

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** CHN31727  
**Country:** China  
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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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**Questions**

- 1. Are public protests held in Hong Kong?**
- 2. Does the Chinese government permit the open practice of Falun Gong in Hong Kong?**
- 3. Are Falun Gong practitioners permitted to distribute Falun Gong materials and materials critical of the Chinese government in Hong Kong?**
- 4. If not, what action does the Chinese government take in regard to Falun Gong practitioners in Hong Kong?**

**RESPONSE**

**1. Are public protests held in Hong Kong?**

The US Department of State notes that public protests by the Falun Gong (and other groups) are permitted and regularly held in Hong Kong:

Freedom of Assembly

The law provides for freedom of assembly and the government generally respected this right in practice. The government routinely issued the required permits for public meetings and demonstrations.

Under the Public Order Ordinance, demonstration organizers must notify the police of their intention to demonstrate one week in advance, unless an exception is granted. The police accept shorter notice if groups can satisfy the commissioner of police that earlier notice could not have been given for a march involving more than 30 persons and for an assembly of more than 50 persons. The police must explicitly object within 48 hours, and if there is no reply, it is assumed there is no objection. The ordinance also empowers police to object to demonstrations on national security grounds, although that portion of the law has never been invoked. If the police object, demonstration organizers may appeal to a statutory appeals board comprising members from different sectors of society. Both the board's proceedings and the police's exercise of power are subject to judicial review.

Falun Gong practitioners regularly conducted public protests against the crackdown on fellow practitioners in the PRC. In 2005 the Court of Final Appeal overturned the convictions of eight Falun Gong practitioners who had been charged with obstructing and assaulting police officers during a sit-in protest in 2002. The ruling was viewed as an important affirmation of Hong Kong's fundamental freedom of assembly, demonstration, and expression under the Basic Law. In August, 15 of the protesters arrested during the sit-in filed a \$192,000 (HK\$1.5 million) civil claim against the police for unlawful arrest and false imprisonment. At year's end the case was pending.

(US Department of State 2007, *Country Reports on Human Rights Practices 2006 – China (includes Tibet, Hong Kong, and Macau)*, 6 March, 'Hong Kong' sec.2b. 'Freedom of Peaceful Assembly and Association' – Attachment 1)

As noted above, Falun Gong protesters were jailed once in 2002, but these convictions were later overturned by the Court of Final Appeal. No other reports of arrests or sentencing of Falun Gong practitioners was found.

In 2005, Hong Kong newspaper *The Standard* reported "Falun Gong has never been illegal in the territory, where civil and religious rights are protected, and their daily protests against the central government outside the Star Ferry are a fact of life." ('Falun Gong receives better treatment in Hong Kong despite Beijing pressure' 2005, BBC Monitoring (Source: Hong Kong newspaper *The Standard*), 20 September – Attachment 2)

There are many reports of Falun Gong protests in Hong Kong on Falun Gong websites such as [www.clearwisdom.net](http://www.clearwisdom.net), [www.clearharmony.net](http://www.clearharmony.net), [www.faluninfo.net](http://www.faluninfo.net) and [www.fofg.org](http://www.fofg.org). Here are a selection of some recent demonstrations:

On 7 February 2007, dozens of Falun Gong practitioners and representatives from concerned groups held a press conference in Charter Garden, calling on people from all circles to help rescue two Hong Kong Falun Gong practitioners arrested in China ('Hong Kong: Call for Action to Rescue Fellow Practitioners Illegally Detained by the CCP' 2007, Clearwisdom.net, 10 February <http://www.clearwisdom.net/emh/articles/2007/2/10/zip.html#15> – Accessed 8 May 2007 – Attachment 3).

On 3 February 2007, the Falun Gong and other civil groups held a parade "supporting the 18 million brave Chinese people in mainland China who have withdrawn from the Chinese Communist Party (CCP) and its affiliated organizations". ('Hong Kong: Parade to Support Quitting the CCP Warmly Received (Photos)' 2007, Clearwisdom.net, 7 February <http://www.clearwisdom.net/emh/articles/2007/2/7/82461.html> – Accessed 8 May 2007 – Attachment 4).

