



Home Office

Country Policy and Information Note

China: Hong Kong National Security Law

Version 1.0

November 2020

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 [Introduction](#) 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 of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- 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
- A claim is 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: 11 November 2020

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution by the state or risk of serious harm due to the National Security Law (NSL) being used against them.

1.2 Points to note

1.2.1 For guidance and information on those who took part in the pre-June 2020 protests and fear persecution and/or serious harm on that basis, decision makers should refer to the Country Policy and Information Note on [China: Hong Kong protests](#).

1.2.2 For guidance and information on those who took part in the pre-June 2020 protests and fear that the National Security Law will be used against them, decision makers should use this Country Policy and Information Note and also refer to the Country Policy and Information Note on [China: Hong Kong protests](#).

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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. Context

- 2.4.1 On 30 June 2020 China introduced the National Security Law (NSL) in Hong Kong which came into effect on 1 July 2020. The law was implemented following the widespread protests which took part throughout the second half of 2019 into 2020. The law is not retroactive and only criminalised activity from 1 July 2020 onwards.
- 2.4.2 For information and guidance on those who took part in the pre-June 2020 protests and fear persecution and/or serious harm on that basis then see the Country Policy and Information Note on [China: Hong Kong protests](#).
- 2.4.3 For more information see [six-monthly reports produced by the Foreign and Commonwealth Office](#), which provide a detailed rolling assessment of the situation in Hong Kong.
- 2.4.4 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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b. National Security Law (NSL)

- 2.4.5 The NSL criminalises secession, subversion, terrorism and collusion with foreign countries. The NSL applies to a person who is a permanent resident of the Hong Kong Special Administrative Region (HKSAR) or an incorporated or unincorporated body, such as a company or an organisation which is set up in the HKSAR, if they or the body commit an offence under the NSL outside the HKSAR. The NSL also applies to offences under the NSL committed against the HKSAR from outside the HKSAR by a person who is not a permanent resident of the HKSAR (i.e. provisions in the NSL suggest it is intended to apply extra-territorially and can be applied anywhere in the world). The HKSAR Government has also suggested that slogans such as 'Liberate Hong Kong, Revolution of Our Times' promoted secession, and would be illegal under the new law. This has not been tested yet in Hong Kong's Courts (see [Main features of the National Security Law](#) and [Potential impact on freedom of expression](#)).
- 2.4.6 Depending on the level of involvement of the offender and/or the severity of the offence, sentences under the NSL range from short-term detention or 'restriction' to life imprisonment. There is a provision in the NSL stating it cannot be applied retrospectively, although activities conducted before the NSL came into effect on 1 July could be used in an investigation into alleged crimes committed after the law was imposed (see [Main features of the](#)

[National Security Law](#) and [Retrospective application of the National Security Law](#)).

- 2.4.7 Following the introduction of the NSL, a new national security office has been opened in Hong Kong (The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region (CPG Office)). The CPG Office is a mainland Chinese organisation, and operates independently from the HKSAR Government. The NSL allows for security agents from mainland China to operate within this new organisation. The CPG Office rather than the HKSAR has jurisdiction to try offences endangering national security under the NSL in certain circumstances with CPG approval and following a request by the HKSAR Government or the CPG Office itself. This could entail persons charged with offences under the NSL being transferred to mainland Chinese courts for trial under Chinese law, procedures and penalties. The criteria for such a transfer to the mainland are vague and broadly defined. Hong Kong does not have an extradition treaty with mainland China, and the NSL does not provide legal or judicial safeguards in such cases, so it is unclear whether any legal process would provide meaningful safeguards for the person's rights. Once prosecuted through the mainland legal system they may also be subject to mainland sentences (see [Other features of the National Security Law](#) and [Judicial implications](#)).
- 2.4.8 The new criminal offences under the NSL are defined broadly and thus create uncertainty about their implementation. While it is not unusual for offences in the national security sphere to be broadly drafted, some critics of the law have noted that this increases the likelihood of self-censorship (see [Use of the National Security Law](#)).
- 2.4.9 Article 18 of the NSL requires the HKSAR Department of Justice to establish a specialised prosecution division for the prosecution of national security offences. The prosecutors shall be appointed by the HKSAR Secretary for Justice after obtaining the consent of the Committee for Safeguarding National Security (chaired by the Chief Executive of the HKSAR and which will include consultants from the CPG). It is unusual for prosecutors of a national security division to be appointed in effect by the Executive. This is detrimental to prosecutorial independence and raises the risk of prosecutors taking political decisions in terms of whom to prosecute (see [Judicial implications](#)).
- 2.4.10 The NSL provides for some cases to be tried in Hong Kong courts, using a panel of judges selected by the Chief Executive rather than the Chief Justice which would normally be the case. While this does pose questions of judicial independence, basic legal protections that exist in Hong Kong would be maintained in such cases. The NSL also provides for certain proceedings to occur in closed courts where cases involve state secrets. (See [Main features of the National Security Law](#) and [Potential Impact of the National Security Law](#)). See also the Country Policy and Information Note on [China: Background information, including actors of protection and internal relocation](#) for information about the judiciary and free trial in China.
- 2.4.11 In anticipation of the implementation of the NSL, or shortly after it came into force, several activists left the country or stood down from pan-democratic

political parties and groups allegedly advocating Hong Kong independence, reportedly fearing arrest under the new law. Some academics have expressed concern about how the new law will impact teaching, with some teachers avoiding discussion of sensitive or political topics in class and being careful with the language they use. Several books were removed from public libraries pending a review of whether they breached the NSL (see [Potential Impact of the National Security Law](#) and [Use of the National Security Law](#)).

