

The Impact of the National Security Law on Media and Internet Freedom in Hong Kong

Written Testimony by Angeli Datt

Senior Research Analyst for China, Hong Kong, and Taiwan at Freedom House

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Introduction

The national security arrests and subsequent closure of the *Apple Daily* newspaper in Hong Kong in June 2021 marked the lowest point for press freedom in the territory in recent memory. Under the new national security regime imposed by Beijing, journalists and news executives have been jailed and face life imprisonment for publishing articles. The paper’s closure will be felt globally. The end of *Apple Daily* is just one of many examples demonstrating how much press freedom has changed in over a year in Hong Kong.

This testimony examines the shrinking space for media and internet freedom in Hong Kong since Beijing imposed the National Security Law (NSL) on the territory on June 30, 2020. The National Security Law prohibits a wide range of activities under the four main offenses of separatism, subversion, terrorism, and colluding with foreign forces, assigning a maximum penalty of life in prison. The NSL has rapidly transformed Hong Kong towards an authoritarian system, with serious implications for the future rights enjoyed by Hong Kong people, as well as for American and other foreign individuals and businesses operating in the territory.

Despite Article 4 of the NSL ostensibly safeguarding human rights, in practice the NSL created vaguely defined political red lines which infringe on those rights. This is a familiar tactic used by the authoritarian Chinese Communist Party (CCP) in mainland China. Such vague legal provisions create uncertainty and fear in the population, with detention and imprisonment imposed when the lines are crossed. Beijing’s role in directly imposing the law effectively ended Hong Kong’s autonomy and has infringed on human rights guaranteed under Hong Kong’s Basic Law and international human rights laws in force in Hong Kong. While the people residing in Hong Kong are the main targets of the crackdown, the NSL also has global ramifications due to Hong Kong’s center as a business hub and the NSL’s extraterritorial jurisdiction, including against persons who are not permanent residents of Hong Kong.

To try and put the crackdown on media in Hong Kong into perspective for an American audience, an analogous situation is that in just over a year, the *Washington Post* would have shut

down and deleted its entire online presence after Jeff Bezos was arrested and his and the paper's parent company's assets frozen. The entire Post executive team and senior news staff would be in jail. BuzzFeed would have deleted all of its opinion articles out of fear of arrest. National Public Radio would have deleted all of its content older than a year, pulled popular programming, and threatened to charge journalists for producing those shows. For Hong Kongers, this is the reality they have to contend with as Beijing dismantles their previously free society.

Thank you for this opportunity to testify. After a short background on the situation in Hong Kong under the NSL, I have divided my remarks into five parts and ask that this full written testimony be admitted into the record:

1. Media freedom trends in Hong Kong under the National Security Law
2. Internet freedom trends in Hong Kong under the National Security Law
3. How Hong Kong's media and internet space remains different from mainland China
4. Long term forecasts on the media and internet space in Hong Kong
5. Recommendations for the US government and Congressional responses

Background

The crackdown in Hong Kong following the application of the NSL has demonstrated the CCP's intent to trample on human rights, the rule of law, and its domestic and international legal obligations to stifle expression or activities which it considers a challenge to its rule in the territory. This strategy has been acutely felt by those exercising their rights to political participation, freedom of expression, assembly, and association, and the press.

The government is restricting the right to participate in public affairs only to those who support the government, so called "patriots," according to CCP leader Xi Jinping,¹ with harsh punishments being meted out to government critics and opposition politicians. Forty-seven activists and politicians have been remanded in custody since February 2021 after being charged with "subversion" under the NSL for holding a primary election to select candidates who would represent the prodemocracy camp in Legislative Council elections, now scheduled for December 2021. They face potential life imprisonment. In March, Beijing dramatically altered Hong Kong's electoral system, with changes made to ensure the pro-Beijing camp consolidates control and that the opposition cannot gain seats. In the new system, only 20 out of the 90 Legislative Council seats will be directly elected (compared with 35 of 70 previously), corporations and professional groups will elect 30 members, and the unelected Election Committee will send 40 of its members. All candidates must undergo a screening process conducted by Hong Kong national security police and a government-appointed body.²

Freedom of expression online and offline has been under sustained attack and Hong Kongers have faced arrest and prosecution for political speech. For example, the first person convicted under the NSL, Tong Ying-kit, received a nine-year prison sentence in July 2021 for displaying a political slogan while driving dangerously.³ Teenage activist Tony Chung has been arrested and charged under the NSL for "secession" over Facebook posts.⁴ In July, five speech therapists

were arrested on charges of “sedition” for writing a children’s book.⁵ The right to freedom of assembly has also been seriously curtailed in the aftermath of the 2019 prodemocracy protests. Applications for permits to hold assemblies have been systematically denied under restrictions put in place on public health grounds ostensibly due to COVID-19 but extended to include political objections. As such, since the NSL came into effect, the annual Tiananmen vigil and July 1 protest have been banned.⁶ There have also been several criminal convictions of individuals who took part in 2019 assemblies.⁷

The right to freedom of association has also been restricted, including threats against independent trade unions leading several to disband out of fear.⁸ Civil society organizations that organized protests—often using online platforms—such as the Civil Human Rights Front, have disbanded under threat of prosecution for endangering national security.⁹ Other CSOs disbanded due to fear of prosecution under the NSL. The largest teacher labor union disbanded after being labeled a “malignant tumor” by *The People’s Daily*, the CCP’s mouthpiece, which also attacked the Hong Kong Bar Association as a “running rat.”¹⁰

Such is the intensity of the crackdown that thousands have chosen to leave their home, if they can. Population statistics show a drop of 90,000 people, or 1.2% of the population in the year after the NSL was enacted, the largest drop since 2003, and over 30,000 people applied for the UK’s special visa for Hong Kongers within two months.¹¹ Some journalists have reported leaving Hong Kong out of fear.¹² New legal restrictions could create the kind of exit bans normally seen in mainland China.¹³ In July 2021, a reporter for a US-based Chinese language publication had her travel documents seized and was barred from leaving Hong Kong after being placed under investigation under the NSL for filming a knife attack on police.¹⁴

1) Media freedom trends in Hong Kong under the National Security Law

Within one year after the adoption of the National Security Law (NSL), many predictions of its impact on press freedom have unfortunately come to pass. These include arrests of journalists, criminal penalties for critical news outlets, retroactive charges covering content released prior to the imposition of the NSL, and deterioration of digital freedoms.¹⁵ This is despite attempts by Hong Kong chief executive Carrie Lam and Beijing officials in 2020 to reassure Hong Kongers that the law would target “an extremely small minority of illegal and criminal acts” and that the “basic rights and freedoms of the overwhelming majority of citizens will be protected.”¹⁶ Events of the past year have shown that this is not the case, with sweeping restrictions brought about by the NSL severely impacting press freedom and free expression of millions of Hong Kongers. Authorities now deploy a range of criminal penalties from NSL crimes, to colonial-era sedition crimes, to existing criminal legislation, to punish protected human rights activities, including independent journalism.

The implementation of the NSL has led to Hong Kong’s press freedom dropping to its lowest level in decades. According to the Hong Kong Journalist Association (HKJA) 2021 annual report released in July, press freedom is in “tatters.”¹⁷ HKJA’s Hong Kong Press Freedom Index released in May 2021 showed the lowest overall score on record since the association began

publishing the index in 2013. The annual survey of journalists showed that 91 percent believe press freedom had worsened since the previous year.¹⁸ Internet freedom has been reduced, albeit not to the same degree as attacks on media. Several of these changes are features of the mainland system, though not to the full degree as restrictions we see on the mainland.

a) Arrests and attacks on journalists

Several incidents in the past year demonstrate that Hong Kong authorities are prepared to use criminal penalties against Hong Kong journalists, including labeling newspaper articles as a threat to national security, in order to muzzle critical coverage of police misconduct or government policies. The use of NSL criminal charges against staff of the *Apple Daily* newspaper led to its closure in June 2021. Other journalists have faced charges ranging from obstructing police, resisting arrest, or making false statements for accessing public information.¹⁹

The targeting of the press stems in part from the 2019 protests, during which journalists from a range of publications as well as student journalists and freelancers, reported critically on police misconduct and the government response to protesters. Numerous incidents of police brutality were documented by journalists and shared around the world. The level of press scrutiny on the protests was widespread compared to the coverage of dissent in mainland China and was an example of the relative openness of Hong Kong's system. That system is now under threat.

