The Unfreedom Monitor

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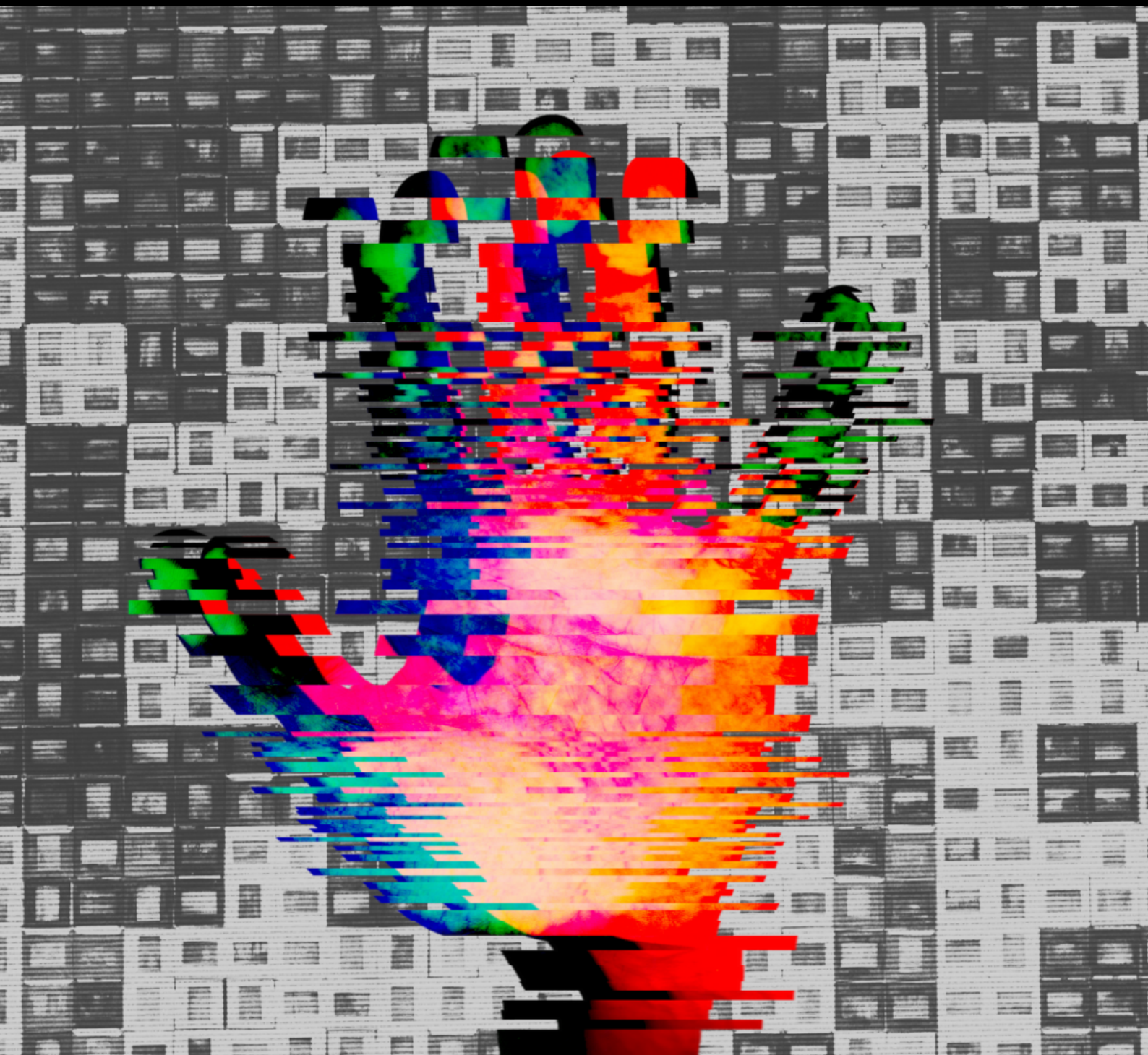
A Methodology for Tracking Digital Authoritarianism Around the World

HONG KONG

COUNTRY REPORT



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Acknowledgements

The Unfreedom Monitor is the collective work of dozens of researchers and writers spread across multiple countries and working in time zones. Desk research was supported by colloquia and research assistance from the Global Voices community. In the interests of security, the names of all the team members have been withheld in this report. For citation purposes, the report can be attributed to "Global Voices Advox." Any errors or omissions should also be addressed to Advox at advox@globalvoices.org. Funding for this project was provided by the Deutsche Welle Academie (DW) which in turn received funding from the Federal Republic of Germany through the BMZ, as well as by other Global Voices supporters, a list of which can be found on our sponsors page.

