

# After the National Security Law: A Report on Hong Kong's Censorship Mechanisms

## Executive Summary

Since the introduction of the National Security Law (NSL) in June 2020, over 200 people have been arrested for “endangering national security.” While this number may seem small compared to Hong Kong's total population of seven million, under the new framework of “Defending National Security,” the aims and policies of the entire HK government have been fundamentally transformed. In sync with these changes, various forms of censorship have taken hold throughout society, eroding Hong Kongers’ freedom of speech, and restricting their access to information.

This report collected over 2000 news articles dated June 2020 to October 2022 to serve as a database for analysing both the legal and informal censorship mechanisms being used in Hong Kong. The end of the report also includes an interview with an experienced local human rights activist who offers a forecast of future censorship trends and gives suggestions on methods for resisting censorship.

## Key Finding 1: Three Censorship Mechanisms

The report identifies a three-tiered framework to illustrate how censorship mechanisms operated in the period of study. The three tiers are "Government Legal Measures", "Government Informal Measures" and "Non-government Informal Measures."

**"Government Legal Measures"** refer to the use of legal measures by the government to arrest activists or limit civil rights to achieve its aim to censor. These measures include the introduction of new laws with significant powers, such as the NSL enacted in June 2020; the activation of colonial laws, such as the revival of sedition offences; the broader enforcement of existing laws, such as the "Public Order Ordinance". To restrict civic activity at broader scales and in more granular detail, government also carried out extensive legislative amendments, such as the "Immigration Ordinance" and "Film Censorship Ordinance." Meanwhile, the government also started to create new legislation, such as “Article 23” and legislation to regulate “fake news.”

**"Government Informal Measures"** refers to censorship measures taken by the government through administrative means and extrajudicial means. Administrative measures include making government funding or the use of government facilities contingent on a process of political vetting. Extrajudicial measures include the surveillance, and harassment of activists or members of civil society organizations.

**"Non-government Informal Measures"** refer to non-governmental entities (such as businesses or institutions) limiting the civil rights of others due to political pressure or

through self-censorship. It also refers to pro-government entities intimidating stakeholders through accusing speech or reporting to achieve a chilling effect.

## **Key Finding 2: Impact of Censorship on 5 Social Aspects**

This report identifies that the three-tiered censorship mechanism operates and most highly affected five aspects. These aspects are: **'Press Freedom,' 'Arts, Culture, and Publishing,' 'Political Expression,' 'Information Transparency,' and 'Flow of Financial Resources.'**

**1. Press Freedom. Media outlets were the first to be suppressed by NSL.** In 2020 and 2021, the national security department arrested individuals affiliated with Apple Daily and the Stand News on national security charges. At the time, these were the city's two largest independent media outlets. After their closure, arrests of journalists continued and the police used their expanded powers under the NSL to seize journalistic materials and restrict journalists' travel.

Several informal methods have also been utilised to censor the media sector. Since mid-2020, the government has made major personnel and policy changes within RTHK (a major public broadcaster). The police have also narrowed their operating definition of media to limit the work of independent journalists, with only a shortened list of approved outlets allowed to attend government press conferences. In 2021 and 2022, the government further restricted journalists' scope of coverage and access to information, narrowing the space for reporting. Under such heavy censorship, alternative media critical of the government has largely disappeared within a short period of time.

**2. Arts, Culture, and Publishing. Within this sector, the major censorship measures are informal, deriving from both government and non-government entities.** With the exception of one case in which committee members of a locale union were sentenced to 19 months in prison for producing a "seditious publication," outright arrests in the sector are rare. Instead, the government usually references the NSL or other existing laws, exercising administrative powers to regulate and censor cultural activities through its control over amenities such as venues, public display areas, and sources of funding.

It is also worth noting that the pro-establishment camp pays close attention to cultural activities and often accuses them of violating the NSL. Although these accusations have not resulted in arrests, they often induce the government to follow up with administrative interventions, while also encouraging self-censorship and internal regulation on the part of private businesses.

**3. Political Expression. Within the realm of political expression, the most common methods deployed are Government measures, both Legal and Informal.** The government also uses "seditious" charges with a large grey area in their interpretation to create a chilling effect, leading to widespread self-censorship. All demonstrations making use of public space, including rallies, protests, and street gatherings, have been severely restricted.

**4. Information Transparency. Government Legal Measures are the main means of censorship in this sphere.** The government has directly censored information through both

new legislation and amendments to existing laws. For example, it now requires internet service providers to block Hong Kong users from accessing websites that the government considers "endangering national security." The government also tightened restrictions on searches of land and company registries and criminalized "doxing" and related activities.

Contrasting with the comprehensive internet blockage in mainland China, where foreign websites and platforms are blocked as a matter of course, the direct restrictions of internet access in Hong Kong are still selective and limited to "political sensitive sites" at the moment. In terms of measures to directly restrict access to websites in Hong Kong, one internet service provider earlier admitted that they were blocking a website at the direct request of the Hong Kong government, per the NSL. Although no internet service providers have disclosed any detailed information on the decision-making process in later cases, we still believe that subsequent requests were also from the government, as hinted at by instances in which the same website was blocked by all local ISPs on the same day—something that would have been unlikely without a government order. All websites blocked so far have been "politically sensitive."

#### **5. Flow of Financial Resources. Here, all three methods of censorship have played a role.**

Through both legal and informal means, the government has regulated and restricted funding channels, resulting in the financial struggle of members of civil society. The private sector has also played an important role. For example, crowdfunding platforms have terminated the accounts of several civil society stakeholders without offering any specific justification.

### **Conclusion and Recommendations**

Within the current environment of widespread censorship, the freedom of press, freedom of expression and flow of information in Hong Kong as a whole are all restricted, and the space for public discussion (both online and offline) is increasingly limited. Members of civil society have become less vocal and more cautious in their contacts with international NGOs or activists in the outside world, fearful that they may be accused of "collusion with foreign forces." This may mislead international stakeholders to believe that civil society in Hong Kong has died out entirely. But the fact remains that activism continues in the city, with participants still requiring support as they cautiously attempt to develop more innovative and flexible methods to continue their work in the face of security concerns.

At the end of the report, the research team offers a forecast of future censorship trends and gives recommendations on how best to resist censorship.

As for future trends in censorship, the report suggests that the Hong Kong government may introduce additional national security legislation aimed at more comprehensive surveillance. Different sectors of society in control of key platforms or resources may also be forced to assist the government in its censorship campaigns or risk being held accountable for failure to do so. Meanwhile, increasingly constant harassment and monitoring by the authorities can be expected to also increase fear and subsequent self-censorship.

In this difficult period, international stakeholders are recommended to keep track of the situation in Hong Kong and explore more flexible ways to connect with civil society in the city. One example would be the development of online platforms based overseas to provide an unrestricted and secure space for local and international stakeholders to freely discuss and exchange information. These platforms could also serve as a secure backup centre for information that cannot be accommodated within Hong Kong's jurisdiction. International exchanges, collaboration on projects, and financial support are also important. Local members of civil society are also advised to keep track of the changes in the operating environment, update their risk assessment accordingly, and make use of different resources, both locally and internationally, to increase their ability to operate within this challenging environment.