Media personalities have faced arrest for content critical of the Chinese and Hong Kong governments, with the NSL's new standards on due process rights extending beyond NSL charges. In February 2021, Hong Kong national security officers arrested radio host Wan Yiu-sing for "committing an act with seditious intent" under the colonial-era Crimes Ordinance over comments that he made on his shows the previous year.²⁰ He remains in custody awaiting trial under the new standard against the presumption of bail created by Article 42 of the NSL because his case "involved behavior endangering national security."²¹

Authorities have threatened media with prosecution under the NSL for their coverage of the government. Hong Kong's police commissioner and senior ministers threatened local media over their coverage of an event promoting the NSL in April 2021. The commissioner said that police could investigate or arrest individuals for "fake news" under the NSL.²²

Journalists also face prosecution on non-NSL charges for investigative reporting. In one prominent example, freelance producer Bao Choy was convicted in April 2021 of making "false statements" and fined HK\$6,000 (US\$770) for accessing a government database for a documentary produced for public broadcaster Radio Television Hong Kong (RTHK) about the July 2019 Yuen Long mob attack.²³ The US State Department denounced her arrest and journalist associations decried it as an attack on press freedom.²⁴ The politicized nature of her conviction was reflected when prosecutors dropped charges against a state media journalist in June 2021 after they had been arrested on the same charge.²⁵

Another recent development in Hong Kong has been an uptick in physical attacks on individual journalists and the printing press of the *Epoch Times* newspaper. The newspaper, which was founded by practitioners of the Falun Gong spiritual movement, often covers human rights abuses in China and is fiercely critical of the CCP. Between April-May 2021, unidentified men attacked the *Epoch Times* printing press with sledgehammers and assaulted a journalist with a bat outside her home.²⁶ This was the second attack on the newspaper's printing press since 2019 and the fifth in 15 years. In March, another Hong Kong-based *Epoch Times* journalist reportedly received threats from mainland police, who detained and questioned her mainland-based family members.²⁷ Falun Gong is banned and its practitioners severely persecuted on the mainland for practicing their faith or sharing information about it, but they are currently still allowed to meditate in public and disseminate leaflets in Hong Kong. Nevertheless, the Secretary for Security Chris Tang said in July that police would investigate whether the group had violated the NSL.²⁸

b) *The Silencing of Apple Daily*

The crackdown and closure of *Apple Daily* is emblematic of how the NSL is being used to stifle press freedom. It is reflective of the CCP's tactic to target key individuals in order to send a warning signal to others of the risks of speaking out and challenging the party's authoritarian rule. The crackdown on *Apple Daily* also reinforced the retroactive nature of the NSL.

The paper, founded in 1995 and with a strong prodemocracy editorial line, was one of Hong Kong's largest newspapers. Its owner, Jimmy Lai, was the first from the media sector targeted by police with the NSL. In August 2020, police arrested Lai on suspicion of "colluding with foreign powers" and raided the newspaper's office.²⁹ At the center of the NSL charges against Lai are public calls, including in media interviews and from his Twitter account, for foreign governments to impose sanctions on Hong Kong and Chinese officials responsible for violating rights and freedoms in Hong Kong—actions the US government has taken.³⁰ Lai was denied bail in a landmark ruling from the Court of Final Appeal.³¹ After his arrest, a network of 40 convenience stores owned by a company with strong business ties to mainland China announced that it would stop selling *Apple Daily*, demonstrating some of the economic pressure on opposition media from pro-Beijing forces.³² Then in May 2021, police froze Lai's HK\$500 million (US\$64 million) worth of assets and shares in the paper's parent company and three other companies using powers under the NSL.³³

As *Apple Daily* continued to critically cover news events despite Lai's jailing, authorities turned their sights on the paper itself, leading to its closure. *Apple Daily* released its final edition on June 24, 2021 and shut down its website, online television channels, and social media accounts following an unprecedented police raid and the arrests of its chief editor, other newsroom staff, and executives at the parent company Next Digital, all under the NSL.

Authorities accused the newspaper's staff of "colluding with foreign forces" by publishing articles—beginning in 2019, prior to the NSL's adoption—that called for foreign sanctions against Hong Kong and Chinese government officials. Police also arrested on charges of

“conspiracy to collude with foreign forces” the paper’s lead opinion writer and a former editorial writer at the airport.³⁴ Police froze HK\$18 million (US\$2.3 million) in corporate assets, leaving Next Digital unable to pay staff or receive payments from lenders.³⁵ As a result of the financial and legal risks, the company closed *Apple Daily*, a sister publication, *Next Magazine*, and on July 1 the publicly-traded company ceased operations.³⁶

The crackdown on *Apple Daily* sparked fear among other independent outlets, like Stand News, which removed its online commentary articles and took measures to protect staff.³⁷ Another independent media outlet, Initium News, announced in August it was relocating to Singapore, though Hong Kong staff are not required to move.³⁸

c) Transformation of public broadcaster RTHK into state media

The government takeover of Radio Television Hong Kong (RTHK) has been a swift transformation of a once respected public broadcaster, and one of the changes under the NSL that will be most felt widely in Hong Kong. RTHK, founded in 1928 and modelled after the British Broadcasting Corporation (BBC), had been a widely respected and award-winning source of news and diverse viewpoints in Hong Kong in Cantonese, English, and Mandarin. Its charter ostensibly guaranteed its editorial independence, though as a government department, its independence ultimately depended upon the government to respect that distinction. The takeover of RTHK started in the aftermath of the prodemocracy protests, when RTHK’s reporting came under attack from pro-Beijing groups as being “biased,” and the government ordered a review of RTHK’s management and activities in response.

In February 2021, RTHK lost its editorial independence when the Hong Kong’s government appointed bureaucrat Patrick Li with no broadcasting experience to head the broadcaster, just ahead of the publication of a government report that said RTHK lacked “clear editorial accountability.”³⁹ Other government bureaucrats soon joined Li on the management team and several RTHK journalists and executives resigned or were fired.⁴⁰ Li announced an unprecedented policy—that all programs going forward would need to be reviewed and approved personally by him, which led to several shows and programs being censored. RTHK also announced staff could be held financially liable for censored programs, and threatened fines against reporters in May 2021 for airing a video of a previous Tiananmen vigil without authorization.⁴¹ In April 2021, RTHK launched a new show hosted by Hong Kong chief executive Carrie Lam—to be aired four times a day. In August, RTHK further turned into a propaganda outlet when Carrie Lam announced that RTHK will partner with Chinese state media giant China Media Group to broadcast programming to “nurture a stronger sense of patriotism.”⁴²

d) Ownership of media and presence of state or mainland-linked actors

Hong Kong media is suffering from a multitude of challenges beyond political and legal scrutiny. The Chinese state owns several newspapers, which while traditionally have ranked low in terms of public trust but are increasingly being used by authorities to guide crackdowns and

target individual activists and civil society organizations. Private media also faces financial stress which can lead to takeover by mainland-linked actors who shift or ensure pro-Beijing editorial lines.

Currently there are two newspapers in Hong Kong directly owned by the Chinese state through the Liaison Office of the Central Government in the Hong Kong Special Administrative Region: *Ta Kung Pao* and *Wen Wei Po*. In 2016, the two papers merged editorial and technical departments but still publish as separate papers.⁴³ They rank low on credibility in public opinion polls and have low levels of readership, but the papers have taken to issuing editorials attacking opposition and prodemocracy figures which are later targeted by the police, and exemplify the type of state media smears used in the mainland. For example, in April 2021, *Ta Kung Pao* called for *Apple Daily* to be banned for “endangering national security” prior to the raids on the paper,⁴⁴ and recently *Wen Wei Po* attacked the Hong Kong Journalist Association as “anti-government.”⁴⁵

In February 2021, Hong Kong’s oldest Chinese-language newspaper, *Sing Tao*, was purchased by the daughter of a Shenzhen-based property tycoon.⁴⁶ Following the acquisition, in August, the US Department of Justice ordered the paper’s US subsidiary to register as a foreign agent under the Foreign Agents Registration Act (FARA).⁴⁷ In April 2021, pro-Beijing Phoenix Television founder Liu Changle sold his stake in the broadcaster to Chinese state-owned Bauhinia Culture Holdings and the Hong Kong-Macau company Shen Tuk Holdings, making the majority of Phoenix TV state-owned.⁴⁸ Three new directors were brought in, all of whom are believed to have previously worked for the central government in Beijing.⁴⁹ Phoenix TV broadcasts in the United States and due to the ownership changes, should also be required to register under FARA.

Recent regulatory moves in the mainland have implications for the media environment in Hong Kong. Alibaba-owned *South China Morning Post*, Hong Kong’s oldest English-language newspaper, is facing the prospect of new ownership after mainland regulators reportedly ordered Alibaba to divest its media holdings.⁵⁰ There are fears that the paper could be bought by a Chinese state-owned company or mainland billionaire who would dramatically transform the paper’s editorial line and coverage. Jack Ma’s ownership of the paper, while criticized at times, has generally continued to allow independent reporting by its journalists – especially during its coverage of the 2019 protests but even up to the present – although editorials and some opinion articles published tend to favor Beijing’s line more closely than before.