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EXECUTIVE SUMMARY

At the time of this report, tools of digital authoritarianism may not be as directly and overtly employed as in China, but Hong Kong has seen a drastic shift in discourses and state narratives in relation to press freedom and freedom of expression. The National Security Law (NSL), which was introduced in June 2020 by the Chinese government in response to the 2019 social unrest, has changed the condition and environment for media workers, including journalists and publishers, for civic and political organisations, such as unions and political parties, as well as for citizens in both online and offline spaces.

"In connection with the social distancing measures introduced for the COVID-19 pandemic, the NSL has been effectively weaponised to stifle dissent, remove the political opposition, and harmonise the media landscape ."

Following the principle of "One Country, Two Systems," Hong Kong has for long enjoyed a high degree of autonomy, which granted its citizens a wide range of civil and political rights and freedoms, including press freedom, freedom of expression, and freedom of opinion. Publications critical of the local government or the Communist Party of China were not subject to censorship, and access to the internet, including social media platforms, remained largely unregulated. However, the new provisions under the NSL to safeguard national security have made interventions more common, for instance in the form of content removal requests.

The information and communications technology (ICT) infrastructure of the city is widely regarded as very advanced, boasting high internet penetration rates and high-speed connectivity. Hong Kong is also an important nodal point in the Asia-Pacific region for intercontinental submarine data cables. However, the concern over the NSL may impact further infrastructure projects in this field.

The recent years have seen a coordinated effort by Hong Kong and Chinese authorities to delegitimise any form of criticism or dissent by defending the NSL with the "rule of law" principle, which has been integral to the city's role as international finance and trading hub. "Rule of law" usually implies the institutional independence of the judiciary and the expectation of the public that everyone in society — citizen, government, authorities — are treated equally before the law. This meaning is often contrasted with the "rule by law" principle, which sees law primarily as a tool for governance to assert control. Framing the NSL as an outcome of a diligent legislation process, foreign governments, NGOs, and news organisations are now instantly accused of smearing the local government or meddling with domestic affairs (which in itself could be a criminal offence under the NSL) when commenting critically on that issue. Meanwhile, local media organisations have folded under increasing pressure from the increased investigative powers of the Hong Kong Police Force. In connection with the social distancing measures introduced for the COVID-19 pandemic, the NSL has been effectively weaponised to stifle dissent, remove the political opposition, and harmonise the media landscape. It is expected that the environment for press freedom and freedom of expression in Hong Kong will further deteriorate in the foreseeable future, and that methods and tools of digital authoritarianism in the region will steadily align with practices in mainland China.

BACKGROUND

Hong Kong is widely perceived as a technologically advanced city, an image that has been further influenced by the city's cyberpunk-stye representations in popular culture. However, the city has a slightly mixed track record when it comes to its ability to nurture technological innovation and digitalisation. The official narratives usually describe Hong Kong as an advanced information society and a major trading hub for information and communication technology, which is usually underlined by its high ICT penetration rates (Census and Statistics Department). The recent Digital Intelligence Index by Tufts University sees Hong Kong as one of three "super-Stand Outs," digital economies with high technological adaptability, an advanced infrastructure, and a high degree of digital trust (Chakravorti et al.). The city is also often described as a major telecommunications hub in the Asia-Pacific region (Huston). As of March 2022, Hong Kong is connected to 12 submarine cables, 21 overland cables to mainland China and 9 satellites (Perez; Office of the Communications Authority); however, recent concerns over new national security legislation have led foreign companies to reconsider future cable plans (AFP).

