



Australian Government
Department of Foreign Affairs and Trade



DFAT THEMATIC REPORT

PROTESTS: LAWS, ARTICLES AND ORDINANCES

HONG KONG SPECIAL ADMINISTRATIVE REGION, PEOPLE'S REPUBLIC OF CHINA

4 April 2025

CONTENTS

ACRONYMS	3
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GLOSSARY	4
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1. PURPOSE AND SCOPE	6
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2. BACKGROUND INFORMATION	7
Protests	7
National Security Law (NSL)	10
Sedition (Crimes Ordinance)	12
Safeguarding National Security Ordinance (SNSO)	13

3. REFUGEE CONVENTION CLAIMS	16
Political Opinion (actual or imputed)	16
Groups of Interest	17
Religion	24

4. COMPLEMENTARY PROTECTION CLAIMS	26
Arbitrary Deprivation of Life	26
Death Penalty	27
Torture	27
Arbitrary Arrest and Detention	28

5. OTHER CONSIDERATIONS	30
State Protection	30
Internal Relocation	32
Treatment of Returnees	32
Documentation and Fraud	32

ACRONYMS

AUD	Australian Dollar
BNO	British Nationals Overseas
CCP	Chinese Communist Party ('the Party')
CSO	Civil society organisation
ERO	<i>Emergency Regulations Ordinance (2019)</i>
HKBORO	<i>Bill of Rights Ordinance (1991)</i>
HKD	Hong Kong Dollar
HKPF	Hong Kong Police Force
HKSAR	Hong Kong Special Administrative Region
ICCPR	International Covenant on Civil and Political Rights
LegCo	Hong Kong Special Administration Region Legislative Council
NPC	People's Republic of China's National People's Congress
NSD	National Security Department of the Hong Kong Police Force
NSL	<i>National Security Law (2020)</i>
PIC	Hong Kong Permanent Identity Card
PRC	People's Republic of China
SNSO	<i>Safeguarding National Security Ordinance (2024)</i>
STS	Hong Kong Police Force's Special Tactical Squad

Sensitive anniversaries and events

Early March	'Two meetings' – official meetings of China's National People's Congress and People's Political Consultative Conference
4 June	Candlelight vigil commemorating the Tiananmen Square massacre – officially banned since 2021
1 July	'Democracy March' commemorating the day of handover from the United Kingdom to China in 1997 and marking the establishment of the Hong Kong Special Administrative Region – officially banned since 2021
1 October	China's National Day

GLOSSARY

<i>Article 23</i>	Article of the <i>Basic Law</i> stating Hong Kong ‘shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organisations or bodies from conducting political activities in the Region, and to prohibit political organisations or bodies of the Region from establishing ties with foreign political organisations or bodies’
<i>Basic Law</i>	Constitutional document incorporating the principle of ‘one country, two systems’, under which the national laws of the People's Republic of China will not apply to Hong Kong except in matters outside the limits of its autonomy
<i>Bill of Rights Ordinance</i>	Document providing the foundation for constitutional guarantees of rights and freedoms in the Hong Kong Special Administrative Region
<i>Chief Executive</i>	Head of Hong Kong Special Administrative Region’s government, with the power to appoint judges and other public officers, and give consent to legislation passed by the Legislative Council
<i>Legislative Council</i>	Hong Kong Special Administrative Region’s unicameral legislature, with the power to enact, amend or repeal laws; endorse the appointment and removal of judges; and impeach the Chief Executive
<i>LGBTQIA+</i>	Lesbian, gay, bisexual, transgender, queer/questioning, intersex and asexual.
<i>National Security Law</i>	Officially known as the <i>Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region</i> or ‘NSL’, which formally established the crimes of secession, subversion, terrorism, and collusion with foreign organisations in Hong Kong Special Administrative Region
<i>Sedition</i>	Rendering incitement to violence, disaffection and other offences against the administration - illegal under the now repealed provisions of the colonial-era <i>Crimes Ordinance</i> (1971), which was replaced by provisions under the <i>Safeguarding National Security Ordinance</i> (2024).
<i>Sinicisation</i>	Process of adapting foreign concepts and practices to Chinese culture and practices
<i>Safeguarding National Security Ordinance</i>	Local law implementing Article 23 of the <i>Basic Law</i> , which gives powers to the government to investigate external interference, theft of state secrets, insurrection, and treason on national security grounds
<i>Three-Self Patriotic Movement</i>	Official governing body for Protestant churches in China

Terms used in this report

<i>high risk</i>	DFAT is aware of a strong pattern of incidents
<i>moderate risk</i>	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
<i>low risk</i>	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 The Department of Foreign Affairs and Trade (DFAT) has prepared this Thematic Report for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian Government policy with respect to the Hong Kong Special Administrative Region of the People's Republic of China.

1.2 The report provides a general, rather than an exhaustive overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the *Migration Act (1958)*, states:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in the Hong Kong Special Administrative Region, Australia and elsewhere. It takes into account relevant information from government and non-government reports, including (but not limited to) those produced by the US Department of State, the UK Home Office, the World Bank and the International Monetary Fund; relevant UN agencies; leading human rights organisations such as Human Rights Watch, Amnesty International and Freedom House; non-government organisations (NGOs); and reputable news organisations and academic sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 See also the DFAT Country Information Report on the [People's Republic of China](#).

2. BACKGROUND INFORMATION

PROTESTS

2.1 Hong Kong has a long history of large-scale protests and marches. Demonstrations of note include those against 'National Security Reform' (2003) and 'Moral and National Education' (2012), as well as the 'Occupy Central Movement' (2013-14), 'Umbrella Movement' (2014) and the 'Anti-Extradition Bill Protests' (2019-20). The Hong Kong Special Administrative Region (HKSAR) Government banned protests, demonstrations, and marches between 2020 and March 2023 in accordance with COVID-19 pandemic anti-public gathering regulations.

Umbrella Movement

2.2 Large-scale protests occurred in Hong Kong between September and December 2014, in reaction to the People's Republic of China's (PRC) decision to only allow Chinese Communist Party (CCP) pre-approved candidates to contest the 2017 HKSAR Chief Executive elections. International media reported tens of thousands of people, many of whom were students, had camped in the streets of Hong Kong for weeks demanding the right to 'fully free' leadership elections. The protests were called 'the Umbrella Movement' because protesters used umbrellas to protect themselves from tear gas used by the [Hong Kong Police Force](#) (HKPF). International academics estimated approximately 1.2 million people out of the HKSAR's then-population of 7.2 million took part in protests at various times and in various forms during 2014.

2.3 On 31 August 2014, PRC's Standing Committee of the Twelfth National People's Congress (NPC) adopted a decision on a selection method for the 2017 Chief Executive of Hong Kong and 2016 Legislative Council (LegCo) elections. The decision stated 'the Chief Executive has to be a person who loves the country [China] and loves Hong Kong'. Local and international media reported that the NPC's decision was seen as highly restrictive, and tantamount to the CCP pre-screening candidates for the HKSAR Chief Executive.

2.4 International media reported that early on the evening of 28 September 2014, the HKPF fired 87 rounds of tear gas to disperse a group of high school students who had climbed over fencing to close off Civic Square in front of the Central Government Offices in the Admiralty District of Hong Kong. News spread that the HKPF would soon be using rubber bullets along with tear gas and pepper spray, which brought large crowds of protesters into the area. International media further reported the assembled protesters demanded the right for Hong Kong residents to choose future chief executives from candidates nominated through open and broadly accessible processes, rather than those selected via the NPC vetting system led by a 1,200-member Nominating Committee.

2.5 Local and international media reported that during the protests in 2014 HKSAR and PRC's authorities had colluded with criminal gangs (Triads) to cause violence. Local and international media also reported violent methods had been employed by HKPF against protesters. For example, Ken Tsang was arrested by police in October 2014 and had his hands tied behind his back as a group of about six [HKPF officers](#) punched, kicked and stamped on him. Several local and international journalists also reported the HKPF had assaulted them in 2014 while covering the protests. International human rights organisations and scholars stated the

HKPF often punished anti-government protesters while overlooking violations by those aligned with the HKSAR Government. During the Umbrella Movement, local academics reported it was common for the HKPF to arrest protesters involved in violent interactions and summon organisers to police stations to ‘assist in their probe’, while HKPF officers who beat protesters or bystanders, and ‘thugs’ caught on film attacking journalists and protesters were not subject to investigation or arrest.

2.6 On 15 December 2014, Commissioner of the Police, Andy Tsang, stated 955 individuals had been arrested in relation to the Umbrella Movement protests. On the same day, HKSAR authorities reported they had cleared the last protesters from amid the high-rises of the Causeway Bay shopping district on Hong Kong Island’s north side. Following 79 days of protests, the HKSAR Government did not implement any changes to the PRC’s decision on the selection method for the Chief Executive. HKSAR Chief Secretary Carrie Lam stated on 7 January 2015 that constitutional development must be a decision of the PRC’s NPC Standing Committee, otherwise it would ‘only be futile and impractical’.

Anti-Extradition Bill Protests

2.7 The HKSAR Government proposed a bill in 2019 that would allow extradition from Hong Kong to mainland China, a decision that led protesters to take to the streets in record numbers. International media and human rights organisations reported upwards of 2 million people marched on a single day in June 2019, in protests described as the largest in Hong Kong’s history. Local and international human rights organisations reported it was common in 2019 for the HKPF to respond to protesters with batons, tear gas, pepper spray, rubber bullets and water cannons.

2.8 The HKSAR Government’s *Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill (2019)* was viewed as controversial by Hong Kong residents because it sought to allow extradition to mainland China. Under the proposals, the HKSAR’s Chief Executive, who was not elected but chosen by a committee accountable to the PRC, would have the authority to decide on any extradition request of a Hong Kong resident to China. Human rights organisations and international media reported in June 2019 that HKSAR’s courts would have very little power to reject any extradition request made by the PRC.

2.9 The first large protest in response to these proposed legislative changes occurred on 9 June 2019. International media reported an estimated million people participated in the protest. Although the rally was peaceful, some clashes with the HKPF reportedly occurred after midnight. International media reported on 12 June 2019 the [HKPF](#) fired tear gas at protesters who had blocked a major highway outside the LegCo, prompting another march drawing upwards of two million people.

2.10 The protesters demanded the withdrawal of the extradition bill; protest organisers also articulated five overall demands (‘Five demands, not one less’) by 12 June 2019. The five demands were: withdrawal of the extradition bill; protests not to be characterised as ‘riots’; amnesty for arrested protesters; establishment of an independent commission into [HKPF](#) use of force during the protests; and the resignation of HKSAR Chief Executive Lam, and universal suffrage for LegCo elections and for the election of the chief executive.

2.11 Local media reported protesters broke into the LegCo Complex on 1 July 2019 and spray-painted slogans onto the corridor walls, vandalising the portraits of LegCo presidents. The following day, [HKPF](#) in riot gear entered the complex, fired tear gas, and forced protesters out of the building. Other public infrastructure, such as public transport, was damaged during the protests and in clashes between protesters and police. Hong Kong authorities also claimed some protestors perpetrated violence against police and civilians who spoke up in support of authorities.

2.12 Local media reported protesters encircled the PRC Hong Kong Central Government Liaison Office on 21 July 2019 and threw eggs at it, while chanting ‘liberate Hong Kong’. Later that day, an armed mob of suspected Triads dressed in white attacked civilians with steel rods and rattan canes near Yuen Long station. Some of those attacked were reportedly protesters returning from a demonstration in Sheung Wan on Hong Kong Island, while others were children, the elderly and journalists. Local media reported approximately 45 people were injured in this incident, now known as the ‘Yuen Long Attack’ or ‘721 Incident’.