Economic pressure on media is present in the Hong Kong market as well as around the world. For example, in December 2020, iCable TV, a once well-respected private media company, laid off 40 workers from its award-winning investigative news program *News Lancet* ostensibly due to financial pressure caused by the COVID-19 pandemic.⁵¹ The program was known for its coverage of politically sensitive stories, and numerous other journalists resigned in protest at the sudden decision.⁵² *Apple Daily* used to employ 1,000 people and many reporters found themselves unemployed due to the paper’s closure. Some expressed fear about finding a new job in Hong Kong’s media environment due to their previous employer.⁵³ While some independent digital news outlets like Hong Kong Free Press and Citizen News rely on an innovative business

model of public donations, those methods could be targeted by the government. Police have arrested other prodemocracy figures on accusations of “money laundering” for crowdfunding.⁵⁴

e) Administrative measures to restrict press freedom

Several administrative changes brought in by Hong Kong police and government bodies have infringed on press freedom by preventing journalists from accessing public records, a common tool of investigative journalists, or preventing journalists from working freely in the territory. Coupled with the conviction of journalist Bao Choy for accessing a public database, the changes send a chilling signal to the press. While the government has claimed some of these measures are to protect “privacy,” there is no allowance for accessing information for the public interest and the actions appear to target public records previously used to expose official corruption or wrongdoing. Hong Kong’s famously muckraking media sector was well-known for combing through records to expose official’s transgressions, such as exposing in 2018 that Secretary of Justice Teresa Cheung had illegal structures at her home.⁵⁵

The changes to government records include March 2021 amendments to restrict access to information about directors of companies on the Hong Kong’s Companies’ Registry.⁵⁶ In May, the passage of the Improving Electoral System Bill 2021 restricted access to electoral roll information.⁵⁷ Authorities have also restricted access to birth and marriage records and vehicle transport records, the same system which journalist Bao Choy used.⁵⁸

Police announced in September 2020 that the designation of “media representative” would be limited to government-registered and “well-known” international agencies, an attempt to replace a system that was based on membership in journalist unions.⁵⁹ In July-August 2020, immigration authorities refused to issue visas to a *New York Times* correspondent and to an editor of the Hong Kong Free Press.⁶⁰ The *Times* announced that it would move its Hong Kong-based digital news operations to South Korea, demonstrating some of the challenges facing American media in the territory.⁶¹ The Foreign Correspondents’ Club of Hong Kong described a highly unusual number of visa delays for journalists in Hong Kong in 2020.⁶² Denial of journalist visas is a common CCP tactic and has been particularly used against US journalists and US media organizations on the mainland. If Hong Kong authorities were to start to increasingly deny visas or registration of Hong Kong journalists in the government system to exclude critical journalists, press freedom would worsen further. The quality of news and information available to US businesses and investors would also be more severely impacted.

2) Internet freedom trends under the National Security Law

Hong Kong has traditionally enjoyed a free and open internet, one of the reasons many foreign media and businesses made the territory its base in Asia. Specific provisions under the NSL place that free internet at risk, especially for platforms or content critical of the government. Under Article 43 of the NSL and the implementing measures enacted by the Hong Kong government, police are empowered to order the blocking and deletion of content by message publishers, platform service providers, hosting service providers, and/or network service

providers. Police can also intercept communications or conduct covert surveillance under approval of the Chief Executive.⁶³ Those who do not comply with these provisions, including technology firm employees, could face fines or even prison sentences.

a) *Blocking websites*

One of the most prominent features of the mainland Chinese internet is the blocking of certain websites. In January 2021, Hong Kong authorities blocked access to a website for the first time, justifying the move under the NSL. The blocked site, HKChronicles, is a platform that has been used by activists to dox police officers (among them, those involved in attacking protesters) and expose pro-Beijing businesses.⁶⁴ Afterwards, four websites, all with Taiwan-based IP addresses, were blocked, though two sites became accessible after three days. Some had clear links to the protest movement, such as the site of a Taiwanese church that raised donations for Hong Kong protesters, but the others were websites of Taiwan's ruling party, a military recruitment platform, and the transitional justice commission. Then in June, Hong Kong internet service providers blocked access to the exile website 2021 Hong Kong Charter (2021hkcharter.com).⁶⁵ Earlier that month, the website temporarily went down globally after Hong Kong police ordered its Israel-based hosting provider to close it.⁶⁶ This was the first instance of Hong Kong authorities invoking the extraterritorial jurisdiction of the NSL against a website.

b) *Content removal/censorship*

The majority of content removal has come through self-censorship, though police have flexed their powers to demand the removal of internet content. Content removal has been a significant consequence of the attacks on independent and prodemocracy media. All of *Apple Daily's* online content has been removed, a loss which will be felt in Hong Kong and globally. It had 600,000 paid subscribers at the time of its closure, and its website received nearly 18.7 million visits in May. The newspaper had 2.6 million Facebook followers, 1.89 million followers on its YouTube channel, 1 million followers on its Instagram account, and over 500,000 followers on Twitter. The deletion of all of these accounts cut off audiences and was a monumental loss of millions of articles and social media posts.⁶⁷ A group of individuals launched a crowdsourced effort to help scrap some of the website before it closed and saved two million pages and put them on the website collection.news.⁶⁸

In June, Stand News removed all of its online opinion articles following the arrests of *Apple Daily* staff.⁶⁹ RTHK was a major source of high-quality Cantonese-language content, but under government management the broadcaster deleted all its content older than one year from Facebook and YouTube and removed all of its posts from its English-language Twitter account, which often wryly mocked government actions.⁷⁰ Hong Kong netizens have tried to archive past programs on a blockchain platform before they were taken down.⁷¹

Compared to website blocks, whereby the censored content remains online and accessible outside of the territory, such large-scale content removals have effectively erased decades of independent reporting and commentary not only for users in Hong Kong but globally.

In 2019, Apple removed an app from its app store that was used to track police movements during the protests under pressure from the government. Google removed a separate app related to the protests for violating its policy of “capitalizing on sensitive events.”⁷² Facebook has removed several popular pages run by prodemocracy and pro-police groups without explanation.⁷³ Most major foreign technology companies, including American companies, announced they would not comply with government requests for user data in the aftermath of the NSL, though the companies’ transparency around government takedown requests could be stronger.⁷⁴

c) Arrests for online activity

Some of the examples provided in this testimony are of individuals arrested because of their online expression or activities. Arrests and prosecutions for online activity have become more common in Hong Kong, a practice that is routine in the mainland under the CCP. In April 2021, a Hong Kong court sentenced the administrator of a Telegram channel with approximately 60,000 subscribers that was used during the 2019 protests to three years in prison for “conspiracy to commit a seditious act” and “conspiracy to incite others to commit arson” over the comments shared in the channel.⁷⁵

New and proposed legislation will further restrict free expression online and creating a chilling effect in Hong Kong. These include a bill to extend the Beijing-imposed ban on “desecrating” the Chinese flag or emblems to include acts online.⁷⁶ A new electoral law passed in May 2021 criminalized inciting someone to spoil or leave blank their ballot, which could lead to arrests for online campaigning in December 2021’s Legislative Council elections. In July, the government introduced a bill banning doxing which may lead to further arrests for online activity.

d) Surveillance of opposition figures

The NSL authorized expanded covert surveillance of individuals accused of endangering national security. The expansion of surveillance, including intercepted communications, puts prodemocracy activists and participants of the 2019 protests at serious risk of arrest and prosecution. Mass and targeted surveillance is a feature of the mainland system and in addition to violating an individual’s right to privacy, has severe psychological repercussions. This is exemplified in the tragic case of mainland dissident Li Huizhi who took his own life in July 2021 and cited police surveillance as making his life unbearable.⁷⁷

While government surveillance is hard verify there are indications in Hong Kong of government hacking or tracing of online activity of prodemocracy activists. In December 2019, activist Joshua Wong claimed Hong Kong police had hacked into his phone after arresting him and seizing his device in August, as they submitted text messages as evidence in his trial.⁷⁸ In another earlier incident, in June 2019, police arrested the administrator of a 30,000 member protest-related Telegram channel from his home (rather than a protest site) on charges of

“conspiracy to cause a public nuisance.” They forced him to unlock his phone and export a list of the group's members.⁷⁹

e) **Cyberattacks:**

There have been numerous cyberattacks linked to the Chinese state, originating in China, or from unidentified actors on websites and platforms used by protesters and civil society in Hong Kong. Telegram and LIHKG.com, used by protesters to organize and communicate online, suffered large distributed denial-of-service (DDoS) attacks during the 2019 protests.⁸⁰ The Amnesty International Hong Kong office, local universities, and Android and iOS users in Hong Kong were targeted by malware.⁸¹ Many of these attacks were an attempt to censor prodemocracy activists and have implications for American businesses or individuals in Hong Kong who use such platforms or may be targeted by a cyberattack if they cross the government.

3) **How Hong Kong's media and internet space is still different from Mainland China**

Beijing's transformation of Hong Kong, while swift and dramatic, has not fully changed the territory into a mainland city. While human rights and freedoms in Hong Kong have eroded, there remains some important distinctions compared to the mainland system. These distinctions are important to acknowledge to show how the systems continue to be different but also as areas to watch and protect from further restrictions.

- 1) **Reporters are still publishing independent coverage of news events.** There are still independent journalists reporting in Hong Kong without government interference unlike in the mainland. Reporters, while restricted and increasingly the focus of arrests, are by and large still allowed to question government officials, attend press conferences, and operate freely in the city. The level of government management of accredited journalists is not subject to the same level of interference as in the mainland, where reporters must pass a test on “Xi Jinping Thought” and have their social media posts combed through.⁸² Many of the sources cited in this testimony come from reporters and media based in Hong Kong, albeit the *Apple Daily* links no longer work.
- 2) **Independent media is allowed to exist.** While ownership and economic pressures on journalists are great, private, independent media exists in Hong Kong, such as Stand News, Hong Kong Free Press, Citizen News, inmediahk, and *Epoch Times* who regularly publish content that is critical of the Hong Kong government or covers sensitive issues that private media in China is not allowed to. There are no propaganda directives to media to cover issues in a certain way or only use state media copy, as is found on the mainland.⁸³ While the *New York Times* moved their Hong Kong bureau, they continue to have reporters in Hong Kong and other foreign and American media operates in the territory without being subject to the same government restrictions as their mainland counterparts. Though the media regulator in Hong Kong, the Communications Authority, has issued penalties for political or news commentary that pro-Beijing forces complained about, it has to date not suspended the license of any independent media outlet.

