IPCC on Wednesday announced the membership of the International Expert Panel (IEP) that will advise the watchdog on its study of police handling of protests.

¹²³ HKFP, ‘Hong Kong’s police watchdog to investigate protest complaints’, 4 July 2019, [url](#).

¹²⁴ HKFP, ‘Hong Kong leader promises “open, direct” dialogue’, 20 August 2019, [url](#).

¹²⁵ SCMP, ‘Hong Kong police watchdog does not have resources to cope’, 10 November 2019, [url](#).

¹²⁶ SCMP, ‘Carrie Lam appoints two new members to IPCC’, 4 September 2019, [url](#).

'The panel is to be chaired by Sir Denis O'Connor, a criminologist at Cambridge University who teaches a graduate course for police leaders from around the world, including Hong Kong.

'[...] IPCC chairman Anthony Neoh said: "The IPCC is very grateful for the ardent support from the [international expert panel] members. Their valuable experience and expert knowledge will contribute to the objectivity and impartiality of the [study]."'¹²⁷

8.1.10 The IPCC press release announcing the membership of the International Expert Panel (IEP) can be found on the IPCC website¹²⁸.

8.1.11 An article published by Time which was last updated on 11 November 2019 stated:

'Hong Kong's police watchdog lacks the power to conduct an investigation into the police force's handling of months of protests in the city, a panel of experts appointed by the enclave's government said in a report issued Friday [8 November 2019].

'[...] Hong Kong's IPCC has a shortfall in "powers, capacity, and independent investigative capability necessary to match the scale of events and the standards required of an international police watchdog operating in a society that values freedoms and rights," according to a statement posted on Twitter by panel member Clifford Stott.

"Structural limitations in the scope and powers of the IPCC inquiry remain, inhibiting its ability to establish a coherent and representative body of evidence," the statement read.

'It went on to add that the IPCC may only be able to provide an "interim report, with limited but sufficient facts to allow preliminary conclusions to be drawn on some of the divers of the protest, the handling of key events, and the evolution of the disturbances."'¹²⁹

8.1.12 The same article further stated that:

'[...] at a press conference Monday evening [11 November 2019], Hong Kong's leader Carrie Lam dismissed the findings.

"These views are for the council of the IPCC to consider and it is not for me to comment in individual advice tended by overseas experts," she told reporters. "What the IPCC is undertaking is a very difficult and complex exercise and I have confidence that the IPCC will spare no efforts."' ¹³⁰

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¹²⁷ SCMP, 'Carrie Lam appoints two new members to IPCC', 4 September 2019, [url](#).

¹²⁸ IPCC, 'IPCC announces membership of International Expert Panel', 4 September 2019, [url](#).

¹²⁹ Time, 'Hong Kong's police watchdog is unable to do its job, experts say', 11 November 2019, [url](#).

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Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Background and context to the protests
 - Origins
 - Aims
 - Timeline?
- Nature of the protests
 - Targets
 - Violent v non-violent
- State response to protests
- State response to protestors
 - Arrests (and treatment during ...)?
 - Charges?
 - If so, profiles and/or commonalities?
 - Targeted v indiscriminate
 - Links to "Umbrella Movement"?

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Version control

Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **11 February 2020**

Changes from last version of this note

First version of this note.

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