

Submission from the Committee to Protect Journalists to the All-Party Parliamentary Group on Hong Kong Concerning Media Freedom in Hong Kong

March 2023

The Committee to Protect Journalists (CPJ) is an independent, nonprofit organization that defends the rights of journalists to report the news safely and without fear of reprisal. Founded in 1981, CPJ is made up of about 40 experts around the world, with headquarters in New York City. CPJ accepts no governmental funding. The organization uses the tools of journalism to report and advocate on a broad range of press freedom violations.

In response to the call by the All-Party Parliamentary Group on Hong Kong for submissions for an [inquiry into media freedom in Hong Kong](#), with a focus on the case of Jimmy Lai and Apple Daily, CPJ hereby submits the following report based on our research and documentation of press freedom violations in Hong Kong.

Summary

Since Beijing introduced a new, wide-ranging National Security Law (NSL) for Hong Kong on June 30, 2020, the city has seen a dramatic decline in media freedom, with journalists arrested, jailed and threatened. Hong Kong, which was once a bastion for press freedom in Asia, also saw the closure of numerous media outlets and a large number of experienced journalists and editors who quit their jobs or left the city entirely to move abroad. Jimmy Lai, 75, a British citizen based in Hong Kong and the founder of pro-democracy newspaper Apple Daily, has been behind bars since December 2020. Lai's case is emblematic of the broader impact of the NSL on press freedom, freedom of expression and media pluralism in Hong Kong. All of CPJ's work on Hong Kong can be found on the [organization's website](#).

Jimmy Lai and Apple Daily

[Jimmy Lai](#) is the founder of Next Digital Limited, the media company that published the now-shuttered pro-democracy newspaper Apple Daily. Lai is currently serving a [five years and nine months sentence on fraud charges](#), and has fully served 20 months in prison for charges related to his alleged involvement in [illegal demonstrations](#). He is awaiting trial on national security charges, now due to start in September 2023, that could keep him in jail for the rest of his life.

In August 2020, Lai became one of the first media figures to be arrested under the NSL, alongside his two sons and four Apple Daily executives, for alleged collusion with foreign powers. He was later released on bail. Police arrested Lai multiple times throughout

2020, and he has remained in detention since December of that year. He faces multiple charges related to the NSL, fraud and illegal assembly cases.

Lai's case exemplifies the wider deterioration of rights and crackdown on dissent after the introduction of the NSL. Media pluralism in Hong Kong also suffered a severe blow with the closure of one of Hong Kong's largest media outlets, Apple Daily, following the relentless campaign of harassment aimed at Lai and his media group.

On June 23, 2021, the board of Next Digital, the newspaper's parent company, announced that the 26-year-old [Apple Daily](#) would publish its last edition and shut down operations after Hong Kong police [arrested](#) four of the company's executives – editor-in-chief Ryan Law Wai-kwong, Royston Chow, Chief Executive Officer Cheung Kim-hung, associate publisher Chan Pui-man, Apple Action News platform director Cheung Chi-wai, and editorial writer [Yeung Ching-kee](#) – on suspicion of conspiring to collude with foreign forces under the national security law.

Another editorial writer [Fung Wai-kong](#) was also arrested days later on the same charge at the airport while he was attempting to board a flight to the United Kingdom.

The closure also came after the Hong Kong authorities used the NSL to [freeze](#) 18 million Hong Kong dollars (\$2.3 million) worth of the company's assets and sent some 500 police officers to raid the newspaper's offices.

In December 2022, a Hong Kong court sentenced Lai – who had already served a total of 20 months' imprisonment related to his participation in unauthorized assemblies – to another 5 years and nine months in prison on [fraud charges](#), for allegedly violating the terms of the lease of Next Digital's headquarters. Using fraud charges to target Lai for his journalism and going after Apple Daily's assets show the new risks and challenges of doing business in Hong Kong, a regional base for many financial and business institutions.

The case could further erode business confidence with the actions taken against Lai undermining Hong Kong's judicial independence and the rule of law, especially related to the government's interference in Lai's right to counsel.

Chief Executive John Lee sought Beijing's intervention after Hong Kong's highest court [upheld](#) a ruling to allow Lai to be represented by his choice of counsel, British lawyer Timothy Owen. Hong Kong's Committee to Safeguarding National Security, the NSL's enforcing body, later urged the government [to change the law](#) quickly, to prevent Owen from representing Lai. Separately, Caoilfhionn Gallagher, a barrister at London's Doughty Street Chambers who leads Lai's international legal team, said she and her team received [rape and death threats](#) in relation to their work advocating on Lai's behalf.

National Security Law

The forced closure of Apple Daily shows how the NSL is used to retaliate against reporting and the practice of journalism, which comes with a devastating impact for the formerly vibrant media landscape in Hong Kong.

The NSL, known in full as The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong and Special Administrative Region 2020, cites four areas of infractions: secession, subversion, terrorist activities, and collusion with foreigners to endanger national security. The vague definition of "endangering national security" allows the Chinese government and Hong Kong authorities to draw redlines and infringe on journalists' rights. CPJ has [documented](#) how journalists struggle to carry out their reporting for fear of crossing the undefined redlines, while sources are suddenly less willing to talk to them.

Since the implementation of the NSL, CPJ research shows:

- At least [18](#) journalists have been arrested in retaliation for their journalism work
- At least 8 news outlets ceased operations, two news outlets closed after its journalists were arrested, one chose to close in order to protect its staff.
- As of March 2023, Hong Kong authorities have charged seven [Apple Daily executives](#), including founder [Jimmy Lai](#) with collusion under the NSL.

According to the [Hong Kong Journalists Association](#), authorities use the NSL to silence journalists, systematically limit the media's ability to access public databases, and force public and private broadcasters to minimize their political content and, in the case of at least one public broadcaster, spread government propaganda.