- 3) **Websites are by and large not blocked.** While website blocking has increased under the NSL, to date only six websites have been blocked. This is vastly different from the mainland system where the Great Firewall currently blocks thousands of websites. Facebook, Twitter, and other international websites not only continue to be accessible in Hong Kong they are still some of the dominant platforms used by Hong Kongers. No media websites have been blocked, to date.
- 4) **Self-censorship vs censorship.** While there have been numerous incidents of content removal, they have largely been taken down by the publisher of the content without a legal request. While the NSL permits police to order content to be removed, such powers have not yet been exercised in as widespread manner as in the mainland. Much of the deleting of posts on social media in the mainland is done by departments in private PRC-based technology companies, such as Tencent’s WeChat and Sina Weibo. American technology companies should ensure that they do not remove content on the orders of the Hong Kong police or because the content is politically sensitive to the CCP.

4) Long-term forecasts on the media and internet space

As this analysis has covered, an emboldened Beijing has demonstrated it will continue to crackdown on Hong Kong until there is no opposition left. There are several areas to watch for further shrinking of space for press and internet freedom in Hong Kong. The US government and interested groups should proactively prepare for further crackdowns in Hong Kong and be ready for when they come with a range of tools.

1. **Legislation to further clamp down on a free press.** Chief Executive Carrie Lam announced on May 4, 2021 that the government was working on “fake news” legislation.⁸⁴ Pro-Beijing politicians supported the move and called for the government to legislate against content that “incites hatred of the government.”⁸⁵ In May, the digital news site Post 852 announced it was suspending operations, with the founder acknowledging the outlet’s financial struggles but pointing to the expected “fake news” law as the primary catalyst for the decision. He consequently dismissed the outlet’s entire staff.⁸⁶ A “fake news” law will have serious ramifications for press freedom, including potential closures of media organizations, lawsuits and criminal prosecution of journalists and news outlets, as well as further self-censorship and content removal.
2. **Legislation which could usher in government censorship online.** In July, the government introduced the Personal Data (Privacy) (Amendment) Bill to outlaw doxing.⁸⁷ It would permit employees of overseas technology companies to be arrested and jailed for two years if the companies fail to comply with takedown requests.⁸⁸ The Hong Kong privacy commissioner would also be empowered to conduct warrantless searches. The Asia Internet Coalition, an industry body that counts American companies like Google, Twitter, and Facebook as members, sent a letter to the Privacy Commissioner and denounced some of the amendments as “unnecessary and excessive.”⁸⁹ It highlighted that the only way for

companies to avoid the sanctions under this bill would be to avoid doing business in Hong Kong. The Legislative Council, which has no opposition members, has begun debating the bill and it will likely be voted into law soon.⁹⁰ American companies may find that they are forced to choose between complying with censorship requests, having their employees jailed in a standoff, or in the long-term quitting the Hong Kong market, leaving it open to being dominated by compliant mainland companies. They should consider how they might attempt to challenge takedown requests that violate the Basic Law in Hong Kong courts.

3. **Forced sale or government pressure to close independent media.** *The South China Morning Post*, sometimes called Hong Kong's paper of record, faces the prospect of a sale to a Chinese state entity or individual and being turned into a propaganda outlet. Other smaller, especially Chinese-language, independent media may be forced to relocate or close in order to maintain their independent coverage, as witnessed with the relocation of Initium Media to Singapore. It is likely that journalists may continue to be arrested if they critically cover events and that self-censorship grows.
4. **Eroding legal protections for the press.** In April 2021, *Apple Daily* reported that the Justice Department ruled that searches of journalistic material in national security investigations could be conducted without court approval, as existing legislative oversight rules did not extend to the Beijing-imposed NSL.⁹¹ During the June 2021 raid on the paper, police seized journalist materials and searched through the newsroom. In August, police deployed the NSL to demand that a civil society group hand over any materials pertaining to contact with "foreign forces," which experts decried was a fishing expedition and could infringe on their due process rights.⁹² Increased use of warrantless searches against media organizations could endanger sources and put reporters at risk of prosecution. Arrested individuals in Hong Kong are allowed to retain independent lawyers of their own choice, unlike in the mainland following the drastic 2015 crackdown on human rights lawyers. Nevertheless, due process rights have been eroded with the new widespread denial of bail in national security cases. Further features of the mainland legal system may be brought to Hong Kong.
5. **Asset seizures under the NSL.** The closure of *Apple Daily* and its parent company Next Digital after police froze Jimmy Lai's shares and the company's assets demonstrate the sweeping ways the NSL can be used against businesses. Following Next Digital's closure, the Hong Kong government announced it had appointed a special fraud investigator for the first time since 1999 to investigate whether the company had committed fraud by using the company to "conduct unlawful activities."⁹³ The CCP essentially stripped a businessman of his assets and closed his company because of his political views, actions that should make every business operating in the territory take note. With the NSL and the likelihood of China's Anti-Sanctions Law being imposed on Hong Kong, businesses could be faced with financial losses, police investigations, or sanctions if they remain in Hong Kong.⁹⁴
6. **Regional and global impact on Chinese-language media.** *Apple Daily's* parent company Next Digital announced on July 29 it had sold its Taiwanese arm, which included *Apple Daily Taiwan* which continues to publish online though not in print.⁹⁵ Two days later the

company ceased operations. The sale of *Apple Daily Taiwan*, to an undisclosed party, and the previous financial pressure that caused Next Digital to cease printing the Taiwanese edition in April 2021 demonstrates the regional and global implications of the crackdown on the free press in Hong Kong.⁹⁶ Independent, credible news in the Chinese-speaking region traditionally included Hong Kong's press and further crackdowns will be felt beyond Hong Kong's borders and amongst the Chinese and Hong Kong diaspora communities, including in the United States.

7. **Further violations of international agreements and treaties.** The speed with which the CCP violated the Sino-British Joint Declaration, the Basic Law, and the International Covenant on Civil and Political Rights in Hong Kong demonstrates its lack of sincerity towards its international commitments. The CCP's lack of respect for its international legal obligations has ramifications for business operating in Hong Kong and governments signing treaties or agreements with the CCP on a range of issues like trade and climate change.

Recommendations

Hong Kongers are now living in a high risk territory where they could face potential life in prison for exercising their human rights. Moreover, the impact of the crackdown on media and internet freedom in Hong Kong is being felt far beyond the territory's borders, including here in the United States. Despite the rapidly deteriorating situation and Beijing's seeming intransigence to international pressure, there are steps that the US government can take to:

1) Help journalists, media owners, and activists fleeing Hong Kong to the United States

- The Biden Administration should use **humanitarian parole for Hong Kongers**, while bringing US refugee resettlement numbers back to historical levels. Congress should provide adequate funding for this purpose.
- **Congress should pass legislation**, either as a standalone measure or as part of a larger bill, **to ease and hasten entry into the US** for Hong Kongers being targeted for their peaceful involvement in human rights activities. This could include the Hong Kong People's Freedom and Choice Act, which enjoys bipartisan support and would, among other things, provide temporary refuge to Hong Kongers already in the US who face persecution if forced to return, and expedite the processing of refugee applications for Hong Kongers at risk.
- The State Department should **respond forcefully** to any reported attempts by Chinese diplomats or security services to intimidate, harass, or attack Hong Kong journalists and online activists in the United States.
- The US government should **support independent Chinese-language media, including in Cantonese**. To the extent that it is safe to do so and there is an interest on the part of journalists fleeing Hong Kong, the US government and other media development funders

should ensure that exile Hong Kong and diaspora outlets are included in projects that offer funding, training, and other assistance opportunities. Funders should provide technical and financial support to strengthen cybersecurity among independent Chinese-language and Hong Kong-oriented outlets.

