

FOI – HKNP 01/09 – 03/10

Hong Kong National Party:

"Documents, including reports, memos, briefings, submissions or correspondence, relating to the Hong Kong Special Administrative Region Government's banning of the Hong Kong National Party. I would like to exclude statements already provided to media from my request, and to confine my request to documents created September 1-October 3, 2018, inclusive."

From: [Information withheld under s40]

Sent: 03 October 2018 11:56

To: Alex Pinfield [Information withheld under s40]

Cc: Andrew Heyn [Information withheld under s40]

Subject: RE: Possibility of further legal action on independence

Thanks Alex

Some of the pro-establishment camp (including Beijing mouth-piece press but also an SCMP columnist and legislators) have also tried to compare the banning of the HKNP and the proscription of the far-right group National Action under anti-terrorism laws. We've been very clear with interlocutors about why this comparison is erroneous.

[Information withheld under s27, s35 and s40]

From: Alex Pinfield [Information withheld under s40]

Sent: 28 September 2018 18:17

To: [Information withheld under s40]

Cc: Andrew Heyn [Information withheld under s40]

Subject: RE: Possibility of further legal action on independence

[Information withheld under s40], thanks so much for these very useful replies. There is a lot to think through here. I'm seeing Andy later on, and we can discuss further with [Information withheld under s27]

Alex

Alex Pinfield

[Information withheld under s40]

From: [Information withheld under s40]

Sent: 28 September 2018 10:55

To: Alex Pinfield [Information withheld under s40]

Cc: Andrew Heyn [Information withheld under s40]

Subject: [Information withheld under s35]

Alex

[Information withheld under s35 and s40]

From: [Information withheld under s40]

Sent: 27 September 2018 18:02

To: Alex Pinfield [Information withheld under s40]

Cc: Andrew Heyn [Information withheld under s40]

Subject: RE: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

Alex,

[Information withheld under s35]

According to the police (societies officer) report recommending the prohibition of the HKNP, Andy Chan said in his election petition (appealing the rejection of his candidacy for the 2016 elections) that the HKNP had given up the use of violence. In the recent FCC talk, he said that the HKNP did not support violence (without acknowledging they had ever supported it). They have definitely in the past talked (mostly obliquely) about use of violence. Their website includes the following goal "Support and participate in any form of effective struggle". The police report recommending the prohibition of the party includes the following: *"In a radio programme aired on 12 April 2016, Andy Chan mentioned that 'bleeding' would be unavoidable if it was necessary in the course of attaining independence of Hong Kong [...] He would nevertheless use other non-violent means such as strikes first, but if those means were not effective and bleeding was the only means to achieve the goal, they would resort to violence. He also mentioned that HKNP aimed to develop capability and readiness in two aspects, namely peaceful paralysation and armed defence within five years.."*

The report goes on to acknowledge that the party has not yet used any violence and has claimed to have changed its stance, but concludes that "the possibility of HKNP using force to achieve its goal cannot be ruled out".

[Information withheld under s27 and s35]

According to the report recommending prohibition they have said they would implement a policy of revoking residence rights for children born to two mainland parents (known as type II children). The report concludes that these statements amount to incitement of national or ethnic hatred that constitute incitement to discrimination and hostility.

[Information withheld under s27, s35, S40 and outside scope of the request]

From: Alex Pinfield **[Information withheld under s40]**

Sent: 24 September 2018 18:49

To: **[Information withheld under s40]**

Cc: **[Information withheld under s40]** Andrew Heyn

Subject: RE: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

[Information withheld under s35 and s40]

Would be useful to have your steer on those points before we see the **[Information withheld under s27]** later this week, **[Information withheld under s27]**

Thanks
Alex

Alex Pinfield

[Information withheld under s40]

From: **[Information withheld under s40]**

Sent: 24 September 2018 08:49

To: **[Information withheld under s40]**

Cc: **[Information withheld under s40]** Andrew Heyn; Alex Pinfield

Subject: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

Importance: High

[Information withheld under s40]

1. The Hong Kong SAR Govt Security Secretary, John Lee, announced the banning effective immediately of the Hong Kong National Party (HKNP) at 0900 local this morning, ten days after HKNP submitted evidence in support of their case against the potential ban. This is the first time a group has been prohibited under the Societies Ordinance since the handover. The official announcement read:

“In exercise of the power conferred on the Secretary for Security by section 8(2) of the Societies Ordinance, I hereby order that the operation or continued operation of the Hong Kong National Party in Hong Kong be prohibited.”

