

## Media incidents in Hong Kong's first two years under the National Security Law regime

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The listing that follows was first compiled in June 2021 as an educational and research resource for an [academic panel discussion](#) on Hong Kong press freedom one year after the promulgation of a radical new National Security Law for the territory. The document has been updated to capture key events related to media freedom and independence in two years under the NSL.

The entries are categorised to help better understand broad patterns and trends. Observers (as well as media practitioners themselves) have been trying to answer a few inter-related questions about the crackdowns that occurred from 2020:

- whether the government's most extreme actions following the 2019 protests were about neutralising a limited number of protest enablers, particularly *Apple Daily* – or part of a broader agenda to bring the Hong Kong media system in line with the mainland;
- whether the NSL would be applied with restraint in accordance with the International Covenant on Civil and Political Rights (ICCPR), to which China is a signatory – or maximally, violating the ICCPR's requirement that restrictions be clearly defined, serve legitimate objectives, and applied proportionally.
- whether Hong Kong would operate a dual legal system, with the NSL regime confined to exceptional cases, leaving the rest of Hong Kong's Basic Law and legal norms intact – or if the NSL would be a wedge opening Hong Kong's common law system to greater influence of mainland legal concepts and rules.<sup>1</sup>

Two years' of experience help answer these questions, though the record is still open to some interpretation.

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<sup>1</sup> For a full discussion see the forthcoming volume, [The National Security Law of Hong Kong: Restoration and Transformation](#) edited by Hualing Fu and Michael Hor (Hong Kong University Press). See also Zhu, Han, A Chinese Law Wedge into the Hong Kong Common Law System: A Legal Appraisal of the Hong Kong National Security Law (March 17, 2022). Vol 21(2) *Northwestern Journal of Human Rights* (Forthcoming), Available at SSRN: <https://ssrn.com/abstract=4093471>

What will strike readers instantly is the sheer number of cases. Note, however, that the many media-related NSL cases have yet to be resolved. Most are awaiting trial. It's also noteworthy that the NSL is not the only mechanism that the authorities have been using. Other regulations and administrative tools have been deployed to implement their vision of a more responsible and patriotic media profession.

A final important point is that the NSL's chilling effect has had a wider impact than the actual use of the law. Several outlets, organisations and individuals have pre-emptively exited Hong Kong's media scene or taken steps to reduce their risk exposure, usually after receiving legal advice and/or threats from a range of actors. Many of these practitioners were not lacking in commitment to journalism in the public interest — the group includes journalists who had turned their backs on more lucrative jobs in the commercial sector to join non-profit ventures. Their drastic decisions to exit speak volumes about the state of affairs in Hong Kong.

In Year 3, key developments to watch for include:

- How will the several NSL and sedition cases be resolved? Will court rulings confirm the media's worst fears, or will they reveal clearly-defined safe spaces within which journalists can engage in free and robust criticism of power?
- Having hit the self-destruct button to kill organisations and archives that may have exposed individuals to legal risk (including the retrospective application of the NSL), will independent journalists now create new vehicles to start with a clean slate?
- Now that President Xi Jinping has voiced satisfaction that Hong Kong has "risen from the ashes", will Hong Kong authorities dial down their desire for retributive justice, and recognise the importance of media freedom and independence in the process of healing a polarised society?

Our team thanks Hong Kong's news media outlets and journalism associations for continuing to track developments in the city's evolving media landscape. Our listing is based mostly on their reports.

#### **NOTE**

The listing was compiled with the assistance of Cheng Yujia, Jay Ganglani, Janet Lo and Rose Luqiu. Please treat it as a work in progress. If you spot any inaccuracies or omissions, please [email us](#).

## Type of action/threat



Direct use of National Security Law



Indirect impact or invocation of National Security Law, including self-censorship



Use of pre-NSL laws, regulations and administrative powers



Administrative action within media organisations



Actual violence or threat to physical safety or property



Newsroom raids and seizures

## Apple Daily extinguished



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**Apple Daily offices raided.** The same day in August 2020 that founder Jimmy Lai was first arrested (see below), the newspaper's premises were [raided](#) by more than 200 police. Apple Daily was [raided again](#) in June 2021 after the editor in chief and other executives were arrested. In six-plus hours, police seized more than 40 digital devices including computers and hard disks.