2.13 International and local media reported the [HKPF](#) had attacked passengers at Prince Edward metro station on 31 August 2019 when protesters were returning home. Videos of the incident showed HKPF Special Tactical Squad (STS) ‘Raptor Squads’ arriving at the station and clubbing and pepper-spraying travellers without arresting them. Local media reported approximately seven to 10 people were injured in this incident, now known as the ‘Prince Edward Station Attack’ or ‘831 Incident’.

2.14 HKSAR Chief Executive Lam withdrew the extradition bill on 4 September 2019, but stated she refused to concede to the protesters’ other four demands. As demonstrations continued, Chief Executive Lam invoked the *Emergency Regulations Ordinance* (ERO) on 4 October 2019. The ERO gave the HKSAR Chief Executive unlimited power to make and repeal regulations in the event of an ‘emergency or public danger’ – powers which had not been used since 1967, during violent pro-Communist, anti-British protests inspired by the Cultural Revolution in mainland China.

2.15 United Nations (UN) experts expressed concerns on 12 September 2019 over ‘credible reports’ of attacks on demonstrators, arrests of activists and human rights defenders, and threats to communications, as the protests in Hong Kong entered their third month. UN experts stated they found credible reports of ‘repeated instances where the authorities failed to ensure a safe environment for individuals to engage in public protest free from violence or interference’. UN experts called on the HKSAR and PRC authorities to ‘ensure the full protection of individuals exercising their right to peaceful assembly and to ensure that any restriction is authorised by law, and necessary and proportionate’.

2.16 Human rights organisations reported in September 2019 that protesters who had been [arrested](#) by the [HKPF](#) told them they had been severely beaten in HKPF custody and suffered other ill-treatment amounting to [torture](#). In multiple instances, the protesters stated the abuse was ‘punishment’ for talking back or appearing uncooperative. For example, a man detained at a police station following his arrest at a protest in the New Territories in August 2019 told Amnesty International that after he refused to answer a police intake question, several officers took him to another room and beat him severely, threatening to break his hands if he tried to protect himself. Amnesty International stated it had also documented a pattern of HKPF officers using unnecessary and excessive force during arrests of protesters, with anti-riot police and STS ‘Raptor Squads’ responsible for the worst violence. Amnesty International reported almost every arrested person it interviewed in September 2019 described being beaten with batons and fists during their arrest, even when they posed no resistance (see also [Torture](#)).

2.17 In October 2019, the [HKPF](#) reported it had [arrested](#) more than 2,000 protesters, including children as young as 12 and individuals aged in their 70s. The HKPF publicly confirmed in November 2019 it had fired live rounds at a number of protesters.

2.18 Protest activity largely ceased with the outbreak of the COVID-19 pandemic in early 2020. By mid-2020, the HKSAR Government declared the restoration of ‘peace and stability’ (see [National Security Law](#)). The HKSAR Government stated the initial source of frustration for the protests was growing economic inequality, including high housing prices. It also stated foreign powers had convinced Hong Kong residents to riot in the name of democracy. In-country sources said in 2023 that the HKSAR Government’s official narrative on the Anti-Extradition Bill protests was broadly similar to that of the PRC Government, which stated ‘economic rights’ must precede human rights and democratic freedoms. In 2024, the HKSAR

Government regularly referred to the Anti-Extradition Bill protests as a 'colour revolution' that 'devastated our society, livelihood and economy'.

2.19 More than 10,000 people have been arrested in relation to the 2019-20 Anti-Extradition Bill protests, with around 3,000 of them prosecuted, as at September 2024. In 2024, the *South China Morning Post* reported an announcement from the Secretary for Security and Police Commissioner that there was no timeline for the prosecution of the remaining 7,000 protestors who had been arrested.

NATIONAL SECURITY LAW (NSL)

2.20 The HKSAR Government resolved the 2019-20 Anti-Extradition Bill Protests by creating a separate, dedicated National Security Department (NSD) within the HKPF to enforce order. The PRC also enacted the *Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region* (2020) or 'NSL' in the HKSAR. The NSL was designed as a distinctive legal regime to run in parallel with, and capable of overriding the existing HKSAR legal system. On 30 June 2020, the NSL formally established the crimes of secession (article 20 & 21), subversion (articles 22 & 23), terrorism (articles 24 – 28), and collusion with foreign organisations (Article 29).

2.21 Under the NSL, secession or undermining national unification includes: any acts to separate Hong Kong from China, alter by 'unlawful means' the legal status of the Hong Kong, or 'surrender' Hong Kong to a foreign country. A principal offender can be sentenced under the NSL to life imprisonment or fixed-term imprisonment of not less than ten years, while those with lesser culpability in relevant acts can receive sentences of up to ten years. For example, local media reported that under articles 20 and 21 of the NSL, Adam Ma Chun-man had received a prison sentence of five years and six months for chanting pro-independence slogans in public during 2019-20 (reduced to five years on appeal), and Tony Chung Hon-lam had been sentenced to over three and a half years for posting pro-independence messages on social media in 2019-20.

2.22 Subversion under the NSL relates to those who organise, plan, commit or participate in acts to overthrow or undermine the basic system or central power of the PRC, or damage the premises and facilities used by the HKSAR. A principal offender can be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years, while those with lesser culpability can receive sentences of up to ten years. For example, in-country sources stated in 2023 that low-profile members of groups that promoted Hong Kong independence and those that had distributed materials calling for an 'armed uprising' during the 2019-20 protests received sentences ranging from three to five years in prison.

2.23 The NSL defines terrorism as an offence for those who cause grave harm to the society with a view to coerce the PRC or HKSAR government, or intimidate the public, in order to pursue a political agenda. Leaders of terrorist organisations can be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years, while those with lesser culpability can receive sentences of up to ten years. For example, local media reported that Tong Ying-kit was sentenced to eight and a half years for terrorism offences under Article 27 of the NSL for driving a motorcycle into police while carrying a protest flag in 2020 (he was also sentenced to six and a half years for 'incitement to secession').

2.24 Foreign collusion under the NSL applies to a person who steals, spies, or unlawfully provides 'State secrets or intelligence concerning national security' to a foreign country, institution, organisation or individual. Those found guilty of foreign collusion receive sentences of a minimum of three years up to a maximum of ten years, with life sentences possible for particularly 'grave' offenses. For example, international media reported in October 2024 that ten people had been arrested under NSL for 'foreign collusion', for their participation with the '612 Humanitarian Relief Fund', which was set up to help pay legal and medical costs for people arrested during the [2019-20 Anti-Extradition Bill Protests](#). HKSAR authorities

stated the foreign collusion charges related to the ten people receiving donations ‘from various overseas organisations to support people who ha[d] fled overseas or organisations which called for sanctions against Hong Kong’. In another example, Jimmy Lai (Lai Chee Ying) was charged under Article 29 for calling on foreign governments, through articles, interviews and tweets to impose sanctions on the governments of the HKSAR and PRC, in response to the implementation of the NSL. Jimmy Lai’s trial for ‘conspiracy to commit collusion with a foreign country or with external elements to endanger national security’ resumed on 20 November 2024 and is expected to conclude in 2025.

2.25 To July 2023, the conviction rate for NSL offences was 100 per cent, primarily due to the removal of common law provisions allowing defences to show innocence, including that acts were done in an honest and reasonable belief in the existence of a state of affairs that, had it existed, would have made the acts innocent. In-country sources said in 2023 that NSL had been applied retroactively, and courts had regularly used statements from defendants that predated the NSL as *mens rea* to determine a defendant’s intent at the time of a stated offence. It was not always clear whether a crime had been committed until an arrest was made. In a precedent-setting decision in 2023, [Hong Kong’s Court of Final Appeal](#) concluded discounts in sentences (usually granted for early guilty pleas or following mitigation arguments) may not be applied in cases involving national security.

2.26 Local media reported on 1 September 2024 that Hong Kong’s [Security Bureau](#) had arrested 303 people since 2019 for suspected acts and activities that endangered ‘national security’. Among the 202, 176 people and five companies had been charged under the NSL, the [Crimes Ordinance \(1971\)](#), or with other crimes. Of the 176 people and five companies charged, 160 people and one company had been convicted or were awaiting sentencing. According to statistics from the HKPF, 300 people had been arrested under NSL as at 30 June 2024, with only 60 per cent of those charged. Local media reported that more 300 had been arrested under national security offences as at September 2024, with 60 per cent of them charged.

2.27 Courts are bound by rulings from the ‘Committee for the Safeguarding of the National Security of the HKSAR’ (‘the Committee’). The Committee is made up of the HKSAR Chief Executive and members of the law enforcement establishment and its dealings are not public. It is under the supervision of, and accountable to, the Central Government of China. The *Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (2020)* states the Committee is ‘responsible for affairs relating to and assumes primary responsibility for safeguarding national security in the Region’. The duties and functions of the Committee are: analysing and assessing developments in relation to safeguarding national security in the HKSAR, making work plans, and formulating policies for safeguarding national security in the Region; advancing the development of the legal system and enforcement mechanisms of the Region for safeguarding national security; and coordinating major work and significant operations for safeguarding national security in the Region. The Committee can declare a matter was related to national security and make rules about how the case was handled without judicial oversight, public accountability mechanisms or appeal mechanisms. As at 2024, no foreign judges (of whom Hong Kong has a long history) had ever sat on an NSL matter (see [Judiciary](#)).

2.28 According to the Lawyers for Lawyers Foundation, an independent and non-political Dutch organisation, the NSL infringes on the right to a fair trial by authorising some trials to be held behind closed doors, and the accused to be tried without a jury, in order to protect ‘State secrets’. The Foundation stated in 2022 that these infringements constituted a violation of ‘the right to a fair trial’ as stipulated under the *International Covenant on Civil and Political Rights (ICCPR)*, to which the HKSAR is a party.

2.29 The UN Human Rights Committee stated on 27 July 2022 that it was ‘deeply concerned about the overly broad interpretation of Hong Kong’s National Security Law, which was passed by the National People’s Congress of China without consultation with the Hong Kong public’. The Committee also stated it was concerned with the ‘shortcomings of the NSL’, including the lack of clarity regarding what constituted

‘national security’ and the possibility of transferring cases to mainland China, which was not a State party to the ICCPR. The Committee stated it urged the HKSAR Government to take action to repeal the NSL and, in the meantime, refrain from applying it.

2.30 Minors have been arrested, charged, and convicted under provisions of the NSL. Local media reported in October 2022 that five teenagers (the youngest aged 15 at the time of arrest) were sentenced to time in a ‘training centre’ for ‘conspiring to incite subversion’. Training centres are utilised in Hong Kong as an alternative to imprisonment for those aged below 21, where the period of detention ranges from six months to three years. In 2023, training centres provided educational classes and vocational training, as well as ran ‘character development programmes’ (see [Detention and prison](#)). The United Nations Office of the United Nations High Commissioner for Human Rights (UN OHCHR) stated in 2022 that it was ‘alarmed’ by reports that minors in the HKSAR were being sentenced under the NSL.

2.31 Protesters and those charged under the NSL were able to access legal aid in 2023. However, following changes made to the HKSAR legal aid system in December 2021, defendants in criminal cases were no longer able to nominate their preferred lawyers and instead had to accept one appointed by the HKSAR Government.

