



# Safeguarding Freedom of Information in Hong Kong: Challenges, Opportunities and Remedies



**RESILIENCE  
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## **Safeguarding Freedom of Information in Hong Kong: Challenges, Opportunities and Remedies.**

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## About Us



Resilience Innovation Lab (RIL) , founded by Asian veteran researchers and human rights defenders in 2023, serves to promote innovation, experimentation, and the exchange of research and educational initiatives that aim to develop and strengthen the democratic and digital resilience of organisations and individuals working in repressive environments.

RIL envisions a synergy of democracy, technology and civil society resilience today, especially when authoritarianism emerges as a common threat to liberal democracies and open societies. Building the capacities of citizens and civil groups to respond to such a new environment with creative and innovative instruments is of paramount importance for their sustainable development.

RIL focuses on researching Web3 technology, digital preservation of collective memory and history in conflict and post-conflict areas, resilience of information freedom and of rule of law institutions as well as rule of law cultures in non-democratic regimes.

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## Executive Summary

Freedom of information is a cornerstone of democracy and good governance, enabling transparency, accountability, and public trust. In Hong Kong, access to information has been increasingly restricted, particularly following the enactment of the Hong Kong National Security Law (HKNSL) in 2020 and the Safeguarding National Security Ordinance (SNSO) in 2024. These measures have severely curtailed press freedom, civil society oversight, and public access to government data, diverging from international human rights standards.

The increasing criminalisation of information access in Hong Kong has led to weakened transparency, press suppression, and reduced corporate data availability. The impact extends beyond journalists to businesses, researchers, and international organizations. Legal reforms, stronger civil society engagement, and greater international accountability measures are necessary to restore freedom of information and Hong Kong's reputation as a global financial and information hub.

## Key Findings

- **Legal and institutional barriers:** Hong Kong lacks both an Archive Law and a Freedom of Information Law, leading to government opacity and arbitrary record destruction.
- **Press freedom erosion:** Journalists face censorship, visa denials, harassment, and arrests, resulting in self-censorship and media retreat from Hong Kong.
- **State control over information supply chain:** The government has increased public data removals, rejected information requests, and imposed court injunctions to suppress access to critical information.
- **Legal repercussions for information access:** Ambiguous definitions of “state secrets” and “espionage” in the SNSO expose researchers, businesses, and journalists to potential prosecution.
- **International business and investment risks:** Restrictions on financial data transparency and extraterritorial application of security laws threaten Hong Kong's attractiveness as an international business hub.

## **Remedies**

### ***For the Legal System:***

- Enact Archive Law and Freedom of Information Law in compliance with ICCPR and international best practices.
- Reverse court decisions that restrict free access to information, including the ban on the protest song *Glory to Hong Kong*.

### ***For the Executive Government:***

- Cease enforcing censorship policies, information removals, and national security laws that restrict information access.
- Implement UN recommendations to repeal or amend the HKNSL and SNSO to align with international human rights obligations.
- Protect journalists, researchers, and civil society members from harassment and legal intimidation.
- Improve existing legal and regulatory frameworks in light of latest UN standards and principles on access to information

### ***For Business Corporations, Chambers & Investors:***

- Advocate for clear definitions of state secrets to ensure market transparency.
- Strengthen corporate policies against compliance with excessive government data requests.
- Maintain transparency reports on information requests from the Hong Kong authorities.

### ***For Civil Society:***

- Strengthen networks of support for Hong-Kong-based journalists and researchers.
- Utilise censorship-resistant technologies (e.g., blockchain, IPFS) to safeguard public data and digital archives.

- Provide adequate resources and training to organisations that sustain and contribute to the information supply chain in Hong Kong

***For International Organisations:***

- UN agencies and human rights bodies should monitor and report on the state of information access in Hong Kong.
- Strengthen international diplomatic pressure on China and Hong Kong to uphold information integrity and human rights.

## Introduction

In the digital age, access to information is more than just an individual right—it is a pillar of democracy, accountability, and social progress. The ability of individuals to seek, receive, and impart information, particularly government-held data, is fundamental to ensuring transparency, fostering public trust, and enabling informed decision-making. Information freedom is not only a matter of human rights but also a prerequisite for the stability and advancement of societies worldwide. In an era of rising misinformation and information manipulation, safeguarding the integrity and openness of information has never been more crucial.

The right to access information, enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), is a fundamental freedom that underpins democratic governance. It empowers citizens to hold authorities accountable, ensures governmental decisions are made in the public interest, and strengthens participation in civic life. In his 2024 launch of the Global Principles for Information Integrity, The UN Secretary-General António Guterres underscored that “billions of people are exposed to false narratives, distortions, and lies,” making transparency and access to accurate, official information more vital than ever<sup>1</sup>.

The challenge of maintaining information integrity—ensuring that truthful, reliable, and unbiased data is available to the public—is particularly pressing in regions where the free flow of information is increasingly restricted. Information manipulation has become a common ruling strategy in authoritarian regimes and countries experiencing democratic backsliding. Open access to government data is not merely about availability; it is about protecting democratic norms, preventing manipulation, and fostering an informed public.

Restricting access to government data undermines trust and fuels speculation, while openness promotes accountability and problem-solving. Publicly available data

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<sup>1</sup> United Nations, “Press release: UN launches recommendations for urgent action to curb harm from spread of mis- and disinformation and hate speech”, June 24, 2024.  
<https://www.un.org/sites/un2.un.org/files/global-principles-information-integrity-press-release.pdf> .



enables journalists to uncover corruption, researchers to analyse trends, and communities to advocate for better public policies. Where government-held information is concealed, misinformation and distrust flourish, weakening the social fabric and democratic institutions.

Hong Kong is no exception to the threat of information manipulation and misinformation, as genuine open-source government data remains heavily restricted. The introduction of the Hong Kong National Security Law (HKNSL) in 2020 and the Safeguarding National Security Ordinance (SNSO) in 2024 has further constrained information freedom and speech freedom in the city. One of the key prerequisites for countering information manipulation and disinformation is the availability of genuine information, especially government data. Access to such information enables stakeholders to distinguish disinformation and hold public bodies, including executive government, legislatures, independent bodies and the courts, accountable to public.

As Hong Kong navigates a rapidly evolving socio-political landscape since 2020, defending freedom of information—including access to government data—remains an essential safeguard against disinformation, censorship, and the erosion of public trust. The ability to openly access, verify, and share information is not merely a privilege—it is a necessity for any society that values transparency, good governance, and democratic integrity. In the pages that follow, this report will explore the current state of information freedom in Hong Kong, the challenges it faces, and the path forward to ensuring an open and informed society.

This report is structured into five sections. The first section explains the constitutional framework of Hong Kong that is related to free speech and free access to information. The second section examines acts of the Hong Kong government that were related to public data access since the enactment of Hong Kong National Security Law in 2020. The third section analyses the risks of exercising freedom of information access in Hong Kong, in light of various legal and regulatory frameworks in the city. The fourth section discusses the impacts of limiting freedom of information access in Hong Kong, with reference to stakeholders' experiences and international human rights agreements. The fifth section provides a range of

recommendations for improving information access in Hong Kong, and the recommendations are developed from perspectives of different stakeholders, including government actors, business groups and civil society organisations.

It is important to note that this report does not merely address the shortcomings of access to information in Hong Kong. It also provides international standards and comparative best practices for government actors and stakeholders to reflect upon and explore mitigation strategies to enhance information freedom and freedom of expression. These improvements are essential for good governance and compliance to Hong Kong's international human rights obligations. We sincerely hope that this report serves as a constructive resource for stakeholders in the public, private and third sectors, contributing to discussions on openness, transparency, human rights and good, democratic governance in Hong Kong, and broadly, China.

Methodologically speaking, this report is based on desk research as well as interviews conducted with ten members of Hong Kong's civil society between August and November 2024. They included five journalists, two human rights defenders, one researcher, one staff member of a foundation, and a financial analyst. One of the interviews was conducted in person in London, the UK, while the others took place via encrypted messaging platforms, either through text or voice calls. To ensure their safety, the names of the interviewees have been pseudonymised to protect them from potential repercussions from hostile authorities.

Finally, we sincerely thank all interviewees and our research team for their contributions to the drafting and editing of this report. We hope this publication raises public awareness of the importance of freedom of information, and broadly, freedom of expression in Hong Kong. We also encourage further research, documentation and analysis to defend access to information in various meaningful and effective ways.

# 1. Constitutional Safeguards and Limits

## 1.1 the *Basic Law*

The Basic Law (BL), Hong Kong's de facto constitution since its sovereignty transfer in 1997, does not explicitly include provisions relating to the concept of freedom of information. Article 27 stipulates: "Hong Kong residents shall have freedom of speech, of the press and of publication"<sup>2</sup>. However, the International Covenant on Civil and Political Rights (ICCPR) is enshrined through Article 39 of the Basic Law<sup>3</sup>. Article 19 of the ICCPR states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." Hence it is essential to consider the protection of the right of access to information within the broader framework of safeguarding free expression under the ICCPR, as well as within the Basic Law. Even the Hong Kong National Security Law (HKNSL) and the Safeguarding National Security Ordinance (SNSO) contain provisions stating that the ICCPR rights remain applicable in Hong Kong. In short, the right of access to information is well enshrined in the Basic Law considering the application of the ICCPR.

In liberal democracies, human rights safeguards are always upheld by democratic institutions and an independent judiciary. Yet in Hong Kong, although the Basic Law promised a path to universal suffrage, it has never been realised in line with universal human rights standards. In 2014, China -- the sovereign state of Hong Kong-- ruled that any future electoral reform of Hong Kong's chief executive must include a nominating mechanism that filters electoral candidates to ensure Beijing's influence in the electoral process. The decision received strong opposition from Hong Kong society, leading to the famous 79-day Umbrella Movement, which saw major business hubs in the city occupied in the protest. Despite the movement, China did not alter its stance, and eventually, the Hong Kong government's political

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<sup>2</sup> Basic Law, Constitutional and Mainland Affairs Bureau of Hong Kong.  
<https://www.basiclaw.gov.hk/en/basiclaw/chapter3.html> .

<sup>3</sup> Ibid.

reform package was rejected by the legislature in 2015. Since then, Hong Kong's political system has undergone autocratisation and has become increasingly closed to public scrutiny and popular mandate<sup>4</sup>. In 2021, China introduced a major election overhaul in Hong Kong, reshuffling the selection methods of both the Chief Executive and the Legislative Council. The reforms reduced the number of popularly-elected seats and introduced tougher screening mechanisms<sup>5</sup>. In short, democratic institutions do not genuinely exist in Hong Kong.

Regarding judicial independence, while the Basic Law contains provisions guaranteeing an independent judiciary in accordance with common law principles, it also grants China's Standing Committee of the National People's Congress (NPCSC) the ultimate power to interpret the Basic Law. Such authority, exercised by a national legislative body, does not align with the common law system, in which the judiciary traditionally holds the final authority in interpreting the constitution and statutes. Tensions between the NPCSC and Hong Kong's judiciary—particularly the Court of Final Appeal—have resulted in a series of sagas where the NPCSC intervened to interpret the Basic Law in ways that pressured or even overruled judicial decisions<sup>6</sup>. In other words, judicial independence in Hong Kong is conditional—China's interference has played a pivotal role in limiting the autonomy of the city's courts. This dynamic was further demonstrated with the introduction of the Hong Kong National Security Law (HKNSL) in 2020. The HKNSL established new provisions and judicial procedures that significantly constrain judicial independence within Hong Kong's common law system. This development will be discussed in later sections of this report.

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<sup>4</sup> Yan-ho Lai and Ming Sing, "Democratic Development in Hong Kong", in Lam, WM, PL Lui and W Wong (eds). *Contemporary Hong Kong Government and Politics*. Hong Kong: HKU Press, pp. 161-190.

<sup>5</sup> Kelly Ho, "Beijing unanimously approves Hong Kong election overhaul, reducing democratic representation", Hong Kong Free Press, March 30, 2021. <https://hongkongfp.com/2021/03/30/breaking-beijing-unanimously-approves-hong-kong-election-overhaul-reducing-democratic-representation/>.

<sup>6</sup> For a greater detail of such events, read Michael Davis, *Freedom Undone: The Assault on Liberal Values and Institutions in Hong Kong*. February, 2024, Association of Asian Studies.

## 1.2 The Hong Kong Bill of Rights Ordinance

The Hong Kong Bill of Rights Ordinance (BORO), originally introduced in 1991, sets out the rights and freedoms for Hong Kong residents in accordance with the ICCPR. Article 19(2) stipulates that everyone shall have the right to freedom of expression: “[T]his right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” Article 19(3) further states that the exercise of the right would be subject to certain legal restrictions where necessary, such as for the protection of national security or of public order (*ordre public*)<sup>7</sup>. However, as this report discusses in the following sections, such legitimate grounds for restrictions must be interpreted in a robust and narrowly defined manner to prevent abuse.