- 2.4.12 The new law also allows for the government to fine internet companies who fail to comply with court orders for user data in cases related to national security. At the time of writing, several overseas internet companies had stopped processing requests for user data in order that they could review the details of the new law (see [Potential Impact of the National Security Law](#)).
- 2.4.13 The NSL is potentially wide reaching but the extent to which it will be applied is unclear and it is too early to assess its impact (see [Main features of the National Security Law](#) and [Use of the National Security Law](#)).
- 2.4.14 The application of the NSL is likely to depend on a person's profile/activity and possibly their background with high profile activists likely to be at a higher risk of arrest and prosecution. Those who publicly call for Hong Kong independence or sanctions on Hong Kong by foreign governments could face arrest and prosecution under the new criminal offences in the NSL. Teachers have also been advised that behaviour in eliciting further discussion on sensitive issues must be avoided; and authors of what might be viewed as politically sensitive material and sellers of those books could also have the NSL applied to them. On-line discussion is also subject to close scrutiny (see [Potential impact of the National Security Law](#) and [Use of the National Security Law](#)).
- 2.4.15 Where a person fears that the NSL puts them at risk of persecution it would be for them to demonstrate why they feel the law would reasonably likely be applied to them.
- 2.4.16 In cases where the person will be discreet about their political opinion on return, the reasons for such discretion need to be considered in the light of [HJ \(Iran\)](#). A person should not be expected to conceal their political opinion for a fear of persecution. However, if the person would conceal his or her political opinion for reasons other than for a fear of persecution, then the person would have no basis for their claim for international protection. Each case must be considered on its facts.
- 2.4.17 Each case should be considered on its individual merits with the onus on the person to show that the NSL has or would reasonably be used against them.
- 2.4.18 Regulation 5(2) of the [Refugee or Person in Need of International Protection \(Qualification\) 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.

2.4.19 The instruction on [Assessing Credibility and Refugee Status](#) states that prosecution can be considered persecution if, for example:

- (i) it involves 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) the punishment is cruel, inhuman or degrading (including punishment which is out of all proportion to the offence committed).

2.4.20 Where the application of the NSL results in sentences that are disproportionately harsh the prosecution can be considered as persecutory.

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2.5 Protection

2.5.1 Where the person has a well-founded fear of persecution from the state, they will not be able to avail themselves of the protection of the authorities.

2.5.2 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, they will be unable to relocate to escape that risk.

2.6.2 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: 20 October 2020

3. Legal context

3.1 Introduction of the National Security Law

- 3.1.1 On 30 June 2020, China introduced the National Security Law¹. The law came into effect in 1 July 2020. The wording was kept secret until it came into being².
- 3.1.2 BBC News noted in an article from 30 June 2020 that: 'Hong Kong was always meant to have a security law but could never pass one because it was so unpopular. So this is about China stepping in to ensure the city has a legal framework to deal with what it sees as serious challenges to its authority.'³
- 3.1.3 On 30 June 2020 the Guardian noted that: 'Hong Kong's chief executive, Carrie Lam, said in a statement after the law's passage that she was confident that after it was implemented, "the social unrest which has troubled Hong Kong people for nearly a year will be eased and stability will be restored".'⁴

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3.2 Main features of the National Security Law

- 3.2.1 The official translated version of the [national security law](#) can be found on the Hong Kong gazette website, and Part 6 details the Scope of Application: 'Article 37 This Law shall apply to a person who is a permanent resident of the Hong Kong Special Administrative Region or an incorporated or unincorporated body such as a company or an organisation which is set up in the Region if the person or the body commits an offence under this Law outside the Region.
- 'Article 38 This Law shall apply to offences under this Law committed against the Hong Kong Special Administrative Region from outside the Region by a person who is not a permanent resident of the Region.'⁵
- 3.2.2 BBC reported that the law has 66 articles, and criminalises any act of:
- secession - breaking away from the country
 - subversion - undermining the power or authority of the central government
 - terrorism - using violence or intimidation against people

¹ The Guardian, '[Controversial Hong Kong national security law comes into effect](#)', 30 June 2020

² BBC News, '[Hong Kong's New Security Law explained](#)', 30 July 2020

³ BBC, '[Hong Kong security law: What is it and is it worrying?](#)', 30 June 2020

⁴ The Guardian, '[Controversial Hong Kong national security law comes into effect](#)', 30 June 2020

⁵ HKSAR Gazette '[No. 48 Vol. 24 - Government Notice](#)' (part six), 3 July 2020

- collusion with foreign or external forces⁶.
- 3.2.3 On 30 June 2020, the Hong Kong Free Press (HKFP) explained that the new law was ‘... set to criminalise secession, subversion, terrorism and foreign interference in Hong Kong.’⁷. A subsequent article gave further detail, explaining
- ‘Secession is defined in Article 20 as “to participate, plan or implement... acts of secession... whether or not force or the threat of force is used.”
 - ‘Subversion, meanwhile, is defined in Article 22 as “to participate, plan or implement... acts of subversion of the state, whether by force or other unlawful means.”
 - ‘Terrorism is defined in Article 24 as “to participate, plan, implement or participate in implementing acts that cause or intend to cause serious societal harm – with the aim of threatening the Chinese or Hong Kong governments, an international organisation or the public.”
 - ‘Collusion with foreign forces is initially defined in Article 29 as “to steal, spy, bribe or unlawfully provide state secrets or intelligence related to national security on behalf of foreign institutions, organisations or agents.”’⁸
- 3.2.4 Offences of a serious nature will attract sentences of at least 10 years up to life imprisonment. Where a person actively participates in an offence, they will receive a prison sentence of more than 3 years but not more than 10 years. Other participants will be sentenced to a fixed term imprisonment of not more than 3 years or will receive short term detention or restrictions^{9 10}.
- 3.2.5 CNBC explained that ‘An official English translation of the new law stipulates that a person who acts with a view to “undermining national unification” of Hong Kong with the mainland faces punishment of up to lifetime, depending on the severity of the offense. Financial support for such activities is also a crime.’¹¹
- 3.2.6 An article on National Press Radio (NPR) from 1 July 2020 noted that: ‘The law is expansively extraterritorial in its scope. According to Article 38, it can apply even to offenses committed “outside the region by a person who is not a permanent resident of the region.”’¹²
- 3.2.7 BBC News, in a video of 30 July 2020 by Edward Lawrence, summarised the New Security Law, saying that the following have been made illegal and will be punishable by prison sentences:
- singing certain political songs
 - chanting certain slogans

