

CHINA



BEIJING'S LONG GAZE: A camera at the headquarters of China's People's Liberation Army in central Hong Kong, overlooking the site where pro-democracy protesters set up camp for more than 10 weeks. Hong Kong Democratic Party lawmaker James To (inset) was shadowed in the build-up to the protests.

REUTERS/TYRONE SIU; REUTERS/BOBBY YIP

# How China spies on Hong Kong's democrats

Ex-Hong Kong policemen are part of a mainland-led operation to track leading figures in the democracy movement in Hong Kong. The aim: To find compromising information.

BY DAVID LAGUE, GREG TORODE AND JAMES POMFRET

## CHINA'S SPY OPERATION

HONG KONG, DECEMBER 15, 2014

James To was growing uneasy. When the veteran Hong Kong Democratic Party lawmaker looked in his rear-view mirror, two silver Mercedes Benz saloons kept appearing behind his grey Volvo sedan.

For almost a week, one or the other was behind him on his daily commute. When he arrived at the Legislative Council building, the following car would park nearby and wait, sometimes for hours. With his suspicion hardening, on August 11 To complained to the police, reporting the registration numbers of the two Mercedes in his detailed statement.

The next morning he pulled out of his home in the largely working class neighbourhood of North Point on Hong Kong island and headed to work. At the bottom of the street outside his building, he glanced in the mirror to see an unmarked car pull sharply into the path of a silver Mercedes behind him. Several men got out of the unmarked car. He kept driving, assuming the police had moved fast to intercept his tail.

He was right. Later, To says, the police informed him they had arrested two men and seized two Mercedes. What he didn't know was that the police had inadvertently foiled a surveillance operation being run by mainland China. Just ahead of the biggest pro-democracy protests in Hong Kong since the 1997 handover, the police had stumbled into a Chinese internal security operation aimed at monitoring the activities of pro-democracy figures in Hong Kong, according to two people with knowledge of the surveillance.

The mainland Chinese intelligence services have long been suspected of running covert operations in Hong Kong, but this has now been confirmed for the first time, Reuters has learned, with one of their surveillance teams taken into custody. The pair was part of a team watching To, according to the people familiar with the operation. Other teams have been assigned to track



SHADOWED: Hong Kong University pollster Robert Chung says he realised he was being followed after a local paper published a full-page spread accusing him of reckless driving. REUTERS/BOBBY YIP

“I don't know what their motive is, you know, so it is always threatening behavior.”

**James To**

Hong Kong Democratic Party lawmaker

key figures in the pro-democracy movement and critics of Beijing's rule in the city, they say, with the aim of uncovering compromising information.

The arrested pair was quickly released without any public announcement. The police declined to divulge their identities to Reuters.

### RETIRED POLICE OFFICERS

Retired senior Hong Kong police officers and managers at private security companies say mainland intelligence services have been recruiting former Hong Kong police to assist in political surveillance operations. Recruiters identify former officers with surveillance training and pro-Beijing sympathies. They say more than 20 of these

retired officers have been assigned to surveillance teams working alongside mainland agents.

One of the Mercedes cars that To reported to police is registered to a local resident who says he is a Hong Kong public servant. The man told Reuters he played no role in the surveillance. The other car was displaying a licence plate that is not registered to any vehicle, according to records of the Hong Kong government's Transport Department.

News of the mainland spying operation comes as many Hong Kong residents are already chafing at China's tightening grip on their city. The fear: Beijing is eroding the wide-ranging personal freedoms and independent law enforcement enshrined in the one country, two systems formula under which they have been governed since British rule ended in 1997.

Pro-democracy lawmakers, academics and political activists worry that Hong Kong is becoming more like mainland Chinese cities, where the internal security services join forces with the police to crush dissent.

## Under watchful eyes

For almost a week, two Mercedes Benz sedans kept appearing behind James To's Volvo as he drove to work. After the veteran Hong Kong Democratic Party lawmaker lodged a complaint with the police, they swooped on the men following him. Their swift action inadvertently exposed a mainland-led surveillance operation.



1

**Aug. 6** - To spots the Mercedes following him for the first time on his way to work at the **Legislative Council**. He then sees the Mercedes parked outside his workplace.

2

**Aug. 7** - A second silver Mercedes follows him to the office. It also follows him to the **Jockey Club** at the Happy Valley race course.

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**Aug. 8** - To is followed to work by a silver Mercedes.

**Aug. 11** - To steps out of his apartment with his son and heads to a nearby café. One of the men in the Mercedes gets out and peers through the window of the café. To lodges a complaint with the police.