## 1.3 Absence of Archive Law and Freedom of Information Law

Although the rights of information access is linked to the protection of free speech within Hong Kong’s constitutional framework, the absence of an Archive Law has long been a significant issue in Hong Kong. Simon Chu, a former head of the Government Records Service (GRS) who became an activist advocating for an Archive Law after his retirement, once remarked in an interview: “Without documents, to put it bluntly, there is no way to control the government at all”<sup>8</sup>.

The public can obtain public records through the GRS, but there is no guarantee that they are able to obtain the requested records. Under government’s regulations, expired files without “historical value” can be destroyed with approval from the Director of the GRS. A 2018 report by news outlet HK01 stated that the Hong Kong government destroyed dozens of millions of files each year<sup>9</sup>:

<sup>7</sup> Hong Kong Bill of Rights Ordinance, Hong Kong e-Legislation. [https://www.elegislation.gov.hk/hk/cap383!en-zh-Hant-HK?INDEX\\_CS=N](https://www.elegislation.gov.hk/hk/cap383!en-zh-Hant-HK?INDEX_CS=N).

<sup>8</sup> 黃采文 & 梁珍, “【珍言真語】朱福強：無檔案法 港警銷毀行動檔”, 大紀元時報, May 21, 2020. <https://hk.epochtimes.com/news/2020-05-21/76880035>.

<sup>9</sup> 張雅婷, “每年銷毀逾 1 億份檔案 檔案處檢討檔案存廢期限表 未提立檔案法”, HK01, January 9, 2018. [https://www.hk01.com/article/148044?utm\\_source=01articlecopy&utm\\_medium=referral](https://www.hk01.com/article/148044?utm_source=01articlecopy&utm_medium=referral),

Year	Number of files approved to be destroyed
2013	60,945,000
2014	92,197,000
2015	104,900,000
2016	102,784,000

Civil society in Hong Kong has been pushing for an Archive Law for over 15 years. The Hong Kong-based think tank Civic Exchange first advocated for legislation in a report in March 2007, noting that Hong Kong is one of the few jurisdictions across the globe without archival legislation<sup>10</sup>. Even then, Civic Exchange highlighted that the GRS was “neither empowered nor given the capacity to lead or monitor effective record policy and practices across government”, as government bureaux and departments are not legally obliged to create and maintain records, let alone transfer those of enduring value to the archives for preservation and public access.

Various Hong Kong lawmakers have tried to ask the government about the handling of records and to push the government to legislate an Archive Law. Legislators Margaret Ng, Lee Wing-tat and Cyd Ho raised the issue through written questions at the Legislative Council in October 2006, April 2007 and December 2008 respectively<sup>11</sup>. Cyd Ho raised similar questions again in January 2013<sup>12</sup>.

The Hong Kong Law Reform Commission established a sub-committee on archival legislation in June 2013 and launched a consultation in December 2018<sup>13</sup>. Former

<sup>10</sup> Christine Loh, Marcos Van Rafelghem and Jaimie C. Graham, “Managing Public Records for Good Governance and Preservation of Collective Memory: The Case for Archival Legislation”, Civic Exchange, March 2007. [https://civic-exchange.org/wp-content/uploads/2007/03/117-200703GOV\\_ManagingPubRecord\\_en.pdf](https://civic-exchange.org/wp-content/uploads/2007/03/117-200703GOV_ManagingPubRecord_en.pdf).

<sup>11</sup> Legislative Council Secretariat, “Background brief prepared by Legislative Council Secretariat for the meeting on 17 May 2010 Code on Access to Information and management of public records”, Legislative Council, May 12, 2010. <https://www.legco.gov.hk/yr09-10/english/panels/ca/papers/ca0517cb2-1517-4-e.pdf>

<sup>12</sup> “LCQ9: Government records management”, Hong Kong Government Press Releases, January 23, 2013. <https://www.info.gov.hk/gia/general/201301/23/P201301230319.htm>

<sup>13</sup> Law Reform Commission. <https://www.hkreform.gov.hk/en/members/archiveslaw.htm>

Chief Executive Carrie Lam pledged in her election manifesto in February 2017 to follow up on Archive Law after receiving a consultation report from the Commission<sup>14</sup>. No consultation report has ever been published.

In November 2023, Hong Kong lawmaker Regina Ip, who also serves as the convenor of the government's Executive Council or cabinet, inquired if the Commission had a timetable for issuing the report<sup>15</sup>. Yet, Chief Secretary Chan Kwok-ki failed to provide any timetable.

The situation regarding a Freedom of Information Law is equally problematic. Legislator James To moved a motion debate in January 2005 urging the Hong Kong government to enact legislation on freedom of information<sup>16</sup>, but no progress has been made ever since.

Instead of a Freedom of Information Law, Hong Kong operates under the "Code on Access to Information", which allows the public to submit requests to government departments. Also, third-party platforms such as AccessInfo, operated by the organisation CivicSight, provide an alternative means for the public to request government information more conveniently<sup>17</sup>. Nonetheless, the Code on Access to Information is non-binding in nature<sup>18</sup>. As this report will reveal later, in many instances government agencies frequently reject data requests under this Code with ease. While civil society's ongoing efforts should not be overlooked, the lack of legal protections for government data and information access has made the Code less reliable. It fails to ensure government transparency, accountability and public trust.

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<sup>14</sup> Manifesto of Carrie Lam Chief Executive Election 2017. <https://www.ceo.gov.hk/archive/5-term/eng/manifesto.html>

<sup>15</sup> "LCQ18: Public records management", Hong Kong Government Press Releases, November 29, 2023. <https://www.info.gov.hk/gia/general/202311/29/P2023112900500.htm>

<sup>16</sup> See note 7. Legislative Council Secretariat, "Background brief prepared by Legislative Council Secretariat for the meeting on 17 May 2010 Code on Access to Information and management of public records", Legislative Council, May 12, 2010. <https://www.legco.gov.hk/yr09-10/english/panels/ca/papers/ca0517cb2-1517-4-e.pdf>

<sup>17</sup> AccessInfo. <https://accessinfo.hk/>

<sup>18</sup> Code on Access to Information. <https://www.access.gov.hk/en/codeonacctoinfo/index.html>

## 1.4 The Role of Legislative Council and Lawmakers

In the absence of an Archive Law or comprehensive access-to-information regulations, the Legislative Council (LegCo) serves as one of the few mechanisms available for requesting government information. Prior to the enactment of the National Security Law, lawmakers frequently sought transparency through written or oral questions during Legislative Council proceedings, often exposing administrative abuses in the process. However, the power of the legislature to compel disclosures remains highly constrained. The government frequently evades questions, refuses to release requested documents, or even retaliates against lawmakers who push for accountability.

A striking example occurred in 2017, when lawmakers questioned the cost overruns in the construction of the South Island Line. The Transport and Housing Bureau (THB) provided an inaccurate cost breakdown, ultimately forcing the approval of additional funding without full transparency<sup>19</sup>. In response to the suspected misrepresentation of the THB, lawmaker Dr. Edward Yiu reported the case to the Independent Commission Against Corruption (ICAC)<sup>20</sup> as an alternative means to seek disclosure. However, no investigation was ever initiated.

Similarly, in the 2016 Wang Chau development controversy, the Development Bureau refused to disclose its correspondence with ARUP consultancy regarding an alleged data theft. When lawmaker Leung Kwok-hung attempted to obtain the documents during a committee meeting<sup>21</sup>, the government invoked the Powers and Privileges Ordinance—originally intended to protect legislative oversight—to

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<sup>19</sup> Eddie Chu Hoi-dick, “How the MTRC and the Government Jointly Deceived the Legislature: The case of the SIL Cost Overruns (港鐵政府如何聯手瞞騙立法會：以南港島線超支撥款為例)”, InMedia HK, July 10 2017 <https://www.inmediahk.net/運輸/港鐵政府如何聯手瞞騙立法會：以南港島線超支撥款為例>

<sup>20</sup> Dr. Yiu Chung-yim, “價格調整準備金——致香港廉政公署及審計署公開信”, InMediaHK, June 19 2017, <https://web.archive.org/web/20170619093452/https://www.inmediahk.net/node/1050135>

<sup>21</sup> InMediaHK, “橫洲項目顧問公司挪用政府資料 發展局：看不到涉及刑事”, November 15 2016 <https://www.inmediahk.net/node/1045851>.



prosecute Leung instead. In both cases, the government did not comply with disclosure requests. Within a year, both lawmakers were ousted from the Council.

These cases illustrate the government's ability to evade scrutiny through arbitrary refusals, procedural manoeuvres, and even retaliatory actions against lawmakers. The lack of legal consequences for withholding information, combined with the absence of strong institutional safeguards, severely weakens legislative oversight and undermines information freedom.

## 2. Government acts related to public data access since the enactment of the Hong Kong National Security Law in 2020

### 2.1 The Bao Choy case

In November 2020, the Hong Kong government charged documentary journalist Bao Choy for making false statements to obtain information under the Road Traffic Ordinance. She was accused of misstating her intention when accessing vehicle licence plate information as part of an investigation into the identities of the perpetrators behind the infamous July 21, 2019 attack at Yuen Long MTR station. She lost the case in April 2021 and was fined HK\$6,000<sup>22</sup>. However, in June 2023, she won her appeal at the Court of Final Appeal (CFA) as five judges unanimously ruled in her favour<sup>23</sup>. In the CFA judgement, Judge Joseph Fok held that the category “[o]ther traffic and transport related matters” -- which Choy had cited in her request – should be given a broader interpretation. Judge Fok stated that the category “would include the obtaining of vehicle particulars for the purpose of genuine investigative journalism in relation to a possible connection between the registered owner of a vehicle and its use in connection with a crime.”<sup>24</sup>

Despite this ruling, the Transport Department in January 2024 rolled out new arrangements for accessing vehicle registry, under which journalists must submit a written application “under exceptional circumstances” directly to the transport commissioner<sup>25</sup>. The Hong Kong Journalists Association subsequently filed a judicial review challenging the new rules, arguing that they imposed “disproportionate

<sup>22</sup> Eric Cheung, “This Hong Kong journalist won awards for her investigation. Now she’s been convicted for her work”, CNN, April 22, 2021. <https://edition.cnn.com/2021/04/22/media/bao-choy-hong-kong-journalist-intl-hnk/index.html> .

<sup>23</sup> Candice Chau and Hilary Leung, “Top Hong Kong court clears journalist convicted over 2019 Yuen Long attack documentary”, Hong Kong Free Press, June 5, 2023. <https://hongkongfp.com/2023/06/05/breaking-hong-kong-journalist-bao-choy-wins-top-court-appeal-over-use-of-vehicle-records-for-protest-documentary/> .

<sup>24</sup> Judgment of FACC 2/2023. [https://legalref.judiciary.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=152985&QS=%2B%7C%28FACC%2C2%2F2023%29&TP=JU](https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=152985&QS=%2B%7C%28FACC%2C2%2F2023%29&TP=JU) .

<sup>25</sup> Hans Tse, “Changes to how Hong Kong journalists access vehicle registry inconsistent with city’s constitution, lawmaker says”, Hong Kong Free Press, January 8, 2024. <https://hongkongfp.com/2024/01/08/changes-to-how-hong-kong-journalists-access-vehicle-registry-inconsistent-with-citys-constitution-lawmaker-says/> .

restrictions” on press freedom. The High Court heard the case in September 2024, but the judgment has yet to be released<sup>26</sup>.

## ***2.2 The removal of lawmakers’ names from Legislative Council minutes***

In January 2023, Hong Kong Chinese-language newspaper Ming Pao reported that the Secretariat of the Legislative Council had adopted a new policy, under which the names of government officials and lawmakers who speak in panel or committee meetings are replaced by generic terms such as “a member”, “members”, or “the administration”<sup>27</sup>. The Hong Kong Journalists Association said that the new change “would hinder the public’s right to know about legislative procedures and undermine people’s understanding of lawmakers’ work”<sup>28</sup>.

## ***2.3 The removal of members’ names from District Council minutes***

In July 2024, Ming Pao reported the Home Affairs Department has adopted a similar policy, replacing the names of District Council members who speak in committee or working groups with “a member” or “members”<sup>29</sup>. The Home Affairs Department defended the policy, claiming that it was adopted to make the meeting minutes easier to read.

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<sup>26</sup> James Lee, “High Court to rule in Dec on legality of ‘restrictive’ rules governing media’s access to Hong Kong’s vehicle registry”, Hong Kong Free Press, September 25, 2024. <https://hongkongfp.com/2024/09/25/high-court-to-rule-in-dec-on-legality-of-restrictive-rules-governing-medias-access-to-hong-kongs-vehicle-registry/>.

