

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	759
Land:	Kina
Kilde:	US Department of State
Titel:	2023. Country Report on Human Rights Practices: China (Includes Tibet, Hong Kong and Macau) – Hong Kong
Udgivet:	23. april 2024
Optaget på baggrundsmaterialet:	4. juli 2024

[Home](#) > ... > Hong Kong

China (Includes Hong Kong, Macau, and Tibet): Hong Kong

[IN THIS SECTION /](#)
[READ A SECTION: HONG KONG](#)

Read a Section: Hong Kong

[CHINA](#) | [TIBET](#) | [MACAU](#)

EXECUTIVE SUMMARY

Hong Kong is a Special Administrative Region of the People's Republic of China. According to the 1984 Sino-British Joint Declaration and the Basic Law of the Special Administrative Region, except in matters of defense and foreign affairs, Hong Kong should have a high degree of autonomy. During the year, the central government of the People's Republic of China continued to dismantle Hong Kong's political freedoms and autonomy in violation of these commitments.

Significant human rights issues included credible reports of: arbitrary arrest and detention; serious problems regarding the independence of the judiciary; political prisoners or detainees; transnational repression against individuals outside of Hong Kong; arbitrary interference with privacy; serious restrictions on freedom of expression and media freedom, including unjustified arrests or prosecutions of journalists and censorship; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws

on the organization, funding, or operation of nongovernmental organizations and civil society organizations; restrictions on freedom of movement and on the right to leave the territory; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government restrictions on domestic and international human rights organizations; and significant restrictions on workers' freedom of association, including coercive actions against independent trade unions and arrests of labor activists.

The government took few credible steps to identify and punish officials who may have committed human rights abuses.

Section 1.

Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

There were no reports the Special Administrative Region (SAR) government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

B. DISAPPEARANCE

There were no reports of disappearances by or on behalf of government authorities.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

The law prohibited such practices. Unlike in previous years, there were no reports of such abuse.

In addition to oversight by the Office of the Ombudsman, the Independent Police Complaints Council was also responsible for investigating alleged corruption or abuses by police. Human rights activists observed the Complaints Council was overwhelmingly dominated by pro-government figures and legislators, most of whom had no professional training in law and human rights, which activists said detracted from its effectiveness and credibility.

Prison and Detention Center Conditions

There were reports of prison or detention center conditions that raised human rights concerns.

Abusive Physical Conditions: In June a *Washington Post* report based on first-hand interviews of prison guards and former detainees in juvenile detention facilities reported prison authorities used “deradicalization” programs to create a feeling of hopelessness among juvenile prisoners who had participated in political protests, including children. In the report, one detainee asserted that officers struck them with wooden sticks if they could not recall a list of 19 prison regulations, and that he had witnessed guards using their elbows to strike prisoners at a sensitive part of their back, as well as kneeling inmates in their thighs.

Administration: The government was required to investigate allegations of problematic conditions and document the results in a publicly accessible manner; the Office of the Ombudsman, an independent statutory body appointed directly by the chief executive, investigated such allegations.

Independent Monitoring: The government generally permitted legislators and justices of the peace to conduct prison visits. Justices of the peace could make suggestions and comments on matters, such as physical conditions, overcrowding, staff improvement, training and recreational programs and activities, and other matters affecting the welfare of inmates.

D. ARBITRARY ARREST OR DETENTION

The law generally prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of that person’s arrest or detention in court, but the Hong Kong Police Force continued to make arbitrary arrests and detentions under the National Security Law (NSL) and other legislation. According to the New Zealand-based Human Rights Measurement Initiative, freedom from arbitrary arrest was in the “bad” range, with a score of 4.8 on a scale of 10.

Although the SAR and People’s Republic of China (PRC) claimed the NSL was not retroactive, international observers noted the police force’s National Security Department, created by the NSL, used its sweeping investigative powers to find evidence of “sedition” or other crimes predating the law’s enactment and to charge individuals under both the NSL and colonial-era sedition law. In March, a Hong Kong student who was studying in Japan, Yuen Ching-ting, was arrested on charges of “inciting Hong Kong independence” by publishing allegedly “seditious” posts online while abroad. According to a court document, some of those posts were made between September 2018 and the July 2020 implementation of the NSL. She reportedly made

those posts while abroad but was arrested when she returned to the SAR to renew her identity card. She was granted bail with strict conditions, including not being allowed to possess electronic devices with social media applications or to join chat groups with more than five persons. She pleaded guilty on October 26 and was sentenced on November 3 to two months in prison.

Arrest Procedures and Treatment of Detainees

Police generally apprehended suspects openly when they observed them committing a crime or with warrants based on sufficient evidence and issued by a duly authorized official. Police were also required to charge or release arrested suspects promptly. The government respected this requirement and generally brought arrested persons before a judicial officer within 48 hours. Detainees were generally informed promptly of potential charges against them. There was a functioning bail system that allowed persons not charged to post bail to be released from detention pending the filing of charges. Such “police bail” included requirements the arrestee submit to monthly check-ins at a police station. There was no defined period under the law within which the government was required to file charges. Interviews of suspects had to be videotaped.

Under the NSL, police could require individuals arrested in connection with offenses the government designated as involving national security to surrender their travel documents while investigations were continuing, even if they were not formally charged. Police exercised this authority in numerous NSL cases.

In cases the government designated as involving “national security,” most democracy activists were denied bail, and the threshold for bail was more stringent than for other offenses. Bail conditions under the NSL placed the burden of proof on the defendant to convince the judge he or she would not “continue to commit acts endangering national security.” NSL or other national security-related cases were adjudicated only by national security judges specially designated by the chief executive. Courts previously denied bail to defendants in such cases because of routine interactions with foreign diplomats or journalists. An October report by the Center for Asian Law at Georgetown University highlighted the “alarming number of remand prisoners” and the “arbitrary nature of some bail rulings” in non-NSL cases against pro-democracy protesters.

In cases where bail was granted, human rights groups noted defendants were frequently subject to strict restrictions on their freedoms of expression and association as a condition of

their bail.

Authorities generally allowed detainees access to a lawyer of their choice, but the law did not allow this as a right. The Legal Aid system did not permit defendants who received legal aid to choose their own counsel. Instead, the Legal Aid Department assigned lawyers to these defendants. Some lawyers, activists, and experts criticized the action for restricting defendants' right to the counsel of their choice and limiting activists' abilities to challenge authorities' actions. In January, the Legal Aid Department rejected senior counsels nominated by five defendants, including former pro-democracy lawmaker and NSL 47 defendant Leung Kwok-hung, who was charged with alleged "conspiracy to subvert state power."

In May, the Legislative Council unanimously passed the Legal Practitioners (Amendment) Bill 2023, which authorized the chief executive to decide whether overseas counsel could take part in NSL cases. According to the legislation, local courts could only grant an application to admit an overseas lawyer, who was not otherwise qualified to practice in the SAR, after the chief executive granted permission. The Legislative Council passed the bill after multiple court rulings blocked the government's attempt to prevent London-based barrister Tim Owen from representing democracy advocate Jimmy Lai in his NSL trial. On May 19, a court ultimately rejected Lai's appeal, blocking Owen from representing him in the trial.