2. Elaborating on the formal announcement, **Security Secretary John Lee** said the HKNP has been “banned in the interests of national security, public safety, public order, protection of freedom and the rights of others”. National security, in this instance, refers to safeguarding the territorial integrity and independence of the PRC. Speaking to reporters following the announcement this morning, the Security Secretary said the HKNP’s agenda advocating independence ‘*is in strict contravention to the Basic law and also against national security*’. He went on to say “*I understand residents are concerned about freedom of assembly. I want to stress that Hong Kong residents have freedom of assembly, but this freedom is not without limits.*” He noted those limits were listed in the HK Bill of Rights and in accordance with international standards.
3. **Lee** said the party had indicated it would use all means to achieve its goal, including force. “*While its convenor has, on some occasions, indicated they would use non-violent means to achieve the goal, I cannot ignore the fact that the HKNP has repeatedly advocated that it would use all methods, including the use of force and also encouraging its supporters to use force.*” Lee referenced calls for ‘armed revolution’ and HKNP convenor, Andy Chan’s attempt to run for LegCo in 2016 “*to obtain more resources and the opportunity to be more noticed, so as to achieve its goal.*” Lee also referenced the group’s plans to recruit members, infiltrate schools, advertise what it wanted to achieve and set up street booths to gain support for independence, saying “*In the course of achieving its aims, the Hong Kong National Party also spread hatred and discrimination against mainlanders in Hong Kong. Chan publicly said China is Hong Kong’s coloniser, and mainlanders are enemies of Hong Kong people. He advocated negativity and hostility against Chinese people, making Chinese people vanish from Hong Kong, and making Hong Kong a city without Chinese people that would separate from China forever.*”
4. Following the ban, anyone involved in the group (eg by serving, participating in gathering or providing financial assistance) could be fined up to Hk\$100, 000 (£10,000) and jailed for up to three years. It is unclear whether anyone expressing views on HKNP online, or indeed journalists covering the party, could be considered to be flouting the ban.
5. HKNP now have 30 days to appeal to the Chief Executive and the Executive Council under Section 5(b) of the Societies Ordinance. The CE can confirm, vary or reverse the decisions. Any operation of the Security Secretary’s decision is suspended until the CE has heard and determined the appeal. Andy Chan (convenor of the group) is yet to issue a formal statement, saying only ‘no comment’ when questioned by the press.
6. So far, social media reaction has favoured HKNP, with comments saying “this shows how fearful the government is about HK independence, having to rid an inactive party run by one man.” .. “The government can ban a political party but it can’t ban people’s way of thinking.” Many are encouraging the group to file an appeal or set up a new party under a different name. Most are unsurprised by the Government’s decision, believing the government intended to ban the party from the beginning and was just going through the motions of an appeal prior to the decision. Others note the HKNP has gained notoriety because of the government’s actions. Until July, few had heard of HKNP.

[Information withheld under s35, s27 and s40]

From: [Information withheld under s40]

Sent: 26 September 2018 17:29

To: [Information withheld under s40]

Subject: [Information withheld - outside scope of the request] HONG KONG NATIONAL PARTY DECLARED AN ILLEGAL ORGANISATION [Information withheld - outside scope of the request]

[Information withheld under s40]

Foreign & Commonwealth Office Diplomatic Telegram

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Summary

HKSARG Secretary for Security prohibits the Hong Kong National Party claiming they threaten national security, public order, public safety and the rights and freedoms of others. MFA condemns foreign interference after UK, US and others express concern. Pro-Beijing figures welcome the decision, hoping it will have a deterrent effect. Pro-dems fear further bans. [Information withheld under s35]

1. On 24 September, two months after announcing that he was considering a police recommendation to ban the Hong Kong National Party (HKNP), Hong Kong Secretary for Security, John Lee, ordered the party's prohibition. Lee's decision marks the first ever use of powers in the Societies Ordinance to ban a political party.

2. In a press conference, Lee said that he had taken the decision in the interests of national security, public safety, public order, and the protection of the rights and freedoms of others. Lee set out the following rationale for his decision:

i. Contravention of the Basic Law: Lee said the HKNP's goal of establishing an independent Hong Kong marked a violation of the Basic Law which established the Hong Kong Special Administrative Region (SAR) as a local administrative region of the PRC, directly under the CPG.

ii. Threat to national security: noting that the HKNP had been taking concrete actions to realise its goal including trying to register its party, handing out leaflets and giving interviews to journalists, Lee said that the party's "guiding principles, objectives, plans and acts obviously endangered national security".

iii. Use of force: Though the HKNP had not resorted to violence and had "on some occasions" pledged to use non-violent means, Lee said the party had repeatedly advocated use of "all effective means" to fight for independence and used terms such as "armed revolution".

iv. Promotion of hatred and discrimination: Lee said the HKNP's repeated public statements of hatred and discrimination against mainland Chinese in Hong Kong, including referring to China as the "coloniser" of Hong Kong and advocating denial and hostility to the Chinese, threatened the rights and freedoms of others.

3. Lee added that in reaching his decision he had carefully considered the rights enshrined in the Basic Law and the Hong Kong Bill of Rights noting that "the people of Hong Kong have freedom of association and speech, but these freedoms are not without limits".

4. The HKNP has 30 days to appeal the decision under the Societies Ordinance which provides that the Chief Executive can confirm, vary or reverse the decision.

5. HKNP Convenor Andy Chan said that he was seeking legal advice and could not comment on the ban. However, he noted that the police had recommended the Secretary for Security ban the HKNP as a "preventive measure", rather than waiting until the organisation posed a real threat, raising the question of whether the government would use the same approach to ban other organisations.

Reactions

6. The FCO issued a [statement](#) on 24 September expressing concern about the ban. The US, EU and Canada followed suit. The MFA condemned foreign governments' "irresponsible remarks", demanding that they stop interfering in Hong Kong affairs "under the pretext of "freedom of speech and association". The MFA in Hong Kong today conveyed their concerns directly to us.

7. Pro-Beijing parties and groups welcomed the ban which they said would have a deterrent effect on groups advocating Hong Kong independence and help to "stem the spread of pro-independence ideas on campuses".

