



# LIGHTS OUT

**IS THIS THE END FOR HONG KONG'S MEDIA?**

AN IFJ REPORT ON PRESS FREEDOM IN HONG KONG 2022



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**On the cover:** Referencing the iconic neon signs of the city, artist Badiucao has created an 'advertisement' for Hong Kong which shows the police beating up a journalist – based on a photograph from the protests in 2021. It reads 新闻- press, 自由- freedom (which appears 'behind bars').

## EXECUTIVE SUMMARY

Hong Kong has changed irrevocably in less than two years. It is no longer the open, press-friendly and freewheeling city where journalists enjoyed broad freedoms, where sources would meet and talk without inhibition in 'on-the-record' conversations, and where newspapers and magazines offered a range of opinions from across the political spectrum.

In place of that once open city, Beijing and its handpicked leaders in Hong Kong are constructing a city of fear, where open discussion is stifled, where individual journalists and press groups are cowed into censoring themselves and toeing the line, and where a draconian National Security Law can be wielded against anyone who publicly challenges the official narrative. In other words, they are turning Hong Kong into just another mainland Chinese city.

The authorities are already armed with a number of powerful weapons in this quest, and more are planned. Among the disturbing developments:

- ★ The 2020 National Security Law, containing vague charges such as "endangering state security" and undefined "red lines", now effectively acts as a trip wire for all journalists
- ★ Leading pro-democracy paper Apple News was forced to shut down in 2021 and its founder, Jimmy Lai, remains in jail
- ★ One independent publisher closed after its journalists were arrested and another chose to close in its wake to protect its own staff
- ★ A key Hong Kong news website was moved offshore to preserve its freedom to publish
- ★ Public service broadcaster RTHK has been steadily transformed from a strong public broadcaster into a Chinese government mouthpiece
- ★ Hong Kong's news websites are frequently blocked, making it increasingly difficult to get international news
- ★ Visas continue to be denied to foreign journalists working for international media trying to enter Hong Kong
- ★ Journalists' sources are intimidated with the threat of being jailed for speaking to the media
- ★ Journalists who question the official line are subjected to online harassment
- ★ Books, films and visual arts industries increasingly practice self-censorship for fear of crossing invisible "red lines"
- ★ Civil society organisations, including unions and professional bodies, are frequently required to justify or defend their activities
- ★ Access to public information is heavily restricted and criminal penalties have been imposed against those trying to use it
- ★ A proposed "fake news law" has the potential to define any critical coverage as "disinformation"

As such tactics have been deployed, fear and uncertainty have come to dominate life in the city. There is a now palpable sense that the fight for democracy and media freedom has entered its end game.



## INTRODUCTION

Media freedom is clinging to life in Hong Kong, the victim of political crackdowns, an erosion of the rule of law, and the intrusion of ideology into civil and economic life. The media's ills are symptomatic of a deeper malaise that has also triggered a rise in emigration, especially of families with school-age children, a brain drain among teachers and university faculties, a stock market slump and a decline in new company listings on the local exchange.

Draconian measures to fight Covid-19, including three weeks of quarantine on arrival, have been the last straw for many international companies, prompting them to move their Asian headquarters to other regional centres, like Singapore. Civil society organisations such as the Hong Kong Professional Teachers Association (HKPTA) have disbanded under political pressure, and Amnesty International closed its offices at the end of 2021 out of fear of reprisals.

Hong Kong Chief Executive Carrie Lam brushed off suggestions the law was causing people to leave, saying the city would continue to prosper with Beijing's support and the help of the law. And it is true that Hong Kong's media still enjoys autonomy and freedom unheard of on the mainland.

Hong Kong's main English-language daily newspaper, *The South China Morning Post*, owned by the Chinese technology giant Alibaba Group, still runs critical columns on its opinion pages and piercing cartoons by editorial cartoonist Harry Harrison.

But analysts say the city passed the point of no return when Beijing imposed the National Security Law in 2020. The Hong Kong Press Freedom Index for 2021, compiled by IFJ affiliate the Hong Kong Journalists Association (HKJA), showed that journalists rated media rights at an all-time low of 32 (on a scale of 0 to 100), down from 42 in the first survey in 2013. At the time, observers commented that press freedom was sinking perilously. The HKJA's 2021 annual report, *Freedom in Tatters*, also highlighted the deterioration of media freedom since the passage of the National Security Law in mid-2020 – not just for media, but in arts, culture, film and publications.