2.32 The NSL has provision for apparent extra-territorial application. Articles 37 and 38 state the NSL applies to offences committed against the HKSAR from outside of the Region. In July 2023, the HKSAR Government publicly issued ‘wanted notices’ and rewards of HKD 1 million (AUD 192,000) for overseas-based, pro-democracy activists Nathan Law, Anna Kwok, Finn Lau, Dennis Kwok, Ted Hui, Kevin Yam, Mung Siu-tat and Yuan Gong-yi (otherwise known as the ‘Hong Kong Eight’). On 14 December 2023, HKSAR authorities announced a further five arrest warrants and rewards of HKD 1 million (AUD 192,000) under NSL for additional activists based in the United States and United Kingdom. Members of the public who financially supported those wanted for breaching the NSL faced the risk of ‘aiding and abetting’, and thus violating the law themselves. For example, local media reported in July 2023 that the HKPF arrested four people for using companies, social media and mobile applications to receive funds that they then provided to these ‘fugitives’ overseas. According to local media, HKPF threatened NGOs based overseas in 2022 for allegedly supporting those wanted for breaching the NSL, despite lack of jurisdiction.

2.33 Those charged under the NSL can be sentenced in absentia. Former LegCo member Ted Hui, residing in Australia as at 2024, was sentenced to three and a half years in prison in 2022 for contempt of court for leaving the country and not returning while on bail. Local media reported in September 2022 that Hui had permission to leave HKSAR to attend climate-change related meetings. Local media reported Hui was also declared bankrupt in absentia in February 2024, after Hong Kong’s High Court issued a bankruptcy order against him because he ‘never responded’ to requests that he pay for legal proceedings against him. The *Agreement for the Surrender of Accused and Convicted Persons between the Government of Australia and the Government of Hong Kong* (1993) was suspended by the Australian Government in 2020.

SEDITION (CRIMES ORDINANCE)

2.34 In addition to [NSL](#), people in Hong Kong have been charged with ‘sedition’ under the *Crimes Ordinance* (1971) for expressing dissenting views. The *Crimes Ordinance* (1971) specifically criminalised ‘sedition’ as the incitement to violence, to disaffection and to other offences against the administration, while the NSL criminalised subversion, secession, collusion with foreign powers, and terrorist acts. On 23 March 2024, sections 9 and 10 of the *Crimes Ordinance* (1971) dealing with sedition, were repealed and replaced by the [Safeguarding National Security Ordinance](#) (2024) or SNSO.

2.35 Under the *Crimes Ordinance* (1971), a person was guilty of sedition if they ‘attempt[ed] or conspire[d] with any person to do any act with a seditious intention, including printing, publishing, selling, displaying or

reproducing any seditious publication'. If found guilty, the punishment for the first offence was a fine of HKD 5000 (AUD 973) and imprisonment for 2 years. In practice, sedition provisions under the *Crimes Ordinance* (1971) were rarely used during the British colonial period.

2.36 In July 2022, experts of the UN Human Rights Committee stated 'the colonial-era offence of sedition was resuscitated in 2020, and had since been deployed against members of civil society for exercising basic free speech rights... [and] a growing number of persons were being arrested, charged and convicted for innocuous acts such as publishing children's books, clapping in court, chanting slogans like 'liberate Hong Kong' and criticising the Government's COVID-19 pandemic response on social media'. The UN experts also stated, 'because those were considered national security crimes, the stringent provisions... had been applied to those charged, leading to a denial of bail, weakened rights for defenders, and expanded official powers of search and surveillance'.

2.37 Human rights activists and scholars stated in 2023 that the sedition provision of the *Crimes Ordinance* (1971) was the HKSAR Government's preferred tool for criminalising peaceful political speech and activity prior to [SNSO](#) coming into force on 23 March 2024. According to international academics, nearly 60 per cent of all national security-related arrests in Hong Kong in 2023 were for sedition. As at 6 September 2023, HKSAR authorities had arrested 28 people for sedition, with nine of them either pleading guilty or convicted after trial. Another 15 individuals were released without charge and the cases of four others were pending. In-country sources said in 2023 that sedition trials were handled by [judges](#) picked by the HKSAR Government to rule on security cases (similar to [NSL](#)), and bail for defendants was the exception, not the norm. As at the time of publication in 2025, DFAT was unable to verify whether ongoing prosecutions under the *Crimes Ordinance* would proceed against all remaining individuals arrested.

2.38 Local and international media have reported on individuals convicted of sedition, including members of a speech therapist trade union who were sentenced to 19 months in prison after publishing three children's books in 2020 and 2021, one of which that used farmyard animals as characters to describe the [2019-20 Anti-Extradition Bill protests](#). The *Crimes Ordinance* (1971) was also used against journalists and publishers. In a high-profile example, Jimmy Lai was charged under the *Crimes Ordinance* (1971) for using his newspaper *Apple Daily* as a platform for 'anti-government propaganda' from 1 April 2019 until its closure on 24 June 2021. As at February 2025, Jimmy Lai's sedition case was ongoing. Local media reported Hong Kong's Court of Final Appeal had heard an appeal of pro-democracy activist Tam Tak-chi on 10 January 2025, who had been convicted of sedition under the *Crimes Ordinance* (1971) in March 2022 and sentenced to 40 months in prison, but the judgement was reserved for later.

2.39 Hong Kong authorities have also sought to apply the *Crimes Ordinance* (1971) extra-territorially. For example, Hong Kong citizen Mika Yuen (Yuen Ching-ting) was arrested in Hong Kong in March 2023 for sedition in relation to online posts made in Japan containing the phrases 'Hong Kong independence', 'liberate Hong Kong' and 'downfall to the Communist Party'. Local media reported on 3 November 2023 that Yuen was sentenced to two months in jail on sedition charges for the 13 pro-Hong Kong independence and anti-CCP media posts she made between September 2018 and March 2023.

SAFEGUARDING NATIONAL SECURITY ORDINANCE (SNSO)

2.40 HKSAR Chief Executive John Lee announced on 25 October 2023 that the HKSAR Government would introduce its own [national security law](#) in 2024 to 'guard against those seeking to provoke conflict, misinform or spread rumours through different channels, and remain[ed] alert to acts of 'soft resistance' in different forms that c[ould] undermine the governance of our country and the HKSAR'. HKSAR authorities also stated enacting their own national security law to ban acts including treason and secession under Article 23 of the *Basic Law* (1997) would plug gaps left by the NSL enacted by the PRC. On 8 March 2024, the HKSAR

Government introduced SNSO into the LegCo – an institution dominated by pro-Beijing parties – and it was quickly passed on 19 March 2024.

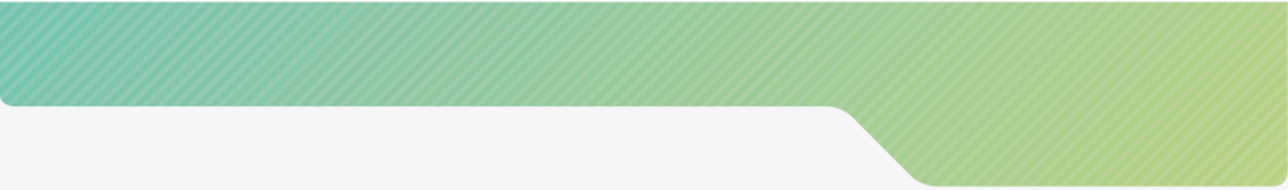
2.41 SNSO, known locally as Article 23, came into effect on 23 March 2024 with the stated purposes of ‘resolutely, fully and faithfully implement[ing] the policy of one country, two systems’; ‘prevent[ing], suppress[ing] and punish[ing] acts and activities endangering national security in accordance with the law’; ‘protect[ing] the lawful rights and interests of the residents of the HKSAR and other people in the HKSAR’; ‘ensur[ing] the property and investment in the HKSAR are protected by the law’; and ‘maintain[ing] prosperity and stability of the HKSAR’. Parts two to six of the SNSO created 39 offences in five categories: treason; insurrection (including incitement to mutiny and disaffection, acts with seditious intention); espionage (including theft of state secrets); sabotage endangering national security; and external interference endangering national security (including organisations engaging in activities endangering national security). Most of these offenses carry a maximum penalty of between three and 20 years in prison. However, the maximum sentences for treason, insurrection, incitement of members of the Chinese armed force to mutiny, and sabotage endangering national security (when colluding with an external force) are life imprisonment. Sedition provisions contained within the *Crimes Ordinance (1971)* were repealed and replaced under Part 9 of SNSO, which also raised the maximum sentence to seven years in prison (previously set at a maximum of two years).

2.42 Part 7-1 of the SNSO states a magistrate can authorise the HKPF to extend the period of detention of a person who has been arrested ‘without charge’ to a term not exceeding 14 days. A magistrate can also authorise the HKPF to, during an arrested person’s detention, restrict the person’s consultation with a particular legal representative, or consultation with any legal representative during the period of the first 48 hours after the person’s arrest, to ‘avoid prejudicing investigations or endangering national security’. Part 7-2 of the SNSO empowers the HKSAR Secretary for Security to specify that someone has ‘absconded’ and apply measures including cancellation of HKSAR passport and prohibitions against making available funds to an absconder. In-country sources reported the Secretary of Security exercised this new power for the first time on 12 June 2024 to specify six absconders (all residing in the UK) and applied measures against them including cancellation of passports, suspending some who had been directors of companies, and disbarring another who was a barrister.

2.43 On 19 March 2024, UN High Commissioner for Human Rights, Volker Türk, stated the SNSO was ‘deeply troubling, given its potential misuse and arbitrary application, including to target dissenting voices, journalists, researchers, civil society actors and human rights defenders’. Türk further stated ambiguous ‘provisions readily lead to self-censorship and chilling of legitimate speech and conduct, in respect of matters of public interest on which open debate is vital’ and called SNSO ‘a regressive step for the protection of human rights in Hong Kong’. On 31 May 2024, Türk stated the UN OHCHR had ‘raised repeated concerns that this legislation [SNSO] d[id] not comply with China’s obligations under international human rights law and, in particular, those with respect to Hong Kong under the *International Covenant on Civil and Political Rights*’ and SNSO ‘should be repealed and, in the meantime, not applied’. Türk further stated he had reiterated his ‘call to release immediately and unconditionally all those arbitrarily arrested and detained under these laws’.

2.44 HKSAR Secretary for Security Chris Tang stated on 28 May 2024 that the first arrests under SNSO had been made. The arrests under SNSO were in connection to social media posts related to 1989 Tiananmen Square massacre and a Facebook group calling for support for barrister and human rights activist Chow Hang-tung, who had been detained under NSL since September 2021. Local media reported five men and one woman had been detained on suspicion of acting with seditious intention for continuously published anonymous ‘seditious’ posts on social media.

2.45 Local media reported on 14 June 2024 that Chu Kai-pong had become the first person charged under SNSO. Chu was charged with wearing a shirt and a mask printed with statements intended to incite hatred,



contempt or disaffection against the ‘fundamental system of the state established by the Constitution of the People’s Republic of China’. Local media reported that Chu’s t-shirt contained the [2019 Anti-Extradition Bill protests](#) slogan ‘Liberate Hong Kong, revolution of our times’ and his yellow mask was printed with the words ‘FDNOL’, considered an acronym of ‘Five Demands, Not One Less’, which was also a slogan from the 2019-20 protests. The designated national security judge hearing the case refused to grant bail to Chu and ordered him remanded into custody. On 19 September 2024, Chu was sentenced to 14 months in jail after he pled guilty to one count of ‘doing acts with seditious intent’, as he also became the first person convicted and jailed under SNSO.