8. Pro-dems said the decision set a dangerous precedent, describing the claim that the party posed a threat to national security as "far-fetched". Many expressed the fear that others would be targeted. One legislator said "Today they say Hong Kong independence is the 'red line'; we don't know where the line will be moved tomorrow."

9. The ban also sparked debate about the implications of the Societies Ordinance provision under which anyone giving aid to a banned organisation is guilty of a criminal offence given the lack of definition of the term "aid".

Comment

[Information withheld under s27 and s35]

HEYN

Authorised

Andrew Heyn **[Information withheld under s40]**

From: [Information withheld under s40]
Sent: 26 September 2018 11:56
To: [Information withheld under s40]
Subject: FW: Press Coverage on HKSARG's Ban on HKNP

This is the official announcement in the Gazette -
<https://www.gld.gov.hk/egazette/pdf/20182244e/egn2018224452.pdf>

Not sure if important but this was an 'extraordinary Gazette' and the notice above was the only item published.

The 20-page letter referred to in the SCMP article isn't available online. HKNP's website is no longer available and they haven't updated their facebook page since 4 Sept.

Transcript of the Security Secretary's remarks -
<http://www.info.gov.hk/gia/general/201809/24/P2018092400678.htm>

A copy of the societies ordinance (with the relevant sections flagged) is on your desk.

[Information withheld under s40]

-----Original Message-----

From: **[Information withheld under s40]**
Sent: 26 September 2018 17:31
To: **[Information withheld under s40]**
Subject: RE: **[Information withheld under s27]**

I read in the press that the penalty for anyone found to be helping the HKNP now that they're banned could be a fine or potentially 1-2 years imprisonment.

-----Original Message-----

From: **[Information withheld under s40]**
Sent: 24 September 2018 19:53
To: **[Information withheld under s40]**
Subject: Re: **[Information withheld under s27]**

[Information withheld under s27 and s40]

Original Message

From: **[Information withheld under s40]**
Sent: Monday, 24 September 2018 16:56
To: **[Information withheld under s40]**
Subject: RE: **[Information withheld under s27]**

[Information withheld under s27 and s40]

-----Original Message-----

From: **[Information withheld under s40]**
Sent: Monday, September 24, 2018 12:56 PM
To: **[Information withheld under s40]**
Cc: **[Information withheld under s40]**
Subject: **[Information withheld under s27]**

[Information withheld under s27 and outside scope of the request]

From: **[Information withheld under s40]**
Sent: Monday, September 24, 2018 12:16 PM
To: **[Information withheld under s40]**
Subject: Re: HKNP Questions **[Information withheld - outside scope of the request]**

[Information withheld under s27 and outside scope of the request]

From: [Information withheld under s40]

Sent: 24 September 2018 18:48

To: [Information withheld under s40]

Cc: [Information withheld under s40]

Subject: Fwd: RE: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

Thanks all - we'll flag to local media here. Please let us know when it goes live.

[Information withheld under s40]

On 24 September 2018 at 18:37:19 HKT, [Information withheld under s40] wrote:

[Information withheld under s40]

As discussed, grateful if you could make the necessary arrangements to get the statement uploaded onto the FCO website. [Information withheld under s35]

[Information withheld under s40]

----- Forwarded message -----

From: [Information withheld under s40]

Date: 24 September 2018 at 11:26:36 GMT+1

Subject: RE: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

To: [Information withheld under s40]

Cc: Kate White [Information withheld under s40] Alex Pinfield

Thanks [Information withheld under s40],

As long as Alex is content then I am happy for the below to be issued as an FCO Spokesperson statement.

[Information withheld under s40]

From: [Information withheld under s40]

Sent: 24 September 2018 18:24

To: [Information withheld under s40]

Cc: Kate White [Information withheld under s40]; Alex Pinfield

Subject: RE: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

And an earlier draft comment was cleared by Andy.

[Information withheld under s40]

From: [Information withheld under s40]

Sent: 24 September 2018 11:12

To: [Information withheld under s40]

Cc: Kate White [Information withheld under s40]; Alex Pinfield

Subject: RE: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

[Information withheld under s40]

I can confirm that the below has been cleared by Alex.

[Information withheld under s40]

From: [Information withheld under s40]

Sent: 24 September 2018 10:45

To: [Information withheld under s40]

Cc: Kate White [Information withheld under s40]; Alex Pinfield

Subject: RE: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

[Information withheld under s40]

Grateful for confirmation that the below has been cleared by Alex Pinfield and Andrew Heyn.

[Information withheld under s40]

From: [Information withheld under s40]

Sent: 24 September 2018 10:31

To: [Information withheld under s40]

Cc: [Information withheld under s40] Kate White; Alex Pinfield

Subject: FW: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

[Information withheld under s40]

As discussed a moment ago, the Hong Kong SAR Government decided today to ban the Hong Kong National Party. Colleagues in Hong Kong have provided a helpful report on this below, and have recommended that we issue a statement. We agree we should do so and suggest the following:

"We are concerned by the decision of the Hong Kong SAR Government to prohibit the HKNP. This is the first time a party has been banned under the Societies Ordinance since the handover, The UK does not support Hong Kong independence, but Hong Kong's high degree of autonomy and its rights and freedoms are central to its way of life, and it is important they are fully respected".

[Information withheld under s35 and s27]

Many thanks,

[Information withheld under s40]

From: [Information withheld under s40]

Sent: 24 September 2018 17:35

To: [Information withheld under s40] Andrew Heyn

Subject: FW: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

To see the recommendation from London to [Information withheld under s40], and the amended draft statement.

