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**United States Senate**  
COMMITTEE ON BANKING, HOUSING, AND  
URBAN AFFAIRS  
WASHINGTON, DC 20510-6075

June 24, 2021

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue N.W.  
Washington, D.C. 20500

Dear Mr. President:

We write today urging you to use the *Hong Kong Autonomy Act* (Public Law 116-49) to identify and sanction those persons and entities materially contributing to the assault by the Chinese Communist Party (CCP) against Jimmy Lai and *Apple Daily*.

The newspaper *Apple Daily* has long been a voice in support of democracy and individual freedom in Hong Kong. The paper's founder and owner, Jimmy Lai, has been an outspoken champion for the basic rights of his fellow citizens while the newspaper itself has been a sharp thorn in the side of the CCP leadership, frequently publishing criticism, lampoons, and embarrassing truths about the CCP that could never be printed on the mainland.

Mr. Lai was recently sentenced to 20 months in prison for the "crime" of publicly protesting the CCP's ongoing crackdown in Hong Kong. Prior to his sentencing, *Apple Daily* published a handwritten letter from Mr. Lai, which read:

**"It is our responsibility as journalists to seek justice. As long as we are not blinded by unjust temptations, as long as we do not let evil get its way through us, we are fulfilling our responsibility."**

To punish this defiance, CCP leaders hope to not only keep Mr. Lai silent in prison, but to also erase any vestige of his ability to stand up to the mainland's authoritarianism. And so Hong Kong authorities wish to erase *Apple Daily*, too.

Last month, *Reuters* reported that Hong Kong Security Secretary John Lee ordered the HSBC and Citibank branches of Hong Kong to freeze Jimmy Lai's accounts,<sup>1</sup> which they appear to have done. Then, earlier this week, some 500 policemen raided the *Apple Daily's* offices and arrested its executives.<sup>2</sup> Hong Kong's Security Bureau then ordered *Apple Daily's* banks to

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<sup>1</sup> "Exclusive: Hong Kong Security Secretary Threatened Bank Not to Conduct Account Transactions with Li Zhiying by Going to Jail (Translated via Google)." *Reuters (China)*, 27 May 2021, <https://cn.reuters.com/article/exclusive-hk-0527-thur-idCNKCS2D80P8>.

<sup>2</sup> Munroe, Tony. "HK's Apple Daily Raided by 500 Officers over National Security Law." *Reuters*, 17 June 2021, [www.reuters.com/world/asia-pacific/hong-kongs-apple-daily-newspaper-says-police-arrest-five-directors-2021-06-16/](http://www.reuters.com/world/asia-pacific/hong-kongs-apple-daily-newspaper-says-police-arrest-five-directors-2021-06-16/).

freeze the newspaper's assets, directly resulting in its closure.<sup>3</sup> It is our understanding that the orders to the banks were issued in an extrajudicial manner, by a single official outside of the court system, and without any criminal charges or subpoenas. These orders solidify the impression of many that the rule of law is no more in Hong Kong.

The CCP's jailing of Jimmy Lai and the throttling of *Apple Daily* constitute obvious and materially significant breaches of the CCP's promise to uphold the freedom of press in Hong Kong under the Sino-British Joint Declaration and subsequent Basic Law.

Section 5 of the *Hong Kong Autonomy Act* requires the Secretary of State to identify to Congress any foreign person, including foreign businesses, that are "materially contributing" to the "inability of the people of Hong Kong to enjoy the freedom of assembly, speech, press, or independent rule of law."

It seems very likely that the breathtaking crackdown on Jimmy Lai and *Apple Daily* involves numerous foreign persons to whom Section 5 of the *Hong Kong Autonomy Act* applies. We urge your administration to comprehensively enforce the *Hong Kong Autonomy Act* in the immediate wake of the injustice imposed upon Jimmy Lai and the forced closure of *Apple Daily*.

Sincerely,



Pat Toomey  
U.S. Senator



Chris Van Hollen  
U.S. Senator

cc: The Honorable Sherrod Brown, Chairman, Senate Committee on Banking, Housing, and Urban Affairs

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<sup>3</sup> Ho, Kelly. "Hong Kong's Apple Daily May Halt Publication This Sat, Pending Fri Board Meeting." *Hong Kong Free Press*, 21 June 2021, <https://hongkongfp.com/2021/06/21/breaking-hong-kongs-apple-daily-may-halt-publication-this-sat-pending-fri-board-meeting/>.