<sup>27</sup> “立會委會紀錄改不具名 秘書處：利公眾掌握要點 議員批削透明度”, Ming Pao, January 17, 2023. <https://news.mingpao.com/pns/%E6%B8%AF%E8%81%9E/article/20230117/s00002/1673894078991>.

<sup>28</sup> Candice Chau, “Hong Kong press group slams omission of lawmakers’ names from legislature meeting minutes”, Hong Kong Free Press, January 18, 2023. <https://hongkongfp.com/2023/01/18/hong-kong-press-group-slams-omission-of-lawmakers-names-from-legislature-meeting-minutes/>.

<sup>29</sup> “區會委會小組會議紀錄改不記名 狄志遠批大倒退難監察 民政總署：考慮行政簡潔”, Ming Pao, July 22, 2024. <https://news.mingpao.com/pns/%E8%A6%81%E8%81%9E/article/20240722/s00001/1721583580707>.

Additionally, Ming Pao found that not all District Councils provide minutes in English. Four of the 18 District Councils said that they would only provide minutes in Chinese<sup>30</sup>. As a result, some District Council members had to translate the minutes on their own to assist residents who do not speak Chinese.

## ***2.4 The removal of material from government websites and reports***

In July 2023, the Hong Kong Department of Justice (DOJ) removed from its website 11 annual prosecution reports since 2009<sup>31</sup>. Reports published after 2020 remain available, but they no longer include images of prosecutors.

In November 2023, it was found that the Hong Kong government's annual yearbook for 2022 omitted the section on the city's history, a feature that had been included since the handover in 1997<sup>32</sup>.

In December 2023, the DOJ published the "Annotations of the Hong Kong National Security Law and Sedition Offences in the Crimes Ordinance" on a dedicated webpage, displaying and summarising relevant court cases. However, within days, the section of the webpage containing an index of 106 national security cases was removed, as first noticed by Hong Kong online news platform TransitJam<sup>33</sup>. No explanation was provided. A spokesperson for the DOJ told Hong Kong Free Press that "[c]ontent of relevant webpages will be adjusted and amended having regard to

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<sup>30</sup> “大會英文會議紀錄非區區齊 有議員自譯”, Ming Pao, July 22, 2024. <https://news.mingpao.com/pns/%E8%A6%81%E8%81%9E/article/20240722/s00001/1721583581144>.

<sup>31</sup> “律政司下架 11 份年報 只剩國安法生效後 3 份 不再附檢控官照片”, InmediaHK, July 28, 2023. <https://www.inmediahk.net/node/%E6%94%BF%E7%B6%93/%E5%BE%8B%E6%94%BF%E5%8F%B8%E4%B8%8B%E6%9E%B611%E4%BB%BD%E5%B9%B4%E5%A0%B1-%E5%8F%AA%E5%89%A9%E5%9C%8B%E5%AE%89%E6%B3%95%E7%94%9F%E6%95%88%E5%BE%8C3%E4%BB%BD-%E4%B8%8D%E5%86%8D%E9%99%84%E6%AA%A2%E6%8E%A7%E5%AE%98%E7%85%A7%E7%89%87>.

<sup>32</sup> Hans Tse, “History chapter missing from Hong Kong's latest yearbook”, Hong Kong Free Press, November 22, 2023. <https://hongkongfp.com/2023/11/22/history-chapter-missing-from-hong-kongs-latest-yearbook/>.

<sup>33</sup> “Hong Kong National Security case index”, TransitJam, December 30, 2023. <https://transitjam.com/nsindex/>.

circumstances”<sup>34</sup>. TransitJam initially had backed up the index on its own webpage, but upon checking in November 2024, the backup index had also been removed. While the DOJ used selected cases to illustrate the application of the laws, not every single case was included in the webpage and thus a full list of national security cases could not be found on the DOJ’s website.

In January 2025, it was discovered that the government had removed election candidates’ messages to voters from official election websites, including the campaign page of Chief Executive John Lee from the 2022 election<sup>35</sup>. The Registration and Electoral Office told Ming Pao that it had reviewed the arrangements in 2023 and concluded that displaying candidates’ messages after the elections were not in line with the aim of the data collection. Under current laws, the messages will be removed one year after an election.

## ***2.5 Cases of rejection of government information request***

In 2022, Ming Pao cited the Code on Access to Information to request a list from the Leisure and Cultural Services Department (LCSD) of books deemed violating the National Security Law and subsequently removed from public library<sup>36</sup>. The LCSD denied the request, arguing that disclosing the information may create a false image that could be used to “smear the National Security Law and its implementation”. The

<sup>34</sup> Tom Grundy, “In U-turn, Hong Kong Department of Justice deletes national security case index from website”, Hong Kong Free Press, January 2, 2024. <https://hongkongfp.com/2024/01/02/in-u-turn-hong-kong-department-of-justice-deletes-national-security-case-index-from-website/>.

<sup>35</sup> “選舉網站候選人簡介下架 「選後續展示不符蒐資料目的」 學者：選民或盼了解昔政綱”, Ming Pao, January 27, 2025. <https://news.mingpao.com/pns/%E8%A6%81%E8%81%9E/article/20250127/s00001/1737914434608/%E9%81%B8%E8%88%89%E7%B6%B2%E7%AB%99%E5%80%99%E9%81%B8%E4%BABA%E7%B0%A1%E4%BB%8B%E4%B8%8B%E6%9E%B6%E3%80%8C%E9%81%B8%E5%BE%8C%E7%BA%8C%E5%B1%95%E7%A4%BA%E4%B8%8D%E7%AC%A6%E8%92%90%E8%B3%87%E6%96%99%E7%9B%AE%E7%9A%84%E3%80%8D-%E5%AD%B8%E8%80%85%E9%81%B8%E6%B0%91%E6%88%96%E7%9B%BC%E4%BA%86%E8%A7%A3%E6%98%94%E6%94%BF%E7%B6%B1>.

<sup>36</sup> “康署拒供下架書清單總數 申訴署裁本報投訴不成立”, Ming Pao, December 4, 2023. <https://news.mingpao.com/pns/%E8%A6%81%E8%81%9E/article/20231204/s00001/1701628543151>.

Office Of The Ombudsman took six months to investigate the case and ultimately sided with the LCSD.

In May 2023, Hong Kong online news outlet Hkcitycreation cited the Code on Access to Information to request a list from the LCSD of Chinese-language books purchased by the Hong Kong public libraries since the enactment of the National Security Law in June 2020<sup>37</sup>. The LCSD refused the request after consulting legal opinion, citing Part 2.3(b) of the Code, which allows non-disclosure if the information would “harm or prejudice Hong Kong's security”. Hkcitycreation challenged the decision, arguing that the official interpretation of Part 2.3(b) only prohibits the disclosure of information “which could be of assistance to those engaged in espionage, sabotage or terrorism”.

The news outlet referred the case to the Ombudsman, which launched an investigation in July 2023. Typically, the Ombudsman completes investigation within three to six months, with results communicated to the relevant parties. However, this case took nine months, and Hkcitycreation received the result of the investigation on March 20, 2024, just one day after the passage of the Safeguarding National Security Ordinance (SNSO) in Hong Kong. The Ombudsman sided with the LCSD and refused to disclose details of the investigation.

Between 2023 and 2024, researcher Samuel Bickett tested the Code on Access to Information mechanism by submitting 17 requests to various Hong Kong government departments<sup>38</sup>. While the government claimed that 94% of requests are granted, Bickett found that only 17.6% were fully granted, and 17.6% of requests were granted in part, and 64% were fully rejected. According to him, the most common

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<sup>37</sup> “專題 申訴專員調查 9 個月 23 條立法翌日結案 裁康文署拒披露購書名單沒違”, Hkcitycreation, April 19, 2024. <https://hkcitycreation.com/2024/04/19/%e5%b0%88%e9%a1%8c%ef%b8%b3%e7%94%b3%e8%a8%b4%e5%b0%88%e5%93%a1%e8%aa%bf%e6%9f%a59%e5%80%8b%e6%9c%88%e3%80%8023%e6%a2%9d%e7%ab%8b%e6%b3%95%e7%bf%8c%e6%97%a5%e7%b5%90%e6%a1%88%e3%80%80%e8%a3%81/>.

<sup>38</sup> Samuel Bickett, “Asia’s Walled City: The Erosion of Transparency in Hong Kong”, International Republican Institute, December 12, 2024. <https://www.iri.org/resources/asias-walled-city-the-erosion-of-transparency-in-hong-kong/>.

reasons for rejection included a refusal to compile requested data and claims that the records were not in the department's possession. The average response time was 29 days, exceeding the 21-day limit set by the Code. He further noted that the Correctional Services Department was particularly noncompliant, taking 51 days to respond and rejecting all requests outright.

## **2.6 Cases of government information removal request**

Google has often received removal requests from the Hong Kong government on various grounds including national security. The company publishes relevant data every six months as part of its transparency reporting. In the second half of 2022, the Hong Kong police submitted two removal requests asking Google to remove four items on the company's platforms. These items related to a series of children's books entitled *Sheep Village*, which had been deemed seditious by Hong Kong courts<sup>39</sup>. Google did not take action.

Google's transparency report for the first half of 2023 revealed additional cases. In April 2023, Google received a police request to remove five YouTube videos featuring "The Hong Konger", a documentary about jailed media tycoon Jimmy Lai, as police alleged that the content was seditious in nature and would amount to criminal contempt of Court, as the Lai's trial was ongoing<sup>40</sup>. Separately, police also requested the removal of two YouTube videos featuring the 2019 protest song "Glory to Hong Kong". Google did not comply in either case.

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<sup>39</sup> "Hong Kong asked Google to remove 183 items in latter half of 2022; national security takedown requests surged", Hong Kong Free Press, May 9, 2023. <https://hongkongfp.com/2023/05/09/hong-kong-asked-google-to-remove-183-items-in-latter-half-of-2022-national-security-takedown-requests-surged/>.

<sup>40</sup> Mercedes Hutton, "Google denies Hong Kong police request to remove 'seditious' film about media tycoon Jimmy Lai from YouTube", Hong Kong Free Press, October 26, 2023. <https://hongkongfp.com/2023/10/26/google-denies-hong-kong-police-request-to-remove-seditious-film-about-media-tycoon-jimmy-lai-from-youtube/>.

In May 2024, YouTube complied with a court decision and geoblocked 32 web links to “Glory to Hong Kong” within the city<sup>41</sup>. This came after Google, the owner of YouTube, declined the executive government’s request of removing those links from its search engine. The court ruling alongside the response of Google has significantly impacted freedom of speech and access to information in Hong Kong, which will be discussed in the next section.

The Hong Kong government has so far blocked at least 20 websites since the enactment of the National Security Law. In most cases, the Hong Kong police and the Security Bureau neither confirm nor deny their involvement, but some affected websites have reported receiving demands to shut down before they were blocked. At present, these blocked websites remain accessible in Hong Kong via VPNs.

The latest case involved diaspora magazine “Flow Hong Kong”<sup>42</sup>, which was the first diaspora media outlet founded by Hongkongers overseas to be blocked in the city. It is likely that the blocking was executed through an order issued by the Hong Kong police to various internet service providers (ISPs) in the city.

It is worth noting that in a letter sent to Flow HK’s hosting service provider, the American company Automattic Inc., Hong Kong police cited the National Security Law, stating that institutions, organisations and individuals assisting with the case “shall keep confidential any information pertaining to the case”. Automattic chose to disclose the letter to the editorial board of Flow HK instead. Had Automattic complied with the police, the public would have only discovered the website’s blocking by chance when attempting to access it.

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<sup>41</sup> Reuters, “YouTube blocks protest anthem in Hong Kong after court order banning the song”, The Guardian, May 15, 2024. <https://www.theguardian.com/world/article/2024/may/15/youtube-blocks-glory-to-hong-kong-protest-song-anthem>

<sup>42</sup> “US tech firm issued notice by Hong Kong police to take down diaspora media site Flow HK on national security grounds”, Hong Kong Free Press, October 8, 2024. <https://hongkongfp.com/2024/10/08/us-tech-firm-issued-notice-by-hong-kong-police-to-take-down-diaspora-media-site-flow-hk-on-national-security-grounds/>



**Table 1. List of websites blocked in Hong Kong**

*(Unless otherwise stated, Hong Kong police and Security Bureau did not confirm or deny)*

<b><u>Name</u></b>	<b><u>Nature</u></b>	<b><u>Known date of blockage</u></b>	<b><u>Response</u></b>
Hong Kong Chronicles <a href="https://hkchronicles.com/">https://hkchronicles.com/</a>	Database with personal information of police officers	January 8, 2021	The blockage was announced by the website. Internet service provider HKBN confirmed it blocked the website in accordance with the NSL.  A source told online news outlet HK01 that the blocking decision was made by the Secretary for Security under the NSL.
Transitional Justice Commission <a href="https://www.tjc.gov.tw/">https://www.tjc.gov.tw/</a>	Commission of the Taiwanese government on justice for victims of white terror period	February 12, 2021	The blockage was discovered by the media. The Commission disbanded in May 2022.
Presbyterian Church in Taiwan <a href="https://www.pct.org.tw/">https://www.pct.org.tw/</a>	Church which assisted Hong Kong protesters to flee to Taiwan	April 24, 2021	The blockage was discovered by the media.
Democratic Progressive Party <a href="https://www.dpp.org.tw/">https://www.dpp.org.tw/</a>	Ruling party in Taiwan	April 25, 2021	The blockage was discovered by the media.
Taiwan's army recruitment website <a href="http://rdrc.mnd.gov.tw">http://rdrc.mnd.gov.tw</a>	Taiwan's army recruitment website	April 25, 2021	The blockage was discovered by the media.

