

Congress of the United States
Washington, DC 20515

July 17, 2024

Dear Secretary Blinken and Secretary Yellen,

We write to express our profound concern over the recent actions by Hong Kong authorities that have further eroded democracy, the rule of law, and human rights in the region. Specifically, we refer to the passage of the “Safeguarding National Security Ordinance” (Hong Kong’s local version of the National Security Law, or the “Article 23 legislation”) in March 2024 and the conviction of Hong Kong pro-democracy activists (Hong Kong 47) charged under the National Security Law on May 29th, 2024. These actions by Hong Kong authorities represent a significant escalation in their efforts to dismantle Hong Kong’s autonomy and stifle dissent at the behest of the Chinese Communist Party’s (CCP).

The passage of the Article 23 legislation marks a severe further encroachment on civil liberties in Hong Kong. The law broadly expands the definitions of sedition, subversion, terrorism, and collusion with foreign forces to grant the authorities sweeping powers, effectively criminalizing a wide range of activities and expressions fundamental to a democratic society. This move clearly illustrates Hong Kong authorities’ willing contribution to the CCP’s strategy to undermine the freedoms that distinguish Hong Kong from mainland China.

Moreover, in the Hong Kong 47 case, the conviction of 14 activists who refused to plead guilty is deeply troubling. These individuals were charged with “conspiracy to commit subversion” merely for participating in an informal primary elections intended to select candidates for the Legislative Council elections. Some of the convicted could face life imprisonment.¹ This case starkly exemplifies the National Security Law being used to silence political opposition and intimidate those who advocate for democratic principles. The U.S. government should act decisively to strengthen the credibility and effectiveness of our policy tools designed to support Hong Kong’s autonomy and the rights of its citizens.

We acknowledge the State Department’s response to these convictions with the announcement of visa restrictions on Hong Kong officials. However, such a measure alone is not adequate. The U.S. government must enforce the Hong Kong Human Rights and Democracy Act (Pub. L. 116-76), the Hong Kong Autonomy Act (Pub. L. 116-149), and Executive Order 13936 that hold individuals accountable for eroding Hong Kong’s rule of law, democracy, and abusing human rights.

¹ Reuters, “‘Hong Kong 47’ trial: 14 democrats found guilty in landmark subversion case” May 30, 2024, <https://www.reuters.com/world/china/hong-kong-democrats-brace-landmark-subversion-trial-verdicts-2024-05-30/#:~:text=They%20were%20charged%20with%20conspiracy,them%20have%20become%20prosecution%20witnesses.>

In light of these considerations, we urge the Department of State and the Department of Treasury to determine whether the Hong Kong officials listed below meet the criteria for sanctions pursuant to the Hong Kong Human Rights and Democracy Act, the Hong Kong Autonomy Act, and Executive Order 13936 by July 30, 2024.

Secretary of Justice:

Paul LAM Ting-kwok²

Director of Office for Safeguarding National Security

DONG Jingwei³

Secretary General of the Committee for Safeguarding National Security:

Sonny AU Chi-kwong⁴

Commissioner of the Police Force:

Raymond SIU Chak-ye⁵

Assistant Commissioner of Police:

Margaret CHIU Wing-lan⁶

Assistant Commissioner of Police for National Security:

Dick WONG Chung-chun⁷

Senior Superintendent of Police:

Bruce HUNG Ngan⁸

² Hong Kong SAR Government, “Principal Officials of Sixth-term HKSAR Government appointed (with photos),” June 19, 2022.

<https://perma.cc/T9VX-3PBT>

³ Hong Kong Free Press, “Beijing appoints Dong Jingwei as Hong Kong national security commissioner,” July 19, 2023, <https://hongkongfp.com/2023/07/19/beijing-appoints-dong-jingwei-as-hong-kong-national-security-commissioner/>.

<https://perma.cc/SYA3-3YU5>

⁴ The Government of Hong Kong Special Administrative Region, “Appointment of Secretary General of Committee for Safeguarding National Security of HKSAR,” August 8, 2022.