Some 20 journalists and press freedom campaigners have since been arrested since the law's implementation. At least a dozen media workers and journalists have been charged or are awaiting trial, and others are living in exile. For those still trying to work, constraints include a lack of clarity over what is permissible and what is proscribed, more restrictions on access to public records, online harassment and attacks in

## THE ROAD TO THE NATIONAL SECURITY LAW

### 2015: Booksellers abducted, reappear on mainland

Five staff of Causeway Bay Books, an independent store selling titles banned in mainland China, disappear in October. It turns out they had been abducted by Chinese security forces and detained in mainland China. As well as appearing to violate Hong Kong's autonomy and its Basic Law, the abductions send shockwaves through the publishing world, with many bookstores deciding to pull from their shelves books that might be seen as anti-China.

### 2018: Financial Times news editor denied visa

The news editor of *The Financial Times*, Victor Mallet, is denied a renewal of his working visa, resulting in his effective expulsion from Hong Kong in October. Mallet was the first vice president of the Foreign Correspondents' Club. In that capacity he hosted a talk in August by a little-known activist, Andy Chan Ho-tin, a founding member of the Hong Kong National Party, which

promoted Hong Kong independence. This is believed to have been the first time a foreign correspondent based in Hong Kong was denied a visa renewal for political reasons and forced to leave.

### 2019: Protests against the China extradition bill

Millions of Hongkongers take to the streets in June to protest Chief Executive Carrie Lam's plans to allow criminal suspects to be extradited to mainland China. Foreign correspondents fly in from around the world, television stations provide live coverage of the violence, and local freelancers, student reporters, live-streamers and citizen journalists capture almost every aspect of the unrest. Relations between the police and the press deteriorate, as police come to see the media as biased toward the demonstrators. In some instances, police appear to deliberately target journalists with tear gas. Indonesian journalist Veby Indah is shot with a police projectile and blinded in one eye.

Police often appear overwhelmed by the sheer number of journalists in their yellow vests and helmets. Police claim that protesters mingled with the media, wearing yellow vests to avoid detection and arrest, and that student reporters for high school newspapers were too young and untrained to be covering the violence. Later, the police used the unrest as a pretext to say only media outlets registered with the government would be recognised as legitimate, creating an unprecedented form of de facto licensing.

### 2020: Pandemic used to justify new restrictions

The local government imposes anti-virus restrictions after Covid-19 is detected in Hong Kong in January 2020. Rules included social distancing and a ban on public gatherings of more than four people. The rules give police powerful new tools to limit all public demonstrations and to restrict journalists from covering events. •



**Hong Kong Chief Executive Carrie Lam brushed off suggestions the law was causing people to leave, saying the city would continue to prosper with Beijing's support and the help of the law.**



the pro-China media, and intimidation of sources, who have become too frightened to speak.

There has also been an increase in censorship – much of it self-imposed – of creative expression, particularly of films, books and the visual arts, out of a fear of crossing the vague “red lines” implied in the National Security Law. Officials have made it clear they will stamp out what they consider “separatist” sentiment and “anti-China” forces operating in Hong Kong. “They continue to use the media and different art and cultural forms to spread their ideology of Hong Kong independence,” said Chris Tang, the Secretary for Security.

Hong Kong government officials have repeatedly warned they intend to enact a law against so-called “fake news,” which journalists fear will be used to stifle any independent reporting that does not faithfully follow the official line. New restrictions on reporters’ access to once-open public records and databases — and the use of criminal penalties against reporters who use public records for their reporting — threaten to hamper investigative journalism.

The coming year could well determine whether Hong Kong can retain some vestige of its past as a regional haven for business, culture and a vibrant independent media.

## BEIJING CREATES SPECIAL LAW TO LEGITIMISE CRACKDOWN

### National Security Law empowers officials to interfere however they see fit

The National Security Law was written in secret in Beijing without local input and imposed on the city on June 30, 2020, in time for the July 1 anniversary of the 1997 handover to China. The law ostensibly guarantees press freedom and free speech in Hong Kong. Article 4 states: “The rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, which the residents of the Region enjoy under the Basic Law of the Hong Kong Special Administrative Region and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law.”

However, two other articles appear to negate those guarantees and carve out a role for the government in trying to control the media narrative. Article 9 says the government “shall take necessary measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, including those relating to schools, universities, social organisations, the media, and

the internet.” Left unclear is what form such “supervision and regulation” of the media should take.