3

**Aug. 12** - Undercover police intercept one of the Mercedes cars outside To's residence and arrest two men.

They say the surveillance has intensified over the last 12 months, as the city's pro-democracy movement began planning for the campaign of civil disobedience that disrupted Hong Kong's central business district for more than two months from late September. For China's leaders, the upheaval presents one of the most serious popular challenges to Communist Party rule since the 1989 Tiananmen protests.

### EMBARRASSING MATERIAL

The surveillance of To is just one example of the monitoring of Beijing's political opponents. Other lawmakers, political

activists, academics and Catholic priests say they have been monitored or followed in recent months. In some cases, they suspect that the surveillance is aimed at unearthing material that could be used to discredit or embarrass them.

To says the surveillance is especially intimidating at a time when Beijing is struggling to contain demands for fully democratic elections in the former British colony. "In these difficult times, we don't know what ... action they will take in an extreme case," he says. "I don't know what their motive is, you know, so it is always threatening behaviour."

The Liaison Office in Hong Kong, Beijing's official representative body in the city, did not respond to faxed questions from Reuters.

A spokesman for the office of Chief Executive Leung Chun-ying said it did not comment on individual cases. "All persons in Hong Kong, whether residents or not, have to abide by the laws of Hong Kong," the spokesman said.

Hong Kong police cleared out the main protest site late last week, bringing to an end more than 10 weeks of street demonstrations. To was among the pro-democracy politicians arrested on suspicion of

obstructing police and illegal assembly as they gathered for a last show of defiance at the site. He was released after several hours.

In written answers to questions from Reuters in October, a Hong Kong police spokesman confirmed that an investigation had been launched after “someone surnamed To” reported being followed. “On August 12, two local Chinese males aged 56 and 54 were arrested in North Point,” the spokesman said, adding that they had been released on police bail.

The police described the case as suspected loitering, but did not give further details about the arrested men and did not respond to a question about whether the suspects were retired Hong Kong police officers. In a reply to Reuters last week, the police said the investigation had been “curtailed” due to insufficient evidence that any criminal offence had been committed.

Hong Kong law enforcement veterans would be valued for their local knowledge and contacts. As retirees, they are private citizens, which may mean there is a grey area in which they can operate, say legal experts. And, if one of these surveillance operations were exposed, the mainland security services could distance themselves from any fallout, according to foreign diplomats who follow political events in Hong Kong.

For To, it would be a bitter irony if former Hong Kong police were following him as part of a mainland-led operation. “In the past they never trusted Hong Kong people,” he says, referring to Chinese officials. “So, now they trust Hong Kong people more in a sense.”

### UNITED FRONT WORK DEPARTMENT

The one country, two systems agreement does not explicitly prohibit China's vast security and intelligence apparatus from operating in Hong Kong, but it does require any investigation and enforcement action to be carried out by local police and under the city's laws.



TAIPEI TAIL: Protest leader Joshua Wong says he was followed during a two-day trip to Taiwan in May. One of his tails openly snapped pictures of him and his friends during the trip, he says.

REUTERS/CARLOS BARRIA

“Even my parents didn't know which hotel I was in or the exact time I was arriving. But that guy knew the details.

**Joshua Wong**

Student protest leader

These operations are headed by a bureau of China's powerful Ministry of State Security (MSS), according to security analysts, foreign diplomats and former Western intelligence officers. The MSS gathers information on political figures and potential threats from a wide network. And it collaborates with other Chinese security services and the Communist Party's United Front Work Department, an organ that aims to spread the party's influence at home and abroad and which is active in the city of 7.2 million.

China's Ministry of State Security did not answer multiple calls seeking comment to its only publicly available telephone number.

China routinely complains about what

it says is foreign interference in its internal affairs. In a sign of Beijing's frustration with the Hong Kong protests, articles in China's state controlled media have accused foreigners of inciting the demonstrations. Beijing's handpicked leader in Hong Kong, Chief Executive Leung Chun-ying, said in October that “external forces” were involved in the protests. He provided no evidence.

Many of Hong Kong's politicians, including pro-democracy figures, do maintain links with foreign diplomats, international non-government organisations, human rights groups and think tanks. Among them is To, the local lawmaker tailed by the surveillance team, who once told U.S. diplomats in Hong Kong that his Democratic Party had been penetrated by mainland agents and was in a “dangerous position,” according to a 2007 leaked U.S. cable published by Wikileaks.