2021 Hong Kong Charter <a href="http://2021hkcharter.com/">http://2021hkcharter.com/</a>	Charter organised by exiled activists	June 3, 2021 (Removed by website host by mistake, later restored)  June 19, 2021	The blockage was announced by the website. Hong Kong police wrote to Israel-based website host Wix to demand take down of the website because of NSL violations. Wix said it removed the website by mistake and restored it.  The website was blocked in Hong Kong on June 19, 2021.
Hong Kong Liberation Coalition <a href="http://www.hkliberationcoalition.com/">http://www.hkliberationcoalition.com/</a>	Group of exiled activists	June 3, 2021	The blockage was announced by the website.
<a href="https://8964museum.com/">https://8964museum.com/</a>	Online museum of Tiananmen Massacre	September 29, 2021	The blockage was discovered by the media.
Hong Kong Watch <a href="https://www.hongkongwatch.org/">https://www.hongkongwatch.org/</a>	UK-based Hong Kong advocacy group	February 14, 2022	Hong Kong police sent a letter to Hong Kong Watch demanding it remove its website for NSL violations.
Hong Kong Democracy Council <a href="https://www.hkdc.us/">https://www.hkdc.us/</a>	US-based Hong Kong advocacy group	October 26, 2022	The blockage was discovered by the media.
Samuel Bickett's blog <a href="https://samuelbickett.substack.com/">https://samuelbickett.substack.com/</a>	Blog of US-based human rights lawyer	September 2023	The blockage was announced by the owner.
Flow HK <a href="https://flowhongkong.net/">https://flowhongkong.net/</a>	Magazine of exiled activists	October 5, 2024	Hong Kong police sent a letter to US-based website host Automattic demanding it remove its website for NSL and SNSO violations. Automattic did not comply and the website was blocked.

Taiwan's Ministry of National Defense <a href="https://www.mnd.gov.tw/english/">https://www.mnd.gov.tw/english/</a>	Taiwan's Ministry of National Defense	October 24, 2024	The blockage was discovered by the media.
Taiwan's navy <a href="https://navy.mnd.gov.tw/">https://navy.mnd.gov.tw/</a>	Taiwan's navy	October 24, 2024	The blockage was discovered by the media.
12 websites relating to the US military <a href="https://www.navy.com/">https://www.navy.com/</a>	US military	October 24, 2024	The blockage was discovered by the media.

## 2.7 Introduction of new security legislations (SNSO)

In January 2024, the Hong Kong government launched a month-long consultation on a proposed legislative bill titled “Safeguarding National Security bill”, as a local national security legislation pursuant to Article 23 of the Basic Law. The proposed bill introduced new but ambiguous definitions of key legal terms, such as “national security”, “state secrets” and “external force”. It also proposed new security offences such as “espionage”, while strengthening penalties for existing offences including “acts of seditious intent”. The bill also expanded the powers of law enforcement in national security investigations and prosecutions<sup>43</sup>. The bill was swiftly passed by the “patriots-only” legislature in March 2024. These new provisions of Hong Kong’s security laws have significantly increased the government’s control over information in the city, and their implications will be further examined in the next section.

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<sup>43</sup> For a deeper analysis of the legislation, read Georgetown Center for Asian Law, Submission on Hong Kong Government Public Consultation Document Safeguarding National Security: Basic Law Article 23 Legislation, February 27, 2024. <https://www.law.georgetown.edu/law-asia/wp-content/uploads/sites/31/2024/02/GCAL-HK-Article-23-Consultation-Submission.pdf> .

### 3. Risks of exercising information freedom in Hong Kong

#### 3.1 Enforcement of Security Laws in Hong Kong

The Hong Kong National Security Law (HKNSL) was promulgated by China and became applicable in Hong Kong as a national law in 2020, whereas the Safeguarding National Security Ordinance (SNSO) was passed by Hong Kong's Legislative Council as a domestic law in 2024. Both laws are considered as the major pillars of Hong Kong's national security regime. Since the enactment of the HKNSL, numerous opinion articles, academic articles and research reports have been published, allowing stakeholders to study and analyse the impact of these statutes and its implementation on Hong Kong's rule of law, judicial independence and human rights defence<sup>44</sup>. This report does not aim to duplicate the existing excellent works, but rather highlight three key aspects of the enforcement of these security laws that directly impact the right to freedom of information access in Hong Kong and abroad.

##### 3.1.1 Criminalising the enjoyment of information freedom

The HKNSL of 2020 introduced broad offenses such as secession, subversion, terrorism, and collusion with foreign forces. The vague definitions of these terms allow authorities to criminalise a wide range of non-violent activities, including those related to free expression and free flow of information. Examples include displaying flag with slogans that the government deemed as separatist, and pronouncements of resistance strategies in the Legislative Council that the court considered as acts of subverting state power. The CFA also affirmed that the offence of "act of seditious intent" (commonly known as sedition law) under the Crimes Ordinance shall be regarded as part of crimes endangering national security. The sedition law criminalises a wide range of speech-related acts, covering speeches and publications that do not incite violence. As a result, sedition law was frequently

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<sup>44</sup> For example, Georgetown Center for Asian Law (<https://www.law.georgetown.edu/law-asia/publications/>), Hong Kong Watch (<https://www.hongkongwatch.org/in-depth-research>) and the Hong Kong Rule of Law Monitor (<https://hkrlm.org/category/reports/>) have published a number of outstanding research reports on the substances and enforcements of the HKNSL and SNSO respectively.

employed by the government to exert information control and restrict information freedom in the city. Journalists and editors have been arrested and charged for publishing seditious materials, whereas ordinary citizens have been convicted of sedition and sentenced to prison for social media posts criticising government policies or ideological narratives<sup>45</sup>.

Despite written court rulings on these cases, the HKNSL and sedition law do not clearly delineate between legitimate journalistic or speech-related activities and acts that posing genuine threats to national security. This ambiguity has thereby created an environment of self-censorship, where individuals and Hong-Kong-based organisations may refrain from information-sharing to avoid potential prosecution. Moreover, the 2024 SNSO expanded the scope and level of penalty of offences related to sedition. Under the amended sedition law, law enforcement has greater discretion to arrest and charge residents for circulating government-disapproved opinions and information online<sup>46</sup>.

The SNSO further exacerbates these concerns by introducing ambiguously defined legal terms such as “national security” and “state secrets”, as well as offenses like “espionage” and “external forces”. “National Security” under the SNSO follows China’s definition, as outlined in Xi Jinping’s “holistic view of national security”. This broad framework encompasses many unconventional aspects such as “cultural security”, “economic security” and “data security. As a result, stakeholders engaged in information gathering and dissemination –including journalists, researchers, and business analysts– may be subject to surveillance and investigation by national security enforcement bodies in Hong Kong.

The definition of “state secrets” under the law extends beyond traditional government intelligence to include social, economic and technology data that are usually

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<sup>45</sup> AFP, “Sedition clampdown hits ‘ordinary’ Hong Kongers” France 24, July 26, 2023. <https://www.france24.com/en/live-news/20230726-sedition-clampdown-hits-ordinary-hong-kongers>

<sup>46</sup> ChinaFile, “Tracking the Impact of Hong Kong’s National Security Law”, November 14, 2024. <https://www.chinafile.com/tracking-impact-of-hong-kongs-national-security-law> .

considered ordinary open-source data in the public interests. “Espionage”, “external forces” and “foreign intelligence organisation” are vaguely defined to include both foreign government entities and non-government actors, making non-profit organisations, business groups, journalists and academics vulnerable to the enforcement of the SNSO.

Furthermore, the SNSO is considered as weaponising the concept of “disinformation” to criminalise and suppress the dissemination of information. The offences of “espionage” and “foreign interference endangering national security” include provisions that prohibit acts of colluding with “an external force to publish a statement of fact that is false or misleading to the public” with the intent to “endanger national security.” (Section 43(3) of the SNSO). Such vague provision could be conveniently used against individuals or organisations that circulate government-disapproved documents or analyses – especially if they are referenced by foreign entities or individuals, including but not limited to scholars, media outlets and due diligence firms<sup>47</sup>.

### 3.1.2 Arbitrary deprivation of liberty

The expansive powers granted under the HKNSL and the SNSO have resulted in cases where individuals have been detained without clear evidence of criminal activity, raising serious concerns about arbitrary deprivation of liberty. Article 42 of the HKNSL introduces a new principle of presumption against bail, shifting the burden of proof onto defendants in national security trials. Under this provision, bail is denied unless the defendant can prove a negative: “No bail shall be granted to a criminal suspect or defendant unless the judge has sufficient grounds for believing that the criminal suspect or defendant will not continue to commit acts endangering national security.”.

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<sup>47</sup> Sam Goodman, Analysis of the Business and Legal Risks Associated with the HKSAR Safeguarding National Security Ordinance (Article 23), Hong Kong Watch, June, 2024. [https://static1.squarespace.com/static/58ecfa82e3df284d3a13dd41/t/66620e9a6bc0c0141ba30424/1717702300294/Article+23+analysis+\(1\).pdf](https://static1.squarespace.com/static/58ecfa82e3df284d3a13dd41/t/66620e9a6bc0c0141ba30424/1717702300294/Article+23+analysis+(1).pdf) .

The 2024 SNSO fully adopts this presumption against bail and further empowers law enforcement to extend police detention period for those arrested under security offences. In addition, the law grants authorities the power to restrict access to lawyer of the defendant's choice. Since 2020, the courts have denied bail to most of the defendants charged with sedition and offences under the HKNSL. The Georgetown Center for Asian Law highlights that the HKNSL has been used to target political opponents, including pro-democracy politicians, journalists, rights lawyers, and civil society activists by imposing pre-trial detention, effectively removing these individuals from public sight for years, depriving them of their liberty<sup>48</sup>.

The UN Working Group on Arbitrary Detention has confirmed that two defendants in Hong Kong's national security trials, namely Chow Hang-tung and Jimmy Lai, are suffering from arbitrary detention and called for their immediate release and government compensation<sup>49</sup>. However, the Hong Kong government rejected the Working Group's findings, and both Chow and Lai remain in detention.

These instances demonstrate the Hong Kong government's disregard for international expert opinions criticising its enforcement of bail provisions under national security laws. The continued use of arbitrary detention poses significant risk for journalists, foreign business groups, information service providers, researchers and rights defenders working or living in Hong Kong. If arrested and charged with security offences in connection with their professional duties, these individuals could suffer from prolonged detention without trial, effectively depriving them of their liberty for a long period of time.

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<sup>48</sup> Georgetown Center for Asian Law, Submission to the UN Human Rights Committee on the Review of China's (Hong Kong SAR) Fourth Periodic Report under the ICCPR, May, 2022. [https://www.law.georgetown.edu/law-asia/wp-content/uploads/sites/31/2022/06/GCAL\\_HRCSubmission\\_220615.pdf](https://www.law.georgetown.edu/law-asia/wp-content/uploads/sites/31/2022/06/GCAL_HRCSubmission_220615.pdf) .

<sup>49</sup> Hans Tse, "Hong Kong gov't rejected claims detention of activist Chow Hang-tung is 'arbitrary,' UN report says", Hong Kong Free Press, September 12, 2024. <https://hongkongfp.com/2024/09/12/hong-kong-govt-rejected-claims-detention-of-activist-chow-hang-tung-is-arbitrary-un-report-says/> ; Doughty Street Chambers, "UN Working Group on Arbitrary Detention finds Jimmy Lai is unlawfully and arbitrarily detained and calls for his immediate release", November 15, 2024. <https://www.doughtystreet.co.uk/news/un-working-group-arbitrary-detention-finds-jimmy-lai-unlawfully-and-arbitrarily-detained-and> .