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**Newspaper founder Jimmy Lai jailed.** In April–May 2021, Jimmy Lai was convicted by District Courts and [sentenced to](#) a total of 20 months' jail for his role in three unauthorised protest events during the 2019 uprising. Lai was found to have violated public assembly orders. In one case, the judge said it was "naive and unrealistic" of Lai and other organisers to expect the rally to remain "peaceful, rational and non-violent". Lai first was picked up from his home in August 2020. He and two Next Media executives were [charged](#) in December 2020 for improperly subleasing space at Apple Daily Printing Limited and thus enabling the government-owned landlord to be defrauded.



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**Jimmy Lai charged over sanctions ‘conspiracy’.** Jimmy Lai was charged under the NSL in December 2020, and denied bail. In May 2021, his assets were frozen. Under Article 29 of the NSL, the crime of foreign collusion covers requesting foreigners to impose sanctions. Prosecutors [cited](#) his tweets, his commentaries in Apple Daily, comments to foreign media, and Apple Daily online chats with foreign commentators. Lai will be [tried](#) in the Court of First Instance, where the maximum sentence is life in prison.



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**More journalists and executives charged.** Shortly before Apple Daily’s closure (see below), Next Digital COO Royston Chow Tat-kuen, Apple Daily Editor-in-chief Ryan Law Wai-kwong, Publisher Cheung Kim-hung, Chief Executive Editor Cheung Chi-wai, Deputy Chief Editor Chan Pui-man and lead opinion writer [Yeung Ching-kee](#) (“Li Ping”) [were charged](#) with conspiring to collude with foreign countries or foreign forces to endanger national security. Under Article 29 of the NSL, the crime of foreign collusion covers requesting foreigners to impose sanctions. had already been charged with the same offence. Former Chief Writer and Managing Editor (English) [Fung Wai-Kong](#) and former Executive Editor [Lam Man-chung](#) were arrested after the closure and similarly charged. Chan Pui-man, Yeung Ching-kee, Fung Wai-Kong and Lam Man-chung were also charged under the Crimes Ordinance with conspiracy to publish seditious publications.



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**Apple Daily closes.** On 23 June, the management [announced](#) that “in view of staff members’ safety”, it would “cease operation immediately after midnight”, making the following morning’s edition Apple Daily’s final issue. A week earlier, on 17 June, some 500 policemen [had raided](#) the newspaper’s offices for the second time in a year, and arrested the editor-in-chief and four other executives at their homes (see above). The authorities also froze HK\$18m of assets owned by three companies linked to Apple Daily.

## Stand News eliminated



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**Stand News raided.** On 29 December, nearly 200 police cordoned off and searched Stand News offices, using NSL powers. Police [seized](#) assets worth HKD61 million as well as computers, phones and journalistic materials. Set up as a non-profit in 2014, Stand News was Hong Kong’s most famous independent news website, and the leading anti-establishment voice post-Apple. It stopped accepting donations from readers soon after Apple Daily’s closure (see above), in anticipation of a crackdown.

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**Six charged with sedition.** The same day its offices were raided on 29 December, six individuals tied to Stand News [were arrested and charged](#), not under the NSL, but with conspiracy to publish seditious publications under the British-era Sections 9 and 10 of the Crimes Ordinance. Police said the outlet had been “inciting hatred against the Hong Kong government” in contravention of sedition laws. The six were Editor-in-chief Patrick Lam, former Editor-in-chief Chung Pui-kuen, and former board members Denise Ho, Margaret Ng, Christine Fang and Chow Tat-chi. Stand News Editor and Hong Kong Journalists Association chairman Ronson Chan was also taken by police for questioning, but released hours later. In April 2022, a seventh individual associated with Stand News — veteran columnist Allan Au Ka-lun — [was arrested](#) for sedition.