Some lawmakers and legal experts raised concerns these former protesters were still subject to legal consequences even if the government did not formally charge them with a crime. For example, lawmaker Gary Zhang expressed concern some protesters were denied entry to mainland China or failed to renew home return permits when attempting to cross the border into mainland China. Another legal expert expressed concern these former protesters were "stuck in limbo," emphasizing some still had to regularly report to police as conditions of bail. Some former protesters told media the prolonged legal process was psychologically distressing. Others noted problems finding a job because some employers were unwilling to hire applicants with a criminal record or attending university because some schools expelled former protesters.

Arbitrary Arrests: In March, Elizabeth Tang-Yin Ngor, former chief executive of the disbanded Confederation of Trade Unions, was arrested and charged with collusion with foreign forces to endanger national security after visiting her husband, activist Lee-Cheuk-yan, in jail. Lee was awaiting trial on "inciting subversion" charges after he led the disbanded Hong Kong Alliance in Support of Patriotic Democratic Movements in China. He was sentenced in December 2021 to 20 months in prison for inciting subversion for his involvement in three unauthorized rallies during 2019 protests.

While sedition was not covered by the NSL, the government had increased prosecutions under a colonial-era sedition law since the NSL entered into force in 2020. As of September 11, 29 persons were sentenced for sedition involving various activities since the NSL entered into force, including Lorie Lai Man-ling, Melody Yeung, Sidney Ng, Samuel Chan, and Fong Tsz-ho, who were each convicted of sedition and sentenced to 19 months in prison for publishing a series of children's books the government deemed "seditious." Most arrested and charged with sedition were denied bail under the NSL's particularly stringent bail conditions.

Pretrial Detention: Prolonged pretrial detention was an increasing problem, particularly for those arrested on NSL or related charges. An October report by the Georgetown Center for Asian Law found pretrial detention rates had increased significantly in since 2020. Some human rights groups called pretrial detention in national security cases a form of indefinite detention without trial that could last for months or years, or a form of extrajudicial punishment. In some cases, pro-democracy activists were denied bail and detained for longer than the maximum sentence for the charge they faced.

According to online news outlet *Independent Media*, as of July 3, of the 155 persons charged with national security-related offenses since the NSL's implementation, 112 (72 percent) were denied bail, and of the 34 charged only under colonial era sedition law, 28 (82 percent) were denied bail. Despite Court of Final Appeal guidance that judges arrange for NSL cases to be heard as soon as possible to preserve the defendants from prolonged pretrial detention, defendants found guilty under the NSL waited an average of 467 days in detention before sentencing.

Many defendants in national security-related cases spent prolonged periods of time in pretrial detention. For example, the NSL trial for Chow Hang-Tung had yet to be scheduled, and she had been denied bail after being arrested in 2021. Before his NSL trial began on December 18, democracy advocate Jimmy Lai spent more than 1,000 days in detention. In the "NSL 47" trial of former lawmakers and democracy advocates charged in connection with the 2020 unofficial pan-democratic primary election, at least 32 of the 34 defendants were in pretrial detention for more than 700 days before their trial began on February 6.

Media reported more than 6,000 protesters arrested during the 2019 protests still had not been charged. According to an October report from Georgetown University's Center for Asian Law, some of these defendants were denied bail for months or even years as they awaited trial.

E. DENIAL OF FAIR PUBLIC TRIAL

Although the law generally provided for an independent judiciary, the NSL limited this independence in cases the government designated as involving national security. These limits did not apply to commercial legal cases. Human rights groups expressed concern defendants charged in national security cases could be denied due process and a fair and public trial and could face extradition to the mainland for trial.

Other actions by SAR and PRC authorities threatened judicial independence. Due to the National People's Congress Standing Committee's (NPCSC) exclusive interpretive authority over the law, SAR courts could not rule on the constitutionality of the NSL, declare any of its provisions unconstitutional, or review the NSL based on incompatibility with the Basic Law or the International Covenant on Civil and Political Rights. Numerous legal experts assessed the NPCSC's late December 2022 interpretation of the NSL as expanding the chief executive's authority over the judiciary in national security cases.

In July, the Legislative Council passed the Criminal Procedure (Amendment) Bill 2023, which broadened the Department of Justice's power to appeal not-guilty verdicts in nonjury NSL trials. Under the new rules, the case would be reheard, and the prosecution could ask the court to order the defendant jailed pending appeal.

Trial Procedures

The law provided for the right to a fair and public trial, and the judiciary largely enforced this right. Defendants had the right to be informed promptly and in detail of the charges against them and the right to a trial without undue delay, but these rights, notably the latter, were not always upheld.

Defendants were presumed innocent, except in official corruption cases: a sitting or former government official who maintained a standard of living above that commensurate with that person's official income or who controlled monies or property disproportionate to the official's income was by law considered guilty of an offense unless the official could satisfactorily explain the discrepancy. The courts upheld this ordinance.

All trials, except at the magistrate and district court levels and certain NSL cases, were by jury. Under the NSL, SAR authorities could direct that a panel of three specially designated national security judges hear a case instead of a jury.

Trials of the 47 defendants charged with subversion under the NSL for their involvement in the 2020 unofficial pan-democratic primary election, of *Apple Daily* founder Jimmy Lai, and of three former leaders of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China were all heard before a panel of judges. The government cited alleged “involvement of foreign elements” and the “risk of perverting the course of justice if the trial is conducted with a jury” as justification for not allowing a jury trial. As of December, no NSL cases had been tried by jury since the law was imposed in 2020.

In multiple national security-related cases, defendants and their lawyers argued prosecutors repeatedly delayed turning over documents to the defense, hampering defendants’ ability to prepare for court hearings. In February, during the trial of *Stand News* editors on allegations of publishing “seditious” materials, lead prosecutor Laura Ng presented four boxes of documents the defense had not had a chance to review as evidence, saying it would provide context to the alleged offense. Judge Kwok Wing Kin ruled the evidence admissible despite objections from the defense.

Under the NSL, the chief executive provided a list of judges eligible to hear cases SAR authorities designated as involving national security, including offenses under the NSL and the colonial-era sedition law. Some human rights groups and legal experts described this provision, which enabled SAR authorities to handpick the pool of judges to hear national security cases, as inconsistent with judicial independence.

The NPCSC, not a SAR-based judicial or elected body, determined how the NSL was interpreted. The NPCSC had the power, in cases involving foreign countries, serious (but undefined) situations, or major and imminent threats to national security, to extradite suspects to the mainland and hold trials behind closed doors.