⁶ BBC, ‘[Hong Kong security law: What is it and is it worrying?](#)’, 30 June 2020

⁷ HKFP, ‘[Joshua Wong’s pro-democracy group Demosisto disbands ...](#)’, 30 June 2020

⁸ HKFP, ‘[Explainer: 10 things to know about Hong Kong’s national security law](#)’, 1 July 2020

⁹ HKSAR Gazette ‘[No. 48 Vol. 24 - Government Notice](#)’, 3 July 2020

¹⁰ HKFP, ‘[Explainer: 10 things to know about Hong Kong’s national security law](#)’, 1 July 2020

¹¹ CNBC, ‘[China unveils details of the \[HK\] national security law](#)’, 30 June (updated 1 July) 2020

¹² NPR, ‘[5 Takeaways From China’s Hong Kong National Security Law](#)’, 1 July 2020

- carrying certain banners
- wearing certain t-shirts

also it is illegal to:

- encourage hatred of the Hong Kong or Beijing government
- call for greater autonomy for Hong Kong
- call for independence¹³.

3.2.8 The Telegraph reported on 30 June 2020 that Carrie Lam had defended the national security law before the United Nations stating that: "We will only target an extremely small minority of people who have breached the law, while the life and property, basic rights and freedoms of the overwhelming majority of Hong Kong residents will be protected."¹⁴

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3.3 Other features of the National Security Law

3.3.1 Chapter V of the National Security Law allows for the establishment of a new national security office in Hong Kong (The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region (CPG Office)). The staff at this office are from mainland China and will be able to operate independently from the Hong Kong authorities. Article 55 under chapter V allows the CPG office jurisdiction over cases which endanger national security under the new law¹⁵.

3.3.2 On 8 July 2020 BBC news reported that

'A new national security office has been officially opened in Hong Kong, placing mainland Chinese agents in the heart of the territory for the first time. The office is one element of a sweeping new law which outlaw's criticism of China's government...

'The temporary base of the new office is a hotel in Causeway Bay, the commercial district next to Victoria Park, which had long been the focal point of pro-democracy protest marches and rallies in Hong Kong. An opening ceremony was held on Wednesday [8 July] morning, attended by dignitaries including Chief Executive Carrie Lam and Zheng Yanxiong, the hardliner chosen by Beijing to head up the new office...

'Security agents from the mainland who are based in the new office will, for the first time, have the power to investigate people for a wide range of crimes defined by the new law, and potentially extradite them to the mainland for trial.'¹⁶

3.3.3 The BBC also noted that these agents are not accountable to the Hong Kong police and operate completely outside the law¹⁷.

¹³ BBC News, [Hong Kong's New Security Law explained](#), 30 July 2020

¹⁴ The Telegraph, [Carrie Lam defends new Hong Kong security law before the UN](#), 30 June 2020

¹⁵ HKSAR Gazette 'No. 48 Vol. 24 - Government Notice', 3 July 2020

¹⁶ BBC, '[Hong Kong security law: Beijing security office opens in Hong Kong](#)', 8 July 2020

¹⁷ BBC News, [Hong Kong's New Security Law explained](#), 30 July 2020

3.4 Retrospective application of the National Security Law

- 3.4.1 The 1 July 2020 HKFP article explained that ‘There is no provision stating that the law is retrospective, as was widely feared. Article 39 states that offences and sentences will apply to acts after the law takes effect.’¹⁸. A SCMP article of 1 July 2020 also noted the lack of retrospectivity¹⁹. However, the Japan Times, in an opinion piece, noted that new law is retroactive and stated that past activities of Hong Kong and non-Hong Kong citizens could be prosecuted under it, although it is unclear how it reached this conclusion²⁰.
- 3.4.2 News websites reported in August 2020 that former pro-independence activist Ray Wong Toi-yeung’s name had appeared on a list of 6 ‘fugitives’ wanted by the Hong Kong police for violating the national security law. Wong was granted asylum in Germany in 2018 and claimed that he now longer advocated for Hong Kong independence and had not said anything relating to independence since the legislation came into effect. He accused the Hong Kong government of applying the law retrospectively^{21,22}.

3.5 Judicial implications

- 3.5.1 Article 18 of the National Security Law states that: ‘The Department of Justice of the Hong Kong Special Administrative Region shall establish a specialised prosecution division responsible for the prosecution of offences endangering national security and other related legal work. The prosecutors of this division shall be appointed by the Secretary for Justice after obtaining the consent of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region.’²³
- 3.5.2 BBC reported that the law provides
- that trials can be held in secret (Article 41) and without a jury (Article 46).
 - that Judges can be handpicked (Article 44) by Hong Kong’s chief executive, who is answerable directly to Beijing.
 - for a reversal of the presumption that suspects will be granted bail (Article 42)²⁴.