Article 54 says that the Beijing foreign ministry office in Hong Kong, and the Communist Party’s new national security office in the city, shall “take necessary measures to strengthen the management of and services for organs of foreign countries and international organisations in the Region, as well as non-governmental organisations and news agencies of foreign countries and from outside the mainland, Hong Kong, and Macao of the People’s Republic of China in the Region.”

Again, the term “strengthen the management” of foreign news outlets is left vague. The only template is the situation on the mainland, where foreign media outlets are subject to various restrictions and visa renewals are used as a tool of control, as described in the 2022 IFJ China Report, *Fair Game: The Endangered Media Space for Foreign Correspondents in China*.

The vague terms, fluid definitions and shifting interpretations of the National Security Law make it hard for journalists to know when they are in danger of offending. The law is understood to contain numerous “red lines” – boundaries between acceptable and unacceptable conduct – but these are not spelled out. Many journalists only find out they have crossed a red line when it is too late.

### Security law used to crush *Apple Daily* and jail founder Jimmy Lai

Jimmy Lai and his newspaper *Apple Daily* have long been a thorn in the side of China’s Communist rulers. Lai came to Hong Kong as a refugee stowaway at the age of 12 with virtually nothing, worked and slept in a garment factory, and eventually built a multimillion-dollar fortune through his Asian clothing chain, Giordano. After the Tiananmen Square massacre of 1989, Lai became politically active, and used his fortune to launch a publishing empire, starting with glossy magazines and in 1995 launching a colourful broadsheet newspaper, *Apple Daily*. The paper was much like a sensationalist tabloid, with a snarky tone and salacious reports on public officials. It was also staunchly opposed to the Communist authorities in Beijing.

When the protests began in 2019 against the extradition bill, Lai and *Apple Daily* were steadfast supporters of the demonstrations. Hong Kong’s leaders, like Beijing, thought they were crossing the line between journalism and advocacy.

Lai was arrested on August 10, 2020, at his home in a pre-dawn raid, accused by police of fraud and “collusion with foreign forces” — a crime under the security law. The evidence used against him comprised mostly articles in *Apple Daily* and posts on Twitter. Lai’s younger son, who worked for the company, was also arrested, and more than 200 police officers raided *Apple Daily*’s headquarters and its newsroom, carting



An *Apple Daily* journalist holds freshly-printed copies of the last edition of the newspaper for distribution to supporters in Hong Kong on June 24, 2021, as the pro-democracy tabloid was forced to close after 26 years under the sweeping new National Security Law. DANIEL SUEN / AFP

away 25 boxes of documents. Lai was paraded, handcuffed, through his newsroom. His bank accounts were frozen.

In a statement that day, the Democratic Party said: "It is the first time the government arrested members of the press under the National Security Law. They raided offices of a news outlet and created a deterrent effect among the industry. Press freedom and freedom of speech promised in the Basic Law is precarious." Lai was formally charged in December 2020 with endangering China's national security. A rolling series of sentences have kept him in jail ever since.

On June 17, 2021, police raided *Apple Daily* for a second time and arrested five top editors. Police pointed to a series of articles published since 2019 that they said were part of a conspiracy with Western powers to impose sanctions on China. The mainland Chinese government-owned English language daily *Global Times* wrote on June 17 that the raid showed "authorities are determined to clean up the evil legacy of Lai".

"Freedom has boundaries; people with freedom can't break the law and can't jeopardise the country's development interests and national security," the paper said, adding: "The possibility of a complete shutdown can't be ruled out."

With the paper's financial assets frozen and much of its staff resigning, *Apple Daily's* board announced on June 23, 2021, that the newspaper would cease publication. Its last print edition sold a million copies. Supporters gathered outside the paper's headquarters to cheer the staff and to mark the end of an era for press freedom in Hong Kong.

### Colonial-era sedition law used to shut down independent news outlets

After the forced closure of *Apple Daily*, reporters for two remaining independent news outlets, *Stand News* and *Citizen News*, expressed fears they were next in the police crosshairs. On December 29, 2021, police raided the office of *Stand News* and arrested six former and top executives for "conspiracy to produce seditious publications," using a rarely-used British colonial-era statute still on the books. Shortly after the dawn raid and arrests, *Stand News* announced it was ceasing all operations and dismissing its staff. On January 2, 2022, *Citizen News* announced it was voluntarily ceasing operations and shutting down in the interest of protecting its staff from a similar fate. Only one independent news outlet, *Hong Kong Free Press*, continues to publish.