Political Prisoners and Detainees

SAR authorities detained and imprisoned a growing number of individuals because of expressed and, in some cases, presumed political views and participation in nonviolent political activities. According to the most recent data published by the Hong Kong Correctional Services Department, at the end of 2022, 522 persons were jailed at the city’s correctional institutions for NSL violations or involvement in 2019 protests, a 26 percent increase from 2021.

Local and international observers noted that with few exceptions, those charged with NSL violations, sedition, or unauthorized assembly were peacefully exercising freedoms of expression, political participation, assembly, and association provided for in the Basic Law and the International Covenant on Civil and Political Rights.

F. TRANSNATIONAL REPRESSION

By the terms of the NSL, SAR authorities and the central government claimed jurisdiction over any individual, regardless of nationality and location, deemed to be engaged in one of the four vaguely defined criminal activities under the NSL: secession, subversion, terrorist activities, or collusion with a foreign country or external elements to endanger national security. Authorities took steps to assert these claims.

In July, national security police issued arrest warrants for eight democracy activists living in the United States, the United Kingdom, and Australia – former lawmakers Nathan Law, Ted Hui and Dennis Kwok, lawyer Kevin Yam, unionist Mung Siu-tat, and activists Finn Lau, Anna Kwok, and Elmer Yuen – for alleged national security offences, including foreign collusion and incitement to secession. The SAR government offered a reward of one million Hong Kong dollars (HK\$) (\$128,000) for information leading to the arrest of each activist. Chief Executive John Lee stressed the move would send the world a “strong message” about the NSL’s extraterritorial reach and stated SAR authorities would go “to the ends of the earth” if needed to arrest the eight activists. Police questioned the eight’s family members and acquaintances in Hong Kong, which some human rights organizations criticized as harassment aimed at silencing and intimidating the diaspora.

In December, national security police issued additional arrest warrants for five more democracy activists living in the United States and the United Kingdom: Frances Hui, Joey Siu, Simon Cheng, Johnny Fok, and Tony Choi. Amnesty International condemned the additional bounties and the government for using a “brazen tactic” to silence dissent globally.

Threats, Harassment, Surveillance, and Coercion: Some activists, nongovernmental organizations (NGOs), and other observers alleged mainland authorities engaged in surveillance and harassment of individuals from Hong Kong but living in other countries. For example, in August, the government of Canada stated the PRC collected information on and targeted Canadian lawmaker Michael Chong, whose family resided in Hong Kong, with an online disinformation operation after Chong sponsored a motion to condemn China’s treatment of Uyghur Muslims.

G. PROPERTY SEIZURE AND RESTITUTION

SAR authorities froze bank accounts of former lawmakers, civil society groups, and other political targets. The government froze assets belonging to several suspects in NSL and sedition-related trials, including assets worth nearly 500 million HK\$ (\$638 million) from jailed democracy advocate Jimmy Lai, 60 million HK\$ (\$7.66 million) from the shuttered *Stand News*, and 2.2 million HK\$ (\$281,000) from the Hong Kong Alliance in Support of Patriotic Democratic Movements of China. On December 15, according to the *South China Morning Post's* online news site *myNEWS*, the Hong Kong government amended Article 43 of the NSL allowing the government to freeze assets of suspects involved in national security cases until legal proceedings concluded, removing an earlier limit that capped the period at two years unless the High Court authorized an extension.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The law prohibited such actions, but there were multiple reports the SAR government failed to respect these prohibitions, including reports PRC central government security services and the Beijing-mandated Office for Safeguarding National Security monitored pro-democracy and human rights activists and journalists in the SAR. Some of those arrested for alleged national security-related offenses were required to forfeit personal mobile phones and computer devices before they were formally charged. Police made repeated requests to technology companies for access to individuals' private correspondence without warrants, which were not required under the NSL.

Technology companies, activists, and private citizens increasingly raised concerns about alleged government infringement on the rights to privacy and personal data protection. For example, the law allowed the Office of the Privacy Commissioner for Personal Data to seize and access any electronic devices in premises being searched without a warrant if authorities suspected a doxing-related offense was or could have been committed. In May, however, media highlighted a doxing website targeting thousands of journalists and pro-democracy activists – and that released identity card numbers, headshots, home addresses, and telephone numbers – remained online.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

Despite provisions of the Basic Law and government claims, the PRC and SAR governments increasingly encroached upon freedom of expression. The SAR government continued to prosecute individuals under the NSL, colonial-era sedition legislation, and other laws for engaging in peaceful political expression.

Freedom of Expression: There were legal restrictions on the ability of individuals to criticize the government publicly without reprisal. There were several incidents in which SAR authorities arrested and prosecuted individuals for speech critical of the SAR or central government, which it characterized as “inciting hatred against the government” or “promoting feelings of ill will or enmity between different classes” in violation of a colonial-era sedition law. Authorities also continued to prosecute individuals for speech alleged to promote subversion or secession in violation of the NSL. Prosecutors argued in multiple court hearings the phrase “Liberate Hong Kong, Revolution of Our Times,” a common slogan of the 2019 pro-democracy protests, contained an inherent meaning of support for independence, a change in the SAR’s constitutional status, or both. In April, SAR Director of Public Prosecutions Maggie Yang cautioned the public that “words can be used as weapons,” and warned individuals would be held legally accountable for words that incited others to commit serious offenses.

In June, the government requested an injunction banning the song “Glory to Hong Kong,” which many scholars and activists argued violated protections for freedom of expression enshrined in the Basic Law, the International Covenant on Civil and Political Rights, and the NSL itself. On July 28, the High Court blocked the injunction, but the government appealed the decision; the case was adjourned until after the new year.

In January, national security police arrested six individuals for publishing allegedly seditious works related to 2019 protests; three of whom were charged and jailed for five to 10 months after pleading guilty to selling copies of one such book, including Alan Keung, founder of the independent media outlet Free HK Media. In May, national security police seized the “Pillar of Shame,” a monument commemorating the 1989 Tiananmen Square massacre, from Hong Kong University Kadoorie Center in Yuen Long, where the statue had been stored since its removal from public view in 2021. Police declined to comment on a media report authorities might seek to arrest the Danish sculptor who created the statue, saying only, “We will act based on the situation and take action according to law.” In September, police invoked a colonial offense of “importing seditious publications” for the first time to charge a man who received 18 copies of *Sheep Village*, a picture book an SAR court ruled was seditious.

New and existing requirements for electoral candidacy and for taking the oath of office also limited free speech in the political arena. The law required all elected officials to swear an oath of allegiance and to adhere to undefined “patriotic” standards with respect to the PRC and SAR. SAR authorities previously disqualified candidates for office when their oaths were deemed “invalid,” without explanation or the possibility of appeal.

The government required all civil servants to swear an oath of allegiance to the SAR in accordance with the law. According to media reports, civil servants could lose their jobs if they refused to swear the oath and could face criminal charges, including under the NSL, if they later engaged in behavior, including speech while off duty, deemed to violate the oath.