### DESIGNED TO INTIMIDATE

Sometimes, activists say, the surveillance of democracy leaders seems designed purely to intimidate. In May, Joshua Wong, one of

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# China charms Hong Kong's law enforcers

BY DAVID LAGUE AND  
ANNE MARIE ROANTREE

Hong Kong's top law enforcers, schooled in British-style judicial independence and separation of powers, are being cycled through Communist Party schools in China, where judges are appointed by the party and police are charged with crushing dissent.

One senior Hong Kong police officer, who has been on multiple trips to the mainland, estimated that "thousands of officers of all ranks" have been sent all over China since the handover on what he described as "hearts and minds" programs. Members of the city's renowned anti-graft body are being sent on similar courses.

"These trips usually involve lots of lunches, dinners and sightseeing," the officer told Reuters. "The idea is to show how much progress China is making and familiarize Hong Kong officers with counterparts over there."

Some of these courses include instruction in the ideological teachings of former Presidents Jiang Zemin and Hu Jintao, and the current vision of President Xi Jinping for the "great rejuvenation of the Chinese nation." The aim: To bring the guardians of the Hong Kong system, which enshrines broad individual freedoms, closer to the mainland's system, where dissent is repressed.

There is a clear political dimension to the exchanges. Beijing organises visits to the China Executive Leadership Academy in Shanghai, which runs a national studies course for senior Hong Kong police, according to reports in the Hong Kong police internal newspaper, *Offbeat*.

In one report, the academy was described as the "cradle" for nurturing senior central government executives. It said the national studies course included lectures on the theory of one country, two systems and other key Communist Party doctrines.

When former leader Deng Xiaoping proposed the one country, two systems model for Hong Kong it reassured a city nervous about Chinese rule ahead of the 1997 handover from Britain. Hong Kong could keep its independent system of justice. A vast gulf still remains between the two systems, but there are signs Beijing is expanding its sway over law enforcement agencies in the Asian financial hub.

The former head of Hong Kong's Independent Commission Against Corruption (ICAC), Timothy Tong, entertained mainland officials so often and lavishly in his five-year tenure to 2012 that he is now under investigation for alleged corruption offences.

## HK\$2 million

The amount spent on delegations to the mainland and Macau under former ICAC head Timothy Tong.

Source: Hong Kong Legislative Council Public Accounts Committee

Tong has denied any wrongdoing.

Alongside the corruption probe, Hong Kong lawmakers last year mounted two separate inquiries into the ICAC's spending on travel and entertainment while Tong was in charge. In reporting its findings in November last year, the Hong Kong Legislative Council Public Accounts Committee published details of 22 official ICAC delegations Tong led to mainland cities and Macau while he was commissioner. The committee found that the trips cost almost HK\$2 million (about \$260,000).

These visits included multiple meetings with China's top prosecutor, the Procurator General of the Supreme People's Procuratorate, and dozens of senior national

and provincial officials. After he left the ICAC, Tong was appointed to the Chinese People's Political Consultative Conference (CPPCC), a prestigious advisory body to the mainland government.

The Public Accounts Committee questioned Tong about dinners where he hosted Chinese officials with wine, gifts and toasts of Moutai, a brand of expensive distilled spirit favoured at mainland banquets.

In evidence to the committee, Tong confirmed he had also hosted meals for mainland officials from the central government's liaison office in Hong Kong and officials from the United Front Work Department, a Communist Party body that discreetly builds support for Beijing across Hong Kong's open society. But he also told the committee that the idea of joining the CPPCC had never crossed his mind until he was approached to take up the post about six months after he left the ICAC.

Tong's lawyer did not respond to questions sent by email.

The ICAC, a 40-year-old force credited with ending rampant official graft in colonial-era Hong Kong, stressed its independence and impartiality in a written response to Reuters.

It noted on-going co-operation and exchanges with officials on the mainland and in other jurisdictions but said "there is no room for any interference of ICAC's operation."

An ICAC official told the Public Accounts Committee that mainland trips had since been curtailed. But a visit last month by current ICAC commissioner Simon Peh to the academy in Shanghai shows that links have been maintained at the top level at least. The agency told Reuters there were currently no plans for future visits.

*Additional reporting by Greg Torode in Hong Kong and John Ruwitch in Shanghai. Editing by Peter Hirschberg and Michael Williams.*

the most prominent student protest leaders, visited Taiwan for a short vacation with two other members of the group Scholarism, which is now at the forefront of the pro-democracy movement.