There are also signs that even the staunchly pro-Beijing media might not be spared. On January 6, 2022, the pro-China daily newspaper *Ming Pao* added a disclaimer to its opinion pieces reading: "Critical articles aim at pointing out mistakes or faults of systems & policies to fix or eradicate them via legal means, no intention of incitement of hatred, discontent or hostility against govt or other communities."

But the disclaimer did not stop the even more hardline *Ta Kung Pao*, owned by the Beijing Central Government Liaison Office in Hong Kong, from attacking a column in *Ming Pao* written by an already sacked Lingnan University professor who was critical of the National Security Law. *Ta Kung Pao* accused *Ming Pao* of trying to appeal to the defunct *Apple Daily's* readership.



**Veteran journalists left RTHK, including Steve Vines, who announced he had left once he was already in London, saying he had left Hong Kong to escape what he called “white terror”...**



## BUREAUCRATIC TAKEOVER SNUFFS OUT INDEPENDENT VOICE

### Public service broadcaster transformed into government mouthpiece

Hong Kong’s public service broadcaster, Radio Television Hong Kong (RTHK), had a strong reputation for objective and independent reporting, and for not toeing the government line. RTHK has been an independent government department since 1954 and its staff members were considered civil servants.

But RTHK’s unique status came under attack during the 2019 anti-extradition bill protests. The pro-Beijing and pro-police camps regularly accused RTHK of being biased in favour of the demonstrators and against the police. The government’s Communications Authority was deluged with complaints against RTHK by pro-China activists, who were particularly upset about an episode of a satirical show called *Headliner*, which poked fun at the Hong Kong police force.

A government review of RTHK released in February 2021 concluded that the complaints had merit, that there were “deficiencies” in the broadcaster’s management structure, and that it “must make improvements in its system, execution and monitoring.” At the time the 157-page review was released, it was announced that the director of broadcasting, veteran

journalist Leung Ka-wing, was stepping down before the end of his contract. He was replaced by Patrick Li, a lifelong bureaucrat with no journalism or media experience.

Under Li, RTHK immediately began erasing its own digital archives. The broadcaster contacted major media awards groups — the Human Rights Press Awards and the Society of Publishers in Asia (SOPA) awards — asking that all RTHK entries submitted to that year’s competition be withdrawn, but the awards bodies declined. One of those reports, a documentary by investigative journalist Bao Choy exposing triad involvement in a brutal attack in Yuen Long, won two prestigious awards. Bao Choy herself was found guilty and fined in April 2021 for falsifying her intent when accessing vehicle records for her report.

Then Li began axing programs and staff. A top evening talk show was suspended in March 2021. The “Letter to Hong Kong” program, which interviewed public officials on current events, was axed for a music program and stories about local non-government organisations doing charity work. Veteran journalists left RTHK, including Steve Vines, who announced he had left once he was already in London, saying he had left Hong Kong to escape what he called “white terror”, a term historically used to refer to conservative or nationalist attacks on left-leaning groups. Writing in *The Guardian* later, Vines said: “There were so many red lines to be observed that, as one



Supporters hold posters as Radio Television Hong Kong (RTHK) producer Bao Choy Yuk-ling (not seen) speaks to the press at the West Kowloon Courts building in Hong Kong on April 22, 2021, after she was found guilty of improperly searching a public vehicle licence database to help track down the perpetrators of an attack on democracy supporters by government loyalists. ANTHONY WALLACE / AFP



commentator put it, they more closely resembled the Red Sea.”

Other longtime journalists either left or did not have their contracts renewed. In April, Chief Executive Carrie Lam was given her own month-long talk show to promote new arrangements for the December 2021 elections to the local legislative council.

One last tiny toehold was the RTHK Twitter account, where an unknown Tweeter continued to post humorous, sometimes snarky, notices until August 2021 when he or she was removed. The RTHK Twitter history was erased and the broadcaster announced it would no longer allow audience comments on its tweets.

A few days later, Lam celebrated a Communist Party anniversary by announcing that RTHK would now partner with the mainland's China Media Group, which controls CCTV and China National Radio, to air mainland-produced content to “nurture a stronger sense of patriotism” among Hongkongers.

