



Reporters Without Borders (RSF)
Written Evidence for the All Party Parliamentary Group on Hong Kong's Inquiry into Media Freedom in Hong Kong: the case of Jimmy Lai and Apple Daily

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Reporters Without Borders - known internationally as Reporters sans frontières (RSF) - is an international non-profit organisation at the forefront of the defence and promotion of freedom of information. RSF acts globally for the freedom, pluralism, and independence of journalism and defends those who embody those ideals. Recognised as a public interest organisation in France since 1995, RSF has consultative status with the United Nations, UNESCO, the Council of Europe, and the International Organisation of the Francophonie (OIF). Founded in 1985 and headquartered in Paris, RSF has 13 country sections and bureaux, including a bureau in London, and a network of correspondents in more than 130 countries.

Twenty-five years after Hong Kong's handover to the People's Republic of China, press freedom in Hong Kong is in unprecedented decline, despite being guaranteed until 2047 in the Basic Law that commands the territory.¹ In just one generation, Hong Kong has plummeted downwards in RSF's World Press Freedom Index from 18th place when the Index was created in 2002 to 148th place in 2022, out of 180 countries surveyed.²

During this period, Beijing has progressively taken control of parts of Hong Kong's Chinese-language media and established an indirect system of putting pressure on other media through their advertisers. The situation has worsened considerably since the adoption on 30 June 2020, by China's highest legislature the Standing Committee of the National People's Congress, of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (NSL).³

The NSL has had a devastating effect on media pluralism and freedom of expression in Hong Kong. It has been used to give the semblance of legality to the arrest, detention and sentencing of independent journalists, including the emblematic case of British citizen **Jimmy Lai**. In the past three years, the NSL and other laws have been used to prosecute at least 28 journalists, 13 of whom are currently detained. At least seven independent media have ceased to exist, two of them forcibly closed and the others ceasing operations because of the climate of fear. A survey conducted in June 2020 showed that 98% of journalists in Hong Kong feared the NSL could be used against them.⁴

¹ [Twenty-five years after handover to China, Hong Kong press freedom more threatened than ever | RSF](#)

² [Index | RSF](#)

³ https://rsf.org/sites/default/files/2021-01-31_china_report_en_3.pdf

⁴ [RSF accounts two years of government assault on Hong Kong's press freedom](#)

The Hong Kong Journalists Association is facing pressure from the government. Intimidation of and pressure on foreign media has also increased in recent years, including the practice of refusing visas to foreign journalists.⁵ A 2021 survey by the Foreign Correspondents' Club of Hong Kong showed that 84% believed the working environment for journalists had deteriorated since the introduction of the NSL, and that almost 50% were considering leaving citing the decline in press freedom.⁶

As well as using national security pretexts to pursue journalists, the Hong Kong government is also forcing five free-to-air television and radio broadcasters to transmit at least 30 minutes of national security propaganda programming per week, to include content on “national education, national identity and National Security Law”, further distorting the information citizens can access.⁷

Impact of the NSL on Media Pluralism

Aggravated measures against individual journalists, the forced shutdown of two independent media outlets and the Hong Kong executive's targeting of symbols of press freedom such as public broadcaster RTHK (Radio Television Hong Kong) have created an atmosphere of fear that has had a devastating impact on independent media in Hong Kong. The period since the introduction of the NSL is widely considered the worst for press freedom in the territory's modern history.

Although press freedom is enshrined in Article 27 of the Basic Law of the Hong Kong Special Administrative Region of China, Beijing has gone to great lengths to prevent its enforcement, most notably since the enactment of the NSL.⁸ The NSL, imposed in blatant disregard of Hong Kong's autonomy and the Sino-British Joint Declaration of 1984, allows the Chinese regime to directly intervene in Hong Kong and to punish what it considers “crimes against the state”. The deliberately vague text opens the door to arbitrary arrests and gives Beijing the means to harass any journalist in Hong Kong with the veneer of legality. It has the potential to be applied to any journalist writing on Hong Kong issues, whether or not they are based in the territory (Article 38).

In the past three years, China has used the NSL and other laws as a pretext to prosecute at least 28 journalists, press freedom defenders and collaborators in Hong Kong, 13 of whom remain in detention. Journalists face consequences as severe as life imprisonment and, although the word “extradition” is never mentioned, the law reserves the possibility for trials to be conducted in the People's Republic of China, where crimes against national security are punishable by the death penalty (Article 55). The law also reserves the right for certain trials to be held out of the media and public gaze (Article 41) and allows authorities to freeze media outlets' assets.