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**Stand News investigated for NSL offences.** After the raid and arrests, police said [investigations would continue](#) into whether news articles and opinion pieces published by Stand News had breached various elements of the NSL, including colluding with foreign forces and promoting Hong Kong independence. Using NSL powers, police froze company assets worth HKD61 million (the highest amount in national security cases up to that point), and said they would investigate its funding. Police [said](#) they had evidence of the media outlet allowing fugitives or overseas activists to use its platforms to incite subversion and separatism activities in Hong Kong and call for foreign sanctions, in contravention of the NSL.

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**Stand News closes.** The same day its offices were raided and its editors arrested (see above), Stand News announced its immediate [closure](#). All contents were removed from social media and websites. Months earlier, it had already taken down commentaries from its platform to protect individuals who might be implicated in “speech crimes” in the new environment. The attack on Stand News had a sharp chilling effect on other independent media, as it showed that the crackdown was not limited to Jimmy Lai and Apple Daily.

## Other closures, cuts and departures



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**i-Cable journalists sacked.** Citing the economic impact of Covid-19, Hong Kong’s biggest pay TV operator, i-Cable, [dismissed 40 staffers](#) in November 2020, including the team behind the investigative programme “News Lancet”. [HKJA said](#) that the team’s “reports related to the police and the regime” created the impression that the “the company is trying to reduce or even cut sensitive reports under the name of cutting costs”. Several journalists [quit in protest](#), including the China news team, and the heads of international, local and financial news.

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**Windanmac Media closes.** On 21 June 2021, as the grip on Apple Daily tightened, Winandmac Media [announced](#) it was deregistering as a Hong Kong business. It was founded in 2010 as a technology news website but broadened its scope during the 2019 protests, when it also discussed police misconduct.

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**Initium Media leaves.** In August 2021, Initium Media [announced](#) it would move to Singapore. It was launched in Hong Kong in 2015 to serve Chinese-language audiences worldwide.

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**DB Channel closes.** In November 2021, online media outlet DB Channel [shut down](#) operations in Hong Kong. It let go of its team of volunteer journalists based in HK after weighing legal risks. Its co-founder Frankie Fung was among [47 opposition](#) politicians and activists arrested in March 2021 and accused of plotting to paralyse the government and topple the city leader by holding an unofficial primary election in July 2020. The prosecution [said](#) Fung had “shown himself to be persistent in promoting and spreading subversive ideologies” and that his online outlet “served as a platform calling for sanctions, promoting seditious ideologies and gathering support on the international front”.

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**Citizen News closes.** A non-profit set up 2017 by veteran Hong Kong journalists, Citizen News announced its closure on 2 January 2022, days after the closure of Stand News (see above). Editor-in-chief Daisy Li [explained](#) that it was no longer possible to tell whether a news report or comment would fall foul of the law. Citizen News had been a refuge for professional journalists from mainstream media. In March 2021, it set up a new video team with 10 journalists who had quit iCable News.

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**Mad Dog Daily closes.** Founded as a print newspaper in 1996 and converted to an online publication in 2018, Mad Dog Daily [closed](#) on 3 January 2022, within a week of Stand News and Citizen News. Its founder, former lawmaker Raymond Wong Yuk-man, said that if Stand News was considered seditious, Mad Dog Daily would be too. While Wong was based in Taiwan, he feared for his staff in Hong Kong, he said.



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**Factwire closes.** Hong Kong investigative news wire Factwire, a non-profit, crowdfunded outlet founded in 2015, announced in June 2022 that it was [disbanding](#) with immediate effect. It had suffered a major attack by [hackers](#) in April 2022. Its recent investigative reports had included two stories about the finances of John Lee (Hong Kong's chief secretary and future chief executive) and his sons, as well as flaws in the government's pandemic control systems.