## LEGAL THREATS, SMEAR CAMPAIGNS, INTIMIDATION OF SOURCES

### Proposed “fake news law” to catch critical coverage and block rumours

Since the 2019 protests against the extradition bill, China's handpicked authorities running Hong Kong have been talking about the need for “fake news laws” for use against information seen as targeting the police. They cite examples such as widely circulating and largely debunked rumours that police killed protesters at the Prince Edward subway station during the unrest. Officials have also expressed alarm at so-called “doxxing,” the release of a person's private details online. During the protests, several police officers were subjected to this kind of doxxing.

The push for a “fake news law” gained momentum in April 2021, following a public event called “National Security Education Day” held at the police training college. A widely circulated photograph of the day showed school children in uniform playing on an MTR subway car with toy submachine guns, with one girl pointing her mock weapon at the head of a small boy showing fake terror. *Apple Daily* newspaper used the photo on its front page, juxtaposed against a photo from the 2019 protests when fully armed riot policemen entered a subway car and attacked passengers, apparently indiscriminately.

The police commissioner at the time, Chris Tang — who would later be promoted to the secretary for security in the cabinet — called “fake news” a national security threat. “Today in one of the newspapers, the headline news shows a picture of school children visiting a police facility for yesterday's National Security Education Day. A photo of them playing innocently

and joyfully was painted as being related to black violence,” Tang angrily told a committee of the legislative council on April 16, 2021.

“Agents of foreign forces disseminate fake news and disinformation to drive a wedge in the community, cause division in society and to incite violence,” he said, and vowed to take action. “For those endangering Hong Kong's security using fake news, we will launch an investigation right away, and when there is evidence, we will pursue a prosecution,” Tang said.

The first problem with Tang's statement was that the photos in question were not fake — both were real photographs of real events. The newspaper's juxtaposition of the two images may have been tasteless, some might say unethical, and was certainly deliberately provocative. But there was nothing fake about either photograph.

The second problem is that Tang vowed to prosecute so-called “fake news” when there was no such law in Hong Kong prohibiting it, something the Foreign Correspondents' Club of Hong Kong pointed out in an open letter to Tang. The letter asked Tang to clarify how he was defining fake news, given that there is no legal definition and no law against it.

“The term ‘fake news’ is vague, subjective and has been used by public figures around the world to attack coverage they view as unfavourable – and the journalists responsible for it – even when it is factually correct,” the FCC letter read. It reissued an invitation for Tang or a deputy to come to the FCC to speak about his plan, an invitation he repeatedly declined.

A few days later in a television interview, Tang said: “I think it's good to have such a law.” He added: “There should be a clear definition about fake news.” In May, Tang repeated his determination to crack down on what he considered “fake news” without offering any clear definition. “If these fake news incite hatred and divide society, then people have a chance of committing crimes, including offences related to national security. Then I have to act,” he said.

Chief Executive Carrie Lam joined the chorus, saying: “The fake news law needs a lot of research, especially (on) how overseas governments are tackling this increasingly worrying trend of spreading inaccurate information, misinformation, hatred and lies on the social media.”

In July, Home Affairs Secretary Caspar Tsui said the government was studying ways to regulate internet disinformation. “The administration will be exhausting all administrative and legal means to deal with the spread of such rumours,” he said. “With false information, it can cause a lot of public security hazards and the implications can be far-reaching.”

In November, 2021, John Lee, the Chief Secretary — the top civil servant and also a former policeman — said the government was conducting a study and looking into “different tactics” to combat fake news.

**“The term ‘fake news’ is vague, subjective and has been used by public figures around the world to attack coverage they view as unfavourable – and the journalists responsible for it – even when it is factually correct.”**





Apple Daily executive editor in chief Lam Man-Chung (L) and deputy chief editor Chan Pui-Man (C) and employees emotionally cheer each other in the office atrium on June 23, 2021 after completing the last edition of the newspaper. ANTHONY WALLACE / AFP

### Journalist association pressured to release member lists and funding sources

The Hong Kong Journalists Association (HKJA) has come under a constant stream of attacks in the pro-Beijing media. In recent years, its leaders have increasingly become favoured targets.

The pattern of intimidation was clearly established with local trade unions, civic groups and human rights organisations. First, the pro-Beijing media begins an orchestrated campaign, often rehashing old allegations or raising unsubstantiated questions about membership or whether funding comes from “foreign” sources. Next, questions may be raised in the local legislature by pro-China politicians. Then the police announce an investigation into the allegations.