### 3.1.3 Extraterritorial Application and Transnational Repression

Article 38 of the HKNSL asserts jurisdiction over offenses committed outside Hong Kong by non-residents, effectively extending its reach globally. This provision has far-reaching implications for individuals and organisations worldwide, as it criminalises acts deemed as threats to national security, regardless of where they occur. The extraterritorial application of the HKNSL has raised serious concerns about transnational repression, where individuals abroad may face legal repercussions for actions that are lawful in their home or host countries. This issue is particularly concerning for countries that maintain extradition treaties and mutual legal assistance agreements with Hong Kong or China. The extensive powers of the law enforcement and the security authorities in Hong Kong also enabled them to request service providers, both within and beyond the border of Hong Kong, to block or remove website contents from public access, as discussed in the previous section<sup>50</sup>.

Since 2023, the Hong Kong government has obtained court warrant to impose bounties on eight exiled Hong Kong peaceful advocates and professionals, alleging them as committing national security offences. However, as UN human rights experts highlighted, these exiled activists are merely exercising their rights to free speech and political participation outside of Hong Kong and should never be considered as criminals<sup>51</sup>. Following the passage of the SNSO in 2024, the executive authorities are further empowered to revoke the passports, directorships and professional licences of individuals labelled as national security “fugitives” or “absconders”. The government has also employed collective punishment, with family members and former colleagues of the targeted bounty-holders being summoned or interrogated by law enforcement. As of now, the total number of bounty-warrant

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<sup>50</sup> For a greater detail of national security police’s investigative powers, read Lydia Wong, Thomas E. Kellogg and Eric Yan-ho Lai, Hong Kong's National Security Law and the Right to Fair Trial: A GCAL Briefing Paper, Washington DC: Georgetown Center for Asian Law, June 28, 2021. <https://www.law.georgetown.edu/law-asia/wp-content/uploads/sites/31/2021/06/HongKongNSLRightToFairTrial.pdf> .

<sup>51</sup> United Nations, “China/Hong Kong SAR: UN experts concerned about ongoing trials and arrest warrants under National Security Legislation”, October 9, 2023. <https://www.ohchr.org/en/press-releases/2023/10/chinahong-kong-sar-un-experts-concerned-about-ongoing-trials-and-arrest> .



holders has increased to 19 exiled individuals living across the US, the UK, Australia and Canada<sup>52</sup>.

The use of arrest warrants with bounties, which are aided by the local court, has created a chilling effect on both in-territory and overseas Hong Kong communities. This repression threatens the right to free expression, information access and dissemination, since circulating the writings, speeches and publications of wanted individuals can be interpreted as assistance, collusion or sponsorship under national security laws. The extraterritorial application of security laws thus serves as another mechanism of information control, disrupting the information supply chain and restricting global discourse on Hong Kong's human rights situation.

### ***3.2 Court injunction orders related to circulation of information***

Another outstanding risk of exercising information freedom in Hong Kong stems from the judiciary's evolving role since the enactment of HKNSL. Once regarded as a guardian of rights, the local judiciary has increasingly deferred to the executive branch on national security matters. As some scholars highlighted, before 2020, Hong Kong's courts were more eager to apply international human rights law and comparative legal best practices to uphold fundamental rights in line with principles of a democratic rule of law. Yet, following the introduction of the HKNSL, the court became reluctant to apply human rights jurisprudence in cases involving national security, leading to a shift in judicial reasoning that prioritises state security over fundamental freedoms<sup>53</sup>. The conservative judicial trend has deepened after the passage of the SNSO in 2024, as reflected in a landmark court ruling related to national security.

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<sup>52</sup> Hans Tse, "Hong Kong national security police issue HK\$1 million bounties for 6 'fugitives'", Hong Kong Free Press, December 24, 2024. <https://hongkongfp.com/2024/12/24/breaking-hong-kong-national-security-police-issue-hk1-million-bounties-for-6-fugitives/>.

<sup>53</sup> Yan-ho Lai and Thomas E. Kellogg, "Departure from International Human Rights Law and Comparative Best Practice: HKSAR v Tong Ying Kit", Hong Kong Law Journal, 2022, 52(2), pp. 466-486.

One of the most significant cases illustrating this shift involved the government's attempt to ban the dissemination of the protest anthem "Glory to Hong Kong". Initially the Court of First Instance of the High Court ruled that an interlocutory injunction was unnecessary as existing criminal laws are already sufficient to prevent and punish the circulation of the song under national security laws. However, the government sought to appeal the ruling. In the end, the Court of Appeal reversed the lower court's decision and granted the injunction, ruling that it is necessary to respect and defer to the executive government on national security matters. This judicial approach, known as "national security deference" or "judicial deference", is not uncommon in courts under liberal democracies. That said, in those jurisdictions, such as the UK and Canada, democratic elections and accountability mechanisms act as safeguards that prevent abuses of the executive government. Such checks, however, do not exist in Hong Kong, an authoritarian regime or a semi-authoritarian regime undergoing autocratisation<sup>54</sup>.

The Court of Appeal's ruling has far-reaching implications for informational freedom in Hong Kong. It signals that the local judiciary will now unreservedly accept the determinations of the Hong Kong government on national security matters. This effectively bind the court to issue civil injunctions that prohibit the circulation and dissemination of government-disapproved information. In fact, under the HKNSL, the Chief Executive already possess the authority to certify what constitutes a national security matter or a state secret, while the Committee for Safeguarding National Security (CSNS) also holds broad decision-making powers on national security matters. But the Court of Appeal went further by giving weight to deference to the executive government even when the authorities did not explicitly invoke the powers under security laws. Hence the local court took a very passive position to scrutinise the executive power in the field of national security. Yet at the same time, the court has proactively legitimised the misleading application of judicial deference in an

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<sup>54</sup> For a detailed analysis of this legal case, read Yan-ho Lai, Lok-man Tsui and Thomas E. Kellogg, National Security Deference or National Security Domination? The "Glory to Hong Kong" Injunction Saga and Hong Kong's Compromised Judiciary, Washington DC: Georgetown Center for Asian Law, December 2024. [https://www.law.georgetown.edu/law-asia/wp-content/uploads/sites/31/2024/12/241204\\_GTHK-Injunction-Analysis\\_FINAL.pdf](https://www.law.georgetown.edu/law-asia/wp-content/uploads/sites/31/2024/12/241204_GTHK-Injunction-Analysis_FINAL.pdf) .

authoritarian common law system. Following this dangerous precedent, technology companies and online service providers complied with the court injunction to remove or “geoblock” the protest anthem from public access in Hong Kong<sup>55</sup>. Consequently, the court’s civil injunction has become an effective tool for the government-driven information control in Hong Kong. Neither local citizens nor multinational corporations operating in Hong Kong have been willing to challenge the ruling at the CFA but opting for full compliance. The opening of this Pandora’s box means that similar injunctions could be used in the future to suppress other politically sensitive information, further eroding the public’s right to access information and weakening digital rights.

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<sup>55</sup> Article 19, “Hong Kong: UK Distributor should reverse global censorship of pro-democracy anthem”, June 4, 2024. <https://www.article19.org/resources/hong-kong-uk-distributor-should-reverse-global-censorship-of-pro-democracy-anthem/> .

### **3.3 Protection of Critical Infrastructure (Computer Systems) Legislation**

#### 3.3.1 Enormous Investigative Powers and Risks to Privacy

The Protection of Critical Infrastructure (Computer Systems) Bill (CI Bill) significantly expands the investigative authority of government agencies<sup>56</sup>. It seeks to regulate critical infrastructure operators (CIOs) responsible for the “continuous delivery of essential services” and the maintenance of vital societal and economic functions in Hong Kong<sup>57</sup>. For instance, under Article 38(2)(b), authorities, upon a magistrate’s warrant, may enter any premises at any time to search, inspect, copy, retrieve, and remove items deemed relevant to a cybersecurity investigation. Albeit justified on the grounds of information security, these broad search and seizure powers effectively grant the government the ability to conduct invasive investigations that risk arbitrary intrusions into personal privacy and property rights.

#### 3.3.2 Confidentiality Clauses and the Evasion of Public Oversight

The CI Bill also introduces stringent confidentiality provisions that complicate transparency and hinder public oversight. Specifically, Article 57 mandates that personnel involved in designated cybersecurity investigations must not permit any unauthorised access to information obtained, except for individuals directly concerned or for data already in the public domain. Disclosure of such information can result in severe penalties, including fines and imprisonment for up to two years. By effectively broadening the definition of state secrets within the realm of critical computer systems, these measures diminish independent monitoring and erode public trust, fostering an environment that prioritizes secrecy over accountability.

#### 3.3.3 Potential Retreat of Global Tech Companies

During the consultation period, the American Chamber of Commerce in Hong Kong criticised the proposed legislation for its extraterritorial reach, arguing that even computer systems or data centers located outside Hong Kong—but accessible within

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<sup>56</sup> Legislative Council of the HKSAR, *Protection of Critical Infrastructure (Computer Systems) Bill*, LC Paper No. CB(2) 1617/2024, December 6 2024.

<https://www.legco.gov.hk/yr2024/english/bills/b202412061.pdf>.

<sup>57</sup> *Ibid.*

its territory—would be subject to regulation<sup>58</sup>. In an oral reply to the Legislative Council, a government representative confirmed that while the Regulations apply only to operators based in Hong Kong, any core service relying on overseas computer systems that remain accessible in Hong Kong will also be regulated<sup>59</sup>. This *de facto* extension of jurisdiction effectively grants Hong Kong extraterritorial power over key infrastructure, posing an alarming threat to global technology companies and foreign businesses. The imposition of additional compliance burdens and legal uncertainties risks alienating international investors and may prompt multinational firms to reconsider their presence in Hong Kong, ultimately undermining the territory's stature as an international tech hub.

### **3.4 Emergency Regulations Ordinance**

Finally, it is crucial to recognise that even before the enactment of security laws in Hong Kong, the city's existing lawbook has an extraordinary statute that can significantly restrict free speech and free flow of information. First introduced in 1922 by the Governor of British Colonial Hong Kong to crack down on the Seaman's Strike, the Emergency Regulations Ordinance (ERO), also known as Hong Kong's emergency law, has remained an exceptional tool for the executive government to exercise powers without legislative or judicial oversight<sup>60</sup>. Under section 2 of the ERO, the Chief Executive in Council has the authority to enact any regulations if they perceive an "emergency" or "public danger" and determine that introducing such regulations is "desirable in the public interests". The ERO outlines a non-exhaustive list of measures, including "censorship, and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication", "appropriation, control, forfeiture and disposition of property, and of

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<sup>58</sup> The American Chamber of Commerce in Hong Kong, AmCham Comments for the Proposed Legislative Framework to Enhance Protection of the Computer Systems of Critical Infrastructure, August 1, 2024. [https://www.amcham.org.hk/sites/default/files/2024-08/AmCham HK - Critical Infrastructure Consultation \(combined\).pdf](https://www.amcham.org.hk/sites/default/files/2024-08/AmCham%20HK%20-%20Critical%20Infrastructure%20Consultation%20(combined).pdf) .

<sup>59</sup> Legislative Council of HKSAR, Minutes of Bills Committee meeting, January 13 2025, p. 64. <https://www.legco.gov.hk/yr2024/english/bc/bc56/minutes/bc5620250113.pdf> .

<sup>60</sup> For more details, read Max Wai-lun Wong, "Social control and political order: decolonisation and the use of Emergency Regulation in Hong Kong". Hong Kong Law Journal, 2011, 42(2), pp. 449–480.

the use thereof”, and “the taking of possession or control on behalf of the Chief Executive of any property or undertaking”<sup>61</sup>. Undoubtedly, the broad and unchecked powers under the ERO enables the executive government to criminalise free speech, free press and free information flow – all without requiring prior legislative approval.

Since the sovereignty transfer in 1997, the Hong Kong government has invoked the ERO to tackle situations it deemed extraordinary. One notable instance was the introduction of the anti-mask law (officially known as the Prohibition on Face Covering Regulation) during the 2019 anti-extradition bill protests. In late 2020, the Court of Final Appeal ruled the ERO constitutional and the anti-mask regulation enforceable in peaceful assemblies, despite the fact that provisions in the ERO ostensibly contradicts international human rights law<sup>62</sup>.

The judicially legitimised ERO implies that the Hong Kong government now enjoys unscrutinised power to exert absolute information control through enforcing the ERO. In practice, the government does not need to declare a state of emergency to invoke the ERO, meaning it can arbitrarily enforce the law whenever deemed necessary. This effectively renders legislative and judicial checks on executive power meaningless when ERO is applied. Although the regime has not invoked the ERO in a frequent manner, the ERO remains a convenient yet powerful tool for information suppression, especially in times of geopolitical tension. Should the government invoke the ERO for censorship purposes, individual journalists, press companies, information service providers, researchers and analysts engaged in information dissemination could face significant legal uncertainties in performing their duties and be at risk of criminalisation.

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<sup>61</sup> E-legislation, “Emergency Regulations Ordinance (Cap.241)”, updated October 7, 2021. [https://www.elegislation.gov.hk/hk/cap241/en-zh-Hant-HK?xpid=ID\\_1438402882315\\_001&INDEX\\_CS=N](https://www.elegislation.gov.hk/hk/cap241/en-zh-Hant-HK?xpid=ID_1438402882315_001&INDEX_CS=N).