On the other hand, some perceive Hong Kong as lagging when it comes to maintaining a momentum of innovation. For decades, the city has tried to position itself as being an ideal destination for ICT startups, but government-backed incubators such as Cyberport or Science Park have been described as "bureaucratic misadventures" (Vines). Meanwhile, authorities have been hesitant to accommodate disruptive technologies. Ride-hailing platforms such as Uber, which entered the local market in 2014, continue to operate in a legally grey area, as authorities try to balance the interests of influential lobbying groups from traditional yet politically influential trades (Liu). The city has also been slow in paving the way for environmentally friendlier traffic solutions, such as e-bikes, e-scooters, or electric vehicles used in public transport (Ockenden). The banking sector in Hong Kong also remains highly regulated, and online banks were only properly licensed in 2020 (Yiu).

In some industries, digitalisation and innovation have either been progressing slowly or have stalled due to an over-regulatory environment. In the late 1990s, Hong Kong was seen as a pioneer in practical innovations with the introduction of a multi-functional mass transit card, which was soon adopted as a widely accepted electronic payment method in the city and also inspired similar systems around the world (Lam). However, a digital overhaul only occurred recently when the pressure of a more flexible e-payment standard from mainland China made a reaction necessary (Zeng).

Given the principle of One Country, Two Systems, Hong Kong can set its own standards to regulate access and filter information, and is not obliged to follow China's stringent censorship methods. Until recently, content on the web remained almost entirely unrestricted. Platforms such as WhatsApp, Instagram, Google, and Facebook, which are unavailable in China, continue to be unaffected, and are also the more commonly used platforms in the territories when compared to applications from the mainland (Standard Insights and Digital Business Lab). However, with the introduction of the NSL in June 2020, which will be discussed in greater detail later in this report, instances of censorship have happened more frequently. Several websites affiliated with political parties or movements deemed to be a threat to national security have been blocked (Mozur and Krolik). Meanwhile, the company ByteDance decided to withdraw the international version of TikTok from Hong Kong, and

Disney+ has removed several episodes of The Simpsons with references to China from its Hong Kong streaming portal (Haldane; Reuters). A recent report also traced that a large number of VPN applications have been removed from the Apple app store, and Hong Kong's is already the store with the third-highest number of disabled apps, behind China and Russia (Apple Censorship and GreatFire).

Since the beginning of the COVID-19 pandemic in 2020, Hong Kong has experienced a rapid expansion of e-governance and digital surveillance tools. The Leave Home Safe app, which soon became compulsory for anyone who entered shops, government offices, or restaurants, was used for extensive contact-tracing and also raised widespread concerns over privacy (Li). In the meantime, other government services became centralised via the "iAM Smart" app, which bundles accounts across various branches and departments (D. Tsang). In 2018 the Hong Kong government also started to roll out a new generation of ID cards with built-in radio frequency identification (RFID) and high-resolution pictures suitable for facial recognition (McCarthy). Since March 2022, mobile phone SIM cards also require real-name registration (Chau).

In recent years Hong Kong has also shown less commitment to open government in relation to public access of information. In 2021 the Hong Kong government further redacted personal information from the Companies Registry, which made it more difficult to precisely identify company owners (Webb). Recently, the government has also made it illegal for journalists to access and use the vehicle registration database for investigative purposes, leading to the conviction of a media worker (Hui).

POLITICAL HISTORY OF HONG KONG

Hong Kong's current political conjuncture is inextricably linked with its colonial past. Ceded to the British Empire in 1842, after the protest of China's Qing Dynasty against the British opium trade led to a three-year-long conflict known as the First Opium War, the small island quickly became an important colonial outpost and flourished as a trading hub just off the Chinese coast. The territory was further expanded with the Kowloon Peninsula in 1860 and the New Territories in 1898 to a total of 1,073 square kilometres. The 99-year lease of the New Territories eventually prompted the United Kingdom to solve the transfer of sovereignty by 1997 (S. Tsang).