On 22 January 2007, Hong Kong Falun Gong practitioners marched to the Consulate-General of Singapore in Hong Kong to deliver a protest letter. They urged the Singapore authorities to not act as an accomplice of the Chinese Communist Party (CCP) and immediately stop the persecution of Falun Gong. "Starting from that day, Hong Kong practitioners will do sit-in protests outside the Consulate General of Singapore five days a week, and extend the length from three hours a day to nine hours in the daytime and five hours at night." ('Hong Kong Practitioners Admonish Singapore Authorities to Cherish Themselves by Treating Falun Gong Fairly (Photos)' 2007, Clearwisdom.net, 24 January

<http://www.clearwisdom.net/emh/articles/2007/1/24/81999.html> – Accessed 8 May 2007 – Attachment 5).

On 13 December 2006, Hong Kong Falun Gong practitioners marched in the rain to the Liaison Office of the Central People's Government and the Government Headquarter to protest the police using force to remove peacefully protesting Falun Gong practitioners during the visit of Wu Bangguo, Chairman of Chinese Communist Party (CCP) National People's Congress. "They called for all levels of the Hong Kong government to see clearly the evil nature of the CCP, cast off fear of the CCP, uphold justice and conscience, safeguard human right and law, and not to assist the CCP in its crimes". ('Hong Kong: Practitioners Urge Government Not to Assist CCP with Crime' 2006, News and Events from around the World – December 16, 2006, Clearwisdom.Net, 16 December <http://www.clearwisdom.net/emh/emhweekly/2006/12/17/2006-12-16-news.html#13> – Accessed 8 May 2007 – Attachment 6).

On February 2, 2004, about 50 Hong Kong Falun Gong practitioners held a sit-in outside the Chinese Liaison Office ('Hong Kong: Falun Gong Practitioners Protest Jiang Regime's Extending the Persecution to France', 2004, Clearharmony.net, 7 February <http://www.clearharmony.net/articles/200402/17679.html> – Accessed 8 May 2007 – Attachment 7).

- 2. Does the Chinese government permit the open practice of Falun Gong in Hong Kong?**
- 3. Are Falun Gong practitioners permitted to distribute Falun Gong materials and materials critical of the Chinese government in Hong Kong?**
- 4. If not, what action does the Chinese government take in regard to Falun Gong practitioners in Hong Kong?**

The US Department of State notes the open practice of Falun Gong is permitted in Hong Kong:

The Basic Law provides for freedom of religion, and the government generally respected these provisions in practice.

While **Falun Gong practitioners freely and openly practiced their beliefs**, they have been routinely subjected to more subtle forms of discrimination. In February the offices of the Falun Gong-owned daily newspaper Epoch Times were attacked and vandalized (see section 2.a.). In 2005 an international hotel chain canceled a conference room reservation that Epoch Times had made for a forum on the future of China. A Falun Gong spokesperson said that once it became widely known that the Falun Gong had sponsored the conference, a replacement facility could not be found.

(US Department of State 2007, *Country Reports on Human Rights Practices 2006 – China (includes Tibet, Hong Kong, and Macau)*, 6 March, 'Hong Kong' sec.2c. 'Freedom of Religion' – Attachment 1)

The report also notes some restriction on the freedom of entry to Hong Kong by foreign Falun Gong practitioners in 2004:

In 2004 a New Zealand citizen and Falun Gong practitioner was denied entry to Hong Kong for unspecified reasons. Also in 2004 the government barred 41 Falun Gong practitioners from entering the SAR for "security reasons." Most of the practitioners were attempting to

attend Falun Gong's annual conference, which attracted approximately 700 persons. Four of those denied entry filed a judicial review. As of October the Court of Final Appeal had not issued a ruling in the case. Also in 2004 the government denied a request to allow two 1989 Tiananmen Square student leaders to enter the SAR to participate in a conference focused on the Tiananmen Square massacre. Earlier that year other Tiananmen Square student leaders had been allowed to enter to engage in uncontroversial activities.