¹⁸ HKFP, [‘Explainer: 10 things to know about Hong Kong’s national security law’](#), 1 July 2020

¹⁹ SCMP, [‘National security law will uphold ‘one country, two systems’](#), 1 July 2020

²⁰ The Japan Times, [‘Hong Kong national security law: Is China aiming to save the...’](#), 2 July 2020

²¹ The Standard, [‘The national security law is used retrospectively, Ray Wong says’](#), 1 August 2020

²² CNN, [‘Hong Kong issues arrest warrants for six overseas democracy activists...’](#) 1 August 2020

²³ HKSAR Gazette [‘No. 48 Vol. 24 - Government Notice’](#), 3 July 2020

²⁴ BBC, [‘Hong Kong’s new security law: Why it scares people’](#), 1 July 2020

- 3.5.3 Several sources, including Hong Kong Free Press²⁵, CNN²⁶ and Reuters²⁷ reported that the National Security Law gave the potential for trials involving state secrets to be held behind closed doors without juries.
- 3.5.4 BBC news noted that 'Most cases will be handled in Hong Kong, but the mainland can take over "complex", "serious" or "difficult" cases.'²⁸ NPR also reported that 'In "complex" and "serious" cases or those in which a security threat is imminent, China will be able to assert complete legal jurisdiction.'²⁹ Al Jazeera explained that 'The full text of the law gave three scenarios when China might take over a prosecution: complicated foreign interference cases, "very serious" cases and when national security faces "serious and realistic threats".'³⁰
- 3.5.5 In a 2 July 2020 article, CNN quoted Shen Chunyao, director of legislative affairs commission of the National People's Congress Standing Committee, China's top law making body, which passed the new law as having said 'only under "very rare" circumstances would Chinese state security agents and judicial authorities get involved in Hong Kong cases' and Michael Tien, Hong Kong's Deputy to the National People's Congress, as having said the law was 'being blown "out of proportion" and that its main purpose was to "act as a deterrent."³¹
- 3.5.6 South China Morning Post (SCMP) reported on 8th July 2020 that:
- 'Senior Hong Kong lawyers have warned of fewer judicial safeguards and limited channels to seek redress, a day after the sweeping powers given to the police unit charged with implementing the new national security law were made public.
- 'Several law enforcement powers, traditionally requiring a judge's approval, can now be signed off by the city's leader or high-ranking police officers in investigations relating to national security, lawyers have said.
- 'Those mistakenly caught up in cases would have little room to sue for damages, they added, because litigation would be costly and the move could prompt Beijing to interpret the law, a move that would be considered by some as a blow to Hong Kong's legal system...
- 'Under the new rules, police could search any place, and electronic equipment, without a magistrate's warrant when it is not reasonably practicable to obtain a warrant, and when there is a reasonable ground for suspecting that evidence is in that place, and that the evidence is related to an investigation, its preservation or protecting the safety of others.
- 'Police can also intercept communications with the approval of just the chief executive, or senior police officers they have authorised.

²⁵ HKFP, '[Five ways Hong Kong has changed under China's security law](#)', 4 July 2020

²⁶ CNN, '[Protests break out in \[HK\] as first arrest made under new security law](#)', 2 July 2020

²⁷ Reuters, '[From renditions to closed-door trials, China's security law upends...](#)', 1 July 2020

²⁸ BBC, '[Hong Kong: First arrests under 'anti-protest' law as handover marked](#)', 1 July 2020

²⁹ NPR, '[5 Takeaways From China's Hong Kong National Security Law](#)', 1 July 2020

³⁰ Al Jazeera, '[Details of China's national security law for Hong Kong unveiled](#)', 1 July 2020

³¹ CNN, '[Protests break out in \[HK\] as first arrest made under new security law](#)', 2 July 2020

‘Both powers require judicial scrutiny in non-national security cases.

‘The police commissioner, with the secretary for security’s permission, can also require foreign and Taiwan political organisations to provide details, ranging from information on staff in Hong Kong, to its activities, and to its source of income.’³²

- 3.5.7 The Guardian, in an article of 7 July 2020, added that the Hong Kong police have been granted sweeping new powers, including the ability to conduct raids without a warrant and secretly monitor suspects:

‘The powers allow for the confiscation of property related to national security offences, and allow senior police to order the takedown of online material they believe breaches the law. The city’s chief executive can grant police permission to intercept communications and conduct covert surveillance. Penalties include HKD\$100,000 (£10,300) fines and up to two years in prison.

‘They also allow police to enter and search premises for evidence without a warrant “under exceptional circumstances”, to restrict people under investigation from leaving Hong Kong, and to demand information from foreign and Taiwanese political organisations and agents on their Hong Kong-related activities.’³³

- 3.5.8 In an opinion piece in the SCMP published on 5 July 2020 Michael Blanchflower, former assistant solicitor general of Hong Kong (1991-1993) who specialises in criminal law and human rights law, stated that:

‘Judicial independence has been a cornerstone of the Hong Kong Special Administrative Region’s legal system and is guaranteed by Article 85 of the Basic Law, which states: “The courts of the Hong Kong Special Administrative Region shall exercise judicial power independently, free from any interference.” The new national security law reneges on that guarantee.

‘It provides that, along with the executive and the legislature, the “judiciary of the Region shall effectively prevent, suppress and impose punishment for any act or activity endangering national security in accordance with this law and other relevant laws” (Article 3).

‘This command is reconfirmed where, to safeguard national security effectively, Hong Kong’s judicial authorities “shall fully enforce” the national security law and the city’s laws for acts endangering national security (Article 8). The national security law’s orders to the judiciary could not be clearer.

‘The law requires Hong Kong to establish a Committee for Safeguarding National Security chaired by the chief executive. This committee will have an adviser appointed by the central government and be under the supervision of, and accountable to, the central government.