Legislation passed in 2021 prohibited inciting others not to vote in elections or to cast blank ballots. Convicted violators were subject to up to three years’ imprisonment and a fine. Legal experts described the legislation as disproportionate and not in line with common legal norms that criminalized incitement only when the behavior incited was itself illegal.

On December 4, the Independent Commission Against Corruption arrested and charged a man for allegedly posting calls on social media to boycott the December 10 district council elections. On December 5, a court issued an arrest warrant for news commentator Wong Sai-chak, based in Germany, after he published an online video urging residents to boycott the elections. The commission stated the revised election law had extraterritorial effect and applied to all conduct regarding an SAR election. On election day, December 10, the commission arrested three more individuals for the same offense.

SAR legislation prohibited acts deemed to abuse or desecrate the PRC flag or anthem, including acts online. In July, a court convicted and sentenced a photographer to three months in jail for “insulting” the PRC national anthem by replacing it with the protest song “Glory to Hong Kong” in an online video.

The government restricted freedom of speech in academic and cultural settings on political grounds. National security was a part of the SAR government-approved curriculum at all levels. All public schools had to follow the official curriculum, limit political expression and activities on school campuses, and submit periodic reports regarding their implementation of national security education. Activists decried the guidelines for restricting freedom of expression on campuses. Some Roman Catholic and other Christian observers expressed concerns authorities’ mandatory national security curriculum and removal of books from public libraries limited freedom of expression at private religious schools.

Academics reported Beijing-controlled media outlets attacked and harassed academic personnel for their research and writings as well as their perceived political positions. SAR authorities also influenced academic appointments based on the perceived political orientation or past affiliations of scholars. Public libraries, schools, and universities culled their holdings, including archives, to comply with the NSL; it was unclear if this was based on a request from SAR officials or if the institutions chose to self-censor. Hong Kong University required library users to register to access “Special Collections” containing books about the Tiananmen Square massacre and others written by local democracy advocates. The Hong Kong Public Library required special registration to access microfilm collections on the Tiananmen Square events.

The law allowed SAR authorities to revoke a film’s license if it was “found to be contrary to national security interests.” Those convicted of releasing an unlicensed film were liable for up to three years’ imprisonment.

Violence and Harassment: The Foreign Correspondents’ Club and the Hong Kong Journalists’ Association each released surveys in July showing most members believed press freedom in the city had declined since October 2021. Respondents cited the causes as the NSL, SAR government enforcement actions and the less tangible pressures it applied to ensure national security, and the overall chilling effect of those factors on free expression in the city.

Journalists were subjected to intimidation by local and central authorities for their reporting. According to a Reporters Without Borders report in May, the media environment in the SAR was “difficult,” with 12 journalists detained.

In June, an appeals court blocked jailed democracy advocate and former publisher Jimmy Lai’s bid to challenge, in the SAR’s highest court, a court-issued warrant that authorized national security police to scrutinize the contents of his mobile phones seized during his arrest in 2020. Lai argued the phones contained journalistic materials and that such searches could have a “chilling effect” on press freedom.

On September 25, Ronson Chan, Hong Kong Journalists’ Association chairperson and Channel C reporter, was sentenced to five days in prison for failing to hand in his personal identification card to police in September 2022 while reporting. The following day, Reporters Without Borders, which identified 11 journalists and one media worker in detention, denounced the sentence. Two freelance journalists were denied entry to the SAR for reasons they believed to be related to their prior reporting on the 2019 protests or the political situation.

More than 150 foreign news outlets received complaint letters from the SAR government during the year citing their articles and editorials about the local government, the NSL, and major events in the SAR. These letters, often under the name of the chief executive or other high-level officials, characterized the reporting and editorials as “grossly biased,” “groundless allegations,” or as having “reached new levels of nastiness.” In February, pro-Beijing *Oriental Daily News* accused police of “pressing the media” after the newspaper received a letter from police accusing it of criticizing police in “a biased and derisive manner.”

Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media: Reports of media self-censorship and suspected content control continued.

The operating space for independent media continued to shrink. The SAR targeted independent media that expressed views it construed as not pro-government. SAR authorities continued prosecutions of former executives and editors of the shuttered *Apple Daily* and *Stand News* on national security-related 2021 charges. The verdict in *Stand News* former executives’ trial was not announced as of year’s end.

In May, political cartoonist Wong Kei-kwan (aka “Zunzi”), who published satirical takes on current affairs and public policies since 1983, revealed his comic strip was suspended by local newspaper *Ming Pao* following repeated complaints from senior government officials. The Hong Kong Journalists’ Association stated the incident showed that the city “could not tolerate critical voices” and that the room for free speech had “narrowed further.” All publications by Zunzi were also removed from public libraries.

In June, Citizens’ Radio, a pro-democracy radio station founded in 2005 by former lawmaker Tsang Kin-shing, ceased operations after Tsang said the Hang Seng Bank froze the station’s bank account.

Pressure on media was reflected in a rise in self-censorship. In May, the city’s Foreign Correspondents’ Club, which suspended its annual Human Right Press Awards in 2022 after hosting it for 25 years, issued a set of guidelines for the club’s and club members’ statements on press freedom matters. These guidelines included seeking legal advice and contacting government departments ahead of publication.

Internet Freedom

While internet access remained widespread and generally open – apart from several blocked websites and blogs associated with pro-democracy activists and human rights NGOs – local authorities increasingly criminalized online speech. The NSL and its implementing regulations granted extensive powers to police to order the blocking and removal of content by message publishers, platform service providers, hosting service providers, and network service providers. Police could also intercept communications or conduct covert surveillance upon approval of the chief executive. When investigating NSL violations, police could also require a person who published information or opinions or the relevant service provider to provide information on the end users.

In June, the government applied for a court injunction to ban playing the protest song “Glory to Hong Kong” after Google refused authorities’ request to remove the song from search results. The High Court blocked the injunction on July 28, but the government appealed the decision.

Under antidoxing law, SAR authorities could fine or arrest locally based staff of online platforms that did not comply with user information or content takedown orders. Meta and Google reported denying the SAR government’s user information and content takedown orders that did not meet their companies’ policies. The most recent transparency report published by Google revealed the SAR government submitted 72 requests to remove content in the first six months of the year, the highest number since 2011 when records began. The government requested Google remove five documentaries about imprisoned democracy activists from YouTube and an allegedly “seditious” children’s book from Google Sites, arguing the content posed a threat to national security. Google denied these requests.

Several websites with Hong Kong human rights-related content were blocked in the SAR. Lawyer and human rights activist Samuel Bickett reported September 21 that his Substack blog *Hong Kong Law and Policy* was blocked.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The law provided for the freedoms of peaceful assembly and association, but SAR authorities did not respect those rights, especially for individuals and organizations associated with the pro-democracy movement. Early in the year, the government continued to cite COVID-19 pandemic health concerns as reasons for restricting public gatherings, although it made exceptions for events involving government officials and pro-Beijing groups. The government lifted COVID-19 restrictions in March.