The “four crimes against the state” outlined by the NSL – “subversion”, “secession”, “terrorism” and “collusion with a foreign country or with external elements to endanger national security” – are ambiguously worded so that they can be used as catch-alls to silence

⁵ [Foreign correspondents' presence in China threatened by visa weaponisation | RSF](#)

⁶ [RSF timeline - two years of government assault on hong kong's press freedom](#)

⁷ [RSF urges Hong Kong government to withdraw regulation forcing media to air propaganda](#)

⁸ [National Security Law in Hong Kong: press freedom in grave danger after a year of endless attacks | RSF](#)

journalists and intimidate media outlets. All four carry a maximum penalty of life imprisonment.

Since 2020, at least seven independent media have ceased to exist. They are:

- ***Apple Daily***: Independent Hong Kong media outlet Apple Daily, founded by Jimmy Lai in 1995, was one of the few mainstream Chinese-language media outlets critical of Beijing. Because of its editorial line and its political orientation, the newspaper was regularly subjected to pressure from authorities. It suffered a major cyber-attack in June 2014 and was the target of two arson attacks in January 2015, one of them on Lai's home.

On 10 August 2020, 200 police officers raided the newspaper's headquarters, seizing digital devices, blocking its journalists from entering the newsroom and obstructing several other major news outlets from covering the incident.⁹ On 17 June 2021, approximately 500 police officers once again raided the *Apple Daily* headquarters, forcing journalists to leave the newsroom, seizing their computers, phones and journalistic materials.¹⁰ A number of staff were detained.

After the raid, authorities described journalists as "criminals" and Hong Kong's security chief accused the media outlet of using journalism as a tool to endanger national security. Authorities froze the assets of Apple Daily worth HK\$18 million (about £1.9 million). As a result, on 23 June 2021, *Apple Daily* announced it must cease all operations by 27 June, with the last print edition of its newspaper published on 24 June 2021.¹¹

To date, Lai and six senior staff are still detained, awaiting trials (see below).¹²

- ***Stand News***: An independent, not-for-profit Chinese-language news website based in Hong Kong and founded in 2014, *Stand News* was a nominee for the 2021 RSF Press Freedom Awards, and the second most influential independent media after *Apple Daily*. It was well known for insightful reports about social and political issues in Hong Kong and provided in-depth coverage of all trials related to the NSL.

On 29 December 2021, it was raided by 200 police officers. Six current and former team members were arrested by the police's National Security Department and accused of "conspiracy to publish seditious publications".¹³ Later the same day, *Stand News* announced on social media it would cease publication and dismiss its employees as the company's assets were frozen by the government. To date, two former editors-in-chief, **Chung Pui-ken** and **Patrick Lam**, face up to two years in prison (see below).

⁹[Hong Kong: RSF denounces arrest of Apple Daily founder, who risks life imprisonment under National Security Law](#)

¹⁰[Hong Kong: police storm Apple Daily headquarters, arrest five senior staff | RSF](#)

¹¹[RSF's "funeral protests" highlight urgent risk of death to press freedom in China following closure of Hong Kong media Apple Daily | RSF](#)

¹²[Hong Kong: One year after Apple Daily shutdown, seven still detained | RSF](#)

¹³[Six months after Apple Daily, Hong Kong executive dismantles Stand News, another symbol of press freedom | RSF](#)

- **DB Channel:** In November 2021, award-winning online media outlet *DB Channel* announced that it was ceasing operations without elaborating on the reason. *DB Channel*'s co-founder **Frankie Fung** has been in custody since February 2021 (see below).
- **Citizen News, Mad Dog Daily, Local News and FactWire:** In January 2022, *Citizen News* became the fourth independent media outlet to announce it was shutting down citing “drastic changes in society and the worsening of the media environment”, and the need for protection of its staff.¹⁴ Soon after *Mad Dog Daily* followed, explaining that if articles published by *Stand News* were deemed seditious by the authorities, *Mad Dog Daily* articles “definitely fall foul of the law”.¹⁵

In March 2022 and June 2022 respectively, *Local News* and *FactWire* ceased their operations. No reason was given for their decisions, but it is believed it was a consequence of the climate of fear instilled by the Chinese regime since its adoption of the NSL and closing of other independent media.