‘For national security law cases, the chief executive will designate judges at all court levels – from magistrates to justices of the Court of Final Appeal. Before making such designations, the chief executive may consult the

³² SCMP, [‘Hong Kong national security law: lawyers warn of loss of checks and...’](#), 8 July 2020

³³ Guardian, [‘Hong Kong police given sweeping powers under new security law’](#), 7 July 2020

committee and the chief justice of the Court of Final Appeal. But the chief executive does not have to consult anybody, or he or she may just consult the committee.’³⁴

3.5.9 HKFP reported, on 17 July 2020, that:

‘Britain’s Supreme Court on Friday suggested its judges could stop serving in Hong Kong unless judicial independence and the rule of law were guaranteed in the city. Two British judges have served on the Hong Kong Court of Final Appeal since 1997 as part of the agreement that saw control handed over to China. The Court of Final Appeal also includes retired judges from Britain and from other common law jurisdictions, including Australia and Canada. But China’s introduction of a controversial new security law targeting acts of subversion, secession, terrorism and foreign collusion has caused concern among Western powers.’³⁵

3.5.10 The same reported also noted that:

‘UK Supreme Court president Robert Reed said the Hong Kong court had ruled on civil and commercial cases, as well as those about rights of protest and free speech. “The new security law contains a number of provisions which give rise to concerns. Its effect will depend upon how it is applied in practice. That remains to be seen,” he said. Reed said he was sure Hong Kong judges would “do their utmost” to guarantee judicial independence and the rule of law, and said they had the backing of their UK counterparts. “(The Supreme Court) will continue to assess the position in Hong Kong as it develops, in discussion with the UK government,” he added in a statement. “Whether judges of the Supreme Court can continue to serve as judges in Hong Kong will depend on whether such service remains compatible with judicial independence and the rule of law.”’³⁶

3.5.11 In an oral statement to Parliament, on 20 July 2020, the UK’s Foreign Secretary, Dominic Raab, stated that:

‘... the National Security Law has significantly changed key assumptions underpinning our extradition treaty arrangements with Hong Kong. And I have to say that I am particularly concerned about Articles 55 to 59 of the law, which gives mainland Chinese authorities the ability to assume jurisdiction over certain cases and try those cases in mainland Chinese courts.

‘...,the National Security Law does not provide legal or judicial safeguards in such cases, and I am also concerned about the potential reach of the extra-territorial provisions. So, I have consulted with the Home Secretary, the Justice Secretary and the Attorney General, and the government has decided to suspend the extradition treaty immediately and indefinitely. And I should also tell the House that we would not consider re-activating those arrangements, unless, and until clear and robust safeguards which are able

³⁴ SCMP, [‘How the national security law strikes at the heart of Hong Kong’s judicial...’](#), 5 July 2020

³⁵ HKFP, [‘Security law: UK judges could stop serving in Hong Kong courts’](#), 17 July 2020

³⁶ HKFP, [‘Security law: UK judges could stop serving in Hong Kong courts’](#), 17 July 2020

to prevent extradition from the UK being misused under the national security legislation.³⁷

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Section 4 updated: 2 September 2020

4. Potential impact of the National Security Law

- 4.1.1 The Guardian opined that the new national security law in Hong Kong will 'give the Chinese government sweeping powers over the semi-autonomous territory in a move critics say will crush its freedoms.'³⁸ The BBC similarly noted that it could be used by the government to 'pick up anyone they like who challenges their authority'³⁹.
- 4.1.2 However, CNBC noted that 'analysts say it may be premature to draw conclusions about its impact on Hong Kong.'⁴⁰ A 1 July 2020 article on Science Mag quoted Sun Kwok, a Hong Kong-born astronomer who was Dean of Science at the University of Hong Kong (HKU) for 10 years, as having said "We don't know exactly how the law will be implemented, but just the perception and uncertainty that it creates will be a problem for the universities"⁴¹.
- 4.1.3 Several reports noted the State Council's Hong Kong and Macau Affairs Office's comments that the law would only target a minority^{42 43 44}.
- 4.1.4 In an opinion piece in the SCMP, David Dodwell (executive director of the Hong Kong-APEC Trade Policy Study Group, a trade policy think tank), also drew reference to similar warnings over the UK handover in 1997 which did not materialise and argued that it was in China's economic interests to apply the National Security Law narrowly⁴⁵.
- 4.1.5 There have also been reports of ordinary citizens deleting their social media accounts and pro-democracy activists leaving Hong Kong. Joshua Wong, who is currently facing charges for involvement in a pro-democracy protest in 2019, quit the pro-democracy group Demosisto. Nathan Law, one of Hong Kong's most prominent young democracy activists, also left Demosisto and fled the territory after the implementation of the national security law. Nathan Law, who had previously spent time in prison after the "Umbrella Protests" of 2014, stated that he will continue his advocacy work from abroad. Hong Kong National Front, a Pro-independence group, disbanded, noting on their twitter page that they would continue their work overseas^{46 47 48 49}.