<sup>62</sup> Chris Lau, “Hong Kong mask ban constitutional for all public meetings and processions, top court rules, backing use of colonial-era law”, South China Morning Post, December 21, 2020. <https://www.scmp.com/news/hong-kong/politics/article/3114741/hong-kong-mask-ban-constitutional-all-public-meetings-and>.

## 4. Impacts of Limiting Freedom of Information Access

### 4.1 *Departure from international standards*

Both article 19 of the Universal Declaration of Human Rights (UDHR) and article 19 of the International Covenant on Civil and Political Rights (ICCPR) warrant that, “everyone shall have the right to freedom of [opinion and] expression; this right shall include freedom to seek, receive and impart information and ideas”. It recognises that freedom of information is an essential component of freedom of expression. Information freedom here is divided into three elements: “freedom to seek information”, “freedom to receive information” and “freedom to impart information”.

“Freedom to seek information” refers to the right and ability of individuals to look for information from any source. It is the responsibility of governments to facilitate this right, ensuring that individuals and groups can seek information without interference or harassments. In light of the findings above, however, the Hong Kong government has imposed increasing restrictions on citizens and journalists seeking public data for investigative journalism and government accountability projects. Furthermore, harassments of journalists has become more prevalent since the imposition of the HKNSL.

“Freedom to receive information” means that individuals should have the right to obtain information from public and private entities. In the case of Hong Kong, the absence of archive law and freedom of information law has allowed the government to remove or eliminate public records without legal consequences. After the introduction of the HKNSL and SNSO, government agencies became more reluctant to approve data requests from civil society actors and independent media outlets using grounds of “safeguarding national security”. Private entities operating in Hong Kong, such as HSBC and Google, have also been passive in disclosing details of government data requests for national security investigation. These behaviour hampers citizens’ ability to receive information not merely for curiosity, but for protecting their privacy, property rights and freedom of expression.

Although article 19 of the ICCPR permits restrictions on freedom of speech, including freedom of information access for the protection of national security, international legal standards set strict conditions for such limitations. Soft laws instruments including the Johannesburg Principles, UN treaty bodies and special procedures have emphasised that national security restrictions must comply with the principles of “legality”, “necessity” and “proportionality”. In short, the definition of national security must be clearly and narrowly defined by the law, and such restrictions must be necessary and proportionate that do not target speech or information that does not incite imminent violence or threat of violence.<sup>63</sup> As discussed above, neither the HKNSL nor the SNSO meets these international standards. Instead, the laws empowers the authorities to limit the scope of publicly-available information for open access.

“Freedom to impart information” suggests that everyone shall enjoy the freedom to share and distribute information through various communication channels. This right shall not be interfered with or restricted unless it violates the rights or reputation of others, or is subject to other genuine, legitimate grounds under article 19 of the ICCPR. Yet in Hong Kong, the introduction of the SNSO has significantly criminalised the dissemination and circulation of information if the information is deemed as “state secrets”, which are overbroadly defined; or if the parties circulating information are considered as espionage or foreign intelligence organisations; or if the parties are regarded as, in collaboration with an external force, using the information as improper means and material misrepresentation. As discussed above, these concepts and provisions are broadly defined, making individuals and organisations at risk of national security charges for simply sharing or analysing information. The high threshold for invoking the defence of “public interests” under the SNSO has offered little to no protection for journalists and citizens, effectively compromising their rights

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<sup>63</sup> The Johannesburg Principles, October 1, 1995.  
<https://www.refworld.org/legal/resolution/art19/1995/en/41603> ; UN Special Procedures, Communication to the People’s Republic of China, March 22, 2024.  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28893>



of information access and dissemination. Last but not least, the further erosion of due process rights under the SNSO, including the extended police detention period and restrictions of access to legal representation of choice, would create a chilling effect across society that stakeholders refrain from imparting information for legitimate purposes.

Apart from international human rights instruments, there are other platforms and instruments promoting the best practice for safeguarding information freedom and access, such as The United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Sustainable Development Goals (SDGs)<sup>64</sup>. According to UNESCO's mandate, the organisation was designated as the custodian agency for SDG's Indicator 16.10.2, which falls under the goal "Peace, Justice and Strong Institutions". This indicator calls on states to "ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements"<sup>65</sup>. From the perspectives of UNESCO and SDG, "access to information is critical for empowering the public to make informed decisions, holding governments accountable, evaluating public officials in implementing and monitoring SDGs and facilitating effective public participation"<sup>66</sup>. UNESCO is obliged to monitor and report to the UN Secretary-General annually on "the number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information"<sup>67</sup>.

The UN has actively worked to develop standards for protecting and promoting information integrity. Two key documents, the UN Code of Conduct for Information Integrity on Digital Platforms and the UN Global Principles for Information Integrity

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<sup>64</sup> There are other international and regional conventions that safeguard and promote the right of access to information, such as the UN Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (known as Aarhus Convention, 1998) and the Council of Europe Convention on Access to Official Documents (known as Tromsø Convention, 2009). This report does not go in to details of these instruments as they are relatively remote from the context of Hong Kong.

<sup>65</sup> UNESCO, "Access to Information and Sustainable Development Goals", April 20, 2023. <https://www.unesco.org/reports/access-to-information/2021/en/access-information-sustainable-development>.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

were introduced in 2023 and 2024 respectively to enhance global information governance. The UN Code of Conduct recommends that member states “ensure public access to accurate, transparent, and credibly sourced government information, particularly information that serves the public interest”, and “should guarantee a free, viable, independent and plural media landscape with strong protections for journalists and independent media”<sup>68</sup>.

The UN Global Principles further defines state responsibilities in safeguarding information integrity by (a) respect, promote and protect human rights, (b) safeguard integrity (by for example refraining from internet shutdown), (c) protect population (from different forms of information manipulation), (d) provide timely access to publicly-held information, (e) ensure media freedom, (f) protect researchers and civil society, (g) provide transparency (regarding requirements and data requests placed on technology companies and media organizations), (h) strengthen global solidarity, capacity-building and development assistance, (i) promote political participation, (j) prioritize inclusive, public-interest research, (k) foster a critical and informed public discourse and (l) empower children, parents, guardians and educators<sup>69</sup>.

These global policy frameworks should not be seen as unrealistic ideals. Rather, they underscore the importance of protecting information access and integrity as a fundamental right. Comprehensive efforts to these UN standards highlight the interconnectedness between access to information, information integrity, human rights and democratic governance. While many of these policy agendas primarily aim at combating information manipulation, they are also encouraging state actors to guarantee timely and transparent access to public data for accountability and human rights purposes.

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<sup>68</sup> United Nations, Our Common Agenda Policy Brief 8: Information Integrity on Digital Platforms, June, 2023, p.22. <https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-information-integrity-en.pdf> .

<sup>69</sup> United Nations, United Nations Global Principles For Information Integrity: Recommendations for Multi-stakeholder Action, June 2024, pp.34-37. <https://www.un.org/sites/un2.un.org/files/un-global-principles-for-information-integrity-en.pdf> . Also see “Press release: UN launches recommendations for urgent action to curb harm from spread of mis- and disinformation and hate speech”, June 24, 2024. <https://www.un.org/sites/un2.un.org/files/global-principles-information-integrity-press-release.pdf> .

As this report studies so far, the Hong Kong government's current regulatory framework on information access, along with its responses as well as reprisals to the exercise of the right to information freedom by citizens and civil groups, does not meet these UN standards. Departing from these international benchmarks – designed to strengthen protection of the right to information access -- Hong Kong not only erodes freedom of expression, but also weakens its attractiveness to global investors who value freedom of information, transparency and fair competition.

## **4.2 Weakening press freedom**

Journalists in Hong Kong are working under increasingly difficult conditions, facing direct censorship or self-censorship, as well as various forms of harassment, the forced and voluntary closure of several local news outlets. In addition, international journalists were denied visas, and major global media outlets have either left Hong Kong or reduced their presence due to growing risks to their operations in the city.

### 4.2.1 Censorship

Journalist “Bernard”, who works for the local edition of an international news site, said that editors have various ways to downplay sensitive stories. They could kill the stories, publish the stories but avoid actively promoting them, or place them in obscure sections of the website to limit visibility. For instance, “Bernard” said his editors decided not to report on government's blocking of diaspora magazine “Flow Hong Kong as the magazine's editorial board included activists wanted by the Hong Kong government:

*“We often have good stories that we could report on, but we have to ask the senior management if we could write them. Most of the time they would ban it. Or there could be news stories that we could publish, but we could not issue a push notification or put the stories on the visible area of the website,” --*  
*“Bernard”.*

“Jacky”, who runs a small, single-issue online media, also admitted that he has reduced the number of interviews and topics covering politically sensitive figures and events to prevent being targeted by the authorities.

#### 4.2.2 Attack on the Hong Kong Journalists Association (HKJA)

Since 2021, Hong Kong Secretary for Security Chris Tang repeatedly criticised the HKJA. In September, Tang accused the press group of “breaching professional ethics” for advocating the idea that “everyone is a journalist.”<sup>70</sup> He further demanded that the HKJA to disclose its funding sources, its membership list and the organisations they work. Later on, in January 2022, Hong Kong’s Registry of Trade Unions (RTU) has launched a probe into the HKJA, requiring HKJA to explain how its activities – such as film screenings, book events and social media posts – aligned with its official objectives<sup>71</sup>. In September 2023, then-HKJA head Ronson Chan was sentenced to five days in prison for obstructing a police officer while reporting in September 2022<sup>72</sup>. He was granted bail pending appeal.

In June 2024, Tang again publicly criticised the HKJA as it was holding an election for its new executive committee. Following the election, four executive committee members resigned<sup>73</sup>. Shortly after, the newly elected chair, Selina Cheng, was fired by the Wall Street Journal after her supervisor requested her before the election to

<sup>70</sup> Candice Chau, “Hong Kong press group says security chief request for funding info would be illegal, urges him to stop airing ‘false’ claims”, Hong Kong Free Press, September 15, 2021. <https://hongkongfp.com/2021/09/15/hong-kong-press-group-says-security-chief-request-for-funding-info-would-be-illegal-urges-him-to-stop-airing-false-claims/>

<sup>71</sup> Candice Chau, “Unions registry demands answers from Hong Kong Journalists Assoc. over film screenings, book events, social media posts”, Hong Kong Free Press, January 21, 2022. <https://hongkongfp.com/2022/01/21/unions-registry-demands-answers-from-hong-kong-journalists-assoc-over-film-screenings-book-events-social-media-posts/>

<sup>72</sup> Hilary Leung, “Head of Hong Kong journalist group Ronson Chan sentenced to 5 days’ jail over obstructing police officer while reporting”, Hong Kong Free Press, September 25, 2023. <https://hongkongfp.com/2023/09/25/breaking-head-of-hong-kong-journalist-group-ronson-chan-found-guilty-of-obstructing-a-police-officer-while-reporting/>

<sup>73</sup> 勞顯亮, 李穎霖, “記協主席鄭嘉如遭《華爾街日報》辭退 稱曾被施壓勿參選”, HK01, July 17, 2024. <https://www.hk01.com/%E7%A4%BE%E6%9C%83%E6%96%B0%E8%81%9E/1039023/%E8%A8%98%E5%8D%94%E4%B8%BB%E5%B8%AD%E9%84%AD%E5%98%89%E5%A6%82%E9%81%AD-%E8%8F%AF%E7%88%BE%E8%A1%97%E6%97%A5%E5%A0%B1-%E8%BE%AD%E9%80%80-%E7%A8%B1%E6%9B%BE%E8%A2%AB%E6%96%BD%E5%A3%93%E5%8B%BF%E5%8F%83%E9%81%B8> .

withdraw from the race<sup>74</sup>. Government officials' public attacks against the HKJA reflects a broader hostility towards journalistic workers. These pressure creates a chilling effect on individual journalists and media outlets from taking part in the journalists' union, out of fear that it could be regarded as an act of dissent. This is inevitably a threat to press freedom, free speech and labour rights of journalists in Hong Kong.

#### 4.2.3 Harassment

In September 2024, the HKJA released the results of its own survey, disclosing what appears to be a systematic and organised campaign of harassment against journalists in the city. Dozens of journalists, their family members, or their family members' employers, as well as neighbours and associates, have been targeted online and offline, according to the HKJA<sup>75</sup>. Our interviews further uncovered how such harassments and intimidations work in detail:

In mid-2024, "Bernard" started to notice an orchestrated campaign of complaints sent to the sales department, specifically targeting the middle management of his workplace who oversee content and the news team.

"Picard", a freelance photojournalist with works published by news agencies and online media, reported that a bank began questioning him about financial transactions – specifically payments from a local news outlet targeted by harassers. His family also experienced harassment, ultimately leading him to leave the industry.