(US Department of State 2007, *Country Reports on Human Rights Practices 2006 – China (includes Tibet, Hong Kong, and Macau)*, 6 March, 'Hong Kong' sec.2d. 'Freedom of Movement' – Attachment 1)

In 2002, Human Rights Watch published a large report on the Falun Gong which also looked at the situation of the Falun Gong in Hong Kong at that time. They stated:

Practitioners in the Special Administrative Region of Hong Kong (SAR), there since 1996, have supported the rights of those on the mainland from the time the crackdown began in July 1999. The Hong Kong government, on the other hand, has quietly chipped away at the rights of SAR practitioners. On paper, Hong Kong has held the line and Falungong remains legal there; SAR authorities have not passed an anti-cult law or anti-sedition legislation, as some had feared, which would have provided a legal basis for banning the group. Nor has the SAR government seriously restricted Falungong followers from practicing and making their views publicly known through marches, meetings, and demonstrations. Responding to pressure from Beijing, Hong Kong authorities have, however, limited Falungong practitioners' use of public facilities and restricted access to followers based outside the SAR. Authorities have also put Falungong on notice by declaring that the group has all the markings of an "evil cult," that it is being carefully monitored, and that it could be shut down quickly should Hong Kong authorities deem such action necessary.

(Human Rights Watch 2002, *Dangerous Meditation: China's Campaign Against Falungong*, January, Chap.5 – Attachment 8).

The report goes on to note that there were a large number of protests in Hong Kong in 2001 and that, although the Hong Kong government had come under pressure from Beijing they had not made the group illegal.

There have been a number of large Hong Kong Falun Dafa Experience Sharing Conferences which have been attended by Falun Gong practitioners from many countries. Conferences have been held on 12 December 1999, 13-14 January 2001, 22 February 2003 and 1 May 2004. A Falun Gong chronology provides the following notes on each of the first three conferences:

December 12, 1999

More than 1,000 Falun Gong practitioners from 20 some countries attended the 1999 Hong Kong Falun Dafa Experience Sharing Conference, the group appeal [to end the persecution against Falun Gong in China], and the group demonstration of the peaceful Falun Gong exercises to the public. They also delivered a letter of appeal to the Chinese government

January 13 – 14, 2001

The 2001 Hong Kong Falun Dafa Experience Sharing Conference was held. More than 1,200 Falun Gong practitioners from 23 countries worldwide attended the conference. After the conference, they had a parade to call for the end of the persecution, demonstrated the peaceful Falun Gong exercises in public, and had a formation to form the words "Truthfulness Compassion Forbearance" in Chinese characters.

February 22, 2003

The 2003 Hong Kong Falun Dafa Experience Sharing Conference was held. Approximately 700 Falun Gong practitioners from 20 countries and regions attended the conference. ('A Chronicle of Major Events of Falun Dafa' (undated), Clearwisdom website <http://www.w.clearwisdom.net/emh/articles/2004/8/27/chronicle.html> – Accessed 6 March 2007. (Attachment 9)

Reports and photos of the conferences in 2003 and 2004 are at Attachments 10 and 11 ('The 2003 Hong Kong Falun Dafa Experience Sharing Conference (Photos)' 2003, Clearwisdom.net, 26 February <http://www.clearwisdom.net/emh/articles/2003/2/26/32610.html> – Accessed 8 May 2007 – Attachment 10; 'Photo Report: 2004 Hong Kong Falun Dafa Experience Sharing Conference (2)--"Peacefully and Rationally Oppose the Persecution" Parade' 2004, Clearwisdom.net, 5 May <http://www.clearwisdom.net/emh/articles/2004/5/5/47742.html> – Accessed 8 May 2007 – Attachment 11).

The Falun Gong have a (mainly Chinese) website in Hong Kong which openly lists the practice sites and contact persons in the territory ('The Hong Kong Association of Falun Dafa' undated The Hong Kong Association of Falun Dafa website, <http://home.netvigator.com/~falunhk/> and <http://home.netvigator.com/~falunhk/practice.htm> – Accessed 8 May 2007 – Attachment 12).

An older Research Response on the Falun Gong in Hong Kong is also attached (RRT Country Research, 2003, *Research Response HKG23081*, 25 August – Attachment 13).

## List of Sources Consulted

### Internet Sources:

#### Falun Gong websites

Falun Dafa Clearwisdom.net [www.clearwisdom.net](http://www.clearwisdom.net) (English version of Minghui.net)

Falun Dafa in Europe Clearharmony.net - [www.clearharmony.net](http://www.clearharmony.net)

Falun Dafa Information Centre [www.faluninfo.net](http://www.faluninfo.net)

Friends of Falun Gong [www.fofg.org](http://www.fofg.org).