While Hong Kong certainly benefited economically from its status, the early years of colonial rule also saw a highly segregated and hierarchical society. After three years of Japanese occupation during World War II, the city played another significant role in the subsequent political power struggles in the region. The Chinese Civil War between the Communists and the Republican Kuomintang, which led to the foundation of the People's Republic of China in 1949 and the relocation of the Republican government to the island of Taiwan, initiated a substantial influx of Chinese immigrants to Hong Kong, leading the population to quadruple to around 2.4 million people by 1950 (British Colonialism and "Illegal" Immigration from mainland China to Hong Kong). Until then no entry permits were required for immigration. As a result, border patrols and immigration quotas were eventually introduced by the colonial government, putting Hong Kong on the frontline of the Cold War. The sudden increase of the local population also put further strain on

housing and infrastructure. In 1954, a devastating fire at a squatting village, forced the government to address the problem, eventually introducing public housing. Yet, in the following decades, Hong Kong still experienced a steady influx of immigrants due to a relatively lenient approach by local authorities (Burns).

Meanwhile, the surplus of labour, paired with the city's strategic location, created favourable conditions for manufacturing industries. During that time, Hong Kong became particularly known in the world for its textile and toy products. However, there was also social discontent over persisting inequalities and labour exploitation. The 1967 riots, which started as worker strikes, were met by brutal police force and also led to new laws that heavily punished any acts of sedition in the territory (S. Tsang).

Following the death of Mao Zedong in 1976 and the beginning of Deng Xiaoping's "opening-up" policies in 1978, Hong Kong was again at the forefront to reap the benefits of China's far-reaching economic reforms. Entrepreneurs and factory owners relocated their production to the neighbouring province of Guangdong, further accelerating the shift from an industrial to a post-industrial economy, paving the way to Hong Kong's new identity as a global finance centre (Sit). It was also in 1971 that the colonial government expressed for the first time its economic philosophy of positive non-interventionism, which was seen as a slightly moderated laissez-faire approach, which had already been common practice in the city. The new term, however, acknowledged that the government — while aiming to maintain the most unregulated conditions — still needed to consider the greater impact on society (Lau and Kuan).

In the 1980s, the United Kingdom intensified a dialogue and subsequent negotiations to organise the return of Hong Kong's to Chinese sovereignty. The Sino-British Joint Declaration was eventually signed in 1984 by British premier Margaret Thatcher and Chinese premier Zhao Ziyang. Based on the framework laid out in the agreement, the Basic Law, which is sometimes referred to as a mini constitution for the Special Administrative Region of Hong Kong, was subsequently drafted in the following years. Among the key premises are the One Country, Two Systems principle, which guarantees the continuation of Hong Kong's capitalist system until 2047, 50 years after the scheduled handover in 1997. Under this approach, Hong Kong was allowed to maintain several features that were perceived to constitute a higher degree of autonomy. These specificities include the common law system (compared to China's civil law system), a separate currency known as Hong Kong Dollar (compared to China's Renminbi), the maintenance of fundamental cultural and political rights (especially in relation to freedom of speech, press freedom, and right to political participation), and the establishment of a democratic process for the election of the local parliament, known as the Legislative Council. However, from the beginning, the composition of the legislative has favoured business and interest groups, as a significant number of parliament members, known as functional constituencies, are directly elected by those groups instead of the whole population (Ma).

Given the heightened concern following the protest and crackdown on Beijing's Tiananmen Square on June 4, 1989, the colonial government responded with some legislative and political reforms. In 1990, despite protest from the Chinese government, the Legislative Council enacted the Hong Kong Bill of Rights Ordinance, which aimed to incorporate the International Covenant on Civil and Political Rights of the United Nations into local law. In addition, the government added more directly elected seats to the Legislative Council,

and also pushed for an expansion of universal suffrage for the election of legislators by increasing the proportion of geographical constituencies compared to functional ones. Nonetheless, the uncertainty surrounding the transfer of sovereignty led to an exodus in the early 1990s, when it is estimated that a few hundred thousand people left the territories. Citizens who worked for the government or law enforcement often qualified for British citizenship, and in addition the United Kingdom rolled out the "British National (Overseas)" passport, commonly known as BNO, for permanent residents in 1987, which awarded British nationality, but not British citizenship (and hence not right to abode) (Ching).