<https://perma.cc/88VB-LPCB>

⁵ Siu Chak-ye, Raymond <https://www.worldpolicesummit.com/speakers/siu-chak-ye>

<https://perma.cc/JDY6-YHWF>

⁶ Government Telephone Directory: Margaret CHIU Wing-lan,

<https://www.directory.gov.hk/details.jsp?jsessionid=A9BAB972D9778C0B0F076565628C72C4?lang=eng&dn=cn%3D1265007336%2Cou%3DHKPF%2Cou%3DPeople%2Co%3DGOVERNMENT%2Cc%3DHK>

<https://perma.cc/9FNV-WEMP>

⁷ Government Telephone Directory: Dick Wong Chung-chun

<https://www.directory.gov.hk/details.jsp?dn=cn%3D1265009981%2Cou%3DHKPF%2Cou%3DPeople%2Co%3DGOVERNMENT%2Cc%3DHK&lang=eng> <https://perma.cc/ZC2H-3XDN>

⁸ “Hong Kong court convicts 3 Tiananmen Square vigil group members over failing to aid police probe,” South China Morning Post, <https://www.scmp.com/news/hong-kong/politics/article/3212342/hong-kong-nationalsecurity-law-3-core-members-tiananmen-square-vigil-group-found-guilty-failing>

Prosecutors: Maggie YANG Mei-kei,⁹ Anthony CHAU Tin-hang,¹⁰ Laura NG Shuk-kuen,¹¹ Karen NG Ka-yuet,¹² Jonathan MAN Tak-ho,¹³ William SIU Kai-yip,¹⁴ Ivan CHEUNG Cheuk-kan,¹⁵ Vincent LEE Ting-wai,¹⁶ Memi NG.¹⁷

Judges and Magistrates known to the public so far at various levels appointed by the Hong Kong Chief Executive for handling national security cases: Esther TOH Lye-ping,¹⁸ Stanley CHAN Kwong-chi,¹⁹ KWOK Wai-kin,²⁰ Johnny CHAN Jong-herng,²¹ Alex LEE Wan-tang,²² Amanda Jane

⁹ Standard, “Maggie Yang Mei-kei Appointed as Head of Prosecution,” August 13, 2021; Hong Kong Prosecutors Play a Key Role in Carrying Out Political Prosecution (Congressional-Executive Commission on China, July 2022)

¹⁰ “初選案 1. 30 開審 律政司周天行萬德豪任主控 [The trial of the primary election case began on 1.30.

Secretary of Justice, Chau Tin-hang and Man Tak-ho serve as lead prosecutors],” Ming Pao, November 10, 2022.

¹¹ Brian Wong, “Defence lawyer asks Hong Kong court to pull plug on sedition trial of 2 ex-chiefs of Stand News,” South China Morning Post, November 7, 2022.

¹² Edith Lin, Brian Wong, and Jess Ma, “Hong Kong tycoon Jimmy Lai’s legal team joined by ‘specialist’ New Zealand lawyer seen as replacement for barred Briton Timothy Owen,” South China Morning Post, December 20, 2023.

¹³ 7 Ming Pao, “初選案 1.30 開審 律政司周天行萬德豪任主控 [The trial of the primary election case began on 1.30

¹⁴ Brian Wong, “Hong Kong court cites activist Chow Hang-tung’s behaviour after adoption of national security law in denying bail before trial,” South China Morning Post, December 21, 2023.

¹⁵ Brian Wong, “Jimmy Lai trial: Japanese paper made to explain dealings with activists, including Agnes Chow, in Apple Daily owner’s case, Hong Kong court hears,” South China Morning Post, January 8, 2024.