2.46 As at 20 September 2024, 14 people had been arrested for ‘sedition’ under SNSO, with three of those individuals charged, convicted and sentenced. In addition to Chu Kai-pong, the other two convicted under SNSO were Chung Man-kit, who was sentenced to a 10-month jail sentence for writing protest messages on the back of bus seats between March and April 2024, and Au Kin-wai, who was jailed for 14 months for publishing ‘seditious’ content on social media between March and June 2024.

3. REFUGEE CONVENTION CLAIMS

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.1 Freedom of expression is protected in Hong Kong under the *Basic Law* (1997) and *Bill of Rights Ordinance* (1991) (HKBORO). Article 16 of the HKBORO states, 'everyone shall have the right to hold opinions without interference... everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice'. However, Article 16 of HKBORO clarifies that freedom of expression, provided by law and only as necessary, can be subject to provisions related to 'respect of the rights or reputations of others' and 'the protection of national security or of public order, or of public health or morals'.

3.2 Despite protections outlined under the *Basic Law* (1997) and HKBORO, in practice, a wide-ranging number of topics have been considered sensitive in Hong Kong since 2020 and those raising them liable to be charged under the [NSL](#) or [SNSO](#). Sensitive issues include, but are not limited to: commentary on political issues and events (including the policy direction of the HKSAR or PRC governments, CCP, as well as anniversaries like the 4 June Tiananmen Square massacre), democracy, Hong Kong independence, human rights issues, and the legitimacy of central authorities and the CCP. The sensitive nature of a topic may change quickly, making it difficult to compile a more comprehensive list.

3.3 Freedom House's 2024 *Freedom in the World Index* classifies Hong Kong as 'partially free', stating its 'most prominent prodemocracy figures have been arrested' and '[NSL](#) charges or the threat of charges have resulted in the closure of political parties, major independent [news outlets](#), [peaceful nongovernmental organizations](#), and unions'. Hong Kong had numerous political parties, which were traditionally split between pan-democrats calling for incremental democratic reforms, and pro-establishment groups supporting the PRC. Local and international academics stated pan-democrats were weakened significantly following the implementation of NSL, with most parties disbanding since 2020 when its members were forbidden from running in elections or jailed.

3.4 The power of pro-establishment political groups was strengthened in 2021, when the HKSAR's electoral system was overhauled and only 'patriots' who 'respect' the CCP were allowed to run in elections. Following a boycott of the 2021 LegCo elections by pan-democrats, almost all the 90 seats went to pro-establishment candidates. International media has reported there is little to no space for dissenting voices in politics because everyone has to follow the wishes of the CCP. According to in-country sources, Beijing had sent a clear message to political parties and politicians that if they were not obedient, they would lose their status and could be arrested under the [NSL](#) or [SNSO](#).

3.5 Under the *National Flag and National Emblem Ordinance* (1997), acts deemed to abuse or desecrate the PRC's flag or anthem are prohibited and can result in a prison sentence of up to three years. For example, Yung Ching-man was sentenced to 18 days in jail in 2023 for 'insulting' the national flag after he damaged two flags erected on the PRC's National Day. The US Department of State 2023 *Hong Kong Policy Act Report*

stated an individual was sentenced to three months in prison after pleading guilty to insulting the anthem. In 2020, Tony Chung was convicted of desecrating the PRC's national flag by 'pulling at it, breaking the flagpole, and throwing the flag in the air' and was sentenced to four months in jail.

3.6 On 8 May 2024, Court of Appeal judges legally restricted the performance and distribution of 'Glory to Hong Kong', a song composed during the [2019-20 Anti-Extradition Bill protests](#). The Court of Appeal's injunction order banned people from 'broadcasting, performing, printing, publishing, selling, offering for sale, distributing, disseminating, displaying or reproducing' 'Glory to Hong Kong' with seditious intent, with the aim of advocating Hong Kong independence, or with the goal of suggesting it was the PRC's official national anthem. Previously, Hong Kong's High Court had rejected the HKSAR Government's bid to legally restrict 'Glory to Hong Kong', stating the move could have a 'chilling effect' on free speech.

3.7 The UN OHCHR stated in November 2024 that it condemned the HKSAR use of laws to criminalise activities 'protected under international human rights law, including freedom of expression, peaceful assembly, and association'. National security arrests under [SNSO](#) continued at the time of publication, including for relatively minor political acts such as [social media posts](#) and even wearing clothing with pro-independence language.

3.8 The implications of recent restrictions on the expression of political opinion in HKSAR are wide-ranging. The following sections on [protesters](#), [civil society](#), and [media and journalists](#) provide further detail.

GROUPS OF INTEREST

Protesters

3.9 Freedom of assembly in the HKSAR is protected under the *Basic Law* (1997) and HKBORO. Article 17 of the HKBORO states, 'the right of peaceful assembly shall be recognized... [and] no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others'. However, the right to freedom of assembly can be restricted by provisions by laws and ordinances, including the *Public Order Ordinance* (1967), which codifies a number of common law offences enacted to suppress 'leftist riots' against British colonial rule in the 1960s.

3.10 Under the *Public Order Ordinance* (1967), any interested group who intends to hold a public meeting of more than 50 persons, or public procession of more than 30 persons is required to notify the Commissioner of Police of Hong Kong. In 2023, groups were required to provide details of the public meeting or procession and 'ensure good order and public safety'. A 'no objection' letter may then be issued by the HKSAR Government allowing the meeting or procession to proceed on the condition it does not violate national security laws.

3.11 In the years following the [Umbrella Movement](#) protests of 2014, a number of high-profile pro-democracy activists were arrested for their roles in organising the demonstrations. For example, human rights organisations reported that 13 Hong Kong pro-democracy protesters were convicted on 17 August 2017 of 'unlawful assembly' and sentenced to between eight and 13 months in jail. These protesters had previously been sentenced to community service, but had heavier penalties imposed by a court of appeal. Joshua Wong and Nathan Law were convicted of 'unlawful assembly' on 17 August 2017 for their participation in the [Umbrella Movement](#), with Wong sentenced to six months in jail and Law to eight months.

Alex Chow was convicted of ‘incitement to assemble unlawfully’ and sentenced to seven months in jail. All three were also barred from running for public office for five years. Wong, Law and Chow subsequently won appeals and were released from jail, with HKSAR authorities filing further court appeals and pursuing additional criminal prosecution against them.

3.12 International media reported in April 2019 that nine pro-democracy campaigners (the ‘Umbrella Nine’) were convicted under various laws over their leadership of the [Umbrella Movement](#) rallies. Chan Kin-man, Benny Tai and Chu Yiu-ming, were charged under colonial-era public nuisance laws, with one count of conspiracy to cause public nuisance and were sentenced to 16 months in jail (Chu’s sentence was later suspended for two years). Tai and Chan were also convicted of inciting others to cause public nuisance. Tanya Chan, Shiu Ka-chun, Eason Chung, Tommy Cheung and Raphael Wong were convicted of ‘inciting others to cause a public nuisance’, as well as ‘inciting others to incite’, and received sentences of eight months in jail. Lee Wing-tat was found guilty of ‘incitement to incite others to create public nuisance’ and received a sentence of eight months in jail.

3.13 According to in-country sources, as at 6 December 2023, an estimated 10,000 people had been arrested on unauthorised and illegal assembly charges, and rioting, in association with the [2019-20 Anti-Extradition Bill protests](#). Based on public court data, 81 per cent of offenders who were charged received custodial sentences between June 2019 and July 2021, compared to only 32 per cent of those who had been convicted of similar offences during the [Umbrella Movement](#) protests in 2014. In-country sources said in July 2023 that arrests had continued in relation to the 2019-2020 Anti-Extradition Bill protests. More than 200 new arrests were made in December 2022 in relation to previous protest activity, creating a backlog of thousands of cases.

3.14 The space for peaceful protest has declined considerably since the 2019-2020 [Anti-Extradition Bill Protests](#). International media regularly reported in 2023 on the refusal of HKSAR authorities to provide permission for marches. For example, trade unionists planning to organise a May Day rally and marches faced harassment and intimidation according to international media, with senior HKSAR government officials making high-profile comments that organisers would ‘bear legal consequences’ for any incidents that might occur during the demonstration. The day before the rally, one of the parade organisers disappeared and suddenly agreed to withdraw his application for the rally when he emerged a few hours later. International media reported the May Day rally organiser was emotionally disturbed and declined to give further details on his disappearance due to the confidentiality provisions of the [NSL](#) investigation. In-country sources reported in 2023 that some organisers of the proposed May Day marches were arrested and questioned, but authorities were not forthcoming about the charges pending against them. The planned 2023 May Day marches did not proceed, nor did marches in 2024.

3.15 The ‘Democracy March’, which had been held annually on 1 July in HKSAR since 1997, was banned in 2020 by the HKSAR Government under COVID-19 anti-public gathering regulations. The annual march had coincided with the anniversary of Hong Kong’s handover to the PRC, providing an opportunity for people to vent disaffection with the government and call for increased democracy. According to local media, HKSAR authorities ‘pressured’ organisers into cancelling demonstrations planned for 1 July 2023 and deployed approximately 6,000 HKPF officers to prevent gatherings and protests. No ‘Democracy Marches’ were organised or held on 1 July 2024, but some solo demonstrations did occur, including a man holding a handwritten sign stating ‘[Fighting for] freedom and democracy is not a crime’.

3.16 Candlelight vigils, held annually on 4 June for the victims of the 1989 Tiananmen Square massacre, were officially banned by the HKSAR Government in 2021 citing COVID-19 anti-public gathering regulations. International media reported these vigils had regularly drawn tens of thousands of people, but had not been allowed to go ahead since 2021, along with all other commemorations of the Tiananmen Square massacre. In-country sources said there was a large [HKPF](#) presence around Victoria Park (the traditional spot of

commemorations) and across the city in June 2022. The HKPF had arrested organisers of the commemorations and demolished monuments to those that died in the Tiananmen Square massacre. [Church services](#) to commemorate the event and the dead were also not held, although in-country sources stated this was the result of self-censorship behaviour and a fear of breaching the [NSL](#). University of Hong Kong authorities removed the well-known sculpture, ‘the Pillar of Shame’, which commemorated the Tiananmen Square massacre deaths, from the University of Hong Kong in December 2021 citing ‘external legal advice and risk assessment’ and safety reasons.

3.17 The Tiananmen Square massacre is considered highly sensitive in the HKSAR. Former organisers of annual Tiananmen Square massacre vigils have been jailed under [NSL](#) provisions, [HKPF](#) have seized removed monuments from storage, and books about the incident have been removed from libraries. On the 35th anniversary of the Tiananmen Square massacre on 4 June 2024, local media reported that a ‘patriotic carnival organised by pro-Beijing groups in Hong Kong’ was held in Victoria Park, with a heavy police presence guarding the venue. Local media reported on 4 June 2024 that a number of people across the HKSAR who were attempting to mark the anniversary of the Tiananmen Square massacre were detained by police.