This occurred with organisations such as the Professional Teachers Union, the city’s largest teachers union, the Civil Human Rights Front, which organised some of the city’s largest protests, and the local chapter of Amnesty International. All chose to disband in Hong Kong in the face of the attacks.

For the HKJA, pro-China media raised questions about its membership, whether it had “student members” on its board, whether it was “infiltrating” schools, and whether it was accepting foreign funding (which itself is not illegal and which HKJA strongly denied in any case). The Beijing-controlled *Ta Kung Pao* newspaper went so far as to publish

an “exposé” on the journalist association based on old, shredded documents taken from the group’s garbage.

Chris Tang, the Secretary for Security, demanded that HKJA “clear its name” by releasing information about its membership and source of funds.

In January 2021, the Registry of Trade Unions asked the HKJA to justify its activities, such as its social media posts during the 2019 anti-extradition protests, and to provide additional financial information, in response to the allegation that some of its activities may be inconsistent with the Trade Union Ordinance.

### Sources silenced after interviews with foreign journalists cited as evidence

In the bail hearing for former legislative council member Claudia Mo, a former Agence France-Presse journalist, prosecutors successfully argued that she should be denied bail because she was regularly being interviewed by the foreign media. This, the prosecutors argued before Judge Esther Toh Lye-ping, showed that Mo could continue to endanger national security if freed on bail. As of this writing, she and other former lawmakers have been held for a year.

The introduction of Mo’s past interviews as evidence in a bail hearing sent a chilling effect through the community, with others now fearful of talking to the press. One foreign correspondent said long-time sources have called asking the reporter to erase their contacts details and never to call them again.



## PRIVACY USED AS PRETEXT FOR LIMITING INTERNET ACCESS

### Foreign websites threaten withdrawal in face of government intervention and threats

The first known case of a website being blocked in Hong Kong came in February 2021. HKChronicles, a pro-democracy site known for “doxxing,” or publishing private information about individual police officers, suddenly became unavailable.

Police declined to confirm whether they ordered Hong Kong’s mobile telecom service providers to block the site. But Article 43 of the National Security Law explicitly gives police the power of “requiring a person who published information or the relevant service provider to delete the information or provide assistance” in national security cases.

In June, Hong Kong internet service providers blocked access to the exile website 2021 Hong Kong Charter (2021hkcharter.com), in what Angeli Datt, a researcher for Freedom House, told a U.S. Congressional Commission marked “the first instance of Hong Kong authorities invoking the extraterritorial jurisdiction of the NSL against a website.”

Foreign news websites such as *The New York Times*, BBC and *The Economist* are routinely blocked, and any stories about China, its leaders, or sensitive historical references such as Tiananmen Square or June 4 are inaccessible. The most popular overseas social media platforms, such as Facebook, Twitter, YouTube and WhatsApp, are blocked in China, and the country has developed its own homegrown Chinese platforms that can provide all the same services and more — including easy cashless payments — but are all subject to intrusive monitoring.

Many Chinese users have VPNs to allow access to blocked sites, but VPNs are technically illegal, and often unstable and unreliable as the censors play a game of “whack-a-mole” with those trying to evade the “great firewall” of censorship. And the great firewall is buttressed by a series of laws giving authorities the power to jail anyone who falls afoul of the government, either by spreading so-called rumours or, in the terms of the Mainland criminal law, “picking quarrels and stirring up trouble”.

Shortly after the security law came into effect on July 1, 2020, Facebook, Google and Twitter said they would cease cooperating with requests from Hong Kong’s law enforcement agencies for user data, citing what Twitter called “grave concerns” about the new law.

In early 2021, the Hong Kong government introduced changes to strengthen existing laws against doxxing that also put local

employees of overseas websites on notice that they could face arrest and prosecution if the companies did not remove offending content from their platforms. That led Facebook, Twitter and Alphabet Inc, Google’s parent company, to warn they might stop offering their services in Hong Kong. “The only way to avoid these sanctions for technology companies would be to refrain from investing and offering the services in Hong Kong,” the Asia Internet Coalition wrote in a June 25, 2021 letter first reported by The Wall Street Journal.

On November 25, Chief Executive Carrie Lam signalled that internet freedom may soon face even tighter restrictions. Speaking to a Chinese online forum, she said her government planned to “actively plug loopholes” in the government’s attempts to regulate online activity.