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**Political cartoonists exit.** Several political satirists [left Hong Kong](#) in 2022, citing the unfavourable post-NSL climate. They include Ah To, Hong Kong Worker and VA Wong Sir. All had been accused of violations by Beijing-backed local newspapers or anonymous complainants. [Ah To](#), with more than 120,000 followers on Facebook and Instagram, was dropped by Ming Pao Weekly and Yahoo News in July 2020, soon after the promulgation of the NSL. [VA Wong Sir](#), who began sharing political cartoons on social media in 2019, used to teach in a secondary school but was let go after his school received an anonymous complaint.

## Remaking RTHK



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**RTHK stops interviews with democracy activists.** Radio Television Hong Kong (RTHK) interviewed exiled activist Nathan Law for a programme aired on 31 July 2020. Following unconfirmed reports that Law was wanted for NSL offences, RTHK [removed it](#) from their website. Noting that the NSL is “a piece of new legislation”, RTHK said “it is appropriate to handle it cautiously”. Nathan Law noted that police had not at that point confirmed publicly that he was wanted. In January 2021, the head of RTHK, Leung Ka-wing, [advised](#) staff not to interview the more than 50 democrats who had been arrested under the NSL in connection with July 2020's unofficial pro-democracy primaries.



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**Journalist fined over reporting methods.** Choy Yuk Ling, a producer of RTHK's “Hong Kong Connection” episode on the Yuen Long mob attack, was [convicted](#) in April 2021 and fined \$6000 on two accounts of providing false reasoning to gather information about a vehicle from a public database. (A reporter from pro-Beijing daily *Ta Kung Pao* was arrested and charged with the same offence.) Choy was said to have violated the Road Traffic Ordinance when she selected “traffic and transport-related matters” as her reason for wanting the information. There was no “journalistic purpose” or “miscellaneous” option available in the e-form. Choy will appeal the verdict.



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**Senior civil servant becomes editor-in-chief.** In February 2021, the government released an 85-page [report](#) criticising RTHK of weak editorial accountability and failing to fulfil its charter as a government department. It announced veteran journalist Leung Ka-wing would end his term as Director of Broadcasting earlier than planned, and be [replaced](#) with Patrick Li Pak-chuen, a senior civil servant with no media experience. The Secretary for Civil Service said Li was a “seasoned Administrative Officer with proven leadership and management skill”. Li took over in March 2021.



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**Growing self-censorship.** Patrick Li, who promised to lead more “visibly”, [blocked](#) several episodes of shows on the grounds of failing to meet required standards of balance, objectivity and impartiality. The programme “RTHK Talk Show 2021” was suspended. Episodes of other series such as “Hong Kong Connection” were pulled. In May 2021, RTHK announced it would delete programmes more than a year old from YouTube, in line with its practice for its own website’s archive. Current affairs programme “City Forum” was axed in July 2021 after 41 years on the air. In November 2021, RTHK removed from its website a news report about Chinese tennis star Peng Shuai, who had accused a former top Chinese official of sexual assault.



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**Editorial staff changes.** In May 2021, Nabela Qoser, known for her tough questioning of government officials during the 2019 protest movement, did not have her [contract renewed](#) by RTHK. She was investigated by the public broadcaster over her conduct at press conferences during 2019’s protest movement. RTHK spokesperson said the broadcaster followed “the established mechanism and procedures (including established guidelines of Civil Service Bureau and the Civil Service Regulations)”. In September 2021, the seasoned presenter of morning radio talkshow “Backchat” Hugh Chiverton was taken off the air.

## Content removals



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**852 Post removes videos.** In June 2021, Founder Yau Ching Yuen [removed](#) all videos previously published on 852 Post’s Youtube channel, describing that the situation in Hong Kong as “black rain”.



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**Radio Free Asia cuts back on Cantonese programming.** US-funded non-profit news outlet Radio Free Asia (RFA), which broadcasts in various Asian languages, [suspended](#) of some locally produced Cantonese programmes and commentaries from 1 March 2022, citing concerns about increased risks posed to locally based commentators and hosts: “It has been clear over the past year that the ‘national security red lines’ are everywhere in Hong Kong,” an RFA memo said.