The case against Jimmy Lai

Jimmy Lai, a British citizen and 2020 RSF Press Freedom Awards laureate, has worked over the last twenty-five years to uphold his values of freedom of speech and press through his independent media outlet *Apple Daily*.¹⁶ The 1989 Tiananmen massacre solidified his commitment to democracy and press freedom; following the launch of Chinese-language *Next Magazine* in 1995, he started the Chinese-language newspaper *Apple Daily*, one of the few mainstream publications critical of Beijing. *Apple Daily* was regularly subjected to pressure from the authorities. In past decades, Lai and his media group were repeatedly the victims of acts of violence and harassment, including an arson attack on his home.

Detained since December 2020, he is facing multiple charges. By December 2021, he had already been sentenced to a total of 20 months in prison for attending four “unauthorised” pro-democracy protests in 2019 and 2020. On 10 December 2022, International Human Rights Day, he was further sentenced to five years and nine months for two counts of alleged fraud, just for subleasing a small corner— less than 1%—of the headquarters of his media company *Next Digital* to his family company.¹⁷ Alongside Lai, **Wong Wai-keung**, *Next Digital*'s chief administrative officer, was sentenced to 21 months for fraud.

Lai also faces a life sentence under three charges under the NSL: two counts of conspiracy to collude with foreign countries and one count of collusion with foreign forces. He also faces two years in jail for one count of conspiracy to publish seditious publications. His trial is expected on 25 September 2023.

¹⁴[RSF timeline - two years of government assault on hong kong's press freedom](#)

¹⁵ [Online media Mad Dog Daily ceases operation](#)

¹⁶[2020 RSF Press Freedom Awards : three winners selected and special prize honors Jimmy Lai, founder of Apple Daily in Hong Kong](#)

¹⁷[Hong Kong: detained press freedom symbol Jimmy Lai gets an additional 5 years and 9 months for alleged fraud | RSF](#)

Alongside the outrageous charges and potential sentences, Lai has been detained in a maximum security jail and repeatedly refused bail.¹⁸ In August 2022, the Hong Kong government decided that his trial, along with those of press freedom defenders **Claudia Mo**, **Gwyneth Ho**, **Frankie Fung** and six former *Apple Daily* staff, all of whom face life in prison for national security crimes, would be held without juries.¹⁹

The six other ex-*Apple Daily* staff are accused of “conspiracy to commit collusion with a foreign country or with external elements” and “conspiracy to publish seditious publication”. In November 2022, they pleaded guilty to one NSL-related charge, entitling them to reduced sentences. Lai does not intend to plead guilty. The six staff are:

- Chief executive **Cheung Kim-hung**, detained since 17 June 2021.
- Editor-in-chief **Law Wai-kwong (Ryan Law)**, detained since 17 June 2021.
- Executive editor-in chief **Lam Man-chung**, 51, detained since 21 July 2021.
- Associate publisher **Chan Pui-man**, 51, detained since 21 July 2021.
- Managing editor and editorial writer **Fung Wai-kong (aka Lo Fung)**, 57, detained since 21 July 2021.
- Lead editorial writer **Yeung Ching-kee (aka Li Ping)**, 55, detained since 21 July 2021.

The fact that Lai, a 75-year-old man, has already spent more than two years in prison and faces the rest of his life behind bars has undoubtedly had a chilling effect on freedom of expression in Hong Kong. His case, intended to be a deterrent to all independent voices in the media and civil society, is symbolic of a much broader systematic attempt to stop citizens in Hong Kong getting access to free and fair information. RSF submitted an urgent appeal to the United Nations in May 2021 to take all measures necessary to obtain Lai’s immediate release.²⁰

Other prominent journalists and press freedom defenders charged under the NSL and other laws:

- **Claudia Mo** was arrested on 6 January 2021, along with **Gwyneth Ho** and 53 other members of the pro-democracy movement. She was charged on 28 February 2021 with “subversion” under the NSL, and later denied bail.²¹ Mo, a former Hong Kong Legislative Council member and journalist who worked for publishers including *Agence France-Presse*, *Radio Television Hong Kong*, *Apple Daily* and *Ming Pao*, has been a prominent defender of press freedom in the territory.
- **Gwyneth Ho**, a former pro-democracy candidate for the Hong Kong Legislative Council and an outspoken defender of press freedom, has been detained since February 2020 for “conspiracy to commit subversion” under the NSL, for which she faces a life sentence. On 13 December 2021, she was also sentenced to six months in prison for participating in a banned vigil in commemoration of the 1989 Tiananmen Massacre that took place on 4 June 2020.