Freedom of Peaceful Assembly

The government effectively banned peaceful assembly for political purposes, sometimes citing public health or safety concerns.

In January, SAR Secretary for Security Chris Tang claimed authorities had not approved any demonstrations in three years because of COVID-19 health concerns. Organizers of any rallies of more than 50 persons or protests of more than 30 participants had to apply for a letter of no objection from police or risk prosecution.

In March, police approved the city's first rally since the lifting of COVID-19 restriction, allowing a protest of a reclamation plan, but the government required all participants to march without masks and limited participation to 100 persons, all of whom had to wear a number tag.

In April, the Federation of Hong Kong and Kowloon Labor Unions canceled its April 29 Labor Day rally, which it held annually prior to the 2020 pandemic, citing its failure to obtain a letter of no objection from police. The police did not offer a reason for not issuing the letter.

In June, police arrested at least 23 individuals on the 34th anniversary of the Tiananmen Square massacre in what media described as an effort to thwart attempts to commemorate the event. Security Chief Chris Tang warned authorities would take "resolute action" against anyone taking advantage of "a special occasion" to threaten national security by promoting independence or seeking to subvert state power.

Freedom of Association

The law provided for freedom of association, but the government did not respect the law. Authorities investigated and forced the closure of any group they deemed a national security concern. SAR officials and pro-Beijing media continued to harass and intimidate NGOs affiliated with the pro-democracy movement, including labor unions and professional associations.

By law, any person convicted of claiming to be an officer of a banned group could be sentenced to a maximum of three years in prison and fined. Those convicted of providing meeting space or other aid to a banned group could also be sentenced to fines and imprisonment.

Under the NSL, police could require any group that was deemed a “foreign agent” to provide information on its activities, personnel, and finances, with a maximum prison sentence of six months for failure to comply. In March, three former leaders of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, including prominent democracy activist and barrister Chow Hang-tung, were sentenced to more than four months in prison for not complying with a national security policy request for group information. European Union spokesperson Nabila Massrali described the sentencing as “another example of the authorities abusing legislation to suppress fundamental freedoms.”

In August, national security police arrested 10 persons associated with the defunct “612 Humanitarian Fund,” including activist Bobo Yip, on allegations of “conspiracy to collude with a foreign country or with external elements to endanger national security” and “inciting rioting.” Five trustees of the fund – Cardinal Joseph Zen, senior counsel Margaret Ng, former lawmaker Cyd Ho, scholar Hui Po-keung, and singer Denise Ho – as well as the fund’s former secretary, Sze Ching-wee, were convicted of failing to register the fund under the city’s societies ordinance and fined a modest amount.

C. FREEDOM OF RELIGION

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

D. FREEDOM OF MOVEMENT

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation; the government, however, sometimes confiscated travel documents and enforced travel bans for democracy activists and opposition politicians facing charges. Authorities forced some individuals, including foreign nationals, who were arrested under the NSL but not charged and were on police bail, to surrender their travel documents as a condition for bail.

Foreign Travel: Some media reports indicated authorities maintained an exit ban “watchlist” of residents who would be intercepted if they attempted to leave the SAR. In July, police arrested (detained for questioning, according to a police statement) Chu Yan-ho, a former officer of the disbanded political group Demosisto, at Hong Kong International Airport on suspicion of financially aiding activists abroad. He was subsequently charged under the NSL –

along with six other men, some also associated with Demosisto – with conspiracy to collude with foreign forces.

Immigration law, according to legal scholars, NGOs, and refugee advocates, empowered authorities to bar anyone, without a court order, from entering or leaving the territory. In June, a Japanese freelance journalist known for covering 2019 protests was reportedly barred from entering the SAR without explanation. In August, a professor of photography who also covered the 2019 protests told media he was denied entry into the SAR for a second time since 2020.

Persons born in Hong Kong prior to 1997 could receive a British National (Overseas) passport that granted some rights but not the right to live in the United Kingdom. After 2020, the United Kingdom granted these persons residency rights and a path to citizenship. The PRC and SAR subsequently refused to recognize the British National (Overseas) Passport as an identity or travel document.

E. PROTECTION OF REFUGEES

The government cooperated with the Office of the UN High Commissioner for Refugees and humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Access to Asylum: The law did not provide for granting asylum or refugee status, but the government had established a system for providing limited protection to persons who would be subject to torture or other abuses in their home country.

The government used the term “nonrefoulement claim” to refer to a claim for protection against deportation. Persons subjected to deportation could file a nonrefoulement claim if they either arrived without proper authorization or had overstayed the terms of their initial admission. Filing such a claim could result in a period of detention followed by release on recognizance. Activists and refugee rights groups expressed concerns regarding the quality of adjudications and the very low rate of approved claims, fewer than 1 percent. Denied claimants could appeal to the Torture Claims Appeal Board. The government did not publish the board’s decisions, a practice that the Hong Kong Bar Association noted created concerns regarding the consistency and transparency of decisions. If the board refused the appeal, claimants could file an application for leave to apply for judicial review. Refugees and asylum seekers were required to appear periodically before the Immigration Department, which caused school disruptions for some refugee children.

The law barred persons seeking asylum from entering the territory, limited the time in which a person could file a nonrefoulement claim, and in some cases limited these individuals' access to interpretation. Activists said the amendment raised concerns about refugees' rights and well-being. Rules passed in December 2022 allowed authorities to expel persons awaiting appeals court rulings on rejected nonrefoulement applications. According to media, 27 persons were removed as a result, with another 1,100 vulnerable to immediate deportation.

Abuse of Refugees and Asylum Seekers: Activists, legal experts, and media reports indicated persons seeking refugee status faced discrimination and were frequent targets of negative commentary by some political parties and media organizations. Activists noted immigration detention became a more common practice, especially before deportation for those whose asylum claims were rejected.

A *Hong Kong Free Press* report in March highlighted legal experts who accused the government of being "hostile" to nonrefoulement claimants, noting rules allowed the government to deport claimants whose appeals were still pending, forcing them to pursue their appeal from outside the SAR. Another legal expert cited in the report emphasized that the rules allowed the government to justify lengthier detentions for asylum seekers. The report also stated former detainees at immigration detention centers alleged poor conditions, lengthy solitary confinement, and even violent beatings, but the government denied these accusations.

Employment: "Nonrefoulement claimants" had no right to work while their claims were under review, and they had to rely on social welfare stipends and charities. An NGO reported this made some claimants vulnerable to trafficking. The government commonly, albeit on a case-by-case basis, granted permission to work for those granted nonrefoulement protection and persons awaiting UN High Commissioner for Refugees resettlement.