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**Passion Times ordered to remove posts.** In May 2022, police [ordered](#) activist and Passion Times founder Wong Yeung-tat to remove unspecified “sensitive” content. This is believed to refer to a flag design contest the digital outlet has organised in 2016, attracting 63 entries and more than 2,000 votes. The competition could be seen as inciting for Hong Kong secession and independence, an offence under the NSL’s Article 43.

## Travel and entry restrictions

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**Visa problems for foreign correspondents.** In August 2020, the Foreign Correspondents’ Club [said](#) foreign journalists were encountering “highly unusual” delays in renewing or securing visas. Journalists suspected a link to the diplomatic row between China and the United States; and that a new national security unit might have been set up to vet applications. The government [responded](#) that there had been no change to visa processes. In July 2020, Hong Kong refused to grant the New York Times’ China correspondent Chris Buckley a work permit. NYT [moved](#) part of its operations from the city to Seoul. In November 2021, The Economist said that Hong Kong declined to renew the visa of one its journalists, Wong Sue-lin.

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**Journalist’s passport confiscated.** In July 2021, National Security Department police officers [confiscated the passport](#) of a journalist who livestreamed the stabbing of a police officer. Identified as Nina, she worked for Vision Times.

## Professional groups squeezed

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**HKJA tables disbandment option.** In June 2022, the journalist union, the Hong Kong Journalists Association (HKJA), decided to give itself more flexibility to press the self-destruct button. At a general meeting, members [agreed](#) to lower the threshold for them to disband the organisation: only 50 percent of members with voting rights would have to vote in favour, down from five-sixths. The amendment to the 54-year-old group’s constitution followed [mounting pressure](#) from officials parroting unsubstantiated accusations from pro-Beijing commentators about the union’s activities. The Registry of Trade Unions launched a [probe](#) into HKJA’s activities. Facing similar threats, the [Hong Kong Confederation of Trade Unions](#) and the [Professional Teachers Union](#) decided to disband in 2021.

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**Consumer reporting award drops association links.** The Consumer Council decided to organise its [Consumer Rights Reporting Awards](#) for 2021 on its own, [delinking](#) it from the Hong Kong Journalists Association and the Hong Kong Press Photographers Association, which had been co-organisers since 2001. The Council's decision followed [criticism](#) by Hong Kong delegates of the National People's Congress. They accused the press associations of political bias and warned that the Council, as a statutory body, would tarnish its reputation by cooperating with them.

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**FCC survey accused of violating national security.** The Foreign Correspondents Club published a [survey](#) of journalists in November 2021, in which more than 80 percent of respondents thought that the working environment had “changed for the worse” and over half have engaged in self-censorship of content. China's Foreign Ministry office in Hong Kong [said](#) the FCC was engaged in attacking the NSL, “sowing discord”, smearing Hong Kong's press freedom, and “vilifying Hong Kong's rule of law”.

## Disciplining citizen/student reporting

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**Reporters covering a protest fined for breaching pandemic-related restrictions.** In July 2020, individuals in yellow press vests were issued [fines](#) by the police for breaching a pandemic-related ban on public gatherings. At least 17 student reporters were reportedly among those fined. Another was a journalist whom the police said was not registered with its information services department. Public gatherings of more than four people were banned due to the Covid-19 pandemic.

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**Police tighten its media accreditation rules.** In September 2020, police [announced](#) a tightening of its definition of “media representatives” to exclude “self-proclaimed” journalists from press briefings and restricted areas. The change affected many freelancers, and unregistered online media outlets and student media. The Police General Orders concerning media relations were amended in reaction to problems officers faced managing the large numbers of reporters, photographers and video operators at protest sites in 2019. Seven journalism schools issued a joint statement: “We are concerned that the new policy will amount to giving clear instructions to officers to disperse non-mainstream journalists who have done no wrong and are only exercising their right to gather information.”