3.18 A small number of unauthorised gatherings have taken place in the HKSAR since the implementation of [NSL](#) in 2020. The gatherings received varying levels of [HKPF](#) attention and interference. For example, In September 2023, thousands of Hong Kong residents queued for hours to sign a condolence book at the British Consulate following the death of Queen Elizabeth II. Hundreds of mourners also gathered outside the consulate for a candlelight vigil, with a large [HKPF](#) presence photographing and videoing attendees. In-country sources stated one man at this 2023 vigil was arrested for playing a protest song on a harmonica. In November 2022, one vigil was held for the victims of the Urumqi apartment building fire in the PRC and against anti-COVID measures. It included the lighting of candles in Central and on university campuses and [HKPF](#) recorded the identities of those involved. Participants at the vigil were not arrested, and as at the time of publication, DFAT was not aware of any subsequent action against these protesters. In July 2022, Koo Sze-yiu was convicted and sentenced to nine months in jail for ‘attempted sedition’ for planning to stage a protest against the Beijing Winter Olympics outside Hong Kong’s China Liaison Office. Hong Kong prosecutors successfully argued that Koo had brought ‘hatred and contempt’ against the PRC and the HKSAR, and the presiding judge ruled slogans critical of the [NSL](#) that Koo planned to use during the protest could ‘weaken people’s confidence in the judicial administration’.

3.19 In March 2023, the first officially authorised protest march since 2020 took place in Hong Kong. International media reported the march was held to protest a proposed land reclamation and rubbish processing plan. The protest was small (officially limited to 100 participants), and protesters were banned from wearing masks and forced to wear lanyards with identification numbers. Organisers stated that up to 50 people had participated in the protest, who had been monitored by [HKPF](#) for ‘seditious displays or speech’.

3.20 DFAT assesses people who organise or lead protests in the HKSAR over any matter [critical](#) of the HKSAR or PRC governments, or the CCP, face a high risk of official discrimination in the form of technical and physical surveillance, harassment, remand, and imprisonment. DFAT assesses those who participate in protests in the HKSAR face a moderate risk of official discrimination in the form of technical and physical surveillance, harassment, and remand. DFAT assesses protesters mentioned in this section are not at risk of societal discrimination.

Civil Society - including activists, advocates, human rights defenders and lawyers

3.21 Hong Kong once had a vibrant civil society, but in-country sources said in 2023 that the space for civil society had closed significantly, primarily due to the introduction of the [NSL](#) in 2020. Dozens of CSOs, both Hong Kong-based and foreign/multinational, had shut down since 2020, as its members emigrated, were arrested or resigned for fear of repercussions under the NSL and [SNSO](#). By 2023, approximately 2 per cent of the population of HKSAR had emigrated due to widespread societal change. The largest rate of emigration was recorded from those between the ages of 20 and 40, both in total numbers and percentage of the population. Local and international media reported in 2023 that emigration from the HKSAR had been offset by new arrivals from mainland China.

3.22 In-country sources stated physical and technical surveillance of activists, advocates, human rights defenders, lawyers, and CSOs had increased since 2019, with most members of these groups keeping a low profile, self-censoring and restricting engagement with media and foreign organisations to avoid harassment by HKSAR authorities. According to in-country sources, the informally understood 'red lines' (placing boundaries around what is considered [sensitive](#) or not) had become much less clear since 2020, and the [NSL](#) had a 'chilling effect', making it risky for anyone to criticise, or be perceived to be criticising, the policies of the HKSAR government, PRC or CCP - even in private. In-country sources said in 2023 that many CSOs were unable or unwilling to take donations, or cooperate with foreign like-minded groups for fear of being accused of engaging in foreign interference, which the HKSAR Government used as justification for arrest under the [NSL](#).

3.23 The experience of CSOs and their members, as well as the likelihood of coming to the attention of authorities, depends primarily on the issues they work on. International media has reported those working on topics viewed as critical of the HKSAR government, PRC or the CCP had been cracked down, first by government aligned media outlets and then by the authorities themselves. For example, district-based community group Kickstart Wan Chai ceased operating in 2021 after police arrested its co-founder Clarisse Yeung Suet-ying for alleged subversion related to political activities. Service-delivery CSOs, in contrast to those with a rights-based advocacy agenda, had been largely unaffected by the crackdown as at 2023. Service-delivery CSOs, including those providing food or homelessness services and [religious](#) charities, were generally able to operate without restrictions in 2023 because their activities were seen as non-political.

3.24 Women and gender-related CSOs continued to operate without restrictions in 2023, however those that worked in human rights advocacy or shelters faced other operational challenges, following large levels of emigration among their staff. Emigration had at times reduced the number of CSO services available for women experiencing domestic violence. In-country sources said in 2023 that [state protection](#) remained effective and police handled cases involving gender-based violence (GBV) in a professional manner.

3.25 In-country sources reported reduced scope for human rights advocacy and political activity since 2020, although these restrictions were not specifically targeted at LGBTQIA+ people. Despite challenges in organising and marching, in-country sources said same-sex relationships in Hong Kong were viewed positively by society in 2023. Survey data from 2023 showed 85 per cent of Hong Kong residents agreed same-sex couples should have the rights enjoyed by different-sex couples - and progress was being made on transgender-focused issues. According to in-country sources, [state protection](#) was accessible and effective for LGBTQIA+ people in 2023 and access to HKSAR Government services was described as good. However, like CSOs working on gender and women's issues, high levels of emigration had reduced the CSO social and support services available for disadvantaged LGBTQIA+ people.

3.26 A small number of pro-democracy activists remained active in Hong Kong as at 2024, but most decided to self-censor or no longer had access to platforms to air their views. This contrasted with pro-Beijing

actors, who had many official and unofficial platforms to air and publicise their views. Several prominent, high-profile democracy advocates have been arrested, charged and sentenced under the [NSL](#). For example, 47 activists, former legislators, academics, and social workers (the 'NSL47') were charged with 'conspiracy to commit subversion' after they organised primaries in a bid to win the 2020 LegCo election, and used legislative powers to veto budget bills to force the Chief Executive's resignation. Of the NSL47, 31 pled guilty and 16 pled innocent. 14 of those who pled innocent were convicted on 30 May 2024, while two others were acquitted of all charges (authorities indicated they would appeal one of the acquittals). The NSL47 case attracted significant attention, with local media reporting in 2023 that people had been bussed in and paid to attend the trials in order to take up seats and prevent outsiders from observing.

3.27 In-country sources said human rights lawyers had been threatened by HKSAR authorities for holding 'anti-China views' since 2022, especially those who represented clients charged under the [NSL](#). International media reported in December 2022 that the primary tools deployed in campaigns of intimidation against human rights lawyers included: anonymous threats sent by text message and email; GPS tracking devices placed under cars; ambushes by reporters working for state-controlled media; and accusations of 'disloyalty' published in the press. For example, the former head of Hong Kong's Bar Association, Paul Harris, left Hong Kong in March 2022 after being called in for interviews with national security police and being labelled 'anti-China' in the state-backed media for representing many of the NSL47. Similarly, Michael Vidler, who had also represented pro-democracy protesters, was labelled 'anti-China' in state-backed media, and left Hong Kong in April 2022 after stating he feared he would be detained under the NSL. International media reported in 2022 that many Hong Kong-based solicitors had relocated to the United Kingdom and Australia since the NSL came into force in June 2020.

3.28 International media reported in 2023 that university academics and scholars were being named and slandered by local PRC aligned media outlets, resulting in job losses and arrests under the [NSL](#). For example, Professor Rowena He (He Xiaoping), a historian, was labelled an 'agent of the West' in 2023 by the state-controlled newspaper *Wen Wei Po*, fired by the Chinese University of Hong Kong and then pressured to leave Hong Kong. In another instance, Ching Kwan Lee, a sociologist, left a position at the Hong Kong University of Science and Technology in 2021 after she was targeted by state-controlled newspapers over comments she made in an online forum the previous year that Hong Kong was a global city that '[doesn't] belong to China. We belong to the world'. International media reported that in the 2021-22 academic year alone, more than 360 scholars left HKSAR's eight public universities (a turnover rate of 7.4 per cent), the highest number of departures recorded since 1997 when Hong Kong returned to China's rule.

3.29 DFAT assesses members of CSOs who come to the attention of HKSAR authorities for publicly criticising the HKSAR government, PRC or the CCP face a moderate risk of official discrimination in the form of harassment and remand. DFAT assesses members of CSOs do not generally face societal discrimination, although people may wish to distance themselves from them due to perceived risk to self from the HKSAR authorities.

3.30 DFAT assesses high-profile pro-democracy activists and advocates, human rights defenders, and their lawyers, face a high risk of official discrimination in the form of physical and technical surveillance, harassment, remand and imprisonment. DFAT assesses pro-democracy activists and advocates, human rights defenders, and their lawyers, face a low risk of societal discrimination due to fears from family and friends of harassment from HKSAR authorities.

Media and journalists

3.31 Freedom of the press in the HKSAR is protected under the *Basic Law* (1997) and HKBORO. Article 16 of the HKBORO states, ‘everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice’. On 29 December 2023, the HKSAR Government released a statement on press freedom, clarifying that ‘freedom of the press and freedom of speech [we]re not absolute... the exercise of them may be subject to restrictions that [we]re provided by law and [we]re necessary for pursuing legitimate aims such as protection of national security or public order’. On 17 May 2024, HKSAR Chief Lee stated the media industry should promote ‘mainstream values’ consistent with patriotism and the ‘one country, two systems principle’, and that ‘there [wa]s a difference between asking questions and stirring up conflicts, and there [wa]s an even greater difference between commentating and badmouthing’, which the local media reported was direction not to ‘provoke conflicts or make slanderous remarks’.

3.32 Reporters Without Borders’ 2024 *World Press Freedom Index* ranked the HKSAR 135 out of 180 countries and territories for press freedom, stating ‘the Hong Kong Government takes orders directly from Beijing and openly supports its attempts at censorship and the dissemination of propaganda’. A poll conducted by the Hong Kong Journalists Association in 2022 found 91 per cent of journalists stated press freedom had ‘worsened’ in the past year, with journalists reporting they were the most hesitant about criticising the central government [China]. According to a 2023 survey conducted by Hong Kong’s Foreign Correspondents’ Club, 65 per cent of members surveyed said they had practised self-censorship in the last 18 months, either in the content of their reporting or by avoiding certain subjects. 88 per cent of journalists in the same 2023 Foreign Correspondents’ Club survey stated they found sources in Hong Kong had become less willing to be quoted or to discuss sensitive subjects in the last 18 months.

3.33 Local academics stated in June 2024 that the definition and scope of some offences under [SNSO](#) were too broadly defined, meaning that journalists could inadvertently break laws during their news-gathering activities and would be unable to use a ‘public interest defence’ to avoid being imprisoned for not disclosing their knowledge of potentially treasonous activities to police.

3.34 Protests and marches are rarely covered by local media in Hong Kong, which in-country sources in 2023 said was due primarily to self-censorship (see [Political opinion](#)). If demonstrations were covered in local media, they were covered in a factual way that downplayed their significance, or to make political points, for example accusing protesters of acting on behalf of foreign governments. According to Committee to Protect Journalists, journalists covering the [2019-20 Anti-Extradition Bill protests](#) had been jailed in relation to their reporting. For example, Tang Cheuk-yu was sentenced to 15 months in jail in 2022 on charges of ‘possession of offensive weapons in a public place’ while on assignment for the Taiwanese Public Television Service covering the protests. Choy Kin-yue, an independent cameraman, was sentenced to three months in jail after filming the 2019-20 Anti-Extradition Bill protests in June 2019 for documentaries and the news.