The night they arrived in their ground-floor room at the Simple+ Hotel in Taipei, the phone rang. A male voice speaking Mandarin asked for Wong, saying a “Hong Kong friend” wanted to pay him a visit. The boys said Wong wasn’t available. Later, they asked at the front desk if the call had come from outside the hotel, said the 18-year-old Wong. The desk attendant said no, leading Wong and his friends to conclude that the caller had been inside the hotel and knew their room number.

“Even my parents didn’t know which hotel I was in or the exact time I was arriving. But that guy knew the details,” Wong told Reuters.

Over a period of two days, at least two men followed Wong and his friends. One came within about two meters to snap pictures of them on his mobile phone. When the boys confronted the man, he said he had been hired to follow and photograph them, but was not part of the media. Wong has pictures of one of the men, which he posted on his Facebook page. He said he didn’t bother to report the incident to police.

Derek Lam, a student activist on the trip with Wong, said he suspected the men following them were trying to collect dirt to tar the pro-democracy movement. The man they confronted, he said, told them he had instructions to photograph them, especially if they did anything like visit “women.”

Chan Kin-man, a founder of the democracy movement, said several men took turns to monitor his movements in late September, just before the protests erupted. Chan, an associate professor of sociology at Chinese University, described the men as “middle-aged” and said they were positioned at a bus stop opposite his apartment complex. They stayed for several days, working in shifts around the clock.



SHOWDOWN: Police use pepper spray on protesters during a confrontation in the Mong Kok district of Hong Kong in October. **REUTERS/CARLOS BARRIA**

### ‘TRYING TO SLIP A TAIL’

Fellow academic Robert Chung, a Hong Kong University pollster, is accustomed to being attacked in the city’s pro-Beijing press over his surveys. His work explores sensitive topics, including attitudes to political reform and feelings about national identity. But earlier this year Chung was stunned when a report in one of these newspapers revealed he was being followed.

A full-page spread in the pro-Beijing Ta Kung Pao newspaper in May accused him of reckless driving, including running an amber light and making illegal turns. The report included a number of photographs of his car on different streets on different days over a period of weeks in March. The report also carried a graphic showing the routes he took and quoted a private investigator saying his “driving methods are similar to those used by spies trying to slip a tail.”

For Chung, the level of detail in the article suggested expertise beyond the skills of muckraking reporters. “There was never any real evidence until I read that Ta Kung Pao story,” Chung told Reuters. “I believe they are professional agents.”

A spokesperson for the Ta Kung Pao chief editor said the report was done “independently” by the paper’s reporters.

Catholic priests in Hong Kong say they have been approached by MSS agents seeking gossip on local clerics and church affairs, as well as information on the Vatican’s thinking on China. The officers typically visit Hong Kong on tourist visas but make their identities clear, seeking discreet meetings in cafes and restaurants.

### TRIAD-STYLE ATTACK

For To, apprehensive about the silver Mercedes following him, it was a simple test that convinced him he needed to go to the police. On Monday, August 11, he stepped out of his apartment building with his three-year-old son, turned right and walked down the street in North Point.

Sure enough, one of the silver Mercedes was parked near his building. To and his son walked a few doors down into a small café. A man got out of the car and followed them, peering through the window.

“That’s when I knew I had to act,” said To. “This was not normal.” That day, he went to the police.

To suspects one reason the police moved so fast after he reported the surveillance is that they might have feared for his safety. In February, on a street not far from To's home, one of his close friends, investigative journalist Kevin Lau, was stabbed in a triad-style attack. Lau was lucky to survive.

To had been quoted in one of the journalist's more controversial articles in a Chinese-language newspaper. To said police warned him he needed to be alert and offered him protection but he declined. Police in Hong Kong and the mainland have arrested nine men in connection with the attack on Lau.

In his written police report, To described first seeing the Mercedes about four cars behind him on the way to work at the Legislative Council on Wednesday

“There was never any real evidence until I read that Ta Kung Pao story. I believe they are professional agents.

**Robert Chung**

Hong Kong University pollster

morning, Aug. 6. It followed him whenever he changed lanes and slowed whenever he slowed, he told police. That day, he saw the Mercedes parked outside his workplace with two Chinese men sitting inside. The same car followed him home.

The next day, Thursday, a second silver Mercedes followed him to the office and parked by a nearby building. Shortly before midday on Thursday, To left his office and drove to the Hong Kong Jockey Club at the Happy Valley race course, he said in his report. The Mercedes that had followed him in the morning tailed him to the prestigious club.

