



28 November 2019

Ms Schona Jolly QC
Chair
Bar Human Rights Committee of England & Wales

Dear Ms Jolly,

Thank you for your letter of 20 November 2019 to the Chief Executive of the Hong Kong Special Administrative Region (HKSAR).

Protests initially arising from the Fugitive Offenders Bill have continued in Hong Kong for more than five months, despite suspension of the legislative work as early as 15 June and formal withdrawal of the Bill announced on 4 September. The Bill was subsequently formally withdrawn from the Legislative Council when it resumed business on 23 October. Over this period, it was widely reported (though less so in overseas media) that protesters' violence had escalated and reached a very alarming level. Masked rioters vandalised public facilities and shops, committed arson, hurled petrol bombs as well as wantonly attacked police officers and people with different views in various districts, seriously undermining public order. A man was set on fire in broad daylight by people with different opinions. Also, the extent of students and minors having been involved in such violent protests is particularly worrying. The severity of the situation has often put our city to a chaotic halt, with many citizens suffering from disruption to their daily lives and even fear of their personal safety.

Their fear is not confined to physical violence, but also the immense pressure of being bullied or harassed simply because of their background and opinions. In a recent court case concerning

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the disclosure of personal information of police officers in Hong Kong¹, the Court of Appeal made the following observations –

“The evidence before the courts shows that the doxxing targeted against the police officers and their families is appalling, to say the least. Their personal information is posted and widely spread indiscriminately across various social media platforms on the Internet, carrying with them abusive, vulgar or foul languages and remarks, harassment and intimidation, and serious threats of personal safety and even death, some of which were directed against young children. Doxxing on such scale and the subsequent misuses of personal information in the way as depicted in the evidence before us is one of the worst and reprehensible forms of intrusion of the privacy of the individuals concerned.

Doxxing should not and cannot be tolerated in Hong Kong if we still take pride in our city as a civilized society where the rule of law reigns. Unfortunately, in the current turmoil, there are people in Hong Kong too readily resorting to these hideous practices as weapon to cause harms to individuals and target groups. The damage of widespread doxxing goes well beyond the victims. It seriously endangers our society as a whole. For it will instil chilling effect on our society when many individuals or targeted groups or sectors of the public are intimidated into silence or suppressed to express their opinion openly and honestly or conduct their affairs or pursue their life in the way they wanted for fear of being victimized by doxxing. If doxxing practices are not curtailed, the fire of distrust, fear and hatred ignited by them will soon consume the public confidence in the law and order of the community, leading to disintegration of our society.”

¹ Junior Police Officers’ Association of the Hong Kong Police Force v. Electoral Affairs Commission, Chief Electoral Officer and Electoral Registration Officer (HCAL 3042/2019)

As a matter of principle and law, the HKSAR Government rejects and deplors the use of violence against anyone for any purpose and on any occasion. We have the responsibility to adopt lawful measures to maintain public safety, public order, as well as safeguard people's life and property. It is necessary for us to actively investigate illegal and violent acts to bring offenders to justice, whoever they may be. We would like to appeal to overseas governments and bodies to fully recognize the extent of violence of some protesters and the attacks they made on the Police and other citizens. In this connection, we note that some overseas governments and organisations have issued statements denouncing violence.

The operation concerning the Hong Kong Polytechnic University (PolyU) is a very difficult but necessary one. Violent protesters used the PolyU campus as a base, seriously damaging facilities. They also broke into campus laboratories to seize dangerous chemicals and manufactured a large number of weapons. In dealing with the situation, the Commissioner of Police has adopted flexible arrangements with regard to those in the seized campus who had sustained injuries or are minors, with a view to resolving the situation in a peaceful and humane way as far as possible. The Police have arranged the Red Cross, school principals, politicians and religious groups' representatives to enter the campus to assist minors to leave peacefully, with the Police reserving the right to undertake further investigations in future. Some 300 minors have returned home under this arrangement.

The Police have all along exercised restraint in restoring law and order, and will facilitate the conduct of peaceful and lawful public meetings or public processions. However, if protesters resort to violence, the Police will have no choice but, if there is no other means and after giving warnings where circumstances permit, to use appropriate force in order to prevent injury to life and property. The Police have established clear guidelines on the use of force which are consistent with the international human rights norms and standards. Starting from 9 June, over 800 demonstrations, processions and rallies were held in Hong Kong and some 470 police officers were injured on duty. If the Police are not able to undertake

any operations to arrest rioters who are resorting to escalating violence, causing damages from one place to another or even manufacturing life-threatening weapons, we shall not be able to competently deal with the difficult and unprecedented situation faced by our city.

In response to public concerns regarding law enforcement actions by the Police, the Independent Police Complaints Council (IPCC), an independent and statutory body, has proactively initiated a study on the major public order events in Hong Kong since 9 June and the corresponding actions taken by the Police. IPCC will announce the progress of the study by phases, and has stated that it would endeavour to submit the preliminary report of the study to the Chief Executive by early 2020. The report to be submitted by IPCC will be made available to the public for examination in detail. The HKSAR Government will closely monitor and carefully study IPCC's reports and its recommendations in order to decide on the follow-up action.

In any event, the HKSAR Government shall never compromise the principle of the rule of law even when dealing with the current difficult situation. There have been calls for amnesty for the protestors in Hong Kong. As the former director of Public Prosecutions in Hong Kong, Grenville Cross SC, aptly said, "the integrity of the criminal justice system must be protected. Any temptation to manipulate established procedures in the hope of political advantage must, therefore, be resisted".

With regard to the court's ruling on the judicial review case concerning the invocation of the Emergency Regulations Ordinance in enacting the "anti-mask law", we respect the rule of law and judicial independence as guaranteed under "One Country, Two Systems". As the HKSAR Government has taken the matter forward through the judicial process, we are not in the position to comment on the ruling or on the remarks made by the Standing Committee of the National People's Congress on the case.

The extensive media coverage – local, international and in the digital world – about the protests and events is unprecedented in Hong Kong’s history. That in itself is evidence enough that the freedom of the press is well protected, and citizens of Hong Kong continue to enjoy the freedom of participating in lawful and peaceful demonstrations to express their views. Since the return to our Motherland, “One Country, Two Systems” and a high degree of autonomy is faithfully implemented in strict accordance with the Basic Law of HKSAR. We fully recognise that freedom and the rule of law are the core values of Hong Kong and the cornerstone of our long-term prosperity and stability, and the HKSAR Government is determined to safeguard these core values at all times.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ronald C.", written in a cursive style.

(Ronald Cheng)
for Private Secretary to Chief Executive