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Student union publications at [Hong Kong Polytechnic University](#) (PolyLife) and [Hong Kong Baptist University](#) (Jumbo) were blocked by university administrators in August 2021 and

January 2022 respectively, due to concerns that their content violated the NSL. The editors at HKBU resigned en masse, protesting interference from the university. HKBU had earlier told the board to stop using the stigmatising term “Wuhan virus” to refer to Covid-19. The reining in of these publications was part of a larger trend of [restraining student unions](#).

## Threats to media safety



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**Epoch Times’ printing press and reporter attacked by masked men.** Anti-Beijing global news outlet Epoch Times is linked to the spiritual group Falun Gong, which is banned in the mainland. In April 2020, its printing press was [stormed](#) by four masked men with sledgehammers. They smashed equipment, disabled machinery with concrete rubble, and intimidated workers. After repairs, Epoch Times continued to print its Hong Kong edition, which is distributed in public places in the city. No arrests have been made in either case. In May 2020, a man [beat an Epoch Times reporter](#) with a baseball bat outside her home.

## Restrictions on government records



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**Business registry data access restrictions.** Citing the need to protect personal data, the government announced in March 2021 that it would [tighten restrictions](#) on viewing information in the Companies Registry. Residential addresses and identification numbers of directors of registered businesses would no longer be accessible. Investigative reporters have used such data to uncover corporate malpractice including corruption, and wrongdoing by officials. The proposed amendments were submitted to the Legislative Council by the Financial Services and the Treasury Bureau, and the Companies Registry.



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**New rules for accessing business and land data.** From November 2021, the Companies Registry and Land Registry [required](#) people to provide their names and ID numbers before conducting searches. The government said this was necessary to ensure that searches were conducted only for legal purposes and complied with personal data privacy laws. HKJA said the rule change would place “unnecessary legal risks” on journalists.

## Restricting radical websites



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**Police order internet providers to block a protest website.** HKChronicles, an information sharing site that operated as a doxxing platform, revealed personal information about both

the police and pro-Beijing supporters. In January 2021, police instructed Hong Kong internet providers to [block the website](#), citing Article 43 of NSL and its implementation rule 4, which allows for blocking access to electronic content deemed likely to constitute or cause an offence endangering national security. The chairman of the Hong Kong Internet Service Providers Association said that while police had asked providers before to remove individual posts or content, such as those related to criminal activities, privacy infringement or doxxing, “it’s rare to target the overall website”. Police “should explain clearly the legal grounds for such requests, such as how the website will infringe the national security law, the rights of the website operator and whether there is any appeal channel against the police’s request.”

## Media accolades interrupted



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**University cancels photo exhibition.** The World Press Photo Exhibition 2020 was scheduled to be hosted by Hong Kong Baptist University in March 2021. The showcase of more than 150 winning images included a handful from the Hong Kong protests. Following complaints in pro-Beijing propaganda outlets, the university [cancelled](#) the event four days before it was due to open, citing “campus safety and security” concerns. Organisers found an [alternative venue](#), theDesk in Admiralty. The opening was not publicised in advance, and the exhibition ran without incident from 29 March to 10 April 2021. Several HKBU students volunteered as guides.



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**Journalists Association suspends awards.** The Hong Kong Journalists Association (HKJA) [postponed](#) its 2022 Kam Yiu-yu Press Freedom Award, citing both political considerations and the Covid pandemic. The HKJA and sponsors Kam Yiu-yu Press Freedom Foundation did not discount the possibility of the awards returning in future, depending on the political environment.



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**Human Rights press award leaves Hong Kong.** Citing “significant areas of uncertainty” under the law, the Foreign Correspondents’ Club (FCC) [cancelled](#) its 2022 Human Rights Press Awards after judges had picked Stand News (see above) for several prizes. Lawyers advised FCC that honouring Stand News could be interpreted as advocating the same offences the news outlet has been accused of. FCC founded the awards in 1996 in partnership with the Hong Kong Journalists Association and Amnesty International. FCC organised the 2022 awards on its own: and Amnesty closed its Hong Kong office in October 2021 and HKJA dropped out. Arizona State University’s journalism school has agreed to [adopt](#) the awards from next year.