“We need to properly supervise and manage the media and adopt the concept of ‘prevention is better than cure,’” Lam said. “With the rapid development of Internet technology, inherent laws may not be able to effectively deal with various misconduct on the Internet, such as malicious disclosure of other people’s personal information, hateful and discriminatory remarks, or fake news.”

### Access to public information curtailed, reporters searching records at risk

Hong Kong has never had a freedom of information act, and there is no law requiring that most government records be preserved. Even so, journalists did have access to a large amount of publicly available data, which they were able to use in their reporting.

In conjunction with the National Security Law, the government has tightened the regulations for access to previously available public records. Ostensibly the reason is to preserve privacy and to prevent the release of private information for nefarious reasons, known as “doxxing.” But media groups and journalists have warned that the new rules will severely hamper legitimate reporting, particularly investigative reporting, while putting reporters at heightened legal risk.

Since October 2019, the height of the protests, Immigration Department rule changes have stopped journalists — or anyone — from accessing simple birth or marital records without the consent of the person whose records are being searched. Earlier, the Transportation Department altered the form used to search vehicle ownership records. Previously, journalists searching for who owned a car with a specific license plate could check a box marked “Other” as their reason for the search, but on the revamped form, the “Other” option was removed.

**Facebook, Google and Twitter said they would cease cooperating with requests from Hong Kong’s law enforcement agencies for user data, citing what Twitter called “grave concerns” about the new law.**





In March 2021, the Companies Registry, used regularly by financial journalists to search the ownership of publicly listed firms in Hong Kong, said it would no longer make available the residential addresses and the full identity card numbers of company directors and secretaries. In Hong Kong, every resident has a unique identity card number. This is seen as essential for verifying an identity in a city where many people have the same name, and where people sometimes spell their English names differently according to the Mandarin or Cantonese pronunciations (as in Lee or Li).

David Webb, an open data activist and investor who runs the Webb Site, said journalists “need to know exactly who the director is, and only a full, unique ID number can achieve that.” He told an interviewer for *Hong Kong Free Press*: “Sunshine is the best disinfectant. Allowing directors to obscure their identities reduces the ability of researchers and journalists to shine a light in shady places.”

In October 2021, the government tightened the rules further. Under the new regulations, anyone searching the Land Registry or the Companies Registry must input their own identity card number and the specific reason for their search. Searchers must then sign a declaration saying they will not breach the privacy ordinance and their details may be turned over to law enforcement agencies.

The government said the changes were necessary to prevent the misuse of private information. But critics and the IFJ called it another example of the government criminalising longstanding reporting tools and harm press freedom which was guaranteed to Hongkongers under the basic law.

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## FOREIGN MEDIA THREATENED, WORKING VISAS DENIED

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### Visa denials imperil reputation and standing as an international city

While denying visas and expelling foreign correspondents is standard practice in mainland China, journalists expelled from China or other places in Southeast Asia would routinely make Hong Kong their base. There was no special visa for journalists, and little was required at the Immigration Department to gain a valid work permit and an ID card.

That openness began to change with the 2019 protests and the 2020 National Security Law. In July 2019, Hong Kong rejected a visa application for Chris Buckley, an Australian working for *The New York Times* who was previously based in China. In August, 2020, Irish journalist Aaron McNichols was denied a visa to stay in Hong Kong and work for *Hong Kong Free Press*.

On November 12, 2021, the editor in chief of *The Economist* revealed that one of its reporters, Sue-Lin Wong, an Australian, had been denied a visa to report as a correspondent in Hong Kong. The editor-in-chief, Zanny Minton Beddoes, said: “We urge the government of Hong Kong to maintain access for the foreign press, which is vital to the territory’s standing as an international city.”

As with the other cases, Chief Executive, Carrie Lam refused to give detailed reasons for Wong’s visa rejection, but insisted that Hong Kong remained an international city.

### Concerns about media freedom met with threats of criminal action for ‘meddling’

Officials in Hong Kong and Beijing have reacted quickly and vociferously to criticism that the city’s press freedoms are being eroded or endangered. When the Hong Kong Foreign Correspondents’ Club published a survey of its members showing more than 83 per cent thought working conditions had deteriorated in Hong Kong, the office of the Foreign Ministry in Hong Kong accused the FCC of “walking away from professional ethics” and “driving a wedge in Hong Kong and meddling in Hong Kong affairs.”

The Chinese foreign ministry spokesman in Beijing responded that in fact the number of “foreign journalists” registered with the Hong Kong government has increased. The spokesman did not give details, such as whether those were new journalists in Hong Kong and whether the number included persons working in marketing and sales for large outfits like Bloomberg.