The next morning, Friday, the second silver Mercedes was back on his tail when he drove to work, he reported. This pattern continued until the arrests.

After the police swooped, To said, they

## Grey areas give China room to manoeuvre in Hong Kong

BY GREG TORODE

Despite a national law protecting Hong Kong's autonomy and extensive Western-style freedoms, legal grey areas give China considerable room for manoeuvre in the city.

Simon Young, a professor at the University of Hong Kong law school, said that any mainland-orchestrated surveillance would be seen locally as a significant breach of the spirit of non-interference in Hong Kong affairs. But it would be hard to prove that this amounted to a violation of the territory's "one country, two systems" model.

Young said there are loopholes in the Basic Law under which Hong Kong is governed and scenarios in which Chinese officials could cite a need to protect national security. "It is going to be tough to win a one country, two systems argument," he said. "It would be more effective to consider the issue from the perspective of individual rights."

The Basic Law, frequently described as Hong Kong's mini-constitution, formally grants Hong Kong a "high degree of autonomy" and significantly limits the role of mainland operations in the city. But it does leave Beijing responsible for foreign affairs and defence.

The document notes the "inviolable" freedoms of Hong Kong residents, outlining freedoms of assembly, religion, movement and speech. Hong Kong also has its own laws, court system and a law enforcement regime entirely separate from the mainland.

In the 17 years since Hong Kong returned to Chinese sovereignty, local security officials have at times stressed that mainland law enforcers were strictly prohibited from taking action on their own in Hong Kong.

In answering a legislator's question earlier this month about whether there was any unauthorized monitoring of local

protesters by mainland security officers in Hong Kong, Secretary for Security Lai Tung-  
kwok said Hong Kong residents' privacy and communications were protected by law.

"At present, no lawful channels are in place for law enforcement officers from other jurisdictions to conduct surveillance in Hong Kong," Lai told the Legislative Council.

The possibility of private citizens, such as retired police officers, running operations in Hong Kong alongside the mainland security apparatus further muddies the legal picture. Hong Kong's Bill of Rights and its laws governing covert surveillance bind only the actions of the local government and its officials. They don't apply to private citizens or mainland officials.

Pro-Beijing media in the city have frequently criticised local pro-democracy politicians for links to foreign groups, including U.S. diplomats and the Catholic Church, which is well established in Hong Kong.

Both Western and Asian diplomats say they maintain a broad range of political and cultural ties in Hong Kong – routine contacts they say reflect their rights under the UN's Vienna Convention on Diplomatic Relations.

*Editing by Peter Hirschberg and Michael Williams.*



See the video: <http://reut.rs/1yGVw4G>





BATON READY: A police officer yells at protestors to move out of a road in an area near Hong Kong government headquarters in mid-October. **REUTERS/CARLOS BARRIA**

told him they took the two men and the two seized cars to a nearby police station. The police told him the two men refused to answer questions. They also told To there was no evidence to charge the pair with any offence. “They assured me I would not be followed anymore,” To told Reuters.

### **‘ALL A MISUNDERSTANDING’**

As of the day of the arrests, one of the Mercedes that To reported to police was registered to a residential address in the container port district of Kwai Chung in Hong Kong’s New Territories, according to Hong Kong Transport Department vehicle ownership records.

In an interview with Reuters outside his home in late October, the car’s owner, Riky Li Kwok-ming, said the police had asked him to bring the Mercedes in for inspection. The police checked the vehicle and asked him if he had been following anybody, Li told Reuters. Li said the police allowed him to leave and he had not heard

from them since.

Li denied he was a current or former police officer. He said he worked for the Hong Kong government but declined to give details. Li also said he hadn’t followed anybody or let others use his car. He said he had been driving on Tanner Road in North Point, where To lives, because his office was in the same area.

When asked if he had been conducting surveillance while his car was parked outside the government office complex, Li said: “Of course not, I was just picking up my wife.” Li said his wife also worked for the Hong Kong government, but wouldn’t elaborate.

Reuters later located Li’s car in a marked parking bay in government offices in North Point. In a follow-up interview in the parking lot earlier this month, Li said he worked for the government logistics department and had been there for more than 10 years.

The Hong Kong authorities have yet to explain who was following To and why.

In his case, Riky Li Kwok-ming says the answer is simple: “This is all a misunderstanding.”

*Additional reporting by Anne Marie Roantree, Clare Baldwin and Lizzie Ko in Hong Kong, and Ben Blanchard in Beijing. Editing by Peter Hirschberg and Michael Williams.*

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