Each year, CPJ publishes its annual report on imprisoned journalists worldwide. In 2021, for the first time journalists in the former British colony appeared on [CPJ's annual census](#) of journalists unjustly imprisoned for their work. CPJ documented eight of them in total, including Jimmy Lai and six Apple Daily executives who are charged with collusion under the NSL. The imprisonment of these Hong Kong journalists has kept China as one of the world's worst jailers of journalists. China ranked second on [CPJ's 2022 census](#), with 43 imprisoned journalists including those in Hong Kong.

Raids, Arrests, Imprisonments

Authorities' relentless targeting of critical media has continued beyond the closure of Apple Daily. On December 28, 2021 Hong Kong police raided the independent news site Stand News, and arrested six people affiliated with the outlet, as [CPJ documented](#). As of March 2023, Stand News and its editors Chung Pui-kuen and Patrick Lam are on trial for conspiracy to publish seditious publications. The sedition charge is a criminal offense under the territory's British colonial-era sedition law.

The raid on Stand News forced the outlet to announce its closure and dismiss its staff on the same day, and led many other independent news outlets to follow suit for fear that they may be caught in the next round of crackdowns.

The outcome of the Stand News sedition trial will have far-reaching implications for the wider media landscape in Hong Kong as authorities attempt to criminalize reporting on issues of public interest.

Other notable cases CPJ has documented since the NSL include:

- December 2022: Two journalists, [Tang Cheuk-yu and Choy Kin-yue](#), who have covered Hong Kong's pro-democracy protests, were each sentenced to 15 months and three months in prison
- October 2022: Radio journalist [Edmund Wan Yiu-sing](#) sentenced to 32 months in prison for sedition and money laundering
- September 2022: Head of Hong Kong Journalists Association [Ronson Chan](#) arrested while covering an apartment owners' meeting
- May 2022: Journalist [Eric Wu Ka-fai](#) sentenced to 1 month in prison for disorderly behavior
- April 2022: Journalist [Allan Au Ka-lun](#), who was a columnist at Stand News, arrested for sedition
- July 2021: Former Apple Daily executive editor [Lam Man-chung](#) arrested
- June 2021: Former Apple Daily editorial writer [Fung Wai-kong](#) arrested at airport
- June 2021: Former Apple Daily editorial writer [Yeung Ching-kee](#) arrested under the NSL on suspicion of conspiring to collude with foreign countries or forces
- April 2021: Video producer [Choy Yuk-ling](#), also known as Bao Choy, convicted on charges of giving false statements
- December 2020: Police charge [two reporters](#) with obstruction over coverage of pro-democracy protests

Climate of Fear, Exodus of Journalists

The stifling of independent media and the slew of arrests under the NSL has created a climate of fear and anxiety among the media industry, forcing many local journalists and foreign correspondents to [leave Hong Kong](#). Many are now based in the United Kingdom and Taiwan and are setting up new media outlets to continue reporting from abroad.

Others have had their work visas denied by authorities in Hong Kong, which once served as a hub for foreign correspondents facing visa difficulties on mainland China. Among them, New York Times reporter [Chris Buckley](#), The Economist correspondent [Sue-Lin Wong](#) and [Aaron Mc Nicholas](#), an editor for Hong Kong Free Press, an independent news website.

Since the NSL took effect, CPJ has also recorded incidents of interference and restrictions on how journalists do their jobs.

In July 2022, at least 10 domestic and local news outlets [were not invited or allowed](#) to apply to cover the inauguration of Chief Executive-elect John Lee and the 25th anniversary of Hong Kong's return to Chinese rule.

Hong Kong's public broadcaster Radio Television Hong Kong (RTHK), which had a long-standing reputation for its objective and independent news reporting, underwent a management and editorial overhaul in early 2021 following a government review. The change came after pro-Beijing camp's constant attacks on RTHK, accusing the broadcaster of being biased and sympathizing with protesters, according to Hong Kong Journalists Association's 2022 [annual report](#).

The new management, with no journalism or media experience, began cutting programs and staff, and announced a new partnership with the mainland's state-run China Media Group. [TV documentaries](#) and current affairs programs, including [Letter to Hong Kong](#) and [The Pulse](#), were axed.

In February 2023, Hong Kong's free-to-air broadcasters were [ordered](#) by the government to air at least 30-minutes of patriotic and national security programming per week.

Recommendations to the APPG

CPJ urges the All Party-Parliamentary Group and its members to:

Engage with Hong Kong authorities by -

- Sending an urgent appeal to the Hong Kong government requesting the release of Jimmy Lai and other imprisoned journalists, and condemning the ongoing deterioration of media freedom in the city, including interference in news organizations' editorial independence.
- Ensuring Jimmy Lai's right to a counsel of his choice is protected and upheld.

In the UK -

- Move a motion in the UK parliament to call for the release of Jimmy Lai and other imprisoned Hong Kong journalists.
- Seek the British Prime Minister Rishi Sunak and Foreign Secretary James Cleverly's immediate action to secure the release of Jimmy Lai and other imprisoned journalists, and take urgent steps to protect Lai, a British citizen.



Committee to Protect Journalists

- Engage with the UK government and Prime Minister to ensure the UK continues to fulfill its legal, historical and moral duty under the British-Sino Joint Declaration on guaranteeing Hong Kong retains its legislative and political freedoms from mainland China, including freedom of the press.
- Support Hong Kong journalists, who are now based in the UK, to continue their work safely from abroad, including engaging with relevant stakeholders to ensure they are protected from abuse and harassment as a journalist.
- Continue to engage and consult press freedom and rights groups on the plight of journalists in Hong Kong and the independence of its judicial system.