[Information withheld under s40]

From: [Information withheld under s40]
Sent: 24 September 2018 17:29
To: [Information withheld under s40]
Subject: FW: key responses to govt ban on HKNP

To see – the MFA here in HK has issued a statement in support of the ban.

[Information withheld under s40]

From: [Information withheld under s40]
Sent: 24 September 2018 16:43
To: [Information withheld under s40]
Subject: key responses to govt ban on HKNP

09..24 Spokesman for the US Consulate General in Hong Kong and Macao, responded that freedom of speech is the core value of Hong Kong and must be fully protected. However, the Hong Kong government's decision to ban the Hong Kong National Party from operating in Hong Kong is contrary to these important values.

09.24 Hong Kong and Macau Affairs Office voices firm support for HKSAR's ban on 'Hong Kong National Party' ([HKMAO](#))

From: [Information withheld under s40]

Sent: 24 September 2018 14:41

To: Andrew Heyn [Information withheld under s40]

Subject: Re: URGENT: Banning of Hong Kong National Party - UK reaction (SCMP request for comment)

[Information withheld under s35 and s40]

On 24 September 2018 at 14:31:24 HKT, Andrew Heyn [Information withheld under s40] wrote:

[Information withheld under s40] - this is fine. **[Information withheld under s35]** Thanks - Andy

On 24 September 2018 at 13:57:10 GMT+8, [Information withheld under s40] wrote:

[Andy](#),

[Information withheld under s35 and s40]

From: [Information withheld under s40]
Sent: 24 September 2018 10:46
To: Andrew Heyn [Information withheld under s40]
Subject: HKNP banned on security grounds
Importance: High

Both,

The Security Minister has decided to ban the Hong Kong National Party on security grounds. The decision became official on publication in the gazette this morning. Chan (group convenor) has said he will not comment for now, which suggests a JR is on the way.

<https://www.scmp.com/news/hong-kong/politics/article/2165439/hong-kong-issues-unprecedented-ban-separatist-party>

[Information withheld under s35 and s40]

From: [Information withheld under s40]
Sent: 19 September 2018 17:34
To: [Information withheld under s40]
Cc: Andrew Heyn [Information withheld under s40]; Alex Pinfield
Subject: [Information outside scope of the request]

[Information withheld under s40 and outside scope of the request]

The topical issues [Information withheld under s40] identified (HKNP and [Information withheld - outside scope of the request] would both be good issues to cover).

[Information withheld - outside scope of the request]

Thanks,
[Information withheld under s40]

From: [Information withheld under s40]
Sent: 18 September 2018 18:45
To: [Information withheld under s40]
Cc: [Information withheld under s40] Alex Pinfield [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

Hi [Information withheld under s40]

[Information withheld - outside scope of the request] However, I would expect any [Information withheld under s27] discussion next week to cover the Hong Kong Secretary of Security's upcoming decision on whether or not to ban the Hong Kong National Party (expected this week or next) and how best to respond. [Information withheld - outside scope of the request]

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]

Sent: 12 September 2018 17:48

To: [Information withheld under s40]

Subject: FOREIGN SECRETARY'S REPORT TO PARLIAMENT – REACTIONS AND LINES TO TAKE [Information withheld - outside scope of the request]

[Information withheld - outside scope of the request]

Since the end of the reporting period (June 2018), the proposed ban on the Hong Kong National Party (HKNP) has given further cause for concern about political plurality and freedom of expression [Information withheld under s40]. We expect a final decision from the HKSARG on whether to impose a ban shortly after the 14 September deadline for representations from the party.

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 10 September 2018 17:13
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

Thanks [Information withheld under s40]. A couple of additional changes from me. [Information withheld - outside scope of the request]

From: [Information withheld under s40]
Sent: 10 September 2018 10:12
To: [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

Hi [Information withheld under s40],

[Information withheld - outside scope of the request]

We have also commented publicly on the proposed ban of the Hong Kong National Party [Information withheld under s35] because of their support for Hong Kong independence which (placeholder – decision expected next week) Beijing describes as a threat to national security [Information withheld under s35]

[Information withheld under s40]

From: [Information withheld under s40]
Sent: 07 September 2018 15:31
To: [Information withheld under s40]
Cc: Andrew Heyn [Information withheld under s40]; Alex Pinfield
Subject: [Information withheld - outside scope of the request]

[Information withheld under s27, s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 06 September 2018 12:35
To: [Information withheld under s40]
Subject: MFA meeting prep

[Information withheld under s40]

Here's the FCO statement on the HKNP.

As promised, I've also had a look through all of the **HKSARG comments on the HKNP talk at the FCC**. [Information withheld under s35] the HKSARG stopped short of calling the talk illegal – they talked about it being 'inappropriate', 'unacceptable', 'regrettable' – though they invoked the law by saying said they had a constitutional duty to safeguard national security. By contrast, Zhang Xiaoming (HKMAO Director) said it was 'definitely illegal', arguing that Chan and the FCC could be charged under the Crimes Ordinance (which includes an offence on sedition). The HKSARG didn't officially respond to Zhang's comments, but a number of non-official ExCo members and Maria Tam (VP of the Basic Law Committee under the NPCSC) agreed with the Bar Association and others in the legal community that Chan could not be prosecuted under the Crimes Ordinance. Tong actually stated before the talk that it wasn't an illegal act.

