

## **The 40<sup>th</sup> MAC Advisory Committee Meeting: Highlights of Discussion by Advisory Members\***

News Reference Material

Date: October 12, 2022

The Mainland Affairs Council (MAC) recently held the 40<sup>th</sup> Advisory Committee Meeting on the topic of "Observations on the Changes in Hong Kong's Rule of Law Since the Implementation of the 'Hong Kong National Security Law.'" Key statements and discussion points of the participating committee members are as follows:

1. Participating scholars highlighted some critics' argument that the common law system in Hong Kong has been an indispensable element in many achievements of the Hong Kong society since its handover. These achievements include preserving Hong Kong's free market economy, creating a robust business environment, boosting the confidence of foreign investors, resolving international or regional civil/commercial law disputes, maintaining Hong Kong's good governance, improving government effectiveness, and safeguarding civil liberties and rights. However, since the Hong Kong National Security Law took effect, several flaws in the legal proceeding and defendants' rights have provoked widespread concerns. Specifically, incidents where the defendants have difficulty securing a release on bail, where the judges were hand-picked by the chief executive to hear national security cases, and where trials are conducted without a jury have all sparked criticism for the disintegration of human rights in Hong Kong.

---

\*The MAC Advisory Committee Meeting is formed by experts and scholars in related fields. The views and opinions expressed in the meetings or excerpted in this article belong solely to the speakers.

2. Some committee members pointed to the recent ruling of a high-profile case involving a series of “Sheep Village”-themed picture books for children as an example. The five defendants in this case were arrested by the Hong Kong Police on charges of conspiracy to print and publish seditious publications under the Crimes Ordinance. The verdict found them guilty of publishing seditious drawings portraying the anti-“extradition (to China)” Bill” movement in an attempt to justify violence, glorify the criminals, stoke people’s frustration, and incite rebellion against the Hong Kong government. The defendants ended up being sentenced to 19 months in prison by the judges hand-selected by the chief executive to preside over cases charged under the Hong Kong National Security Law. This ruling drew controversies not only for violating the general principles of criminal law but for manifesting the authorities’ arbitrary application of the Hong Kong National Security Law.
3. Some committee members believed that the specter of the Hong Kong National Security Law could make it a new normal for the authorities to “criminalize political criticism.” Furthermore, the reporting system set up by the authorities to accept information on suspected breaches of national security has further exacerbated a chilling effect in the society. Several committee members called on the government to closely monitor how these related developments might affect the people-to-people exchanges between Taiwan and Hong Kong. They also urged the government to strengthen security notification and protection for Taiwanese citizens both based in or visiting Hong Kong.
4. Some committee members indicated that freedom and human rights in Hong Kong have regressed tremendously, a situation which has already triggered an exodus from Hong Kong. The scholars suggested that the government continue to strengthen measures providing assistance to Hong Kong and attract Hong Kong students and talent to study and work in Taiwan.