¹⁸ [Hong Kong: RSF urges for release of media founder Jimmy Lai on the second anniversary of his detention](#)

¹⁹ https://twitter.com/RSF_inter/status/1559910385255612418?s=20

²⁰ [Hong Kong: RSF appeals to the UN to act for the release of Apple Daily founder Jimmy Lai](#)

²¹ [Hong Kong: RSF calls for release of press freedom defender, Claudia Mo](#); [Hong Kong: Two detained press freedom defenders, including Jimmy Lai, given new prison sentences | RSF](#);

- **Chung Pui-kuen** and **Patrick Lam**, editors-in-chief of *Stand News*, were among those arrested when *Stand News* was raided in December 2021. They were detained for nearly a year before being granted bail at the end of 2022. They remain on trial for alleged “seditious publications”, which carries a maximum sentence of two years.²² Veteran *Stand News* journalist **Allan Au** was also detained under this law in April 2022, but has not yet had charges pressed against him.²³
- **Frankie Fung**, co-founder of the award-winning online *DB Channel* which closed in November 2021, has been in custody since February 2021 over accusations of “conspiracy to subversion” under the NSL. **Wu Gin**, another journalist with *DB*, announced in May 2021 he had moved to Taiwan citing personal risks.
- **Edmund Wan Yiu-sing**, a radio host and political commentator better known as “Giggs”, was sentenced on 7 October 2022 to two years and eight months in prison under a rarely-used colonial-era sedition law and for alleged money laundering. Detained since February 2021, he was ordered to hand over HK\$4.87 million (about £520,000) of his assets.²⁴ He was released on 17 November 2022.
- **Ronson Chan**, chairman of the Hong Kong Journalists Association who previously worked for *FactWire* and *Stand News*, was charged with “obstructing a police officer” after being stopped on his way to cover a housing estate meeting in September 2022.²⁵ He faces a maximum of two years in prison. At least 50 associations have been forced to disband in Hong Kong since enactment of the NSL.²⁶

Recommendations to the United Kingdom government:

- Continue at every opportunity to publicly raise the case of *Apple Daily*'s founder Jimmy Lai, who is a British national currently detained in Hong Kong.
- Demand the immediate and unconditional release of the following in all meetings with Hong Kong and Chinese authorities: Jimmy Lai, *Apple Daily* media staff Cheung Kim-hung, Law Wai-kwong, Lam Man-chung, Chan Pui-man, Fung Wai-kong and Yeung Ching-kee, and the six other journalists and press freedom defenders detained in Hong Kong.
- Exhort the Hong Kong authorities to end all legal harassment and intimidation of journalists and strive to protect journalists against all forms of violence, pressure, discrimination, unfair legal proceedings and all attempts aimed at preventing them from accomplishing their mission or weakening their ability to do so in accordance with international norms, especially the International Covenant on Civil and Political Rights.

²²[RSF urges Hong Kong government to cease judicial harassment of two Stand News editors, one year after the media's shutdown](#)

²³[Hong Kong: RSF urges for release of a former Stand News columnist](#)

²⁴[RSF calls for release of Hong Kong radio host, sentenced to 2 years and 8 months in prison under colonial-era sedition law](#)

²⁵https://twitter.com/RSF_inter/status/1567416535073038336?s=20

²⁶[2 years of Hong Kong's national security law - explained in data - Hong Kong Free Press HKFP](#)

- Exhort the Hong Kong authorities to implement measures in line with Article 19 of the Covenant on Civil and Political Rights, and to take effective steps to guarantee a free, uncensored press as guaranteed in Article 27 of the Hong Kong Basic Law, including repealing any direct or indirect restrictions on freedom of expression, in particular for media outlets.
- Exhort the Hong Kong authorities to restore full editorial independence and end censorship campaigns at the territory's public broadcaster Radio Television Hong Kong (RTHK).
- Demand that the Hong Kong authorities stop impeding the work of foreign reporters and provide them with working visas and accreditation in an open and transparent manner.

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