2) Take action to protect journalists and internet users remaining in Hong Kong

- **Continue to publicly condemn attacks on press and internet freedom in Hong Kong.** Members of Congress and the Biden Administration have done well to issue statements of concern or condemnation on individual cases or incidents involving attacks on press and internet freedom, including Bao Choy's conviction and the police raids on *Apple Daily*. They should continue to exert public and private pressure on Chinese and Hong Kong officials, including calling for the release or dropping of charges against individual journalists or activists, such as currently detained journalist-turned politician Gwyneth Ho and the *Apple Daily* executives and news staff.
- **Use digital security best practices** for any communications with or about Hong Kong-based journalists and advocates. Given the sweeping powers under the NSL to conduct covert surveillance and police practice used on the mainland to persecute individuals for contact with overseas individuals or entities, any communications regarding Hong Kong activists or with those individuals should be done with extraordinary caution and digital security best practices.
- **Encourage American technology companies to resist state demands that violate users' rights**, including by rebuffing requests for user data or to remove, block, or otherwise censor content that is protected under international human rights standards. Encourage companies to be fully transparent around government requests or their own removal of content, whether or not companies comply, which would lay bare the state's repressive actions.
- **Encourage American technology companies to divert internal resources to protect internet freedom in Hong Kong** in preparation for the potential onslaught of attacks likely in the coming months. Social media companies should roll out security features to protect users from state-sponsored hackers and increase staff capacity to rapidly respond to incidents, including account takeovers and reports of disinformation or harassment. VPN providers can bolster resources to evade blocks on websites and circumvention tools. Website hosting providers can expand distributed denial-of-service (DDoS) mitigation services for independent media and civil society facing state-sponsored cyberattacks. Companies can also help protect the privacy and safety of users – and improve their own preparedness – by proactively engaging with and providing support to civil society groups working on digital rights and safety.
- **Congress should hold hearings or private briefings** and meetings with private US companies on the evolving conditions in Hong Kong, particularly as they pertain to US

companies' operations in the territory potentially being used to infringe on media and internet freedom.

3) Enforce US laws to reflect changing Hong Kong media ownership

Mainland-linked companies, entrepreneurs, and state-owned enterprises have begun purchasing or investing in media outlets in Hong Kong who also broadcast or print through US subsidiaries. US government enforcement of relevant laws, including the Foreign Agents Registration Act (FARA), should keep pace.

- Due to the **change in ownership at Phoenix Television**, the Department of Justice should order the company to register under FARA and submit the necessary disclosures, similar to recent action related to *Sing Tao*. Phoenix TV is widely available throughout the United States and relatively popular among Chinese speaking viewers. Congress should ensure that the department has sufficient staff and resources to evaluate and monitor the shifting media landscape in Hong Kong, including any future sale of the *South China Morning Post*, and its implications for the US media market.

4) Use international human rights mechanisms to pressure the Hong Kong and Beijing governments.

The Chinese and Hong Kong governments have violated their obligations under international law to protect the rights guaranteed to Hong Kongers under the International Covenant on Civil and Political Rights, which had been ratified in the territory (contrary to mainland China, where the treaty was only signed but never ratified) and enshrined in the Basic Law.

- The United States should call on the UN High Commissioner for Human Rights or a relevant UN human rights expert, like the Special Rapporteur on Freedom of Expression, the Working Group on Arbitrary Detention, or the Special Rapporteur on Torture to **request a visit to Hong Kong** to visit political prisoners and assess the situation on the ground for jailed journalists, media owners, and human rights defenders.
- The United States should proactively engage with allies and raise cases and media and internet freedom issues at the **UN Human Rights Council** through oral statements, high-level side events, and engagement with civil society organizations.

- ¹ “Xi Focus: Xi stresses “patriots governing Hong Kong” when hearing Carrie Lam’s work report,” Xinhua News Agency, January 27, 2021, http://www.xinhuanet.com/english/2021-01/27/c_139702049.htm
- ² Freedom House, Election Watch for the Digital Age – Hong Kong, (accessing August 27, 2021) <https://freedomhouse.org/report/election-watch-digital-age#hong-kong>
- ³ Jessie Yeung and Chermaine Lee, “First person charged under Hong Kong’s national security law sentenced to 9 years in prison,” CNN, July 30, 2021 <https://www.cnn.com/2021/07/30/asia/tong-ying-kit-hong-kong-sentencing-intl-hnk/index.html>
- ⁴ “Tony Chung: Hong Kong activist detained near US consulate charged,” British Broadcasting Corporation (BBC), October 29, 2020 <https://www.bbc.com/news/world-asia-china-54729054>
- ⁵ Austin Ramzy and Tiffany May, “The Latest Target of Hong Kong’s Crackdown: Children’s Books,” The New York Times, July 30, 2021 <https://www.nytimes.com/2021/07/22/world/asia/hong-kong-children-book-arrests.html>
- ⁶ Zen Soo, “Hong Kong bans Tiananmen crackdown vigil for 2nd year,” Associated Press (AP), May 21, 2012 <https://apnews.com/article/hong-kong-health-coronavirus-pandemic-bfe4f7f1fd301dbad4d8c4906c1c73b3>; Tony Cheung, Chris Lau and Christy Leung, “Hong Kong police deny groups’ application for July 1 rally against ‘political suppression’,” South China Morning Post (SCMP), June 28, 2021 <https://www.scmp.com/news/hong-kong/politics/article/3139022/hong-kong-police-deny-groups-application-july-1-rally>; Natalie Wong, “Hong Kong national security law: police ban July 1 march planned to protest against legislation,” SCMP, June 27, 2020 <https://www.scmp.com/news/hong-kong/politics/article/3090848/hong-kong-national-security-law-police-ban-july-1-march>.
- ⁷ Hong Kong Police, “5 Key Figures • Telling Right from Wrong [五大數據 • 明辨錯對],” May 14, 2020, <https://www.facebook.com/HongKongPoliceForce/photos/a.965784490176182/3176913899063219/>
- ⁸ Stand News, “In the past 3 years, 7 workers’ unions disband “過去 3 年 7 職工會自行解,” August 25, 2021 <https://www.thestandnews.com/politics/%E9%81%8E%E5%8E%BB-3-%E5%B9%B4-7-%E8%81%B7%E5%B7%A5%E6%9C%83%E8%87%AA%E8%A1%8C%E8%A7%A3%E6%95%A3-%E7%BE%85%E8%87%B4%E5%85%89%E8%8B%A5%E6%9B%BE%E9%81%95%E6%B3%95%E5%AE%9A%E5%BF%85%E5%9A%B4%E8%82%85%E8%B7%9F%E9%80%B2>
- ⁹ Jessie Yeung, “Prominent Hong Kong civil rights group disbands, citing government pressure,” CNN, August 15, 2021 <https://www.cnn.com/2021/08/15/asia/hong-kong-chrf-disbands-intl-hnk/index.html>
- ¹⁰ “Largest Hong Kong teachers’ union disbands amid government crackdown,” AP, August 10, 2021, <https://www.cnbc.com/2021/08/11/largest-hong-kong-teachers-union-disbands-amid-government-crackdown.html>; Sarah Cheng, “Hong Kong’s Lam tells solicitors’ group to stay out of politics,” Reuters, August 17, 2021 <https://www.reuters.com/world/asia-pacific/hong-kong-leader-says-no-explicit-timetable-anti-foreign-sanctions-law-2021-08-17/>
- ¹¹ Chan Ho-him, “Hong Kong experiences ‘alarming’ population drop, but government says not all 90,000 leaving city because of national security law,” SCMP, August 12, 2021 <https://www.scmp.com/news/hong-kong/society/article/3144845/hong-kongs-experiences-alarming-population-drop-government>; Jamie Grierson, “UK receives 34,000 visa requests from Hong Kong in two months,” Guardian, May 27, 2021 <https://www.theguardian.com/world/2021/may/27/uk-receives-34000-visa-requests-from-hong-kong-in-two-months>
- ¹² Steve Vines, “Loving Hong Kong has become a suspect activity – why, at last, it was time to leave,” Hong Kong Free Press (HKFP), August 6, 2021 <https://hongkongfp.com/2021/08/06/steve-vines-loving-hong-kong-has-become-a-suspect-activity-why-at-last-it-was-time-to-leave/>
- ¹³ “Hong Kong passes immigration bill, raising alarm over ‘exit bans’,” Reuters, April 27, 2021 <https://www.reuters.com/world/asia-pacific/hong-kong-passes-immigration-bill-raising-alarm-over-exit-bans-2021-04-28/>
- ¹⁴ Selina Cheng, “Hong Kong national security police bar reporter who filmed police stabbing from leaving city, home searched,” HKFP, July 27, 2021 <https://hongkongfp.com/2021/07/27/hong-kong-national-security-police-bar-reporter-who-filmed-police-stabbing-from-leaving-city-home-searched/>