I think it's also worth looking at Jasper Tsang's comments – he was very critical of the FCC, but his point was that the Chinese Government was bound to see their decision to host the talk as an 'hostile action and political provocation' – he didn't make any reference to illegality. [Information withheld under s35]

Shout if you need anything else.

Thanks,
[Information withheld under s40]

FCO statement on the Hong Kong National Party (17 July)

A Foreign & Commonwealth Office spokesperson said:

"We note with concern the Hong Kong Special Administrative Region Government plans to prohibit the continued operation of the Hong Kong National Party. The rights to stand for election, of free speech and of freedom of association are enshrined in the Basic Law of the Hong Kong Special Administrative Region and the Hong Kong Bill of Rights.

"The UK does not support Hong Kong independence, but Hong Kong's high degree of autonomy, and its rights and freedoms, are central to its way of life, and it is important they are fully respected."

Key remarks on HKNP

7 August **Exco member Ronny Tong:** The FCC's talk for Andy Chan pays no respect for One Country, Two though Chan's promotion of 'Hong Kong independence' in his personal capacity doesn't constitute an illegal act.

9 August Jasper Tsang "It is impossible for the management of the FCC not to understand that – when the Hong Kong government has launched the legal procedure to ban the Hong Kong National Party, providing a platform of promotion for Andy Chan will be seen as hostile action and political provocation by the Chinese government."

14 August HKSARG statement: "It is totally inappropriate and unacceptable for any person to openly promote and advocate the independence of Hong Kong.

Matthew Cheung, Acting CE, 14 August: "we mustn't forget that Hong Kong has a constitutional responsibility to protect, safeguard, the national sovereignty, territorial integrity and national security of the People's Republic of China, and Hong Kong is an

inalienable part of the People's Republic of China, so there is no question about independence. That's why we always say that we can't tolerate any discussion, let alone promotion, campaigning, for the sake of pushing forward nationalism, independence in Hong Kong. No question about it."

15 August **CE Carrie Lam**: as the media has been able to widely report on the speech, it shows the Government is not restricting such freedoms [of expression].

Zhang Xiaoming, Director of the State Council's Hong Kong and Macao Affairs Office: it was "definitely illegal" for the FCC to host a talk by pro-independence activist Andy Chan. The FCC broke the law by aiding separatism and Chan could be charged under Article 9 of the Crimes Ordinance and the FCC. Zhang also said the event exposed "inadequacies" in Hong Kong's ability to protect national security.

17 August **ExCo member Regina Ip** said there has yet to be any law that could ban Chan from making a speech at the FCC.

ExCo member Ronny Tong: it is possible for someone to be prosecuted for sedition under Article 9. "But applying it in the case of Chan may be inconsistent with the Bill of Rights." I don't see a plausible case, unless the talk of independence was made by a person so influential that he can stir up social disorder – not someone like Chan."
VP of the Basic Law Committee, Maria Tam: there was not enough evidence to support such a move. "There is a need to prove that ... violence was incited. From the reactions of others, we have not reached such a stage yet. We cannot prove [Chan's] act incited people to commit a crime."

[Information withheld under s40]

From: [Information withheld under s40]
Sent: 06 September 2018 13:10
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: FW: [Information withheld - outside scope of the request]

[Information withheld under s40, s35, s27 and outside scope of the request]

From: [Information withheld under s40]
Sent: 04 September 2018 12:53
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: [Information withheld under s35]

[Information withheld under s35 and s40]

From: [Information withheld under s40]
Sent: 04 September 2018 12:49
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: [Information withheld under s35]

[Information withheld under s35 and s40]

From: [Information withheld under s40]
Sent: 04 September 2018 11:34
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: [Information withheld under s35]

[Information withheld under s40 and s35]

From: [Information withheld under s40]
Sent: 03 September 2018 16:26
To: [Information withheld under s40]
Subject: RE: HKNP

[Information withheld under s40]

From: [Information withheld under s40]
Sent: 03 September 2018 15:07
To: [Information withheld under s40]
Subject: RE: HKNP

The deadline is 5:00pm on Tuesday 11 September (an extension to the original deadline on 4 September), but no info revealed as to when the Sec for Security will make a decision (from the HKSAR press statements ([HKSAR1](#)) ([HKSAR2](#)) or HK police's recommendation letter ([see Police Letter in internal doc link](#)))

From: [Information withheld under s40]
Sent: 03 September 2018 14:55
To: [Information withheld under s40]
Subject: HKNP

[Information withheld under s40] can you remind me when the new deadline is for the HKNP to give its evidence and whether we have a date for the decision of Sec of Security (I guess not??).
Thanks,

[Information withheld under s40]

From: [Information withheld under s40]
Sent: 03 September 2018 15:18
To: [Information withheld under s40]
Subject: [Information withheld under s35]

[Information withheld under s35, s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 10 September 2018 19:39
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

Hi [Information withheld under s40]

[Information withheld - outside scope of the request]
If the National Party was banned [Information withheld under s27] would need to respond.
[Information withheld - outside scope of the request]

[Information withheld under s40]

From: [Information withheld under s40]
Sent: 04 September 2018 17:20
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: RE: [Information withheld - outside scope of the request]

[Information withheld under s40]

[Information withheld - outside scope of the request] Recent concerns include pressure on freedom of speech, particularly in the context of discussion about Hong Kong independence. This includes [Information withheld - outside scope of the request] the recent proposal to ban the operation of the Hong Kong National Party.