3.35 Dozens of Hong Kong based media outlets have shut down, and hundreds of journalists have lost their job since 2021. Two major independent news outlets, *Apple Daily* (Hong Kong’s once most popular newspaper) and *Stand News*, were forcefully shut down by HKSAR authorities in 2021. In-country sources said more than five other independent media outlets were shut down since 2021, citing concerns for personal risk, while diasporic media outlets were increasingly being established around the world outside of the HKSAR. The few pro-democracy outlets left in HKSAR in 2023 were small, and carefully managed shifting ‘red lines’ regarding fluctuating [sensitivities](#) and vagueness of [NSL](#) offences - it was not clear what the consequences of publishing certain facts and analysis would be. In-country sources said in 2023 that journalists self-censored, fearing publishing critical views could result in them being brought before HKSAR

authorities to explain their actions, or face arrest. Fewer people were willing to speak to journalists as sources due to the threat of arrest.

3.36 Three companies linked to *Apple Daily* – Apple Daily Limited, Apple Daily Printing Limited, and AD Internet Limited – had been accused of conspiring to publish ‘seditious’ publications and conspiring to collude with foreign forces. *Apple Daily* founder Jimmy Lai was also charged with sedition and collusion, and faces up to life in prison if convicted. As part of this trial, Lai argued his mobile phones contained journalistic materials, which were protected under Hong Kong law, but the court ruled that the [NSL](#) granted [police](#) additional powers to investigate offenses that overruled local HKSAR laws. Jimmy Lai’s trial was set to resume on 20 November 2024.

3.37 A growing number of journalists have been sentenced since 2020 under the [NSL](#), [Crimes Ordinance \(1971\)](#), [SNSO](#) and other laws. For example, online radio host Edmund Wan Yui-sing was sentenced to 32 months in prison on charges of ‘sedition’ related to shows he hosted in 2020 where he was accused of promoting Hong Kong independence and resistance against the CCP. In September 2023, the chairman of the Hong Kong Journalists Association, Ronson Chan, was sentenced to five days jail for ‘obstructing police officers’ after he was detained and handcuffed by two plainclothes officers while covering a story because he failed to hand over his personal identity card. Local and International media reported two editors at the now-defunct *Stand News* media outlet were found guilty of ‘sedition’ under the repealed *Crimes Ordinance (1971)* because their newspaper’s editorial line had supported ‘Hong Kong local autonomy’, which was a danger to national security. Local and international media also reported in April 2024 on the [detention](#) and deportation from HKSAR of Reporters Without Borders staffer Aleksandra Bielakowska, a few weeks after SNSO came into effect.

3.38 Social media was not a safe place for activists in 2023-24, or those expressing opinions the HKSAR Government considered oppositional or [sensitive](#). In-country sources said while the extent of censorship was not as pervasive as found in mainland China, it was on the rise and statements made on social media were subject to the provisions of the [NSL](#) and now [SNSO](#). For example, Law Oi-wah was charged and pled guilty to sedition in August 2023 for sharing dozens of pro-democracy social media posts authored by others, although her posts only received a few reactions. In-country sources stated in 2023 that sedition provisions in the [Crimes Ordinance \(1971\)](#) had often been used since 2021 without respect for the profile of alleged offenders, and there was little clemency for anyone seen to be in opposition to the HKSAR Government. However, the majority of social media users in Hong Kong in 2023-24 were still able to use platforms without incident, although they did so with the acknowledgement that they needed to self-censor.

3.39 DFAT assesses journalists, their sources and social media users expressing opinions on politically sensitive topics contrary to those of the HKSAR or PRC governments, and the CCP face a high risk of official discrimination in the form of physical and electronic surveillance, harassment, remand and imprisonment. DFAT assesses journalists, their sources, and social media users face generally no risk of societal discrimination.

Residents of Hong Kong in Australia

3.40 The [NSL](#) and [SNSO](#) (and formerly the [Crimes Ordinance \(1971\)](#)) purport to have extra-territorial jurisdiction and have been successfully applied to Hong Kong residents for actions undertaken overseas. Local and international media have reported on a small number of high-profile cases involving Hong Kong residents in Australia being contacted by HKSAR or PRC authorities since 2021.

3.41 On 5 July 2023, the PRC’s Foreign Ministry publicly asked the Australian Government to return ‘fugitives’ to Hong Kong, including Kevin Yam and Ted Hui, who they accused of engaging in ‘anti-China activities aimed at destabilising Hong Kong’ in relation to the [2019-20 Anti-Extradition Bill protests](#). In

response, the Australian Government expressed concern regarding the broad application of the [NSL](#) to arrest or pressure pro-democracy figures and civil society. As previously noted, the *Agreement for the Surrender of Accused and Convicted Persons between the Government of Australia and the Government of Hong Kong* (1993) was suspended in 2020.

3.42 DFAT assesses Hong Kong residents in Australia who have engaged in activity critical of the HKSAR or PRC governments, or the CCP, face a high risk of official discrimination in the form of physical and electronic surveillance, harassment, remand, and imprisonment should they return to the HKSAR (see also [Protesters](#); [Civil society](#); [Media and journalists](#)).

RELIGION

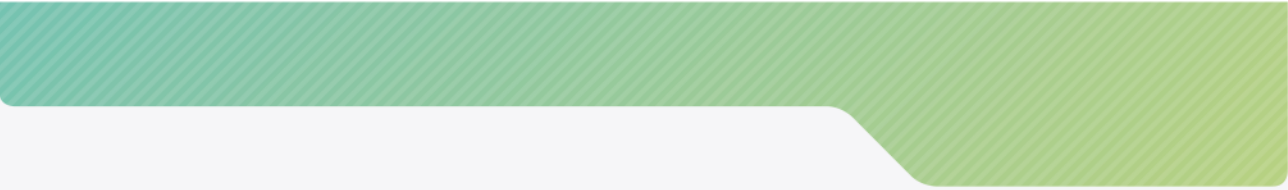
3.43 Freedom of religion in the HKSAR is protected under the *Basic Law* (1997) and HKBORO. Article 15 of the HKBORO states, ‘everyone shall have the right to freedom of thought, conscience and religion... [including] freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching... no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice... freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others’.

3.44 Academics at the Chinese University of Hong Kong estimated in 2021 that 58.6 per cent of the population of HKSAR were unaffiliated with any religion, 17.2 per cent were Protestant, 10.5 per cent were Buddhists, 6.9 per cent followed traditional Chinese folk religions, 5.2 per cent were Catholic and 1.3 per cent identified as ‘other’. In-country sources said in 2023 that all faiths could practice freely without restrictions and freedom of religion remained intact following the implementation of [NSL](#) in 2020. Local media reported in April 2023 that HKSAR authorities had approved and allowed seven religious marches to occur on Good Friday, which were attended by hundreds of worshippers.

3.45 Unlike in mainland China, the HKSAR Government does not have bureaus like the State Administration for Religious Affairs (SARA), tasked with overseeing religious organisations. In May 2023, the Three-Self Patriotic Movement (TSPM), the official governing body for Protestant churches in China, made its first high-profile visit to Hong Kong. TSPM held a conference to promote the view the HKSAR should no longer be an exception to President Xi’s policy of ‘Sinicisation’ of religion, aimed at transforming religious beliefs, faith, practice, and rituals in accordance with Chinese cultural norms and practices. In-country sources said in 2023 that religious leaders in Hong Kong were generally hostile to the TSPM’s proposal and had highlighted the differences between HKSAR and mainland China as a way of maintaining their autonomy. As at the time of publication in 2025, DFAT was not aware of TSPM being active in the HKSAR.

3.46 The distinction between democracy activists and church leaders in the HKSAR has not always been clear. Although the [2019-20 Anti-Extradition Bill protests](#) were largely secular, churches played a role and one section of the [protest](#) community was physically based in churches. While members of churches involved in protests may still attract attention from authorities, in 2023 it was likely this attention would be directed towards their political or human rights activism rather than religious membership itself. Religious leaders, like most Hong Kong residents, increasingly practiced self-censorship in the wake of the [NSL](#) and [SNSO](#).

3.47 90-year-old Catholic Cardinal Joseph Zen, a long-time and vocal critic of the CCP, was arrested in 2022 and tried for not properly registering a fund set up to support people arrested in the [2019-20 Anti-Extradition Bill protests](#). Cardinal Zen was convicted under the *Societies Ordinance* (1911), not the [NSL](#) or [Crimes Ordinance](#) (1971), and received a HKD 4000 fine (AUD 750) in November 2022. Cardinal Zen said in November 2022 that in spite of his conviction, he had not seen an erosion of religion freedoms in Hong Kong and the



arrest and sentence was a question of democracy, not of religious freedom. Cardinal Zen's appeal for 'not registering a fund as a society' under the *Societies Ordinance* (1911) was scheduled to be heard in early 2025.

3.48 DFAT assesses adherents of all religions in the HKSAR are not specifically targeted for official discrimination based on their religion, however, may experience official discrimination should their religious practices and beliefs intersect with issues considered sensitive, or oppositional, to the HKSAR or PRC governments, or the CCP. DFAT assesses adherents of all religions in the HKSAR generally do not face societal discrimination.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extrajudicial killings

4.1 Extrajudicial killings occur when individuals are deliberately killed outside of any [legal framework](#). Reports of extrajudicial killings in the HKSAR have historically been rare. In one instance from 2012, a HKPF officer put a suspect that was in handcuffs into a chokehold and lifted him off ground during an arrest. Two days later, the suspect was diagnosed with cervical vertebra dislocation and he subsequently died of bronchitis. In 2018, a jury found the HKPF officer had engaged in an ‘unlawful killing’, but the finding was overturned by the [High Court](#) on judicial review in 2022.

4.2 DFAT was not aware of reports of extrajudicial killings in the HKSAR between 2020 and 2024. For specific information regarding the actions of HKPF during protests, see [Umbrella Movement; Anti-Extradition Bill Protests](#).

Enforced or involuntary disappearances

4.3 Enforced disappearances occurs when individuals are deprived of liberty against their will with the involvement of government officials (at least by acquiescence), which includes a refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person. Reports of enforced or involuntary disappearances in the HKSAR have historically been rare. In one instance in February 2016, the UK Foreign Ministry stated Hong Kong bookseller Lee Bo, a British passport holder, had been ‘involuntarily removed’ across the internal immigration border to mainland China in December 2015. In March 2016, HKPF stated Lee Bo had returned to Hong Kong, but did not provide detailed information about his departure, only that ‘he had gone to the mainland to assist in a court case against a friend and had not been abducted’. The same 2016 HKPF statement said Lee Bo had asked the missing-person investigation into his disappearance be ceased, however, supporters and rights activists stated he was under duress when he made the statements.

4.4 DFAT was not aware of reports of enforced or involuntary disappearances in the HKSAR between 2020 and 2024. For specific information regarding the actions of HKPF during protests, see [Umbrella Movement; Anti-Extradition Bill Protests](#).

Deaths in custody

4.5 Death in custody occurs when a suspect dies while being watched or guarded by [police](#) or prison officials. Reports of deaths in custody in the HKSAR have historically been rare. In an instance in October

2020, a suspect died while in the custody of the Correctional Services Department (CSD), with a jury finding beyond a reasonable doubt the deceased had committed suicide. A suspect in a high-profile 2018 robbery was found dead in his cell in Stanley Prison in January 2024 in an apparent suicide. According to the latest CSD statistics available, there was one suicide death case out of a total 7616 persons in custody in 2021 and three suicide cases for 7613 in custody during 2022.