Fears are growing that the government, through the police, may begin prosecuting journalists for mere expressions of opinion. Hong Kong’s Secretary for Constitutional and Mainland Affairs, Erick Tsang, warned *The Wall Street Journal* that it may have broken the law with a November 29 editorial that called upcoming Legislative Council elections a “sham”. The editorial said: “Boycotts and blank ballots are one of the last ways for Hongkongers to express their political views.”

The Secretary, in a letter published in the *Journal*, warned that “inciting another person not to vote, or to cast an invalid vote, by activity in public during an election period is an offence.” He added: “We reserve the right to take necessary action.” Other government officials have followed up with a barrage of letters responding to critical articles in overseas media outlets, in what appears to be a public offensive to combat negative media coverage abroad.

One earlier veiled threat came from the Chief Executive Carrie Lam when she was being interviewed by the English language service of RTHK, the publicly funded broadcaster. Presenter Karen Koh said one of the problems in 2019 during

**As with the other cases, Chief Executive, Carrie Lam refused to give detailed reasons for Wong’s visa rejection, but insisted that Hong Kong remained an international city.**





***But the “red lines” to be avoided remain vague. Journalists are unsure what is permissible and what might be considered a violation of national security.***



the protests was that “people were frustrated because they couldn’t have an open dialogue.” Lam replied: “You are treading on very dangerous lines.”

### **Media companies exit amid concerns over freedom and staff safety**

Hong Kong remains a regional hub for major international outlets like Reuters, Bloomberg, Agence France-Presse and CNN. However, in July 2020, two weeks after the National Security Law came into effect, *The New York Times* transferred a large number of its staff members to Seoul, saying the new law “unsettled news organisations and created uncertainty about the city’s prospects as a hub for journalism”.

In August 2021, web publisher Initium Media relocated its head office to Singapore. Initium’s executive editor, Susie Wu, said in an open letter to readers on the Initium website: “In the past six years, the road to freedom has become a harder and harder one ... and Hong Kong’s press freedom index has fallen to the 80th place in the world.”

## **CONCLUSION**

The transformation of Hong Kong is “unstoppable,” as one official has said. And journalists should not expect any special privileges. Journalists, including foreign journalists, are welcome. But they must stick to reporting basic facts, not align with what Beijing called the “anti-China forces” seeking to undermine the Communist Party, and not appear to challenge the local government and police. Chris Tang, the Secretary for Security who formerly headed the police, said: “Journalists must act in good faith to provide accurate and reliable information in accordance with the principles of responsible journalism, in order to be protected by the right to freedom of expression and the press.”

But the “red lines” to be avoided remain vague. Journalists are unsure what is permissible and what might be considered a violation of national security. The consequences are grave, including possible imprisonment without bail, a presumption of guilt, and if convicted — as is likely in any national security offence — a lengthy prison sentence.

Those who care about Hong Kong and about press freedom can continue to monitor events and bring to light instances where those freedoms guaranteed under the city’s Basic Law appear to be undermined. Some journalists may choose to emigrate and start new lives overseas, and they will need support. But there should be no mistake; in Hong Kong, China is now writing the rules. •

## **Key findings and recommendations**

- ★ The IFJ remains gravely concerned at the rapid collapse of Hong Kong’s free media since the enactment of the National Security Law in 2020 and for the ongoing safety and well-being of professional and independent journalists in the Special Administrative Region of the People’s Republic of China (HKSAR).
- ★ The IFJ notes a clear and documented exodus and closure of both local and international media outlets, journalists and media workers that once earned Hong Kong a reputation as a bastion for media excellence in the Asia region.
- ★ The IFJ calls on governments around the world to support journalists seeking to leave Hong Kong or find temporary refuge to continue their professional careers as journalists in exile.
- ★ Journalists and media seeking to report in Hong Kong should be given visa access to allow a diversity of reporting on Hong Kong and China to continue.
- ★ The IFJ notes that orchestrated campaigns to shut down civil society organisations violate citizens’ right to freedom of association under various international legal instruments, including the Universal Declaration of Human Rights, and diminish Hong Kong’s standing in the international community.
- ★ International media and media organisations must continue to express solidarity and support for their Hong Kong counterparts and continue to protest to the Hong Kong and the People’s Republic of China (PRC) authorities for their repression of freedom of the press and freedom of speech. •