Given the recognition and perceived legal safeguards of civil and political rights in Hong Kong, the city has generally been known for an active and well-organised civil society, which also manifested itself in large, impactful and regularly occurring protest movements. On July 1, 2003, nearly 1 million people marched against the proposed introduction of Article 23, which would have included a national security provision into the Basic Law. In 2006 and 2007, many citizens mobilised against the relocation of ferry piers, including the Star Ferry Pier at Edinburgh Place and the Queen's Pier, which were also seen as an expression of growing discontent over the eradication of physical markers of Hong Kong's colonial past as part of the city's collective identity. The city also saw protests over large-scale infrastructure projects, such as the high-speed-railway link to Shenzhen, which required the destruction of a rural village and eventual the legalisation of a co-location immigration arrangement that allows customs for both jurisdictions to be processed in Hong Kong by both local and mainland authorities. The year 2012 saw the emergence of a student-led movement that rejected the proposed introduction of a national education curriculum in primary and secondary education. Joshua Wong Chi Fung, then 16 years of age, was one of the protest leaders and became a well-known public figure. Two years later, in 2014, Hong Kong saw another mass mobilisation against the proposed election reforms that would allow universal suffrage for the election of the city leader, officially referred to as Chief Executive, however, with the provision that candidates would have to undergo a political screening beforehand. The social movement involved various groups, one of which was known for its "Occupy Central" campaign that called for occupation of the city's commercial district. The event eventually became known as the "Umbrella Movement," referring to umbrellas that protesters widely used to shield themselves from pepper spray and tear gas during violent confrontations with the police (Dapiran).

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Eventually, in 2019, the fast-tracked introduction of a new legislation that would allow the extradition of suspected criminals to mainland China, Macau, and Taiwan was met with strong resistance across society. Even though there are no official numbers, some media outlets reported that up to 2 million people gathered in the city on June 12, 2019. In the following weeks the protests became increasingly intense and violent, and the tactical change by the Hong Kong Police Force of using stronger force further contributed to the escalation. Hence, even after the government had announced a withdrawal of the proposed extradition law, public outrage

over the handling of the protest and a perceived bias in law enforcement during the mob attack in Yuen Long on July 21 further fuelled the confrontation. It was the public health circumstances of the unfolding COVID-19 pandemic in early 2020 that largely contributed to an end of protest gatherings (Dapiran).

On June 30, 2020, the Central government of China finally imposed a far-reaching National Security Law (NSL) on Hong Kong, which was aimed to render a similar social unrest impossible in the future. The law circumvented the local Legislative Council and invoked the unilateral powers of the Standing Committee of the National People's Congress to amend the Annex of the Basic Law. It covers four major crimes in relation to national security: secession, subversion, terrorism, and collusion. The implementation of the NSL is overseen by the newly established Office for Safeguarding National Security, whose decisions are not bound to local jurisdiction and can therefore not be challenged in the courts. Any cases that include NSL or NSL-related charges will be heard by designated judges that have been selected by the Chief Executive (Hernández).

Despite the state narrative that the NSL would not have an impact on people's daily life, it has changed the political, civil, and media landscape in the city significantly. In addition to a large number of protesters, activists, and political figures, who have been charged under the NSL (or the colonial sedition law, which was recently reactivated), the serious consequences of the law have had a chilling effect on political parties, labour and trade unions, and media organisations, many of which decided to cede operations voluntarily after weighing the potential risks (Mok).

In 2021, the Standing Committee of the National People's Congress followed up with another amendment to the Annex of the Basic Law, which introduced a major reform of the city's election system. While the size of the Legislative Council was expanded from 70 to 90 members, any candidates would need to undergo a thorough political vetting to ensure the importance of "patriots governing Hong Kong." This also led to the end of all major opposition parties after their promising results at the 2019 district council elections (Lau and Yam).

INTERNET PATTERN AND PENETRATION

Hong Kong is widely regarded as a city with a high degree of connectivity and a well-developed information and communication technology (ICT) infrastructure. Official government data from 2021 suggests that 94.4 percent of households have internet access and 93.1 percent of the population (aged 10 and above) have been active users. Fixed broadband speed in Hong Kong reaches up to 10 Gbps, a tenfold increase when compared to 2012, with 86 percent of broadband subscribers having access to speeds of 100 Mbps or above. According to the latest Speedtest Global Index by Ookla from December 2022, Hong Kong's fixed broadband speed ranked the fifth fastest in the world at an average of 201.79 Mbps, with Singapore claiming the top spot at 225.71 Mbps.