Access to Basic Services: NGOs and social workers stated refugees had a difficult time accessing medical assistance or, prior to the lifting of restrictions, understanding COVID-19 related information due to language barriers. According to an October 28 report in the *South China Morning Post*, two NGOs, the Hong Kong Dignity Institute and Christian Action, raised concerns about seriously ill foreigners and refugee claimants who were unable to access medical care. Social workers from these NGOs said claimants could access basic services, but they expressed concern regarding lack of access to urgent, life-saving interventions. A Hospital Authority spokesperson stated nonrefoulement claimants were not eligible for subsidized treatment in public hospitals.

Temporary Protection: Persons whose claims for “nonrefoulement” were substantiated did not obtain permanent resident status in the SAR. Instead, the SAR government referred them to the UN High Commissioner for Refugees for possible recognition as refugees and resettlement in a third country. In some cases, individuals waited years in the SAR before being resettled.

Section 3.

Freedom to Participate in the Political Process

The Basic Law limited the ability of residents to change their government in free and fair periodic elections. Subsequent decisions in 2021 by the NPCSC further limited this ability, in contradiction to provisions in the Basic Law.

Voters did not enjoy universal suffrage in elections for the chief executive or equal suffrage in Legislative Council elections. Under PRC-imposed changes to the electoral system, all candidates for chief executive and Legislative Council seats were required to pass through a labyrinthine application process for vetting their “patriotic” bona fides, ensuring only candidates vetted and approved by Beijing were allowed to hold office at any level. Only members of the Election Committee (EC) were entitled to nominate or vote for chief executive candidates.

Under the electoral system, voters directly elected 20 of the expanded Legislative Council’s 90 seats, or 22 percent, in contrast to 2016, when voters directly elected 40 of the 70 seats (57 percent). Forty seats were selected by the EC directly, while 30 were selected as representatives of “functional constituencies” for various economic and social sectors.

Under the Basic Law, only the SAR government, not members of the legislature, could introduce bills that affected public expenditure, the political structure, or government policy.

The SAR sent 36 deputies to the PRC National People’s Congress and had approximately 200 delegates in the Chinese People’s Political Consultative Conference, bodies that operated under the direction of the Chinese Communist Party and did not enjoy legislative independence. The approval of the chief executive, two-thirds of the Legislative Council, and two-thirds of the SAR’s delegates to the National People’s Congress were required to place an amendment to the Basic Law on the National People’s Congress agenda, which had the sole power to amend the Basic Law.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses or Irregularities in Recent Elections: District Council elections were held on December 10, but new election rules severely limited the role of voters and the eventual role of directly elected representatives. Most notably, the proportion of seats elected by the public was reduced from nearly 95 percent to less than 20 percent. The great majority of members were appointed by the chief executive or selected by government-appointed district committees. All candidates had to secure nominations by members of regional committees to run for election. No candidates from pro-democracy or independent parties were able to secure nominations and therefore were not able to stand for election; more than 90 percent of new district councilors came from the government-appointed committees responsible for nominating candidates. Candidates from the Hong Kong Democratic Party, the largest pro-democracy party; the Hong Kong Association for Democracy and People's Livelihood; and the self-described non-establishment party Third Side all sought nominations but failed to receive enough support in the nominating committees to run for election. Voter turnout in the elections (27.5 percent) hit a record low, far below the record high in 2019 (71.2 percent), when pro-democracy candidates won by a landslide. All elected district councilors were also subject to the loyalty conditions and related scrutiny described above.

In May 2022, John Lee was selected as chief executive, winning 1,416 of the 1,424 valid votes cast by the Beijing-dominated EC. Lee was the only candidate to run after the PRC central government indicated it would not support any other nominations.

In December 2021 elections for the Legislative Council, pro-Beijing candidates won 89 of the 90 seats; one non-establishment moderate won a seat for the social welfare functional constituency. None of the major pro-democracy parties fielded candidates. Approximately 1.3 million voters cast ballots in the election, a record low turnout rate of 30.2 percent, compared to the average turnout of 51 percent in the six Legislative Council elections since the handover. Approximately 2 percent of ballots cast were blank or otherwise invalid, a record high.

September 2021 elections for seats in the EC, the first after the PRC's overhaul of the SAR's political system, by design produced a near-unanimous sweep for pro-Beijing candidates. More than 1,100 of the 1,500 seats in the expanded EC were predetermined and not up for election. For the few competitive seats, regulations limited the franchise and moved the SAR further from the one-person, one-vote principle. Only one nominally independent candidate was elected to any of those seats. The 2021 contest further limited the number of voters eligible to cast ballots to fewer than 5,000 individuals, 97 percent fewer than in 2016.

Political Parties and Political Participation: Since the imposition of the NSL, numerous leaders of pro-democracy political parties, protest organizing groups, and civil society organizations were arrested for their involvement in nonviolent political activities. For example, 47 pro-democracy politicians and activists, including former members of the Legislative Council and elected local District Council members, faced charges of conspiracy to commit subversion under the NSL for their involvement in the 2020 unofficial pan-democratic primary election. No political party was subjected to an outright ban during the year, but pro-democracy political parties and organizations faced significant obstacles or disbanded themselves following the imposition of the NSL because of reported pressure from SAR authorities, including concern they or their members would be subjected to political repression, and due to fundraising difficulties. For example, the Hong Kong Democratic Party had to cancel an annual fundraising dinner after two restaurants meant to host the event canceled at the last minute. The Democratic Party chairperson stated he believed the restaurants canceled due to “external pressure.” In May, the Civic Party, a pro-democracy party founded in 2006, announced it would disband. In June, another opposition group, the League of Social Democrats, revealed the HSBC bank had terminated the party’s accounts without explanation.

Section 4.

Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively.

Corruption: For additional information about corruption, please see the Department of State’s *Investment Climate Statement* and the Department of State’s *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups reported increasing government scrutiny, harassment, and restrictions. Authorities used the NSL to force organizations

expressing criticism of the PRC to cease operations, self-censor, or change operational procedures to protect their staff. The forced disbandment of multiple trade unions and other organizations created a chilling effect on remaining groups that were historically critical of the central government.

PRC and SAR officials repeatedly accused local and international NGOs that alleged human rights abuses in the SAR of “sowing discord.”

In August, 10 persons were arrested on charges of “foreign collusion,” for their work with the defunct (since 2021) 612 Humanitarian Relief Fund, which provided legal and medical support for protesters arrested during the 2019 protests. The government also accused the fund of inciting riots. Police accused the 10 individuals of conspiracy to collude with foreign forces for allegedly taking donations from organizations abroad to help groups that supported persons in exile or promoted sanctions against Hong Kong. The NGO Hong Kong Center for Human Rights cited it as an example of how authorities “weaponized” security laws against human rights defenders. The NGO described the accusations of incitement to riot as “absurd” and maintained human rights provisions in the NSL were proving ineffective.

Government Human Rights Bodies: There was an Office of the Ombudsman and an Equal Opportunities Commission. The government recruited commissioners to represent both offices through a professional search committee, which solicited applications and vetted candidates. Commissioners were independent. Both organizations operated without interference from the SAR government and published critical findings in their areas of responsibility. NGOs stated the Equal Opportunities Commission had limited governmental support and a narrow mandate that did not allow for deep investigations.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: The law criminalized rape against women, including spousal rape, but did not explicitly criminalize rape against men.