-
- ¹⁵ Sarah Cook, “Red Flags for Free Expression in Hong Kong,” Freedom House, June 2020 <https://freedomhouse.org/report/china-media-bulletin/2020/hong-kong-warning-signs-us-protest-coverage-citizen-defiance-june#A1>
- ¹⁶ Fion Li and Vinicy Chan, “Security Law Sends Hong Kong Residents Dashing for the Exit,” Bloomberg, May 30, 2020 <https://www.bloomberg.com/news/articles/2020-05-31/china-s-security-law-sends-hong-kong-residents-dashing-for-exit>
- ¹⁷ Hong Kong Journalist Association (HKJA), “2021 Annual Report: Freedom in Tatters,” July 15, 2021 <https://www.hkja.org.hk/en/%e6%9c%aa%e5%88%86%e9%a1%9e-en/2021-annual-report-freedom-in-tatters/>
- ¹⁸ HKJA, “Hong Kong Press Freedom Index for journalists hits record low HKSAR blamed as Hong Kong’s press freedom plunges to worst record,” May 3, 2021 <https://www.hkja.org.hk/en/press-freedom-index/hong-kong-press-freedom-index-for-journalists-hits-record-low-hksar-blamed-as-hong-kongs-press-freedom-plunges-to-worst-record/>
- ¹⁹ Kelly Ho, “Student journalist charged with obstructing Hong Kong police and resisting arrest during mall demo,” HKFP, November 4, 2020 <https://hongkongfp.com/2020/11/04/student-journalist-charged-with-allegedly-obstructing-hong-kong-police-and-resisting-arrest-during-mall-demo/>; Rhoda Kwan, “Hong Kong police arrest journalist for ‘obstruction’ after she filmed arrests,” HKFP, November 6, 2020 <https://hongkongfp.com/2020/11/06/hong-kong-police-arrest-journalist-for-obstruction-after-she-filmed-arrests/>
- ²⁰ Committee to Protect Journalists, “Hong Kong police arrest internet radio host Wan Yiu-sing on sedition charges,” February 8, 2021 <https://cpj.org/2021/02/hong-kong-police-arrest-internet-radio-host-wan-yiu-sing-on-sedition-charges/>
- ²¹ Kelly Ho, “Hong Kong radio host ‘Giggs’ denied bail ahead of trial for allegedly ‘seditious’ broadcast,” HKFP, February 10, 2021 <https://hongkongfp.com/2021/02/10/hong-kong-radio-host-giggs-denied-bail-ahead-of-trial-for-allegedly-seditious-broadcast/>
- ²² Victor Ting, “Hong Kong police, security chief issue ‘fake news’ warnings over media coverage of national security events,” SCMP, August 16, 2021 <https://www.scmp.com/news/hong-kong/politics/article/3129829/hong-kong-police-security-chief-issue-fake-news-warnings>
- ²³ Reporters without Borders, “Hong Kong: investigative journalist Bao Choy convicted of ‘false statements,’” April 23, 2021 <https://rsf.org/en/news/hong-kong-investigative-journalist-bao-choy-convicted-false-statements>
- ²⁴ Jalina Porter @StateDeputySpox “The U.S. is deeply concerned about the arrest of Hong Kong journalist @baochoy on charges related to her work as an investigative journalist. The Chinese Communist Party and their Hong Kong proxies must cease efforts to crush press freedom.” November 4, 2020 <https://twitter.com/StateDeputySpox/status/1323998950462992389> ; Committee to Protect Journalists, “Hong Kong court convicts, fines journalist Choy Yuk-ling over documentary research,” April 22, 2021 <https://cpj.org/2021/04/hong-kong-court-convicts-fines-journalist-choy-yuk-ling-over-documentary-research/>
- ²⁵ Rhoda Kwan, “Charge dropped against Hong Kong state media reporter over improper access to public records, despite RTHK case,” HKFP, June 17, 2021 <https://hongkongfp.com/2021/06/17/charge-dropped-against-hong-kong-state-media-reporter-over-improper-access-to-public-records-despite-rthk-case/>
- ²⁶ Freedom House, “China Media Bulletin 153 - April 2021” <https://freedomhouse.org/report/china-media-bulletin/2021/retooling-censorship-xinjiang-cotton-hong-kong-press-freedom-april#A5>; Freedom House, “China Media Bulletin 154 - May 2021,” <https://freedomhouse.org/report/china-media-bulletin/2021/gutting-hong-kong-broadcaster-apple-concessions-propaganda#A5>
- ²⁷ Liang Zhen, “Hong Kong: Reporter and Popular Show Presenter Repeatedly Harassed by CCP,” Minghui.org, March 25, 2021 <https://en.minghui.org/html/articles/2021/3/25/191568.html>
- ²⁸ Rhoda Kwan, “Pro-Beijing lawmakers urge gov’t to outlaw Falun Gong, target of 3,545 police operations in eight years,” HKFP, July 8, 2021 <https://hongkongfp.com/2021/07/08/pro-beijing-lawmakers-urge-govt-to-outlaw-falun-gong-target-of-3545-police-operations-in-eight-years/>
- ²⁹ Committee to Protect Journalists, “Hong Kong police arrest Apple Daily founder Jimmy Lai under new National Security Law,” August 9, 2020 <https://cpj.org/2020/08/hong-kong-police-arrest-apple-daily-founder-jimmy-lai-under-new-national-security-law/>

- ³⁰ Selina Cheng, “Pro-democracy media tycoon Jimmy Lai to face new charges under Hong Kong security law,” HKFP, December 11, 2020 <https://hongkongfp.com/2020/12/11/breaking-pro-democracy-media-tycoon-jimmy-lai-to-face-new-charges-under-hong-kong-security-law/>; Al Jazeera, “Jimmy Lai appears in Hong Kong court in metal chain,” December 12, 2020 <https://www.aljazeera.com/news/2020/12/12/hong-kongs-jimmy-lai-in-court-to-face-national-security-charges>
- ³¹ Freedom House, “China Media Bulletin 151 - February 2021,” <https://freedomhouse.org/report/china-media-bulletin/2021/chinas-information-isolation-new-censorship-rules-transnational#A5>
- ³² Deutsche Welle, “China Resources’ convenience stores stop selling Apple Daily,” August 28, 2020 <https://www.dw.com/zh/%E5%8D%8E%E6%B6%A6%E6%97%97%E4%B8%8B%E4%BE%BF%E5%88%A9%E5%BA%97%E5%81%9C%E5%94%AE%E8%8B%B9%E6%9E%9C%E6%97%A5%E6%8A%A5/a-54727745>
- ³³ Christy Leung, Phila Siu, Tony Cheung and Ji Siqu, “Hong Kong authorities freeze nearly HK\$500 million in assets belonging to media tycoon Jimmy Lai,” SCMP, May 14, 2021 <https://www.scmp.com/news/hong-kong/law-and-crime/article/3133541/hong-kongs-national-security-police-freeze-nearly>
- ³⁴ Selina Cheng, “Apple Daily opinion writer arrested by Hong Kong national security police,” HKFP, June 23, 2021, <https://hongkongfp.com/2021/06/23/breaking-apple-daily-opinion-writer-arrested-by-national-security-police-reports/>; Jeffie Lam and Clifford Lo, “National security law: Apple Daily editorial writer arrested at airport while trying to leave Hong Kong,” SCMP, June 27, 2021 <https://www.scmp.com/news/hong-kong/politics/article/3138957/national-security-law-hong-kong-online-news-portal-pulls>
- ³⁵ Freedom House, “China Media Bulletin 155 - June 2021,” <https://freedomhouse.org/report/china-media-bulletin/2021/ccps-insecure-centennial-apple-daily-erased-globalizing-censorship>
- ³⁶ Candice Chau, “Reddit users race to save Hong Kong Apple Daily content as sections begin to close,” HKFP, June 23, 2021 <https://hongkongfp.com/2021/06/23/reddit-users-race-to-save-hong-kong-apple-daily-content-as-sections-begin-to-close/>; Lilian Cheng, “Hong Kong parent company of Apple Daily to cease operations on Thursday, will still try to pay staff despite authorities not releasing frozen cash,” SCMP, June 30, 2021 <https://www.scmp.com/news/hong-kong/politics/article/3139345/hong-kong-parent-company-apple-daily-cease-operations>
- ³⁷ Selina Cheng, “Security law: Stand News opinion articles axed, directors resign amid reported threats to Hong Kong digital outlets,” HKFP, June 28, 2021 <https://hongkongfp.com/2021/06/28/security-law-stand-news-opinion-articles-axed-directors-resign-amid-reported-threats-to-hong-kong-digital-outlets/>
- ³⁸ Selina Cheng, “In media first, Hong Kong news outlet Initium quits city for Singapore,” HKFP, August 3, 2021 <https://hongkongfp.com/2021/08/03/in-media-first-hong-kong-news-outlet-initium-quits-city-for-singapore-over-security-law-fears/>
- ³⁹ Freedom House, “China Media Bulletin 151 - February 2021”
- ⁴⁰ Freedom House, “China Media Bulletin 152 - March 2021”; Tom Grundy, “Hong Kong journalist who challenged WHO official quits RTHK – sources,” HKFP, April 13, 2021 <https://hongkongfp.com/2021/04/13/journalist-yvonne-tong-quits-rthk-source/>; Selina Cheng, “Hong Kong journalist Steve Vines ‘disappointed’ to be dropped as commentator from RTHK show,” HKFP, April 8, 2021 <https://hongkongfp.com/2021/04/08/hong-kong-journalist-steve-vines-disappointed-to-be-dropped-as-commentator-from-rthk-show/>; Candice Chau, “Hong Kong’s RTHK fires popular pro-democracy radio host Tsang Chi-ho,” HKFP, June 19, 2021 <https://hongkongfp.com/2021/06/19/hong-kongs-rthk-fires-popular-pro-democracy-radio-host-tsang-chi-ho/>
- ⁴¹ Kelly Ho, “Hong Kong gov’t can charge RTHK staff for axed shows, says public broadcaster,” HKFP, April 7, 2021 <https://hongkongfp.com/2021/04/07/hong-kong-govt-can-charge-rthk-staff-for-axed-shows-says-public-broadcaster/>; Amy Nip, “Penalties coming for RTHK staff over June 4 stunt,” The Standard, May 26, 2021 <https://www.thestandard.com.hk/section-news/section/11/230591/Penalties-coming-for-RTHK-staff-over-June-4-stunt>
- ⁴² Rhoda Kwan, “Hong Kong’s RTHK will become state media after partnership with China’s CCTV, says press group chief,” HKFP, August 11, 2021 <https://hongkongfp.com/2021/08/11/hong-kongs-rthk-will-become-state-media-after-partnership-with-chinas-cctv-says-press-group-chief/>; Reporters without Borders, “Hong Kong: RSF concerned by future ‘partnership’ between public broadcaster RTHK and Chinese state media,” August 10, 2021