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In contrast, Hong Kong's mobile data speed is ranked 30th at 60.65 Mbps (Ookla). The government itself classifies Hong Kong as an "Information Society" with "widespread adoption of ICT in business, home, and the community at large." In 2020, the ICT sector accounted for 6.2 percent of the GDP and employed around 3.4 percent of Hong Kong's total workforce (Census and Statistics Department).

In January 2022 Hong Kong boasted a mobile phone penetration rate of 323 percent, growing 1.5-fold over the last 10 years. This means on average each resident has more than 3 mobile phone subscriptions. There are also already more than 3 million users with 5G connections, in addition to 19.9 million 4G users (Communications Authority). Hong Kong's total population is currently estimated at around 7,291,600 (The Government of the Hong Kong Special Administrative Region).

The most popular social media platforms in Hong Kong include WhatsApp, Instagram, Facebook, and YouTube. WhatsApp has the highest penetration with an estimated 84.3 percent of the population. According to a recent survey by Standard Insights and Digital Business Lab, nearly 68.3 percent of respondents are worried about potential restrictions under the National Security Law. When asked what users would do if social media platforms were blocked, 55.2 percent of Instagram users and 60.4 percent of YouTube users said they would use a VPN for continued access. Facebook and WhatsApp inspired less loyalty with just 22.9 percent and 41 percent respectively. Currently, 60.2 percent of users in Hong Kong also do not use a VPN (Standard Insights and Digital Business Lab).

METHODOLOGY

The Unfreedom Monitor combines the methodology used in Global Voices' previous work on media observatories with an in-depth analysis of the contextual issues around digital authoritarianism. The Civic Media Observatory (CMO) approach is primarily qualitative and looks beyond socio-technical causes to consider power analysis, offer a way to discuss effects, and emphasise what works as well as what is negative. It is a framework that can be consistently applied across a range of settings, in order to identify and contextualise both positive and disruptive developments, to explain the forces and motives underlying them, as well as the narrative framing devices that often require local knowledge to interpret and weigh. This method is particularly helpful in the case of countries, like Hungary, where authoritarian trends are less direct and require contextual information.

This method allows us to compare, draw lessons, and consolidate learning about the trends, systems and rules that influence what we know, and how we know it. The observatory includes datasets of media items, structured analysis of context and subtext, and a civic impact score that rates media items for positive or negative impact on civic discourse.

This study focused on Hong Kong and has defined two main incidents related to digital authoritarianism that happened in the region in the last two years (2020–2022), and then a group of 15 media items related to each of the incidents were collected and analysed. The qualitative analysis of these 30 items in total was predefined for all the countries participating in this project, in this way a framework can be consistently applied across different national, political and technological contexts. The items included publications by local and international news media, reports by independent organisations, and social media posts, particularly from Twitter and Facebook.

The first incident examines the reaction to survey results published by the Foreign Correspondents' Club (FCC) in Hong Kong on November 5, 2021. The club had asked its members to evaluate the current work environment for journalists in Hong Kong, and how it changed since the implementation of the National Security Law. The findings suggested a perceived deterioration of media freedoms in Hong Kong and a majority of respondents (journalists based in Hong Kong) expressed concern about digital surveillance. Thirty-seven percent had deleted images, either online or on their devices. Shortly after the results were released on the website of the FCC, a spokesperson of China's Foreign Ministry in Hong Kong issued a strongly worded response which referred to the survey as misleading, not representative, and not credible. It further accused the FCC of interfering in domestic affairs.