Activists expressed concern rape was underreported, especially within ethnic minority communities.

The law did not directly criminalize domestic violence, but the government regarded domestic violence against women as a serious concern. Abusers could be criminally charged under laws on offenses against the person, sexual assault, and child mistreatment, depending on which act constituted domestic violence. The government effectively prosecuted violators using existing criminal law. The law allowed survivors to seek a three-month injunction, extendable to six months, against an abuser. This injunction could be applied in cases of abuse between spouses, heterosexual and homosexual cohabitants, former spouses or cohabitants, and immediate and extended family members. It protected survivors younger than 18, allowing them to apply for an injunction in their own name, with the assistance of an adult guardian, against abuse by parents, siblings, and specified immediate and extended family members. The law also empowered courts to require abusers to attend an antiviolence program. In cases in which the abuser caused bodily harm, the court could attach an arrest warrant to an existing injunction and extend the validity of both injunctions and arrest warrants to two years.

Government programs provided intervention, counseling, and assistance to domestic violence survivors and abusers.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment based on sex, marital status, and pregnancy. The law applied to both men and women, and police generally enforced it effectively. There were multiple reports, however, of sexual harassment in housing, the workplace, and universities.

Discrimination: The law prohibited discrimination based on sex or pregnancy status, and the SAR implemented policies to safeguard the rights and interests of women, including antidiscrimination laws. There were debates, however, concerning whether the framework in place provided adequate protection for women. Women enjoyed the same legal status and rights as men. By law, the Equal Opportunities Commission worked towards the elimination of discrimination and harassment as well as to promote equal opportunity for men and women.

Although the government generally enforced relevant law, women reportedly faced discrimination in employment, salary, welfare, inheritance, and promotion. As of August, approximately 37 percent of complaints filed with the Equal Opportunity Commission were related to sex discrimination. Women filed most sexual harassment complaints. In addition, foreign domestic workers faced discrimination based on disability (health) and family status (pregnancy).

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization by government authorities.

The government provided access to sexual and reproductive health services, including emergency contraception and postexposure prophylaxis, for survivors of sexual violence.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

The law prohibited discrimination; the Equal Opportunity Commission oversaw implementation and enforcement of the law. The commission maintained a hotline for inquiries and complaints of racial discrimination. Although ethnic Chinese accounted for most of the population, the SAR was a multiethnic society, with persons from multiple ethnic groups recognized as permanent residents with full legal rights. Although the government took steps to reduce it, there were frequent reports of discrimination against ethnic minorities; the law did not clearly cover racial discrimination occurring during law enforcement activity.

Observers concurred discrimination against ethnic minorities happened in many settings including in schools, homes, hospitals, and banks, in public transportation, in retail and personal services, and in catering services, among others. The most common types of discrimination were nonphysical mistreatment or refusal of services.

Persons born in mainland China also experienced frequent discrimination. In March, the Equal Opportunities Commission informed SAR lawmakers it was partnering with the government to address discrimination, harassment, and vilification of persons from mainland China. Commission Chairperson Ricky Chu stated there was no increase in official complaints or enquiries involving discrimination against mainland citizens since border restrictions were lifted in January, but he highlighted social media reports of alleged discrimination. In May, a video circulated on social media of Cathay Pacific flight attendants allegedly mistreating a mainland passenger. Cathay Pacific issued a statement apologizing for the incident and reiterated employees had to respect customers from all backgrounds and cultures.

CHILDREN

Child Abuse: The law mandated protection for survivors of child abuse (battery, assault, neglect, abandonment, and sexual exploitation), and the government enforced the law.

Child, Early, and Forced Marriage: The legal minimum age of marriage was 16 for both girls and boys. In addition, parents' written consent was required for marriage before age 21.

Sexual Exploitation of Children: The law prohibited the commercial sexual exploitation of children and procuring children for commercial sex. The age of consent was 16. By law, a person convicted of having “unlawful sexual intercourse” with a person younger than 16 was subject to five years’ imprisonment, while unlawful sexual intercourse with a person younger than 13 carried a sentence of life imprisonment. The law allowed for the prosecution of certain sexual offenses, including those against minors, committed outside the SAR. The law made it an offense to possess, produce, copy, import, or export pornography involving a child or to publish or cause to be published any advertisement that conveyed, or was likely to be understood as conveying, the message that a person published or intended to publish child pornography. Authorities enforced the law. The penalty for creation, publication, or advertisement of child sexual abuse material was eight years’ imprisonment, while possession carried a penalty of five years’ imprisonment.

ANTISEMITISM

The active Jewish community numbered approximately 2,500 persons. There were no known reports of antisemitic incidents.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults. Seemingly neutral laws were not disproportionately applied against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons.

Violence and Harassment: Reports of violence against LGBTQI+ individuals were rare, and civil society organizations generally assessed the police response as adequate. On June 2, a lesbian couple were stabbed and killed in a shopping mall. Police promptly investigated the incident, arrested the attacker, Szeto Sing-kwong, and charged him with two counts of murder. The government separately charged another man, Lee Chi-wai, with two counts of incitement to wound after Lee posted messages on Facebook that lauded the double murder,

and a court ordered Lee's confinement for two months in a psychiatric hospital. Both opposite-sex and same-sex cohabitants were able to apply for injunctive relief in cases of domestic violence.

Discrimination: No law prohibited companies or individuals from discriminating on grounds of sexual orientation, gender identity, and expression, or sex characteristics. Opposition to LGBTQI+ equality was deeply entrenched among certain cultural conservatives and those who believed LGBTQI+ equality was an imposed western value. In September, the Court of Final Appeal ruled the government's refusal to extend same-sex marriage rights was in violation of its positive obligation under Article 14 of the Hong Kong Bill of Rights. The court gave the government two years to comply with the order and establish a framework to legally recognize same-sex relationships.

A court ruled September 15 that both women in a lesbian couple should have parental status over their child born via "reciprocal in vitro fertilization."

On October 24, a court ruled same-sex couples had equal rights under the city's inheritance laws; the government appealed the decision.

Availability of Legal Gender Recognition: Legal gender recognition was available for persons older than 18; the individual had to provide proof of both a psychiatric evaluation and gender-affirming surgery. In February, the Court of Final Appeal unanimously decided to end the policy of barring transgender persons from changing the gender shown on identity cards unless they underwent gender-affirming surgery, declaring such a requirement violated their rights and was therefore unconstitutional.