³⁷ UK FCO, [Oral statement to Parliament- Hong Kong and China: Foreign Secretary's..](#) 20 July 2020

³⁸ The Guardian, [Controversial Hong Kong national security law comes into effect](#), 30 June 2020

³⁹ BBC News, [Hong Kong's New Security Law explained](#), 30 July 2020

⁴⁰ CNBC, [Hundreds arrested...](#), 2 July 2020

⁴¹ Science Mag, [Hong Kong universities rattled by new security law](#), 1 July 2020

⁴² SCMP, [National security law ...](#), 30 June 2020

⁴³ CNN, [What will the national security law mean for travelers -- and Hong Kong's...](#), 9 July 2020

⁴⁴ Australian Times, [Hong Kong's press freedom is on life support thanks to the ...](#), 15 August 2020

⁴⁵ SCMP, [Why national security law will not be the death of Hong Kong ...](#), 4 July 2020

⁴⁶ BBC News, [Hong Kong security law: Minutes after new law, pro-democracy...](#), 30 June 2020

⁴⁷ BBC News, [Nathan Law: Leading young democracy activist flees Hong Kong](#), 3 July 2020

⁴⁸ Abc News, [Hong Kong activist Joshua Wong speaks out on national security...](#), 6 July 2020

⁴⁹ HKFP, [Explainer: 10 things to know about Hong Kong's national security law](#), 1 July 2020

4.1.6 The Guardian reported on 3 July 2020 that:

‘Some foreign freelance journalists who have covered the protests are considering leaving Hong Kong, and news outlets based in the city have sought urgent advice on whether simply quoting or photographing now-banned independence slogans would open them to prosecution. The news outlet RTHK [Radio Television Hong Kong], which has been under growing pressure from the Hong Kong government, asterisked the word “liberate” in a tweet linking to its article on the banning of one slogan on Friday [3 July].’⁵⁰

4.1.7 The same article went on to note:

‘Tom Grundy, the editor of the English-language Hong Kong Free Press, said his news website was taking steps to ensure its survival and the safety of sources. “We expect to experience legal and bureaucratic terrorism in an effort to drain our resources, more than arrest or direct censorship – but we’ll see,” said Grundy. The title is assessing how to accept donations from international readers and exploring the establishment of back-up entities overseas if the Hong Kong environment becomes too restrictive.’⁵¹

4.1.8 On 6 July 2020 the New York Times reported that:

‘Google, Facebook and Twitter said on Monday [6 July] that they would temporarily stop processing Hong Kong government requests for user data as the companies reviewed a sweeping national security law that has chilled political expression in the city. The companies said they were still assessing the law, which has already been used to arrest people who have called for Hong Kong independence. Facebook said its review would include human rights considerations. The surprising consensus from the rival American internet giants, which each used similar language in each statement, was a rare public questioning of Chinese policy. It was also a stark illustration of the deep quandaries the companies face with the sweeping, punitive law.

‘TikTok went even further than the American companies on Monday, saying it would withdraw its app from stores in Hong Kong and make the app inoperable to users there within a few days. The video app is owned by the Chinese internet giant ByteDance but is not available in mainland China. TikTok has said that managers outside China call the shots on key aspects of its business, including rules about content.’⁵²

4.1.9 The same article went on to note that:

‘Riva Sciuto, a Google spokeswoman, said, “Last Wednesday [1 July], when the law took effect, we paused production on any new data requests from Hong Kong authorities, and we’ll continue to review the details of the new law.”

‘The law has already cast a pall over the city’s internet. Seeking safer ways to communicate, legions have downloaded the encrypted messaging app Signal, pushing it to the top of the list of app store downloads. Others,

⁵⁰ The Guardian, [‘Hong Kong journalists and lawyers scramble to adapt to security law’](#), 3 July 2020

⁵¹ The Guardian, [‘Hong Kong journalists and lawyers scramble to adapt to security law’](#), 3 July 2020

⁵² The New York Times, [‘TikTok to Withdraw From Hong Kong as Tech Giants...’](#), 6 July 2020

fearing prosecution for speech crimes, have deleted online posts, likes and even whole accounts.

'The new rules announced by Hong Kong on Monday made clearer how the law would apply to online discussion. The government said that if an internet company failed to comply with a court order to turn over data in cases related to national security, it could be fined almost \$13,000 and an employee could face six months in prison. If a person is ordered to remove a post and he or she refuses, that person can face a jail sentence of one year. A separate provision also gave the police wide powers to order the deletion of internet posts that threaten national security. How widely the rules will be enforced remains unclear.'⁵³

4.1.10 HKFP noted in an article on 10 July 2020 that

'The Hong Kong government has refused to say if protest song Glory to Hong Kong is illegal under the national security law, despite a ban by the Education Bureau in schools. Last week, the government claimed that the slogan "Liberate Hong Kong, revolution of our times" was illegal under the new national security law, as it had connotations of Hong Kong independence, or separating the city from China, altering its legal status or subverting state power.'⁵⁴

4.1.11 On 14 July 2020 the New York Times reported that it was relocating its Hong Kong-based digital news operation to Seoul, South Korea. The report noted that it was:

'...a significant shift by an American news organization as China has stepped up its efforts to impede the affairs of the Asian metropolis... Some Times employees in Hong Kong have faced challenges securing work permits, hurdles that are commonplace in China but were rarely an issue in the former colony. With the city facing a new era under tightened Chinese rule, Times editors determined they needed an additional base of operations in the region.'⁵⁵

4.1.12 An article in the Japan Times from 15 July 2020 noted that:

'China's new security law has sent a chill through Hong Kong's schools and universities, with many teachers fearful the city's reputation for academic freedom and excellence is now at risk. Just a week after the sweeping legislation was imposed on the territory, staff at some institutions have already been warned by their administrators to be careful how they teach. "Remain neutral in your teaching and be mindful of the language you use," read one email to staff of HKU SPACE, a college attached to the prestigious University of Hong Kong (HKU). "Any behavior in eliciting further discussion on sensitive issues MUST be avoided," the email from the program director of the humanities and law faculty said. It ended with a warning of "zero-tolerance against politics or personal political views brought into classrooms."⁵⁶

⁵³ The New York Times, '[TikTok to Withdraw From Hong Kong as Tech Giants...](#)', 6 July 2020

⁵⁴ HKFP, '[Gov't refuses to say if protest anthem 'Glory to Hong Kong' is illegal..](#)', 10 July 2020