<https://rsf.org/en/news/hong-kong-rsf-concerned-future-partnership-between-public-broadcaster-rthk-and-chinese-state-media>

⁴³ Jennifer Lo, “Pro-Beijing newspapers Wen Wei Po and Ta Kung Pao to merge,” Nikkei Asia, February 16, 2016 <https://asia.nikkei.com/Business/Pro-Beijing-newspapers-Wen-Wei-Po-and-Ta-Kung-Pao-to-merge>

⁴⁴ Radio Free Asia, “China-Backed Hong Kong Paper Calls For 'Ban' on Pro-Democracy Apple Daily,” April 16, 2021 <https://www.rfa.org/english/news/china/hongkong-appledaily-04162021084518.html>

⁴⁵ Rhoda Kwan, “Beijing-controlled paper labels Hong Kong press union an ‘anti-govt political organisation’,” HKFP, August 13, 2021 <https://hongkongfp.com/2021/08/13/beijing-controlled-paper-labels-hong-kong-press-union-an-anti-govt-political-organisation>

⁴⁶ Enoch Yiu, “Property magnate’s 26-year-old daughter buys Sing Tao, sends Hong Kong paper’s shares soaring by 54 per cent to five-month high,” SCMP, February 2, 2021 <https://www.scmp.com/business/china-business/article/3120268/shenzhen-based-kaisa-groups-kwok-hiu-ting-becomes-largest>

⁴⁷ Sarah Zheng, “Hong Kong newspaper Sing Tao forced to register US arm as a foreign agent,” SCMP, August 16, 2021 <https://www.scmp.com/news/china/diplomacy/article/3146478/hong-kong-newspaper-sing-tao-forced-register-us-arm-foreign>; Sing Tao US Registration Statement, August 23, 2021 <https://efile.fara.gov/docs/6999-Exhibit-AB-20210823-1.pdf>

⁴⁸ Freedom House, “China Media Bulletin 154 - May 2021”

⁴⁹ Radio Free Asia, “Publishing, Media Takeovers Part of China’s Two-Pronged Grip on Hong Kong,” May 10, 2021 <https://www.rfa.org/english/news/china/hongkong-media-05102021083345.html>

⁵⁰ Isabella Steger and Kari Soo Lindberg, “Jack Ma’s SCMP Joins Hong Kong Media Groups Facing China Control,” Bloomberg, March 16, 2021 <https://www.bloomberg.com/news/articles/2021-03-16/jack-ma-s-scmp-joins-hong-kong-media-groups-facing-china-control>

⁵¹ Radio Free Asia, “Hong Kong’s i-Cable TV Fires Dozens of Its Best Journalists,” December 1, 2020 <https://www.rfa.org/english/news/china/fires-12012020093842.html>

⁵² John Chan, “Firings at Hong Kong TV News Network Prompt Mass Resignation,” China Digital Times, December 1, 2020 <https://chinadigitaltimes.net/2020/12/firings-at-hong-kong-tv-news-network-prompt-mass-resignation/>

⁵³ Tommy Walker, “Fears About National Security Law Chill Hong Kong Media,” Voice of America, August 12, 2021 <https://www.voanews.com/press-freedom/fears-about-national-security-law-chill-hong-kong-media>

⁵⁴ Radio Free Asia, “Hong Kong Police Charge Pro-Independence Activist Tony Chung With 'Secession',” October 29, 2020 <https://www.rfa.org/english/news/china/charge-10292020092133.html>

⁵⁵ Tony Cheung and Elizabeth Cheung, “Hong Kong justice secretary Teresa Cheng apologises on first day in office for controversy over ‘illegal structures’ in her home,” SCMP, January 6, 2018 <https://www.scmp.com/news/hong-kong/politics/article/2127105/hong-kong-justice-secretary-teresa-cheng-apologises-first>

⁵⁶ Radio Television Hong Kong (RTHK), “Govt proposes tightening company registry searches,” March 29, 2021 <https://news.rthk.hk/rthk/en/component/k2/1583247-20210329.htm>

⁵⁷ Selina Cheng, “Hong Kong plans to reduce transparency of electoral roll,” HKFP, April 14, 2021 <https://hongkongfp.com/2021/04/14/hong-kong-plans-to-reduce-transparency-of-electoral-roll/>

⁵⁸ Hong Kong Journalist Association (HKJA), “2021 Annual Report: Freedom in Tatters”

⁵⁹ HKJA, “Joint-statement: Hong Kong press unions and associations sternly oppose the police’s unilateral revision of its definition of media representatives under the Police General Orders,” September 22, 2020 <https://www.hkja.org.hk/en/statements/joint-statement-hong-kong-press-unions-and-associations-sternly-oppose-the-polices-unilateral-revision-of-its-definition-of-media-representatives-under-the-police-general-orders/>

⁶⁰ Committee to Protect Journalists (CPJ), “Hong Kong denies work permit to New York Times correspondent Chris Buckley,” July 15, 2020 <https://cpi.org/2020/07/hong-kong-denies-work-permit-to-new-york-times-correspondent-chris-buckley/>; CPJ, “Hong Kong denies work permit to editor of independent Hong Kong Free Press,” August 27, 2020 <https://cpi.org/2020/08/hong-kong-denies-work-permit-to-editor-of-independent-hong-kong-free-press/>

⁶¹ Michael M. Grynbaum, “New York Times Will Move Part of Hong Kong Office to Seoul,” The New York Times, July 14, 2020 <https://www.nytimes.com/2020/07/14/business/media/new-york-times-hong-kong.html>

-
- ⁶² Chris Lau, “Delayed work visas for foreign journalists in Hong Kong ‘highly unusual’, says press body as it warns of damage to city’s reputation,” SCMP, August 6, 2020 <https://www.scmp.com/news/hong-kong/politics/article/3096358/delayed-work-visas-foreign-journalists-hong-kong-highly>
- ⁶³ Government of the Hong Kong SAR, “Implementation Rules for Article 43 of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region gazette,” July 6, 2020 <https://www.info.gov.hk/gia/general/202007/06/P2020070600784.htm>; Patrick Frater, “National Security Law Expands Online Reach of Hong Kong Police,” Variety, July 7, 2020 <https://variety.com/2020/digital/asia/national-security-law-online-hong-kong-police-1234699833/>
- ⁶⁴ “In a first under security law, Hong Kong police order telecom firms to block anti-gov’t doxing website – report,” HKFP, January 11, 2021 <https://hongkongfp.com/2021/01/11/in-a-first-under-security-law-hong-kong-police-order-telecoms-firms-to-block-anti-govt-doxing-website/>
- ⁶⁵ Freedom House, “China Media Bulletin 155 - June 2021”
- ⁶⁶ Kelvin Chan, “Hong Kong police tell foreign hosting firm to remove website,” AP, June 3, 2021 <https://apnews.com/article/middle-east-hong-kong-europe-police-technology-b937510d587c77249cadd5d0ff89fd7f>
- ⁶⁷ Angeli Datt, “How Beijing Has Dismantled Freedom of Expression in Hong Kong in Just One Year,” Freedom House, June 30, 2021 <https://freedomhouse.org/article/how-beijing-has-dismantled-freedom-expression-hong-kong-just-one-year>
- ⁶⁸ Su Xinqi, “A virtual Noah’s Ark: Hongkongers race to archive democracy movement amid city-wide purge,” Agence France Presse, August 28, 2021 <https://hongkongfp.com/2021/08/28/digital-dissent-hongkongers-race-to-archive-democracy-movement/>
- ⁶⁹ Cheng, “Security law: Stand News opinion articles axed, directors resign amid reported threats to Hong Kong digital outlets.”
- ⁷⁰ Selina Cheng, “Hong Kong broadcaster RTHK deletes shows over a year old from internet as viewers scramble to save backups,” HKFP, May 3, 2021 <https://hongkongfp.com/2021/05/03/hong-kong-broadcaster-rthk-to-delete-shows-over-a-year-old-from-internet-as-viewers-scramble-to-save-backups/>; Tom Grundy, “Embattled Hong Kong broadcaster RTHK deletes all Tweets, disables Twitter comments,” HKFP, August 4, 2021 <https://hongkongfp.com/2021/08/04/embattled-hong-kong-broadcaster-rthk-deletes-all-tweets-disables-twitter-comments/>
- ⁷¹ Cheng, “Hong Kong broadcaster RTHK deletes shows over a year old from internet as viewers scramble to save backups.”
- ⁷² Jack Nicas, “Apple Removes App That Helps Hong Kong Protesters Track the Police,” The New York Times, October 9, 2019 <https://www.nytimes.com/2019/10/09/technology/apple-hong-kong-app.html>
- ⁷³ Eric Cheung, “Why Facebook is losing friends in Hong Kong,” Rest of World, February 28, 2021 <https://restofworld.org/2021/why-facebook-is-losing-hongkong/>
- ⁷⁴ Hadas Gold, “Facebook, Google and Twitter won’t give Hong Kong authorities user data for now,” CNN, July 7, 2020 <https://www.cnn.com/2020/07/06/tech/whatsapp-facebook-hong-kong/index.html>; Radio Free Asia, “Facebook Turned Down Hundreds of User Data Requests From Hong Kong,” June 8, 2021 <https://www.rfa.org/english/news/china/hongkong-facebook-06082021103754.html>
- ⁷⁵ “Telegram channel operator gets three-year jail sentence,” The Standard, April 20, 2021 <https://www.thestandard.com.hk/breaking-news/section/4/170146/Telegram-channel-operator-gets-three-year-jail-sentence>
- ⁷⁶ Candice Chau, “Hong Kong to outlaw acts desecrating Chinese flag on the internet,” HKFP, August 12, 2021 <https://hongkongfp.com/2021/08/12/hong-kong-to-outlaw-acts-desecrating-chinese-flag-on-the-internet/>
- ⁷⁷ Gao Feng, “Guangdong Dissident Poet Takes Life Amid Ongoing Police Surveillance,” Radio Free Asia, July 23, 2021 <https://www.rfa.org/english/news/china/suicide-07232021142253.html>
- ⁷⁸ Joshua Wong 黃之鋒 @joshuawongcf, “1/ Arrested on August 30, my phone was seized by #hkpolice. The phone can only be unlocked with passwords. Before court resumed yesterday, I have NEVER provided any