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 04 September 2018 14:47
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: [Information outside scope of the request]

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 28 September 2018 05:12
To: Alex Pinfield [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: Meeting with [Information withheld under s40]

Alex,

Earlier today, we met [Information withheld under s40]. A quick summary of the main points from the discussion below.

[Information withheld under s27, s40 and outside scope of the request]

[Information withheld - outside scope of the request]
FRIDAY 14 SEPTEMBER

[Information withheld - outside scope of the request]

- **Banning of Hong Kong National Party** - seek views on the legal basis for the proposed ban on the Hong Kong National Party,

[Information withheld - outside scope of the request]

[Information withheld - outside scope of the request]

BACKGROUND BRIEFING – HONG KONG

[Information withheld - outside scope of the request]

1. The proposal to ban the Hong Kong National Party (a small pro-independence group) on national security grounds has fuelled concerns about diminishing freedom of speech. The HKSAR Government and Beijing have effectively argued that since independence is unconstitutional, discussing and/or advocating it is illegal.

[Information withheld - outside scope of the request]

Hong Kong Lines

[Information withheld - outside scope of the request]

- The UK Government has also expressed concern about the proposed ban on the Hong Kong National Party. The UK does not support Hong Kong independence, but the rights to stand for election, of free speech and of freedom of association are enshrined in law.

[Information withheld - outside scope of the request]

Hong Kong – Core script as at 5 September

[Information withheld - outside scope of the request]

Why have you made no reference to the plans to prohibit the operation of the Hong Kong National Party in the six-monthly report?

- We have not covered this issue which falls outside the reporting period. We will cover the issue in the next six-monthly report.
- The British Government issued a statement following plans to prohibit the operation of the Hong Kong National Party. The statement noted our concerns at the plans, and stated that the rights to stand for election, of free speech and of freedom of association are enshrined in the Basic Law and the Hong Kong Bill of Rights.

[Information withheld - outside scope of the request]

Hong Kong brief

[Information withheld - outside scope of the request]

- The sight of a political party with no history of violence being banned is of concern both to us and to other members of the international community.
- We have made it very clear, both privately and publicly, that we do not support independence for Hong Kong. We do not believe this would be in Hong Kong's interests. But this does not mean that groups who do support independence should be prohibited.

[Information withheld - outside scope of the request]

1. Most recently, on 24 September, the HK Government announced that it was prohibiting the HK National Party (HKNP), which advocates independence for HK but which has no history of violence.
2. The UK Government has made its view on independence clear, both publicly and privately; we believe it is neither realistic nor desirable for HK. However, freedom of expression, freedom of speech and academic freedom are guaranteed by the Joint Declaration. We issued an FCO Spokesperson statement on the day of the prohibition of the HKNP expressing our concern. This public statement was consistent with our longstanding approach to stand up for HK's rights and freedoms, and its high degree of autonomy.

From: [Information withheld under s40]
Sent: 28 September 2018 10:17
To: [Information withheld under s40]
Cc: Alex Pinfield [Information withheld under s40]
Subject: Meeting with [Information withheld under s40]

[Information withheld under s27, s40 and outside scope of the request]

From: [Information withheld under s40]

Sent: 27 September 2018 11:11

To: Andrew Heyn [Information withheld under s40]

Cc: [Information withheld under s40]

David McFarlane; Alex Pinfield

Subject: INFO - [Information withheld under s40] meeting with [Information withheld under s40]

Mon 24 September

Andy,

[Information withheld under s27 and outside scope of the request]

The UK's position on Hong Kong independence couldn't be any clearer but the freedoms enshrined in the Basic Law and Joint Declaration had to be respected. Neither identified talk of independence as illegal. People had a fundamental right to express their personal views. The UK had its own independence movement in Scotland.

[Information withheld under s27, s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 26 September 2018 14:47
To: [Information withheld under s40]
Subject: RE: [Information withheld under s27]

[Information withheld under s27, s40, and outside scope of the request]

From: [Information withheld under s40]
Sent: 25 September 2018 15:39
To: [Information withheld under s40]
Cc: [Information withheld under s40] Andrew Heyn (Sensitive); Alex Pinfield (Sensitive); Kate White (Sensitive)
Subject: [Information withheld under s27]

[Information withheld under s27 and s40]

[Information withheld - outside scope of the request]

From: [Information withheld under s40]

Sent: 26 September 2018 11:02

To: [Information withheld under s40]

Cc: [Information withheld under s40]

Subject: [Information outside scope of the request] Meeting with [Information withheld under s27] this afternoon

[Information withheld under s40]

I gather from [Information withheld under s40] that [Information withheld under s27] have arranged to meet you this afternoon to discuss [Information withheld - outside scope of the request] and HK. [Information withheld under s40] [Information withheld - outside scope of the request]

On Hong Kong, [Information withheld under s27] the following statement from an FCO spokesperson on Monday: *“We are concerned by the decision of the Hong Kong SAR Government to prohibit the HKNP. This is the first time a party has been banned under the Societies Ordinance since the handover. The UK does not support Hong Kong independence, but Hong Kong’s high degree of autonomy and its rights and freedoms are central to its way of life, and it is important they are fully respected”.*

I suggest the lines you might want to take on the Hong Kong National Party could be as follows:

- We have a longstanding commitment under the Sino-British Joint Declaration, and we take this seriously. We want Hong Kong to continue to succeed and believe that its future success relies on the rights and freedoms protected by that international treaty.
- Where we observe developments that we believe represent a risk to these rights and freedoms we will comment.
- In this case, the sight of a political party with no history of violence being banned is of concern both to us and to other members of the international community.
- We have made it very clear, both privately and publicly, that we do not support independence for Hong Kong. We do not believe this would be in Hong Kong’s interests. But this does not mean that groups who do support independence should be prohibited.