⁵⁵ The New York Times, '[New York Times Will Move Part of Hong Kong Office to Seoul](#)', 14 July 2020

⁵⁶ The Japan Times, '[Hong Kong academics fear for freedom under new security law](#)', 15 July 2020

4.1.13 The same article noted:

‘... At a speech to an education summit last weekend, city leader Carrie Lam said schools and universities had become “politicized.” “Anti-central government and anti-government forces are trying to infiltrate our campuses,” she said, adding that student resentment was also fueled by “negative media reports about our country.” Pro-Beijing politicians have even proposed installing cameras in classrooms to keep a tab on teachers. “Academic freedom ... can’t override laws and give students an excuse to do whatever they want,” said Tommy Cheung, a Cabinet member who also sits on the council of the Chinese University of Hong Kong. Asked about the idea of cameras in classrooms he replied: “If you are not saying anything that you would not be afraid of being heard, then why would you fear being recorded?”’⁵⁷

4.1.14 SCMP noted in an article on 8 August that:

‘...the Association for Asian Studies, which has about 6,500 members worldwide, called on universities to be “extremely cautious” about recording, storing and transmitting recordings of discussion classes, especially where students’ identities could be exposed. The moves reflect unease and concern over the national security law, which some academics fear could spell the end of the city as a regional hub of quality higher education, scholarship and academic exchange.

‘... In interviews with This Week in Asia, more than two dozen university academics in Hong Kong and overseas expressed serious concerns about the impact of the law on the city’s status as a welcoming and open environment for research and scholarship involving scholars from around the world. Their fears, expressed on condition of anonymity in many cases due to fears of repercussions, come amid scrutiny of educators and their role in Hong Kong’s civil unrest movements.’⁵⁸

4.1.15 The report went on to note ‘...But other academics said it was too early to judge the impact of the law, or expressed confidence about being able to continue their work or at least navigate the new red lines.’⁵⁹

4.1.16 Carrie Lam, Hong Kong’s Chief Executive, has also said that elected representatives of the pro-democracy movement attempting to block the government’s agenda in the city’s mini parliament could also be in breach of the NSL⁶⁰.

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Section 5 updated: 2 September 2020

5. Use of the National Security Law

5.1.1 Hong Kong Free Press reported that ‘The first arrests under the new law came on Wednesday [1 July 2020], almost all of them people who were in

⁵⁷ The Japan Times, [‘Hong Kong academics fear for freedom under new security law’](#), 15 July 2020

⁵⁸ SCMP, [‘National security law: for Hong Kong scholars, a fear of the unknown’](#), 8 August 2020

⁵⁹ SCMP, [‘National security law: for Hong Kong scholars, a fear of the unknown’](#), 8 August 2020

⁶⁰ BBC News, [‘Hong Kong’s New Security Law explained’](#), 30 July 2020

possession of flags or leaflets promoting independence.⁶¹ Police have been on the streets holding up signs warning people they could be arrested for violations of the law⁶².

- 5.1.2 CNBC, seemingly citing a tweet by the Hong Kong police, reported that around 370 protestors were arrested on 1 July 2020, 10 of which – 6 were male; 4 female – were for breaches of the new security law⁶³. On 3 July SCMP reporting, on the same protest, noted that the police made 370 arrests most of which were for participating in illegal assemblies, disorderly conduct and possession of offensive weapons. One of the protestors who was arrested for allegedly stabbing a policeman had been remanded in custody to face one count of wounding with intent but that prosecutors did not lay any additional charges related to the new national security law against the defendant⁶⁴. At least 10 of those arrested were done so in connection with secession offences under the new national security law. Nine of the 10 who were arrested under the new law were not charged and were later released on police bail^{65 66 67}.
- 5.1.3 Reporting on the arrests, National Public Radio (NPR's) Emily Feng, covering the story from Beijing, when asked what the people were arrested for, commented 'It's not entirely clear. Police told us only that six men and four women were arrested under this new law for crimes that had just come into existence the night before. Police told us that one of these people arrested was a 15-year-old girl. Another person was arrested because he was shown waving a pro-independence flag, so advocating for what Beijing considers secessionist behavior.'⁶⁸
- 5.1.4 She further added: 'And they were marching as largely peaceful demonstrators to commemorate ... the handover of Hong Kong to Chinese rule. And they came out despite these very heavy legal penalties that the national security law prescribes, up to life in prison.'⁶⁹
- 5.1.5 On Monday 6 July 2020 a 23-year-old man, Tong Ying-kit, became the first person to be charged with terrorism and inciting secession under the new national security law. Tong Yong-kit allegedly drove his motorcycle into police officers, during the protests of 1 July 2020, while flying a "Liberate Hong Kong" banner. Three police officers were injured. He was denied bail and will next appear in court on 6 October 2020^{70 71 72}.
- 5.1.6 On 5 July 2020 BBC News reported that pro-democracy books were removed from public libraries in Hong Kong following the implementation of

⁶¹ HKFP, '[Five ways Hong Kong has changed under China's security law](#)', 4 July 2020

⁶² BBC News, '[Hong Kong's New Security Law explained](#)', 30 July 2020

⁶³ CNBC, '[Hundreds arrested...](#)', 2 July 2020

⁶⁴ SCMP, '[... police stabbing suspect remanded in custody after court appearance](#)', 3 July 2020

⁶⁵ SCMP, '[National security law: day of defiance as protests break out in...](#)', 1 July 2020

⁶⁶ SCMP, '[National security law: thousands of protesters return to Hong Kong ...](#)', 1 July 2020

⁶⁷ SCMP, '[Hong Kong protests: police stabbing suspect remanded in custody...](#)', 3 July 2020