Involuntary or Coercive Medical or Psychological Practices: So-called conversion therapy practices were not legally prohibited. According to a 2021 study by LGBTQI+ NGO The Society of True Light, approximately 20 percent of local gay and lesbian persons attempted to change their sexual orientations by various means, including conversion therapy, and were encouraged to do so by mental health practitioners. In May, the Hong Kong Psychological Society issued a position paper that called on local psychologists to abandon conversion therapy, deeming it "harmful and unethical." This statement was binding only for members of the Psychological Society. Medically unnecessary and irreversible so-called gender normalization surgeries were performed on intersex children. The government did not maintain statistics on intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no reports of such restrictions for LGBTQI+ individuals or groups. In November, Hong Kong became the first city in Asia to co-host the international Gay Games competition.

PERSONS WITH DISABILITIES

The law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The government took action to investigate and punish those responsible for violence or abuses against persons with disabilities. The government generally implemented laws and programs that provided persons with disabilities access to education, employment, the judicial system, and health services. The government implemented laws and programs to provide persons with disabilities access to transportation, information, communications, and buildings, although there were reports of some restrictions. The law called for improved building access and provided for sanctions against those who discriminated; compliance was limited.

Some human rights activists observed services for persons with disabilities were often unavailable and declared policies were not implemented or the law was too limited, and its implementation did not promote equal opportunity. For example, while the law required construction or major renovations of government and large public buildings to include access for persons with disabilities, enforcement was sporadic, particularly in restaurants, shopping malls, pharmacies, and grocery stores.

The law provided for children with special educational needs to have equal opportunity in accessing education. According to the government, more than 90 percent of students with special needs attended mainstream schools, and the remaining students with severe disabilities attended special schools.

The Social Welfare Department provided training and vocational rehabilitation services to assist persons with disabilities, offered subsidized resident-care services for persons deemed unable to live independently, offered preschool services to children with disabilities, and provided community support services for persons with mental disabilities, their families, and other residents interested in improving their mental health.

Unemployment among adults with disabilities, in part due to discrimination and insufficient government support, remained a serious problem.

The government responded to reports of violence against or abuse of persons with disabilities, including of domestic violence or abuse. A committee composed of NGOs and government departments handled cases of domestic abuse of women and children with disabilities.

NGOs reported they continued to face impediments applying for international funding and offering training for disability-related programs, partly due to NSL foreign-collusion provisions.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The law provided for the right of workers to form and join unions, but SAR and PRC authorities took repeated actions that violated the principle of union independence. The law did not protect the right to collective bargaining or obligate employers to bargain. The law prohibited civil servants from bargaining collectively.

The law protected the right to strike, subject to certain limits; these were not excessive. The law prohibited firing an employee for participating in a strike and voided any section of an employment contract that punished a worker for striking. The commissioner of police had broad authority to control and direct public gatherings, including strikes, in the interest of national security or public safety.

By law, an employer could not fire, penalize, or discriminate against employees who exercised their union rights and could not prevent or deter them from exercising such rights. Penalties for violations of laws protecting union and related worker rights included fines as well as legal damages paid to workers. Penalties were commensurate with those under other laws involving the denial of civil rights. The law was not effectively enforced. Penalties were sometimes applied against violators.

The government used provisions of the NSL, the Societies Ordinance, and the Trade Union Ordinance to repress independent unions and their confederations. NGOs played a role in promoting worker rights. Some labor groups expressed concern that increased scrutiny of NGO funding under the NSL hurt labor unions and worker rights organizations.

In February, the International Trade Union Confederation condemned the significant regression of union rights in Hong Kong, including a wave of union dissolutions and state-run media attacks on the Professional Teachers' Union, the Confederation of Trade Unions, and the Journalists' Association. Unions expressed concern regarding the safety of their members and their ability to operate freely under the NSL, which some labor groups reported had increased scrutiny on funding for NGOs.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

The law prohibited the worst forms of child labor. Regulations prohibited employment of children younger than 15 in any industrial establishment. Children younger than 13 were prohibited from taking up employment in all economic sectors. Children 13 or older could be employed in nonindustrial establishments, subject to certain requirements, such as parental written consent and proof the child completed required schooling.

The Labor Department effectively enforced these laws and regularly inspected workplaces to enforce compliance with the regulations. Penalties for child labor law violations, generally a civil offense, included fines and legal damages but were not commensurate with those for analogous serious criminal offenses, such as kidnapping. Penalties were regularly applied against violators.

There were no confirmed reports during the year of the worst forms of child labor.

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: The statutory minimum wage increased in May, but it remained below the poverty line for an average-sized household. The law did not regulate working hours, paid weekly rest, rest breaks, or compulsory overtime for most employees. The law regulated working hours for persons ages 15-17 in the industrial sector, allowing them to work no more than eight hours per day (between 7 a.m. and 7 p.m.), no more than six days per week, and

requiring a 30-minute break after five contiguous hours of work. Several labor groups reported employers expected employees to work extremely long hours and called for legislation to address that concern. Foreign domestic workers were excluded from the statutory hourly minimum wage and often faced extremely long working hours (12 to 16 hours a day). They were often expected to be on call 24 hours a day, a condition exacerbated by the compulsory live-in requirement.

Occupational Safety and Health: The law included occupational safety and health (OSH) standards for various industries. The law provided for standards that were appropriate for the main industries in the economy. The law made enterprise and delivery agencies responsible for occupational injuries to temporary workers. OSH laws allowed workers to remove themselves from situations that endangered health or safety without jeopardy to their employment. Employers were required to report any injuries sustained by their employees in work-related accidents.

The Occupational Safety and Health Branch of the Labor Department was responsible for promoting safety and health, identifying unsafe conditions, enforcing safety management legislation, and formulating and implementing policy generally. Inspectors could make unannounced inspections and initiate investigations and prosecutions; they were generally responsive to complaints from workers. In April, the Legislative Council passed a bill increasing penalties for occupational safety violations following some fatal accidents in the industrial sector. The SAR government reported approximately 20 similar cases per year over the last 10 years.

Wage, Hour, and OSH Enforcement: The Labor Department was responsible for enforcing wage and working hour laws as well as OSH standards in conjunction with the labor agencies of local authorities. The government effectively enforced the law; the number of labor inspectors was sufficient to enforce compliance. Labor inspectors had the authority to conduct unannounced inspections and initiate sanctions. Penalties for violations of wage laws or OSH standards included fines, damages, and workers' compensation payments. These penalties were commensurate with those for similar offenses. Penalties were regularly applied against violators. The Labor Tribunal adjudicated disputes involving nonpayment or underpayment of wages and wrongful dismissal. The Labor Tribunal presented several barriers to domestic workers, such as prolonged court cases and high court fees, which discouraged them from seeking justice. Interpretation services for foreign domestic workers were limited.

There were no data on the informal sector.

TAGS

[Bureau of Democracy, Human Rights, and Labor](#)

[Bureau of East Asian and Pacific Affairs](#)

[China](#)

[Hong Kong](#)

White House

USA.gov

Office of the Inspector General

Archives

Contact Us

     

Privacy Policy

Accessibility Statement

Copyright Information

FOIA

No FEAR Act