passwords to #police, nor received any notice nor warrant for a search of my mobile device.” December 19, 2019 <https://twitter.com/joshuawongcf/status/120757569763337345>

⁷⁹ Lily Kuo, “Hong Kong’s digital battle: tech that helped protesters now used against them,” Guardian June 14, 2019 <https://www.theguardian.com/world/2019/jun/14/hong-kongs-digital-battle-technology-that-helped-protesters-now-used-against-them>

⁸⁰ Jon Porter, “Telegram blames China for ‘powerful DDoS attack’ during Hong Kong protests,” The Verge, June 13, 2019 <https://www.theverge.com/2019/6/13/18677282/telegram-ddos-attack-china-hong-kong-protest-pavel-durov-state-actor-sized-cyberattack>; Phil Muncaster, “China’s Great Cannon Fires on Hong Kong Protesters,” Infosecurity Magazine, December 5, 2019 <https://www.infosecurity-magazine.com/news/chinas-great-cannon-fires-on-hong/>; Chris Doman, “The ‘Great Cannon’ has been deployed again,” AT&T Cybersecurity, December 4, 2019 <https://cybersecurity.att.com/blogs/labs-research/the-great-cannon-has-been-deployed-again>

⁸¹ Amnesty International, “State-sponsored hackers target Amnesty International Hong Kong with sophisticated cyber-attack,” April 25, 2019 <https://www.amnesty.org/en/latest/news/2019/04/state-sponsored-cyber-attack-hong-kong/>; Hossein Jazi and Jerome Segura, “Chinese APT group targets India and Hong Kong using new variant of MgBot malware,” Malware Bytes Lab, July 28, 2021 <https://blog.malwarebytes.com/threat-analysis/2020/07/chinese-apt-group-targets-india-and-hong-kong-using-new-variant-of-mgbot-malware>; Elliot Cao, Joseph C. Chen, William Gamazo Sanchez, Lilang Wu, and Ecular Xu, “Operation Poisoned News: Hong Kong Users Targeted With Mobile Malware via Local News Links,” Trend Micro, March 24, 2020 <https://blog.trendmicro.com/trendlabs-security-intelligence/operation-poisoned-news-hong-kong-users-targeted-with-mobile-malware-via-local-news-links/>; Mathieu Tartare, “Winnti Group targeting universities in Hong Kong,” We Live Security, January 31, 2020 <https://www.welivesecurity.com/2020/01/31/winnti-group-targeting-universities-hong-kong/>; Bill Toulas, “The ‘Winnti’ Group of Chinese Hackers Targeted Hong Kong Universities,” Tech Nadu, February 1, 2020 <https://www.technadu.com/the-winnti-group-chinese-hackers-targeted-hong-kong-universities/91297/>

⁸² Radio Free Asia, “China’s Shiny New Press Card Means Total State Control of Media: Journalists,” November 11, 2020 <https://www.rfa.org/english/news/china/press-11112020092314.html>; Freedom House, “China Media Bulletin 151 - February 2021”

⁸³ China Digital Times, “Directives from the Ministry of Truth” <https://chinadigitaltimes.net/china/directives-from-the-ministry-of-truth/>

⁸⁴ “Hong Kong leader flags ‘fake news’ laws as worries over media freedom grow,” Reuters, May 3, 2021 <https://www.reuters.com/world/china/hong-kong-leader-flags-fake-news-laws-worries-over-media-freedom-grow-2021-05-04/>

⁸⁵ Rhoda Kwan, “Hong Kong gov’t and lawmakers back ‘fake news’ law plan; press union chief warns of new ‘sword over journalists’ heads’,” HKFP, July 21, 2021 <https://hongkongfp.com/2021/07/21/hong-kong-govt-and-lawmakers-back-fake-news-law-plan-press-union-chief-warns-of-new-sword-over-journalists-heads/>

⁸⁶ The Stand News, “Digital media ‘852 Post’ announces ‘closure’; Dismissed six employees; Founder You Qingyuan: The proposed fake news law is the spark (網媒《852 郵報》宣布「暫別」遣散六員工 創辦人游清源：擬立假新聞法是導火線)” <https://www.thestandnews.com/politics/ab網媒-852郵報-宣布-暫別-遣散六員工-創辦人游清源-擬立假新聞法是導火線>

⁸⁷ Office of the Privacy Commissioner for Personal Data Hong Kong, “Gazettal of Personal Data (Privacy) (Amendment) Bill 2021,” July 16, 2021 <https://www.pcpd.org.hk/english/whatsnew/20210714.html>

⁸⁸ Chris Lau, “Hong Kong introduces new legal amendments to outlaw doxxing,” SCMP, May 11, 2021 <https://www.scmp.com/news/hong-kong/politics/article/3133087/hong-kong-introduces-new-legal-amendments-outlaw-doxxing>; Selina Cheng, “Authorities may prosecute Hong Kong staff or ban overseas websites if they fail to remove doxxing content,” HKFP, May 18, 2021 <https://hongkongfp.com/2021/05/18/authorities-may-prosecute-hong-kong-staff-or-ban-overseas-websites-if-they-fail-to-remove-doxxing-content/>

⁸⁹ Asia Internet Coalition, “AIC Submits Industry Letter on the Proposed Amendments to Hong Kong’s Personal Data (Privacy) Ordinance to PCPD,” June 25, 2021 <https://aicasia.org/2021/07/05/hong-kong-aic-submits-position-paper-on-the-proposed-amendments-to-hong-kongs-personal-data-privacy-ordinance-to-pcpd/>

⁹⁰ Lokman Tsui, “How tech companies should plan for Hong Kong’s precarious future,” Rest of World, July 28, 2021 <https://restofworld.org/2021/how-tech-companies-should-plan-for-hong-kongs-precarious-future/>

⁹¹ Apple Daily, “Hong Kong national security police can seize journalistic files without court approval: prosecutors,” archived at April 2, 2021 <https://archive.is/sSS78>

⁹² Chris Lau and Cat Wang, “Hong Kong national security law: police information grab sparks fears over broad nature of powers and suspects’ rights,” SCMP, August 27, 2021 <https://www.scmp.com/news/hong-kong/politics/article/3146542/hong-kong-national-security-law-police-information-grab>

⁹³ “Hong Kong appoints special fraud investigator to probe defunct pro-democracy newspaper Apple Daily,” AFP, July 29, 2021 <https://hongkongfp.com/2021/07/29/hong-kong-appoints-special-fraud-investigator-to-probe-defunct-pro-democracy-newspaper-apple-daily/>

⁹⁴ Yan Zhao and Jerome Taylor, “China’s anti-sanctions law a new headache for banks in Hong Kong,” AFP, August 11, 2021 <https://news.yahoo.com/chinas-anti-sanctions-law-headache-031619972.html>

⁹⁵ Lilian Cheng, “Hong Kong parent company of Apple Daily to cease operations on Thursday, will still try to pay staff despite authorities not releasing frozen cash,” SCMP, June 30, 2021 <https://www.scmp.com/news/hong-kong/politics/article/3139345/hong-kong-parent-company-apple-daily-cease-operations>

⁹⁶ Selina Cheng, “Taiwan’s Apple Daily scraps print edition of newspaper after 18 years,” HKFP, May 14, 2021 <https://hongkongfp.com/2021/05/14/taiwans-apple-daily-scraps-print-edition-of-newspaper-after-18-years/>