"Charlie" recalled being followed for two hours after taking photos at the Hong Kong Museum of History for an exhibition about national security. Before the stalking began, a stranger approached him to ask if he worked for a particular news outlet.

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<sup>74</sup> Ibid.

<sup>75</sup> "Hong Kong journalists trolled and harassed, families and associates threatened Hong Kong Journalists Association: this is a serious interference with press freedom, bullying should never be tolerated", Hong Kong Journalists Association, September 13, 2024. <https://hkja.org.hk/en/press-release/hong-kong-journalists-trolled-and-harassed-families-and-associates-threatened%E3%80%80hong-kong-journalists-association-this-is-a-serious-interference-with-press-freedom-bullying-should-never-be-to/>.

“Conan”, an independent journalist with a large following online, said that doxxing of reporters and editors was widely known within the industry, and in many cases, threatening letters were sent to the workplaces or schools of their family members.

The HKJA has reported its findings to the Hong Kong Police and the Office Of The Privacy Commissioner For Personal Data (PCPD)<sup>76</sup>. Hong Kong police said they would handle each reported case in accordance with the law. The PCPD confirmed that it had received one complaint which it was currently investigating. As of now, no arrests or charges have been made in connection with the reported harassment of journalists.

#### *4.2.4 Journalists denied visa and media leaving Hong Kong*

The Hong Kong Immigration Department has broad discretionary power to deny visas without providing any explanation. The denial of British lawyer Timothy Owen’s visa to represent Jimmy Lai serves as a significant case, as it showed any decision on immigration could be made by the CSNS, an organisation in the Hong Kong government which its decision could not be challenged by court<sup>77</sup>. The decision by the Committee was made after an interpretation by Beijing on the HKNSL.

Such broad powers of immigration are not uncommon even in liberal democracies. However, the case of Hong Kong reveals that a pattern of visa denials targeting foreign journalists since the introduction of the HKNSL. Multiple journalists have been denied working visa even after having lived and worked in Hong Kong for years. In September 2024, it was reported that Louise Delmotte, an award-winning French photojournalist working for Associated Press was denied entry to Hong Kong

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<sup>76</sup> Jessie Pang, “Hong Kong press group says dozens of journalists harassed”, Reuters, September 16, 2024. <https://www.reuters.com/world/asia-pacific/hong-kong-journalist-group-says-dozens-journalists-harassed-2024-09-13/> .

<sup>77</sup> James Lee, “Courts have no jurisdiction over nat. security committee, judges rule amid Jimmy Lai’s bid to challenge foreign lawyer ban”, Hong Kong Free Press, May 1, 2024. <https://hongkongfp.com/2024/05/01/courts-have-no-jurisdiction-over-nat-security-committee-judges-rule-amid-jimmy-lais-bid-to-challenge-foreign-lawyer-ban/> .

months after her work visa extension was rejected by the city's immigration authorities<sup>78</sup>.

In March 2024, Radio Free Asia, a news outlet funded by the US government, announced the closure of its Hong Kong bureau and the termination of full-time staff contracts, citing concerns over staff safety following repeated government criticism<sup>79</sup>. Also, in May 2024, the Wall Street Journal announced staff cuts at its Hong Kong bureau, stating that it was shifting its “center of gravity in the region” to Singapore<sup>80</sup>.

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<sup>78</sup> “Associated Press photojournalist denied entry to Hong Kong after visa renewal rejected”, Hong Kong Free Press, September 24, 2024. <https://hongkongfp.com/2024/09/24/associated-press-photojournalist-denied-entry-to-hong-kong-after-visa-renewal-rejected/>

<sup>79</sup> “為確保員工安全 本台關閉成立 28 年香港辦事處”, Radio Free Asia, March 29, 2024. <https://www.rfa.org/cantonese/news/us-rfa-03292024151945.html>

<sup>80</sup> Erin Hale, “Wall Street Journal cuts Hong Kong staff, shifts focus to Singapore”, Al Jazeera, May 3, 2024. <https://www.aljazeera.com/economy/2024/5/3/wall-street-journal-cuts-hong-kong-staff-shifts-focus-to-singapore>

**Table 2. List of journalists denied visa**

<b><u>Name</u></b>	<b><u>News outlet</u></b>	<b><u>Date of denial reported</u></b>	<b><u>Response</u></b>
Chris Buckley	The New York Times	July 14, 2020	The denial was revealed as The New York Times announced it would move its Hong Kong office to Seoul.
Aaron Mc Nicholas	Hong Kong Free Press	August 27, 2020	Mc Nicholas was in Hong Kong when denial was made. The denial came after a six-month wait.
Sue-Lin Wong	The Economist	November 13, 2021	Wong was not in Hong Kong when the denial was made. She moved to the UK.
Haze Fan	Bloomberg	August 20, 2024	Fan was previously detained in mainland China. She moved to the UK.
Louise Delmotte	Associated Press	September 24, 2024	Delmotte was in Hong Kong when her visa renewal denied by authorities earlier in 2024. She was also barred from entering Hong Kong as a tourist on September 14, 2024 without explanation. She was sent back to France on a plane a few hours after her entry was denied.



### 4.3 Diminishing free speech and free expression

Speech-related prosecutions have become rampant in Hong Kong with the use of sedition laws. Since 2020, members of the public were charged with sedition for statements made on the popular LIHKG forum<sup>81</sup> and on Facebook<sup>82</sup>, among other platforms. One year after, rather than relying solely on the HKNSL, the authorities have increasingly turned to sedition laws against ordinary citizens to establish a “new status quo” of repression, as legal scholars observed a shift in strategy<sup>83</sup>.

Sedition laws remain an outstanding tool for the government’s information control and censorship. After the passage of the SNSO, the scope and punishment of the offences of sedition was further expanded. In September 2024, a Hong Kong man was sentenced to 14 months in jail after pleading guilty to sedition for wearing a T-shirt with a protest slogan<sup>84</sup>— a severe penalty that reflected recent legal changes. Just earlier in the year, he had received only a three-month sentence for similar conduct, including possession of clothing with protest slogans<sup>85</sup>. The stark contrast between the two sentences underscores how revisions to the SNSO have paved the way for harsher penalties, chilling peaceful protest and undermining free speech in the city.

As analysed above, the Hong Kong government successfully sought a Court of Appeal injunction to ban protest song “Glory to Hong Kong” in May 2024. Following

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<sup>81</sup> Kelly Ho, “Hong Kong man pleads guilty to posting ‘seditious’ statements on online forum”, Hong Kong Free Press, March 22, 2024. <https://hongkongfp.com/2024/03/22/hong-kong-man-pleads-guilty-to-posting-seditious-statements-on-online-forum/> .

<sup>82</sup> “Hong Kong charges six people under homegrown national security law”, Al Jazeera, May 28, 2024. <https://www.aljazeera.com/news/2024/5/28/hong-kong-charges-six-people-under-new-national-security-law>

<sup>83</sup> Thomas E, Kellogg and Charlotte Yeung, “Three Years in, Hong Kong’s National Security Law Has Entrenched a New Status Quo”, ChinaFile, September 6, 2023. <https://www.chinafile.com/reporting-opinion/viewpoint/three-years-hong-kongs-national-security-law-has-entrenched-new-status> .

<sup>84</sup> Fan Wang, “Hong Kong man jailed for ‘seditious’ T-shirt”, BBC News, September 19, 2024. <https://www.bbc.co.uk/news/articles/c0m0v99pd3vo> .

<sup>85</sup> Hans Tse, “Man jailed for 3 months over wearing ‘seditious’ shirt with protest slogan at Hong Kong airport”, Hong Kong Free Press, January 10, 2024. <https://hongkongfp.com/2024/01/10/man-jailed-for-3-months-over-wearing-seditious-shirt-with-protest-slogan-at-hong-kong-airport/> .

the ruling, YouTube complied with the court decision and geo-blocked 32 web links featuring the song within the city. No party has filed an appeal against the injunction.

The song's creators, known as DGX Music, revealed in May 2024 that Scotland-based digital music distributor EmuBands removed the song from streaming platforms such as Apple Music and Spotify<sup>86</sup>, in compliance with the court order. DGX Music then attempted to distribute the song through US distributor DistroKid, but it was removed again in June 2024<sup>87</sup>. DistroKid did not give an explanation.

In August 2024, DGX Music criticised distribution companies in the UK, the US and Canada bowing to the pressure from China, as the original version of the song had completely disappeared from all streaming platforms<sup>88</sup>. That said, various remix versions and performances of the song could still be found on music streaming platforms and YouTube.

#### **4.4 Incapacitating CSO's "watchdog" role**

The Hong Kong police have alleged that the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, which organised annual vigils to commemorate victims of the 1989 Tiananmen Massacre, was a foreign agent, as members of the Alliance was charged and convicted for their refusal to comply with a request for information issued by the police<sup>89</sup>. It was never revealed what the Alliance is a foreign agent for. In an appeal to the High Court, Judge Anna Lai upheld

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<sup>86</sup> AFP, "Glory to Hong Kong: Distributor removes Hong Kong protest song from Spotify, Apple Music after court order", Hong Kong Free Press, May 25, 2024. <https://hongkongfp.com/2024/05/25/glory-to-hong-kong-distributor-removes-hong-kong-protest-song-from-spotify-apple-music-after-court-order/>

<sup>87</sup> Hans Tse, "Protest song 'Glory to Hong Kong' removed from streaming platforms again", Hong Kong Free Press, June 7, 2024. <https://hongkongfp.com/2024/06/07/protest-song-glory-to-hong-kong-removed-from-streaming-platforms-again/>

<sup>88</sup> Luk Nam Chot, "Apple, Spotify take down banned Hong Kong protest anthem", Radio Free Asia, August 22, 2024. <https://www.rfa.org/english/news/china/glory-to-hong-kong-banned-spotify-08222024141134.html>

<sup>89</sup> James Lee, "Hong Kong court upholds Tiananmen vigil organisers' convictions over national security data request", Hong Kong Free Press, March 14, 2024. <https://hongkongfp.com/2024/03/14/breaking-hong-kong-court-upholds-tiananmen-vigil-organisers-conviction-over-national-security-data-request/>

their convictions, stating that she agreed with the lower court's ruling that the prosecution "need not prove the person or organisation is as a fact a foreign agent."<sup>90</sup> As such, any individuals, organisations, or news outlets could be seen as foreign agents and be charged, and the prosecution would not even need to prove their claim.

In 2025, the CFA overturned the lower courts' decision and ruled that the police had excessively redacted key evidence in the prosecution of members of the Alliance, rendering a fair trial impossible. The CFA highlighted that large portion of the documents—some entirely blacked out—were concealed under claims of "Public Interest Immunity" (PII).<sup>91</sup> Despite this decision, the government has a record of circumventing CFA rulings by modifying legal provisions to lower the evidentiary threshold. A pattern of indirect non-compliance has been observed, where unfavourable judicial rulings prompt legislative changes rather than genuine adherence to court decisions. Given this precedent, it is reasonably anticipated that future prosecutions of civil society organisations (CSOs) will rely on Schedule 7 of the National Security Law Implementation Rules instead of Schedule 5, effectively reducing the burden of proof required for obtaining sensitive information. This strategic legal manoeuvring not only undermines judicial oversight but also exacerbates the chilling effect on civil society organisations, further restricting information freedom and public accountability.

At the same time, the CFA ruling affirmed an expansion of police investigative powers under national security ground, effectively granting broader law enforcement authority to demand information from organisations, even for activities that occurred before NSL came into effect<sup>92</sup>. The ruling underscores a concerning contradiction: while the CFA reaffirmed procedural fairness in prosecutions, it simultaneously strengthened police discretion in compelling information disclosure. The decision not only leaves civil society organisations vulnerable to retrospective investigations but

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<sup>90</sup> *HKSAR v. Chow Hang Tung and others* [2024] HKCFI 1366 §29.

<sup>91</sup> *HKSAR v. Tang Ngok Kwan and others* [2025] HKCFA 3

<sup>92</sup> *Ibid* §62-68

also signals judicial approval of expansive police powers under the National Security Law, further entrenching an opaque and repressive information control regime.

In terms of civil society's government data request, "William", who works on the CivicSight, said that while Hong Kong government departments have consistently answered questions filed through the AccessInfo platform, there is growing concern politically sensitive requests or increased visibility of the platform may lead to government retaliation or even shutdown. "It may become a victim of its own success," he remarked.

"William" also work on a project relating to migrant rights in Hong Kong, and he observed that migrant workers were "too scared" to speak to researchers, who have to use codenames or secure communication tools such as Protonmail to protect their anonymity. Many only respond to researchers introduced through a trustworthy middle person, he said. In some cases, a UK-based researcher, who is able to use their real names, would get more responses than local researchers.