[Information withheld under s35, s40 and outside scope of the request]

From: **[Information withheld under s40]**
Sent: 25 September 2018 22:08
To: **[Information withheld under s40]**
Cc: **[Information withheld under s40]**
Subject: RE: **[Information withheld under s27]**

[Information withheld under s40 and s35]

Background

1. The Hong Kong National Party is a small political party of 40-50 members, whose stated aim is to achieve a “self-reliant nation, an independent Hong Kong”. It is led by 28 year old activist, Andy Chan Ho-Tin, who was one of six prospective candidates barred from the 2016 LegCo elections over his political views.

2.. On Monday 25 September, Secretary for Security, John Lee, announced that he had decided to ban the Hong Kong National Party (HKNP), ten days after HKNP submitted evidence in support of their case against the potential ban. This is the first time a group has been prohibited under the Societies Ordinance since the handover.

3. Announcing his decision, Security Secretary John Lee said the HKNP has been “banned in the interests of national security, public safety, public order, protection of freedom and the rights of others”. National security, in this instance, refers to safeguarding the territorial integrity and independence of the People's Republic of China. Speaking to reporters following the announcement, the Security Secretary said the HKNP’s agenda advocating independence “is in strict contravention to the Basic law and also against national security”. He went on to say “I understand residents are concerned about freedom of assembly. I want to stress that Hong Kong residents have freedom of assembly, but this freedom is not without limits.” He noted those limits were listed in the HK Bill of Rights and in accordance with international standards.

4. Following the ban, anyone involved in the group (eg by serving, participating in gathering or providing financial assistance) could be fined up to Hk\$100, 000 (£10,000) and jailed for up to three years. It is unclear whether anyone expressing views on HKNP online, or indeed journalists covering the party, could be considered to be flouting the ban.

5. HKNP now have 30 days to appeal to the Chief Executive and the Executive Council under Section 5(b) of the Societies Ordinance. The CE can confirm, vary or reverse the decisions. Any operation of the Security Secretary’s decision is suspended until the Chief Executive has heard and determined the appeal.

6. On the day the ban was announced an FCO Spokesperson issued the following statement: “We are concerned by the decision of the Hong Kong SAR Government to prohibit the HKNP. This is the first time a party has been banned under the Societies Ordinance since the handover. The UK does not support Hong Kong independence, but Hong Kong’s high degree of autonomy and its rights and freedoms are central to its way of life, and it is important they are fully respected”.

[Information withheld under s40]

-----Original Message-----

From: **[Information withheld under s40]**
Sent: 25 September 2018 09:38
To: **[Information withheld under s40]**
Cc: **[Information withheld under s40]**
Subject: FW: **[Information withheld under s27]**

[Information withheld under s40] - very much appreciated if you could please forward lines for **[Information withheld under s40]** to take re: National Party.

[Information withheld under s40 and outside scope of the request]

-----Original Message-----

From: **[Information withheld under s40]**
Sent: 25 September 2018 08:18
To: **[Information withheld under s40]**
Subject: **[Information withheld under s27]**

[Information withheld under s40]

Could you please send me lines for **[Information withheld under s40]** to take re: National Party?

Happy to speak if easiest.

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 10 September 2018 11:20
To: [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 07 September 2018 11:36
To: [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

[Information withheld - outside scope of the request]

10. In Hong Kong, [Information withheld - outside scope of the request] But incidents such as [Information withheld - outside scope of the request] the proposed prohibition of the pro-independence Hong Kong National Party continue to place pressure on Hong Kong's high degree of autonomy and on the rights and freedoms enshrined in the Basic Law.

[Information withheld - outside scope of the request]

WOODWARD

Authorised
Barbara Woodward

[Information withheld under s40]

From: [Information withheld under s40]

Sent: 18 September 2018 12:04

To: [Information withheld under s40]

Cc: [Information withheld under s40]

Subject: [Information withheld - outside scope of the request]

[Information withheld under s40]

[Information withheld - outside scope of the request] the various issues he could cover with him, including the potential banning of the Hong Kong National Party. [Information withheld - outside scope of the request]

[Information withheld under s40]

From: [Information withheld under s40]

Sent: 20 September 2018 16:30

To: [Information withheld under s40]

Subject: OFF-SEN: Draft: Banning of the Hong Kong National Party

[Information withheld under s40]

I offered to have a go at preparing a note for **[Information withheld under s40]** so we can move quickly if the HK authorities decide to ban the HKNP. Please see my first shot at this below. I'd be grateful for your thoughts **[Information withheld under s40]**

Many thanks,

[Information withheld under s40 and s35]

18 September 2018

HONG KONG BACKGROUND BRIEF

[Information withheld - outside scope of the request]

Potential Banning of the Hong Kong National Party: On 17 July 2018, the Hong Kong Police, acting at the request of the Hong Kong Secretary for Security, gave notice that they intend to prohibit the continued operation of the Hong Kong National Party (HKNP) – the first time this power has been exercised. The Secretary for Security said that President Xi had made clear that any act to destroy the country’s sovereignty and territorial integrity crossed a red line: the HKNP is explicit in its support for Hong Kong independence. To our knowledge, the HKNP has not participated in any illegal activities but this is the latest in a series of decisions which risk undermining Hong Kong’s rights, freedoms and autonomy. The UK does not support independence, but the right to freedom of expression is guaranteed in Hong Kong under the Basic Law. An FCO Spokesperson statement issued on 17 July, expressing concern at the latest development. A formal decision on whether the HKNP will be banned is expected imminently.