4.6 DFAT was not aware of any reports of any suspicious deaths in custody in the HKSAR between 2020 and 2024 (see also [Detention and Prison](#)).

DEATH PENALTY

4.7 The death penalty was formally abolished in Hong Kong on 23 April 1993 by virtue of the *Crimes (Amendment) Ordinance (1993)*, which repealed the provision of the death penalty and substituted it with life imprisonment. Hong Kong's last execution was carried out on 16 November 1966.

4.8 In-country sources said in 2023 that HKSAR authorities would not deport residents of Hong Kong to any jurisdiction where they may face the death penalty, including mainland China. In addition, the [HKPF](#) did not share any information with authorities, including in mainland China, in instances that may result in the death penalty. However, it is not clear what information other HKSAR Government agencies may share with PRC agencies. In 2020 the PRC, through the promulgation of the [NSL](#), established the Office for Safeguarding National Security in Hong Kong. The NSL stipulates the Office's work should not be subject to HKSAR jurisdiction (Article 60), and relevant HKSAR Government departments 'provide necessary facilitation and support to the Office' and prevent obstruction of the Office's work. The NSL also references three exceptions whereby offences may be prosecuted under the Chinese legal system rather than in Hong Kong (Article 55 and 56).

TORTURE

4.9 HKSAR is included under the parties to the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)*. Torture in the HKSAR is regarded as an offence under the *Crimes (Torture) Ordinance (1993)*, which states 'a public official or person acting in an official capacity, whatever the official's or the person's nationality or citizenship, commits the offence of torture if in Hong Kong or elsewhere the official or the person intentionally inflicts severe pain or suffering on another in the performance or purported performance of his or her official duties... it is immaterial whether pain or suffering is physical or mental and whether it is caused by an act or an omission'. Those found guilty of committing torture in the HKSAR can be sentenced to life imprisonment.

4.10 Allegations of torture in custody are extremely rare in the HKSAR, but torture has occurred, with reports primarily relating to the actions of some HKPF during the [2019-20 Anti-Extradition Bill protests](#). DFAT was not aware of reports of torture in the HKSAR between 2020 and 2024.

4.11 In a submission to the UN Human Rights Commission in 2022, Amnesty International stated it had found evidence of torture and other ill-treatment in [police detention related to the 2019-20 Anti-Extradition Bill protests](#). Individuals [arrested](#) during the protest stated in interviews that unlawful use of force by HKPF had occurred in 2019, most commonly before and during arrests. In some cases, detained protesters also reported being severely beaten in police custody and suffering treatment that constituted torture or other ill treatment. In multiple instances, interviewees stated the abuse appeared to have been meted out as 'punishment' for talking back or appearing uncooperative.

4.12 The Civil Rights Observer, a local organisation that monitored the HKPF, published a report titled *Policing protests in Hong Kong: torture and cruel, inhuman or degrading treatment or punishment* in 2020. Among those interviewed for the report, 13 stated they had been subjected to ‘excessive force’ and another 13 said they suffered ‘severe assault or injuries’ at the hands of [law enforcement](#) in 2019. One of the interviewees stated that during the protests he was surrounded by 15 tactical squad police officers and beaten around his ‘finger joints, arm, pelvis, thigh and head repeatedly’ with batons. In detention, he stated officers made him ingest hard objects and told him to swallow any vomit, made him crouch with his head close to his thighs for around 15 minutes, and repeatedly yelled at him. Other testimonies captured in the Civil Rights Observer’s report detailed alleged instances of officers grabbing detainees’ genitalia in 2019.

ARBITRARY ARREST AND DETENTION

4.13 Freedom from arbitrary arrest is detailed under Article 5 of the HKBORO, which states ‘everyone has the right to liberty and security of person... no one shall be subjected to arbitrary arrest or detention... [and] no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.’ However, arbitrary arrests and detentions on ‘national security’ grounds are commonly reported in the HKSAR in politically sensitive cases, primarily under the [NSL](#) and [SNSO](#) (and formerly under now repealed sedition provisions of the [Crimes Ordinance \(1971\)](#)).

4.14 HKSAR’s Department of Justice stated in 2021 that the [NSL](#) was not to be applied retrospectively, however actions undertaken by individuals prior to implementation of the NSL on 30 June 2020 have led to arrests on grounds of national security. The NSL and sedition provisions of the [Crimes Ordinance \(1971\)](#) have been used to arrest and charge defendants for conduct that was not illegal in the HKSAR before the NSL took effect, but that HKSAR authorities state continued after the introduction of the NSL. For example, Amnesty International reported in June 2021 that the HKPF National Security Department had investigated incidents preceding enactment of the NSL after invoking the law to arrest [democracy activists](#) including Agnes Chow, Andy Li and Wilson Li. According to Amnesty International, the police also gathered evidence, including [social media posts](#) from as early as July 2019, to substantiate national security charges against Jimmy Lai.

4.15 In September 2020, UN experts raised concerns that the [NSL](#) did not accord with the ‘principle of legal certainty’ under Article 15(1) of the ICCPR, which requires criminal laws to be sufficiently precise so that it is clear what types of behaviour and conduct would constitute a criminal offence and what would be the consequence of committing such an offence’. This principle seeks to prevent ill-defined and overly broad laws open to arbitrary application and abuse from leading to arbitrary deprivation of liberty. According to Amnesty International, the principle of ‘legality’ required the prosecution to prove each element of the crime to the required legal standard; that the accused had certainty, foreseeability of criminalisation and the enjoyment of legal benefits as existing at the time (at the time of commission, they knew their acts or omissions would lead to potential criminal liability); and, criminal courts did not punish acts not punishable under the law(s) cited in the charges.

4.16 International media reported in 2024 that the all-encompassing nature of the [NSL](#) and sedition provisions of the [Crimes Ordinance \(1971\)](#) had left anyone publicly expressing dissenting views open to arrest (see also [Political opinion](#)). International media reported in 2023 that HKSAR authorities had refused to clarify ‘red lines’ regarding what was considered ‘politically sensitive’. For example, in June 2023, HKSAR Chief Executive John Lee and other officials would not confirm whether commemorating events like the 4 June Tiananmen Square massacre would be considered a crime under the NSL or not. Chief Executive Lee only stated that ‘everybody should act in accordance with the law and think of what they do, so as to be ready to face the consequences’. In 2023, when journalists asked why dozens of Hong Kong residents had already been detained after peacefully marking the anniversary, Chief Executive Lee responded that the ‘law is

already very well clearly stated'. In June 2024, Chief Executive Lee, in reference to the 35th anniversary of Tiananmen Square massacre, stated 'all activities by any person must be conducted according to the law... No activities that contravened the law should take place... We should not forget the pain that we all went through in the attempted colour revolution that took place in 2019'. In the lead up to 4 June 2024, eight people were arrested for 'seditious intent' under [SNSO](#) related to their [social media posts](#) that had reflected on past Tiananmen Square massacre commemorations.

Criminal procedure

4.17 [HKPF](#) officers generally apprehend suspects openly when they observe them committing a crime or hold warrants issued by a duly authorised official. According to the HKPF's 'Guidance to an Arrested Person on Arrest and Detention', arrested suspects are generally brought before a judicial officer within 48 hours and all police interviews are videotaped.

4.18 In-country sources said in 2023 that matters of 'national security' involving the [National Security Department](#) were generally handled in the same manner as other police operations under the existing framework of the HKPF, but judicial proceedings were handled in a different manner (see [Judiciary](#)). Under the [SNSO](#), a magistrate can authorise the HKPF to extend the period of [detention](#) of a person who has been arrested 'without charge' upwards of 14 days, restrict consultation with a particular legal representative or consultation with any legal representative during the period of the first 48 hours after arrest, and restrict movement to a specified place and when associating or communicating with specified persons.

4.19 In-country sources said in 2023 that those charged with criminal offences were often granted bail. However, in cases related to national security, the threshold for bail appeared more stringent and arrested individuals were often denied bail and placed on [remand](#) until sentencing occurred, which could last for years. On remand, arrested individuals were permitted family visits, could pursue education and have food delivered (see [Detention and prison](#)).

4.20 Arrested individuals have the right to access a lawyer assigned by the HKSAR Government through legal aid. Local media reported the HKSAR Government capped access to legal aid in 2023, and restricted the number of clients lawyers could represent pro-bono, effectively limiting access to legal representation for human rights-related cases. In May 2023, the LegCo passed a legal amendment preventing 'foreign' lawyers working on [national security cases](#). According to international media reporting in 2023, the use of foreign lawyers by both prosecutors and defence had been a historical part of rule of law traditions in Hong Kong, but in recent years, some foreign lawyers had been involved in defending critics of HKSAR Government.

4.21 HKSAR's Department of Justice is responsible for the conduct of criminal prosecutions and determines the appropriate charges for the individual arrested. According to Hong Kong's Community Legal Information Centre, prosecutions are not made unless, according to the judgment of the prosecutor, there is sufficient evidence for a reasonable prospect of conviction. Any person charged with an offence is presumed innocent until convicted by the court, in a legal right protected under common law and Article 87 of the *Basic Law* (1997). At the trial, the burden of proof is generally on the prosecution, which must convince the court that the accused is guilty of the offence beyond reasonable doubt. The accused is not required to prove he or she is not guilty, and can decide whether to give evidence at the trial or not. However, Hong Kong courts are not able to rule on the constitutionality of the [NSL](#), [SNSO](#) or declare any of its provisions unconstitutional, or to review the NSL or SNSO based on incompatibility with the *Basic Law* (1997) or the ICCPR.

4.22 See also [Judiciary](#) for more information on the court system.

5. OTHER CONSIDERATIONS

STATE PROTECTION

Police

5.1 The HKPF is the primary law enforcement and investigative agency in the HKSAR. It is divided into Operations and Support; Crime and Security; Personnel and Training; Management Services, Finance, Administration and Planning; and National Security. As at November 2023, the HKPF had 33,261 disciplined officers, supported by 4732 civilian officers. In-country sources said in 2023 that the HKPF had operational independence in the HKSAR in all matter except 'national security', which was handled directly by the NSD.

5.2 The HKPF carry out day-to-day crime fighting activities and investigate crimes. Day-to-day crime rates in Hong Kong were some of the lowest in the world in 2024 (even lower than in mainland China), but crimes did occur. According to in-country sources, HKPF officers thoroughly investigated and prosecuted alleged criminals.

5.3 HKSAR employs a two-tier mechanism to handle complaints of police misconduct. The Complaints Against Police Office (CAPO) unit within the HKPF first receives and investigates complaints. The Independent Police Complaints Council, a statutory body, is then tasked with monitoring CAPO investigations and reviewing their findings. In 2020, LegCo members raised concerns this police complaint handling mechanism lacked independence, as civilian members were directly appointed by the HKSAR Chief Executive. Concerns were also raised about the mechanism's limited monitoring and disciplinary power. The HKSAR also has an Independent Commission Against Corruption, which in-country sources said in 2023 was well resourced and effective.

5.4 The NSD is responsible for collecting and analysing national security related intelligence and information; planning, coordinating and enforcing measures and operations for safeguarding national security; investigating offences endangering national security; conducting counter-interference investigation and national security review; carrying out tasks of safeguarding national security assigned by the Committee for Safeguarding National Security of the HKSAR; and performing other duties and functions necessary for the enforcement of the [NSL](#). The NSD is siloed from the rest of the HKPF and the scope of its operations were unknown as at 2023. Although the amount of personnel employed by the NSD has not been publicly disclosed, in-country sources estimated in 2023 that it was in the hundreds.