¹⁶ Jasmine Siu, “Hong Kong protests: two men accused of rioting have charges withdrawn,” South China Morning Post, February 21, 2020. In a case involving rioting charges against two protesters, Lee was questioned by defense lawyers about his rationale. Without giving a reason, Lee requested to drop charges against two protesters. The magistrate agreed to withdraw the charge and granted costs to both men. Brian Wong, “Hong Kong prosecutors questioned by magistrate after letting reporter from pro-Beijing newspaper walk on same charge pursued against RTHK freelancer,” South China Morning Post, June 17, 2021. Lee agreed to drop the charge against a journalist at a pro-Beijing newspaper accused of making a false statement while searching a government car registry. The magistrate questioned Lee about double standards and differences of treatment in another case involving another journalist accused of the same act in producing an investigative documentary on police misconduct in a mob attack during the 2019 protests.

¹⁷ Helen Davidson, “Hong Kong activist Joshua Wong jailed for 13 and a half months over protest,” Guardian, December 2, 2020.

¹⁸ Jessie Yeung and Chermaine Lee, “Hong Kong national security law: Tong Ying-kit sentenced to 9 years in prison,” CNN, July 30, 2021.

¹⁹ Candice Lau, “Hong Kong democrat and DJ Tam Tak-chi jailed for 40 months over 11 charges, including ‘uttering seditious words,’” Hong Kong Free Press, April 20, 2022.

²⁰ Samuel Bickett, “How Kwok Wai-Kin rose from disgrace to become a powerful national security judge (Part 1),” Hong Kong Law & Policy, Mar 7, 2023.

²¹ Selina Cheng, “21 jailed for up to 42 months for rioting during 2019 Hong Kong protest,” Hong Kong Free Press, January 10, 2022.

²² Fiona Chow and Brian Wong, “Hong Kong tycoon Jimmy Lai’s legal team argues time is up for sedition charge, but judges dispute starting date for prosecution clock,” South China Morning Post, December 18, 2023.

WOODCOCK,²³ Victor SO Wai-tak,²⁴ Peter LAW Tak-chuen,²⁵ Amy CHAN Wai-Mun,²⁶ CHENG Lim-chi,²⁷ Andrew CHEUNG Kui-nung.²⁸

Imposing sanctions under these frameworks would send a clear and unmistakable message that the United States stands firmly with the people of Hong Kong in their struggle for democracy and human rights. It would also underscore our commitment to holding accountable those who perpetrate and enable human rights abuses. The Select Committee and the CECC also request a staff-level briefing regarding the action the State Department has taken to safeguard Hong Kong democracy and human rights since January 2021. We appreciate your attention to this urgent matter and look forward to your prompt response.

Sincerely,



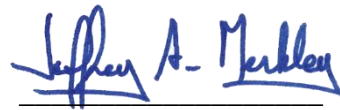
John Moolenaar
Chairman
House Select Committee on the CCP



Raja Krishnamoorthi
Ranking Member
House Select Committee on the CCP



Christopher Smith
Chair
Congressional-Executive Commission
on China



Jeff Merkley
Co-Chair
Congressional-Executive Commission
on China

²³ High Court of Hong Kong SAR, Court of Appeal, HKSAR v. Lui Sai Yu, CACC 61/2022, [2022] HKCA 1780, November 30, 2022, para. 96.

²⁴ Brian Wong, "Hong Kong student at Japanese university jailed for 2 months for sedition after she created 13 social media posts calling for city's independence," South China Morning Post, November 3, 2023

²⁵ "Activist charged under NSL wins appeal to have media report on court proceedings," The Standard, August 2, 2022.

²⁶ Samuel Bickett, "Chow Hang Tung Conviction: Magistrate Mischaracterizes Facts, Conceals Police Misconduct," Hong Kong Law & Policy (Substack.com), January 4, 2022.

²⁷ Peter Lee, "Hong Kong activist jailed for 44 months over PolyU siege; 7 handed up to 13 months for helping protesters escape," Hong Kong Free Press, February 13, 2023

²⁸ Danny Mok, "Hong Kong's top judge Andrew Cheung leaves for 4-day Beijing trip, expected to meet new head of country's highest court," South China Morning Post, May 21, 2023.