From: [Information withheld under s40]
Sent: 18 September 2018 15:21
To: [Information withheld under s40]
Subject: RE: [Information withheld - outside scope of the request]

[Information withheld under s40]

[Information withheld - outside scope of the request] [the HK National Party is more relevant](#)
[Information withheld - outside scope of the request]

[Information withheld under s40]

From: [Information withheld under s40]
Sent: 18 September 2018 15:15
To: [Information withheld under s40]
Subject: RE: [Information withheld - outside scope of the request]

Thanks [Information withheld under s40], this looks great.

[Information withheld - outside scope of the request]

Thanks,
[Information withheld under s40]

[Information outside scope of the request]

Q. Banning of Hong Kong National Party?

- UK does not support Hong Kong independence, but Hong Kong's high degree of autonomy, and its rights and freedoms, are central to its way of life, and it's important they are fully respected.

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 18 September 2018 11:32
To: [Information withheld under s40]
Subject: RE: [Information withheld - outside scope of the request]

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 17 September 2018 15:09
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

[Information withheld under s40 and outside scope of the request]

19 September 2018

Core Script [Information withheld under s27]

[Information withheld - outside scope of the request]

- Plans to prohibit the continued operation of the Hong Kong National Party.

[Information withheld under s27 and outside scope of the request]

From: [Information withheld under s40]
Sent: 11 September 2018 09:50
To: [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

[Information withheld - outside scope of the request]

Agree HK National Party should be in the lines to take.

[Information withheld under s35, s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 10 September 2018 17:16
To: [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

[Information withheld under s40, s35 and outside scope of the request]

From: [Information withheld under s40]
Sent: 10 September 2018 16:32
To: [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 10 September 2018 10:06
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: FW: [Information withheld - outside scope of the request]

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 12 September 2018 18:06
To: [Information withheld under s40]
Subject: RE: Possible Meeting [Information withheld - outside scope of the request]

[Information withheld under s40 and outside scope of the request]

This meeting is likely to take place shortly before the HKSARG makes its decision on whether to ban the Hong Kong National Party. [Information withheld under s40] would be able to raise this and stress that the sight of peaceful parties being closed down would not send the right message to the international community about the protection of freedom of speech and expression in Hong Kong.

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]

Sent: 12 September 2018 16:50

To: [Information withheld under s40]

Subject: Possible Meeting [Information withheld - outside scope of the request]

[Information withheld under s40 and outside scope of the request]

From: [Information withheld under s40]
Sent: 12 September 2018 09:17
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: RE: [Information withheld - outside scope of the request]

[Information withheld - outside scope of the request]

From: [Information withheld under s40]
Sent: 12 September 2018 09:14
To: [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: [Information withheld - outside scope of the request]

[Information withheld under s40]

[Information withheld - outside scope of the request] and the proposed ban on the Hong Kong National Party. [Information withheld - outside scope of the request]

[Information withheld - outside scope of the request] and the proposed ban on the Hong Kong National Party. [Information withheld - outside scope of the request]

[Information withheld - outside scope of the request]

The ban on the Hong Kong National Party

On 14 August, Andy Chan, convenor of the pro-independence Hong Kong National Party gave a speech advocating Hong Kong independence at the Foreign Correspondents' Club of Hong Kong. On 24 September, the HKNP was officially banned according to local law. The SARG's move confirmed the boundary of 'freedom of expression' and was a key component of the comprehensive and accurate implementation of 1C2S by opposing independence through its local rule of law.

[Information withheld - outside scope of the request]

From: [Information withheld under s40]
Sent: 11 September 2018 14:53
To: Alex Pinfield [Information withheld under s40]
Cc: [Information withheld under s40]
Subject: Your meeting with [Information withheld under s27]

Alex,

You met [Information withheld under s40] earlier today. [Information withheld under s40] accompanied.

[Information withheld under s27, s40 and outside scope of the request]

[Information withheld - outside scope of the request]	[Information withheld - outside scope of the request]	[Information withheld - outside scope of the request]	[Information withheld under s35]
[Information withheld - outside scope of the request]	[Information withheld - outside scope of the request]		<p>[Information withheld under s27 and outside scope of the request] prevent political activists from discussing self-determination or independence in public, or from standing for office if they have done so - most recently through the HKSARG decision to pursue a ban on the Hong Kong National Party. The UK has made clear its continuing commitment to the rights and freedoms set out in the Joint Declaration, through the Six-Monthly Report, through a clear statement of concern on the HKNP announcement and through remarks by the PUS in a local media interview during his visit in September. [Information withheld under s35 and outside scope of the request]</p>