5.5 The Office for Safeguarding National Security in Hong Kong was established under the [NSL](#) to oversee, guide and support Hong Kong safeguard its national security. In-country sources said in 2023 that the Office had the power to conduct national security investigations, but its operations and the number of security personnel it employed were unknown.

5.6 For information related to criminal procedure, see [Arbitrary Arrest and Detention](#).

Judiciary

5.7 Criminal trials in Hong Kong are conducted in open court, where the public and the press can attend. They are either heard by a Magistrate or a District Court Judge alone without a jury, or by a High Court Judge sitting together with a jury. [Sedition](#), [NSL](#), and [SNSO](#) cases are handled by judges who have assigned by the HKSAR Chief Executive. Under the NSL, the HKSAR has the option to enact a closed court, prohibit a jury, and prohibit foreign judges from being allocated in national security matters (see also [NSL](#)). National security law defendants are refused the right of trial by jury and must appear before a panel of three High Court judges. In-country sources said in 2023 that the public and the press were able to attend sedition and NSL cases, although there were reportedly instances of observers being bussed in to trials to obstruct public attendance (see also [Civil society](#)).

5.8 At trial, the prosecution opens its case, submits evidence and calls witnesses to give evidence to establish the offence. Witness are questioned by the prosecutor and then cross-examined by the defence. The trial then proceeds to closing speeches by both the prosecution and the defence, after which the Court delivers its verdict. The Court either convicts or acquits the accused and give reasons for its decision. If the accused is convicted, the case proceeds to mitigation and sentencing.

5.9 The right to judicial review exists in the HKSAR, except in [NSL](#) cases. Upon application, the High Court may exercise its supervisory jurisdiction over the activities of administrative bodies and inferior courts. Judicial review does not aim at reviewing the merits of an administrative decision, but only to check whether there were any errors made during the decision-making process.

5.10 The [NSL](#) limits the possibility of judicial review by vesting the power of interpreting it to the Standing Committee of PRC's NPC, a legislative body. The UN Special Rapporteur on the Independence of Judges and Lawyers stated in April 2023 that this provision ousted in practice 'an essential power of the judiciary in national security matters, hindering the independence of the judiciary'. In 2021, the HKSAR's Court of Final Appeal ruled that it had no jurisdiction to constitutionally review the NSL.

5.11 It is possible for a person to be convicted of a crime in absentia, and there is no need for them to be physically present in the court room. Considering the inconsistent use of charges under the [NSL](#) and [SNSO](#), it is not possible to describe the profile of a person who would be charged in absentia. DFAT understands this is not common practice to convict people in absentia, but is aware of cases where it has occurred in matters related to national security cases. For example, former pro-democracy lawmaker Ted Hui was sentenced in absentia to three and a half years in prison for 'contempt of court' after fleeing Hong Kong while on bail.

5.12 For more information, see [Criminal Procedure](#).

Detention and prison

5.13 The HKSAR has 24 correctional institutions that can accommodate upwards of 8400 people. According to local media, all of these facilities have hospital wards on their premises and psychological services were offered to inmates as needed. In-country sources said in 2023 that prison and detention conditions in the HKSAR were adequate.

5.14 In 2023, prisoners had their own cells (7 square metres in area with a toilet for each inmate) and were allowed one hour of exercise per day. Prisoners could work to buy items from the canteen and had opportunities to pursue their education. Prisoners received four meals a day, typically made up of rice and vegetables. The US Department of State *Hong Kong Human Rights Report* stated in 2022 that prisoners and detainees were generally permitted access to visitors and religious observances.

5.15 Local human rights activists raised concerns in 2023 over poor ventilation in prisons and very high internal temperatures during heatwaves. A HKSAR Government spokesperson stated in July 2023 that more than 15,000 electric fans had been installed in Hong Kong’s correctional facilities since 2020, with gates and windows in prisons being retrofitted to improve ventilation.

5.16 The HKSAR also operates ‘training centres’ to provide correctional training for young offenders aged between 14 and 20 years for periods ranging from a minimum of 6 months to a maximum of 3 years. According to the HKSAR Government, participants are provided with half-day educational classes and half-day vocational training as well as character development programmes. Upon release, young offenders must have suitable employment, education or vocational training and are subject to a statutory period of supervision of three years.

INTERNAL RELOCATION

5.17 The land area of the HKSAR is 1073 km², consisting of Hong Kong Island, the Kowloon Peninsula, the New Territories, Lantau Island and over 200 other islands. In 2023, HKSAR had approximately 7.3 million residents, making it one of the most densely populated areas of the world.

5.18 In 2018, part of West Kowloon Station was placed directly under PRC’s laws, allowing PRC immigration officials and police to operate there. Once outbound passengers passed immigration formalities in West Kowloon, PRC officials were permitted to enforce the PRC’s laws within a 10-hectare ‘mainland port area’ (MPA) in the station, as well as on trains. Similarly, the PRC was responsible for law enforcement on relevant incoming trains until passengers left the MPA at the underground terminus in West Kowloon.

5.19 DFAT assesses internal relocation within HKSAR by people fearing harm by authorities is not a reasonable option, considering highly sophisticated technical and physical surveillance methods can be employed within a very compact area, making it likely that an individual would be subject to attention depending on their profile. DFAT further notes relocation to mainland China of pro-democracy activists and human rights defenders would not be an option due to the high risk of official discrimination in the form of harassment, detention, and imprisonment (see also DFAT Country Information Report on the [People’s Republic of China](#)).

TREATMENT OF RETURNEES

5.20 In-country sources said in 2023 that failed asylum seekers returned to the HKSAR were not specifically targeted by authorities and did not face official discrimination merely for having sought asylum overseas. HKSAR’s authorities may be aware of the behaviour of asylum seekers while they were outside of Hong Kong and know that applicants applied for asylum.

5.21 See the relevant section of the report for information on treatment of specific [Groups of interest](#).

DOCUMENTATION AND FRAUD

Exit and entry procedures

5.22 Exit and entry was strictly regulated in the HKSAR in 2023, with authorities closely monitoring those passing through air, land, and seaports. Artificial intelligence, facial recognition software and biometric databases were employed to confirm passenger identities and check identity documents for [fraud](#).

Technology and algorithms, rather than a human official who may be liable to bribery, were primarily used make decisions. In practice, it would be difficult or impossible to forge identity documents suitable to depart the HKSAR.

5.23 In-country sources said in 2023 that the HKSAR Government did not maintain or employ an ‘exit ban’ list like in mainland China. However, those currently out on bail, or who had been arrested in connection with ‘national security’ offenses may be required to surrender their travel documents and could be refused permission to travel internationally. In 2023, several high-profile pro-democracy activists had their travel documents returned and were permitted to depart Hong Kong while still on bail conditions.

5.24 International media reported in 2020 that some democracy activists on bail departed the HKSAR using speedboats in order to circumvent border control point locations. Taiwan’s coast guard stopped a boat carrying five pro-democracy activists in July 2020, who were later resettled in the United States. In August 2020, 12 pro-democracy activists (the ‘Hong Kong 12’) were intercepted by the PRC’s coastguard on a speedboat bound for Taiwan and jailed in mainland China for between 7 months to three years. DFAT was not aware of any reports of illegal sea crossings between Hong Kong and Taiwan since 2020.

5.25 DFAT assesses the fact a person was allowed to leave the HKSAR would not be related to the future treatment they would receive were they to return to the HKSAR, and that treatment could be influenced by government monitoring of activities while an individual is overseas (see also [NSL](#); [SNSO](#)). In 2023-24, those charged with offences and provided bail would likely have to seek permission to depart HKSAR legally.

HKSAR Passports

5.26 A person is eligible to apply for a HKSAR Passport if they are a Chinese citizen, a permanent resident of the HKSAR, and hold a valid [Hong Kong permanent identity card](#). The term of validity of an ordinary passport is 10 years (five years for a person aged under 16).

5.27 For the purposes of obtaining a HKSAR Passport, a person must be a ‘Chinese national’, which is defined as a person of ‘Chinese’ descent who was born in Hong Kong, or other parts of China, or who fulfils the criteria of Chinese nationality in the *Nationality Law of the People's Republic of China* (1980). If the person concerned had declared a change of nationality and was no longer a Chinese national, then they would not be eligible for a HKSAR Passport.

5.28 Under the [SNSO](#), HKSAR’s Secretary for Security has the power to specify that someone has ‘absconded’ and apply measures including cancellation of their HKSAR passport. DFAT is aware of instances where the Secretary of Security has exercised this new power and cancelled HKSAR passports.

5.29 The HKSAR passport is recognised by the Australian Government as a valid travel document.

British Nationals Overseas Passports

5.30 British Nationals Overseas (BNO) is a category under *British Nationality Law* (1981) that does not confer full British citizenship. BNO passport holders are subject to immigration controls with no automatic right to live and work in the United Kingdom.

5.31 A BNO Passport holder can only apply for a BNO visa if their permanent place of residence is in Hong Kong or in the United Kingdom (including the Channel Islands and the Isle of Man). In 2023, a BNO Passport holder could visit the United Kingdom for up to six months without a visa.

5.32 In 2023, the BNO Passport was no longer recognised by the HKSAR Government for travel into or out of Hong Kong. However, the United Kingdom still recognised the BNO Passport for entry, and the BNO

Passport holder was eligible for the 'Hong Kong BNO Status Holder' route, which allowed the holder to apply for a visa to stay in the United Kingdom for up to five years with unlimited work and study rights. The BNO Passport holder could then apply for settlement/indefinite leave to remain after this five-year period.

5.33 The BNO Passport is recognised by the Australian Government as a valid travel document.

Hong Kong Permanent Identity Card

5.34 Under the *Registration of Persons Ordinance (1960)*, all residents of Hong Kong aged 11 or above are required to register for an identity card, except for 'the aged, the blind and the infirm whose exemption has been approved by the Commissioner of Registration'. To obtain a Hong Kong Permanent Identity Card (PIC), residents are required to produce their juvenile identity card or previous identity card. If they never registered for a juvenile identity card, then applicants are required to produce their birth certificate and proof of identity or latest school document. An application interview is also required.

5.35 According to the HKSAR Immigration Department, Hong Kong permanent residents of Chinese nationality living outside Hong Kong will not lose their permanent resident status if they do not return to Hong Kong to replace identity cards. Permanent residents, not of Chinese nationality who have been absent from HKSAR for a continuous period of not less than 36 months since they ceased to have ordinarily resided in Hong Kong, may lose their right of abode in the HKSAR.

Prevalence of Fraud

5.36 HKSAR and BNO passport holders travelling to Australia for tourism or business purposes in 2023-24 were generally eligible to apply for an Electronic Travel Authorization (ETA). Fraud was geared primarily towards taking advantage of the ETA system and could include individuals not declaring they had been known by other names, had criminal convictions or a history of domestic violence. Organised migration crime syndicates also operated in the HKSAR and mainland China.

5.37 DFAT assesses it would be almost impossible to depart HKSAR on a forged HKSAR or BNO passport. In 2023, it was extremely difficult to use a fraudulent passport or PIC within the HKSAR, considering the extensive databases accessible by officials to check and expose it. This does not mean fraudulent passports or PICs were not available, but they would only likely be presented once the applicant was outside of the HKSAR.