Falun Dafa [www.falundafa.org](http://www.falundafa.org)

World Organization to Investigate the Persecution of Falun Gong [www.zhuichaguoji.org/en/](http://www.zhuichaguoji.org/en/)

Falun Gong Human Rights Working Group [www.flghrwg.net](http://www.flghrwg.net)

Epoch Times <http://en.epochtimes.com>

#### Government Information & Reports

Immigration & Refugee Board of Canada <http://www.irb.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk>

US Department of State <http://www.state.gov/>

#### United Nations (UN)

UNHCR <http://www.unhcr.ch/>

#### Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>

Human Rights Watch <http://www.hrw.org/>

#### International News & Politics

BBC News website <http://news.bbc.co.uk/>

#### Search Engines

Google search engine <http://www.google.com.au/>

## Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

## **List of Attachments**

1. US Department of State 2007, *Country Reports on Human Rights Practices 2006 – China (includes Tibet, Hong Kong, and Macau)*, 6 March, ‘Hong Kong’ sec.2b. ‘Freedom of Peaceful Assembly and Association’
2. ‘Falun Gong receives better treatment in Hong Kong despite Beijing pressure’ 2005, BBC Monitoring (Source: Hong Kong newspaper *The Standard*), 20 September (CISNET ‘China’ CX134952)
3. ‘Hong Kong: Call for Action to Rescue Fellow Practitioners Illegally Detained by the CCP’ 2007, Clearwisdom.net, 10 February  
<http://www.clearwisdom.net/emh/articles/2007/2/10/zip.html#15> – Accessed 8 May 2007
4. ‘Hong Kong: Parade to Support Quitting the CCP Warmly Received (Photos)’ 2007, Clearwisdom.net, 7 February  
<http://www.clearwisdom.net/emh/articles/2007/2/7/82461.html> – Accessed 8 May 2007
5. ‘Hong Kong Practitioners Admonish Singapore Authorities to Cherish Themselves by Treating Falun Gong Fairly (Photos)’ 2007, Clearwisdom.net, 24 January  
<http://www.clearwisdom.net/emh/articles/2007/1/24/81999.html> – Accessed 8 May 2007
6. ‘Hong Kong: Practitioners Urge Government Not to Assist CCP with Crime’ 2006, News and Events from around the World – December 16, 2006, Clearwisdom.Net, 16 December  
<http://www.clearwisdom.net/emh/emhweekly/2006/12/17/2006-12-16-news.html#13> – Accessed 8 May 2007
7. ‘Hong Kong: Falun Gong Practitioners Protest Jiang Regime’s Extending the Persecution to France’, 2004, Clearharmony.net, 7 February  
<http://www.clearharmony.net/articles/200402/17679.html> – Accessed 8 May 2007
8. Human Rights Watch 2002, *Dangerous Meditation: China’s Campaign Against Falungong*, January, Chap.5
9. ‘A Chronicle of Major Events of Falun Dafa’ (undated), Clearwisdom website  
<http://www.clearwisdom.net/emh/articles/2004/8/27/chronicle.html> – Accessed 6 March 2007.
10. ‘The 2003 Hong Kong Falun Dafa Experience Sharing Conference (Photos)’ 2003, Clearwisdom.net, 26 February  
<http://www.clearwisdom.net/emh/articles/2003/2/26/32610.html> – Accessed 8 May 2007
11. ‘Photo Report: 2004 Hong Kong Falun Dafa Experience Sharing Conference (2)--”Peacefully and Rationally Oppose the Persecution” Parade’ 2004, Clearwisdom.net, 5

May <http://www.clearwisdom.net/emh/articles/2004/5/5/47742.html> – Accessed 8 May 2007

12. 'The Hong Kong Association of Falun Dafa' undated The Hong Kong Association of Falun Dafa website, <http://home.netvigator.com/~falunhk/> and <http://home.netvigator.com/~falunhk/practice.htm> – Accessed 8 May 2007
13. RRT Country Research, 2003, *Research Response HKG23081*, 25 August