⁶⁸ NPR, '[1st Arrests Made After China Enacts Hong Kong Security Law](#)', 2 July 2020

⁶⁹ NPR, '[1st Arrests Made After China Enacts Hong Kong Security Law](#)', 2 July 2020

⁷⁰ SCMP, '[Hong Kong protests: police stabbing suspect remanded in custody...](#)', 3 July 2020

⁷¹ The Guardian, '[Hong Kong: first person charged under new security law](#)', 6 July 2020

⁷² Abc News, '[Hong Kong activist Joshua Wong speaks out on national security...](#)', 6 July 2020

the new security law⁷³. SCMP reporting on the same event noted that nine titles, written by localist or democracy activists had been removed from circulation pending a review on whether they breached the new national security law. These were Chinese language books written by activist Joshua Wong Chi-fung, localist Horace Chin Wan-kan and Civic Party lawmaker Tanya Chan⁷⁴.

5.1.7 Several sources reported that on 12 July that more than half a million Hong Kong residents defied the government to vote in an unofficial primary election to narrow down the opposition candidates competing in forthcoming September elections for the city's Legislative Council. The turnout, which was more than three times that expected by the organizers, came despite government statements that the effort could violate provisions of the new security law^{75,76}. Secretary for Constitutional and Mainland Affairs, Erick Tsang, had said on 9 July that 'Those who have organised, planned or participated in the primary election should be wary and avoid carelessly violating the law'⁷⁷.

5.1.8 Time magazine online reported that on 21 July 2020: 'While clearing out a demonstration in a mall that violated coronavirus restrictions, police arrest District Councillor Rayman Chow on suspicion of breaching the national security legislation. He reportedly held a banner featuring banned protest slogans, including "Liberate Hong Kong, revolution of our times"⁷⁸.

5.1.9 On 1 August 2020 CNN reported that arrest warrants had been issued for 6 overseas democracy activists. The report stated that:

'The six include United States citizen and resident Samuel Chu and Nathan Law, a former Hong Kong lawmaker and prominent pro-democracy campaigner who fled the city and is now living in London, according to the report... Other activists targeted include Simon Cheng, a former employee of the British consulate in Hong Kong who was granted asylum in the United Kingdom after alleging that he was tortured in China and interrogated by secret police about the city's pro-democracy protests, and Hong Kong pro-independence activists Ray Wong, Honcques Laus and Wayne Chan.⁷⁹

5.1.10 The same article went on to note that:

'Wong, who was granted asylum in Germany in 2018, said on his official Twitter account that he "no longer advocate(s)" for Hong Kong's independence from mainland China and has not said anything relating to independence since the implementation of the national security law on July 1. Wong accused the Hong Kong government of applying the law retroactively, saying "The only reason why I was sought for 'incitement to

⁷³ BBC News, '[Hong Kong security law: Pro-democracy books pulled from libraries](#)', 5 July 2020

⁷⁴ SCMP, '[National security law: Hong Kong libraries pull books by some localist...](#)', 4 July 2020

⁷⁵ Japan Times, '[Hong Kong pro-opposition primary voters defy threats...](#)', 13 July 2020

⁷⁶ BBC News, '[Hong Kong: Opposition primaries draw thousands...](#)' 12 July 2020

⁷⁷ HKFP, '[Hong Kong legislative primaries may violate national security law...](#)' 9 July 2020

⁷⁸ Time, '[How Beijing's National Security Crackdown Transformed Hong Kong...](#)', 4 August 2020

⁷⁹ CNN, '[Hong Kong issues arrest warrants for six overseas democracy activists...](#)', 1 August 2020

secession and collusion with foreign forces ' must be based on my activities before the NSL is in force.'"⁸⁰

- 5.1.11 On 30 July 2020 Hong Kong police confirmed that they had arrested 4 people, 3 men and a woman, aged 16-21 under the national security law. The 4 arrested are suspected of involvement with an online group that pledged to fight for independence for Hong Kong⁸¹. The BBC noted that the 4 students had been arrested for 'inciting secession' on social media⁸².
- 5.1.12 On 10 August 2020 several news sites reported that Hong Kong media tycoon Jimmy Lai had been arrested under the new security law. Lai, who runs the pro-democracy paper, Apple Daily, was arrested alongside 6 others, including his 2 sons, on suspicion of 'collusion with foreign forces'. Mr Lai was previously arrested in February 2020 and charged with illegal assembly and intimidation, those charges related to his alleged attendance at an anti-government march on 31 August 2019 and a clash with a journalist in 2017^{83,84,85,86}.

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⁸⁰ CNN, ['Hong Kong issues arrest warrants for six overseas democracy activists...'](#), 1 August 2020

⁸¹ Reuters, ['Hong Kong police arrest four under new security law in move slammed...'](#), 30 July 2020

⁸² BBC News, ['Hong Kong security law: Four students arrested for 'inciting secession''](#), 30 July 2020

⁸³ The New York Times, ['Hong Kong Arrests Jimmy Lai, Media Mogul, Under...'](#), 10 August 2020

⁸⁴ Reuters, ['Hong Kong tycoon Jimmy Lai arrested under security law, bearing out...'](#), 10 August 2020

⁸⁵ BBC News, ['Jimmy Lai: Hong Kong media tycoon arrested under security law'](#), 10 August 2020

⁸⁶ BBC News, ['Jimmy Lai: Pro-democracy media tycoon arrested and charged'](#), 28 February 2020

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:

- National security law
 - What is it
 - Arrests under the law
 - Other effects of the law

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Version control

Clearance

Below is information on when this note was cleared:

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

Changes from last version of this note

First version of this CPIN on this topic

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