"John", a researcher and a former District Council member in Hong Kong who now living in exile, said he noticed that the diaspora community would not want to participate in any surveys conducted by universities in Hong Kong, fearing misuse of their personal data. People also hesitate to access archives at universities or the official archives in Hong Kong, because they do not want to leave any trace of searching for politically sensitive materials.

"Hyaku", a grassroots rights activist, said District Council members were once open to receiving protests or opinion letters submitted by activists, but this is no longer the case under the new political environment. The members no longer care about complaints from residents even if they made it to the press, because the members did not come to power through an open and fair election, he said. Government officials also put little focus on livelihood issues.

“X”, who works for a privately-funded foundation in Hong Kong, recounted that the foundation has received anonymous letters alleging that an academic event it sponsored had violated HKNSL. As a result, no representative from the foundation attended the event. A likely reason was that the foundation made it public that it sponsored Liber Research Community, a group that investigates land use issues and has often been critical of the Hong Kong government.

#### **4.5 Limitation on financial data**

Financial analysts rely on Hong Kong’s freedom of information to make informed decisions on the market, and thus protect fair competition, transparency of the market, as well as an open and vibrant investment environment. That said, in March 2021, the Hong Kong government has imposed increasing restrictions on financial data access, concealing residential addresses of private company directors and company secretaries and their full identification numbers on the Companies’ Registry<sup>93</sup>. Then-Chief Executive Carrie Lam defended the amendments as a measure to protect personal privacy, she excluded journalists from the list of individuals allowed to obtain company records.

“I don’t think the public needs to know where a director sleeps at night – that is a matter of personal security,” shareholder activist David Webb told the Hong Kong Free Press. “But they do need to know exactly who the director is, and only a full, unique ID number can achieve that.”<sup>94</sup>

In July 2023, the Hong Kong Stock Exchange (HKEX) removed a requirement for companies to disclose China-related risks in their listing applications<sup>95</sup>. According to sources cited by Reuters, the China Securities Regulatory Commission (CSRS) met

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<sup>93</sup> Candice Chau, “Hong Kong to block public access to private company information”, Hong Kong Free Press, March 30, 2021. <https://hongkongfp.com/2021/03/30/hong-kong-blocks-public-access-to-private-company-information/> .

<sup>94</sup> *Ibid*

<sup>95</sup> Selena Li and Kane Wu, “Hong Kong cuts China-risk section in listing rules, but says scrutiny unchanged”, Reuters, August 2, 2023. <https://www.reuters.com/markets/asia/hong-kong-removes-requirement-flag-china-risk-listing-applications-2023-07-31/> .

with local lawyers one day before HKEX issued a consultation paper, instructing them to “refrain from including negative descriptions of China's policies or its business and legal environment in companies' listing prospectuses”.

In May 2024, China first suspended live access to the northbound trading data from Hong Kong, meaning investors buying and selling shares listed on the Shanghai and Shenzhen exchanges and trades conducted through the Hong Kong Stock Connect trading link would not be available instantly, and would only be published daily, with the official justification to stem volatility and reduce speculation, according to the Financial Times<sup>96</sup>. In August 2024, such data was further limited to only available on a quarterly basis<sup>97</sup>.

Analyst “K” expressed uncertainty about whether the restriction was purely driven by market stability or national security considerations:

*“If there is no information freedom, the price of stocks cannot be set properly, and affects the operation of the stock market.”*

Hong Kong has historically served as a crucial base for foreign investors seeking financial information in China, given the lack of transparency on the mainland, “K” warned that further limits on access of financial data in Hong Kong will have a significant effect on investing. If Hong Kong further restricts access to its companies database using national security laws, it will jeopardise the willingness of investors investing in Hong Kong, he added.

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<sup>96</sup> Cheng Leng, “China reduces access to live data on share trades by foreign investors”, Financial Times, May 13, 2024. <https://ft.com/content/b1d18c4e-1c7d-47c5-a966-9c0a7217a42e>.

<sup>97</sup> Arjun Neil Alim, “Beijing restricts trading data as foreign investors flee Chinese stocks”, Financial Times, August 19, 2024. <https://www.ft.com/content/6e7a4129-d365-4905-8d9b-cc3f5ada5187>.

## **5. Remedies**

The erosion of Hong Kong's environment of information access highlights the interconnections between safeguarding information freedom, freedom of expression, media freedom and maintaining an open and democratic society. That said, this report acknowledges that democratic reform in Hong Kong is unlikely to occur in the near future. Therefore this report proposes a series of remedial actions for the Hong Kong government, the private sector, civil society and international community to improve information freedom in the city. It is hoped that stakeholders, especially the Hong Kong government, will take these recommendations into considerations as a first step towards rebuilding Hong Kong's governance and international reputation.

### ***5.1 For the Legal System***

Enacting an Archive Law and a Freedom of Information Law would be a first step to ensure freedom of information being secured in Hong Kong, so that the government would be subject to public monitoring, preventing the destruction or unjustified withholding of public records. The bills should be in full compliance with Hong Kong's constitutional obligations to implementing the ICCPR and ICESCR pursuant to Article 39 of the Basic Law, Article 4 of the Hong Kong National Security Law and Section 2(b) of Safeguarding National Security Ordinance.

The Hong Kong CFA should reverse the court of appeal's rulings that unjustifiably limited flow of information or created a climate of fear, such as the ban on the protest song "Glory to Hong Kong", with reference to Hong Kong's international human rights obligations rather than unreservedly relying on the misused principle of national security deference.

### ***5.2 For the Executive Government***

Following the recommendations of the UN Human Rights Committee in 2022, the Hong Kong government should take immediate steps to halt the enforcement of the

illiberal laws, including the HKNSL and the SNSO, alongside the executive powers of requesting service providers to block websites from public access.

They should align with the opinion of UN High Commissioner for Human Rights Volker Türk, who has urged the Chinese government to repeal the HKNSL and amend the SNSO so that it is “clear in scope and definition” and conform to Hong Kong’s international human rights obligations<sup>98</sup>.

They should take concrete steps to prevent harassments targeting journalists, academics and civil society groups, in order to dismantle the climate of fear in the city. This recommendation echoes the concluding opinions of the UN Human Rights Committee in 2022 and the Committee on Economic, Social and Cultural Rights in 2023.

They should amend existing executive and regulatory frameworks of access to public data following the recommendation of the proposed UN Code of Conduct for Information Integrity on Digital Platform in 2023 and the UN Global Principles for Information Integrity in 2024, ensuring these frameworks are up-to-date and in alignment with international standards and best practices.

They should reconsider visas or entry denials for international journalists and observers who were arbitrarily barred from Hong Kong. They should be prudent in exercising the powers of visa denial under the jurisdiction of the Immigration Department and the Committee for Safeguarding National Security. Above all, they should enable an environment that welcomes and allows independent media to thrive in the region.

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<sup>98</sup> “Hong Kong SAR: Türk deplores use of national security laws”, Office of the High Commissioner for Human Rights, May 31, 2024. <https://www.ohchr.org/en/press-releases/2024/05/hong-kong-sar-turk-deplores-use-national-security-laws>



They should fully respect and comply with the decision of the Court of Final Appeal against individuals accused as foreign agents by national security authorities without requiring the burden of proof by the prosecution.

### ***5.3 For Business Corporations, Chambers and Investors***

The Hong Kong government should provide greater clarity on what constitutes “state secrets” under the current national security legislations so that the financial sector would not unintentionally reveal so-called state secrets.

Foreign businesses and chambers of commerce should review their engagement strategy with the Hong Kong government. They should express their concerns about the implementation of the HKNSL and the SNSO and its impact on Hong Kong’s status as an international financial centre where appropriate and safe to do so. They should update safety guidance for executives and foreign personnel travelling to Hong Kong to align with protocols for Mainland China. They should also review their communication and safety guidance and policy for offices and staff working in Hong Kong. They should maintain contact with their respective governments and call for a hotline for businesses to report targeting under the NSL and the SNSO.

Foreign technology companies should review and implement robust policies and procedures to prevent unauthorised sharing of user data with the Hong Kong national security police, which could put staff, clients, and other individuals at risk. They should also regularly release transparency reports to the public and disclose the number and nature of data requests made by the Hong Kong authorities, and reasons of compliance or rejections thoroughly.

### ***5.4 For Civil Society***

The Hong Kong government should re-adopt a constructive approach towards civil society and provide clarity on the legal definition of “foreign agents” under the current

legislations to prevent members of the civic society being inadvertently classified as foreign agents.

Members of the Hong Kong civic society should work together to share experiences and strategies to handle the challenges faced by them, so that various groups could keep up with the latest developments and coordinate efforts to address threats to free expression and public data access.

Civil society organisations concerning Hong Kong should develop resilience strategies to safeguard exercising of freedom of information. Use of censorship-resistant tools, such as blockchain and IPFS, could be explored to preserve and archive essential open-source public data for monitoring conducts and accountability of public bodies, in order to sustain good governance, free information access and the rule of law in Hong Kong.

Global civil society actors, ranging from international non-profit organizations to funding institutions, shall provide adequate resources and trainings to groups that sustain and contribute to the information supply chain in Hong Kong by warranting democratic and human rights discourse that can remain available and transferable to the Hong Kong in-territory and diasporic communities, and by building capacities of protecting free expression from information manipulation.

### ***5.5. For International Bodies***

UN treaty bodies responsible for monitoring the implementation of UN human rights conventions applicable in Hong Kong should take into account Hong Kong's deteriorating state of information freedom and of free speech in follow-up review and concluding observations on Hong Kong.

UN special procedures mandate holders, in particular special rapporteur on the right to education, on the promotion and protection of the right of freedom of opinion and

expression, on the rights to freedom of peaceful assembly and of association, on the situation of human rights defenders, on the independence of judges and lawyers, and the working group on business and human rights, should explicitly address the erosion of free speech and free information access in Hong Kong and the roles of the Hong Kong government and business corporations in such erosion, in their reports to the UN Human Rights Council, as well as their respective official communication letters to the Chinese authorities.

UNESCO should include Hong Kong, China as a data point in their annual report that examines the adoption and implementation of regulatory framework of access to information in light of international standards, highlighting Hong Kong's failure to safeguard access to information and proposes specific remedies for Hong Kong and China.

## Conclusion

The erosion of information freedom in Hong Kong reflects a broader shift away from transparency, accountability, and open governance. The findings of this report has demonstrated how the Hong Kong National Security Law (HKNSL) and the Safeguarding National Security Ordinance (SNSO), alongside other legislative and regulatory measures, have severely restricted public access to information, weakened press freedom, and undermined civil society's ability to hold authorities accountable. The new national security regime have introduced vague and overbroad offenses, facilitated arbitrary deprivation of liberty, and expanded the extraterritorial application of national security laws, further chilling free expression and disrupting information supply chain both within and beyond Hong Kong's borders.

Access to information is not only a fundamental human right but a cornerstone of democratic governance. International standards, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), affirm the necessity of safeguarding this right. However, Hong Kong's evolving legal and political landscape has systematically dismantled mechanisms that once ensured public scrutiny of government actions, creating an opaque and repressive information landscape. The removal of public records, increasing barriers to journalistic work, and systematic denial of data requests have further exacerbated the risks posed by state-imposed information control.

The implications of these restrictions extend beyond journalists and researchers—they directly impact businesses and financial institutions, legal professionals, academics, and the general public. The weakening of corporate transparency and financial data accessibility undermines Hong Kong's role as an international financial hub. The curtailment of press freedoms has led to the self-censorship of independent media, while the broader criminalisation of speech and association has restricted civil society's ability to function effectively. International organisations, journalists, researchers and human rights defenders now face heightened risks of legal

repercussions, even outside Hong Kong, due to the extraterritorial reach of security laws.

Despite these challenges, this report outlines key strategies to restore and safeguarding information freedom in Hong Kong and for Hong Kong. While Hong Kong's democratisation has been halted since 2014 and the security regime serves as the main driver of the city's autocratisation process, legal reforms, including the enactment of an Archive Law and a Freedom of Information Law, are critical first steps toward restoring public confidence in information governance. Executive and legislative transparency mechanisms must be strengthened to ensure that government data remains accessible and that public institutions operate under meaningful oversight. The private sector and international community also have key roles to play in upholding digital rights, resisting political pressures to enable censorship, advocating for independent journalism, and build stakeholders' capacities in aiding a free and open information environment.

As the landscape of information access in Hong Kong continues to shift, it remains imperative for civil society, business leaders, international organisations, and policymakers to push for greater accountability and adherence to international human rights standards. Without these efforts, the continued suppression of information access will not only erode Hong Kong's fundamental freedoms but also undermine its long-term stability, economic competitiveness, and global standing. This report serves as both a documentation of these challenges and a call to action—reaffirming that the right to seek, receive, and impart information remains a fundamental principle of good governance and realisation of universal human dignity, and overall, a common good to peace, liberty and stability in contemporary society.