The second incident is about the raid and subsequent closure of the Hong Kong online media platform Stand News at the end of December 2021. Six persons were arrested and detained by the National Security Department of the Hong Kong Police Force. The organisation's assets were frozen, and the platform was accused of having published seditious articles and opinions. Soon after, Stand News announced their "voluntary" closure, leading the government to emphasise that they did not shut down any media organisation, and that their dissolution was only "self-inflicted." The fate of Stand News closely resembled that of Apple Daily, which had been the most popular newspaper and tabloid in Hong Kong with a very critical stance towards China. On June 17, 2021, the Hong Kong Police Force raided the headquarters of the newspaper and arrested five affiliates, including founder

Jimmy Lai. After the closure of Apple Daily, Stand News was widely regarded as the most important pro-democracy outlet in the city. In response to Apple Daily's demise, Stand News announced that it would remove previously published articles from its platforms and also stop subscriptions, but the media continued to be a target in the following months.

In the selection process the researcher looked for media items by government officials, public media, journalists and civil society leaders. These items were analysed by the researcher in terms of sources, narrative frames, subtext, context , reactions, popularity, and a civic impact score that categorised the media items for positive or negative impact on civic discourse and society at large. The coding process was done on a collaborative and relational database on the platform Airtable, and the coding was revised and discussed with editors of the project, which ensured clarity and consistency among all the researchers participating on this project.

The crucial research questions were: how does digital authoritarianism in Hong Kong work and how are digital technologies being used by the government to advance its political interests while harming citizens' rights, like privacy or freedom of expression? To answer this question, four critical dimensions were considered: data governance, speech, access, and information. Another question was: what are the main contours of digital authoritarianism in Hong Kong and what are the pro- and anti-state media narratives? To evaluate this aspect, three important elements were included: motives, methods, and responses to digital authoritarianism.

The study was limited by a few factors. To begin with, while qualitative case studies have their value, it is not always straightforward to generalise from them to the populace at large. Time frame and capacity issues means that we did not manage to access all of the narrative frames available. Sometimes, civic discourse happens in closed spaces like Telegram channels and private groups, which are difficult to access.

This study constitutes a significant step for analysing the characteristics of digital authoritarianism in Hong Kong, where the government seems to copy other mechanisms and methods used by authoritarian governments, especially China. Even though this study has limitations, it provides a framework and key aspects for future research that can include some statistical analyses of social media narratives, the use of commercial surveillance, and the use of law to undermine freedom of expression. This dataset can also be used as the basis for policy recommendations, awareness campaigns and cross-border consultations.

MAPPING HONG KONG'S CHALLENGE WITH DIGITAL AUTHORITARIANISM

The understanding and presence of digital authoritarianism in Hong Kong has changed drastically since the introduction of the National Security Law (NSL) in June 2020. While the local government does not employ the full variety of tools and methods of surveillance, censorship, and oppression that are commonly used in mainland China, it has started to shift the discourses and narratives that have been associated with the particular freedoms and rights that Hong Kong citizens enjoyed as part of the One Country, Two Systems paradigm. While there have been authoritarian tendencies in the past, both in the colonial and post-colonial era, there was a relatively high trust in the legal framework that would guarantee protection from prosecution based on political opinions, beliefs and values. Political opposition was partly allowed to participate in the political process, publications critical of the government and the Communist Party of China were tolerated, and citizens regularly mobilised to voice their discontent with socio-political issues. Yet there also were serious shortcomings in political participation and representation, which largely existed already under colonial rule.

The NSL, as previously mentioned, has introduced the criminalisation of four major offences — subversion, secession, terrorism, and collusion — which are punishable by a maximum sentence of life in prison. In cases where the threshold of a national security offence is not met, the Police Force and the Department of Justice have started to resort to a colonial-era law which was rarely used for prosecution in the past. In the aftermath of the 1967 riots, the government defined the crime of sedition, which also included any act of incitement to violence and disobedience, providing the opportunity to also prosecute citizens and commentators who were not directly involved in any violent incident. The crime is punishable by a maximum of two years in prison for first-time offenders. Since the introduction of the NSL, the offence of sedition has been further weaponized to target columnists, publishers, and bystanders.

Early on, authorities insisted that the new law would only concern "a small group of people" and that the daily life of most citizens would remain unaffected (Wong et al.). While there have been several instances of censorship, such as the geo-blocking of websites or the (often self-initiated) removal of content (Mozur and Krolik; Reuters), public access to social media platforms and international media outlets has not changed. However, there has been a major change for the political environment of journalists in Hong Kong, as well as for the overall confidence in knowing the "red lines" about what kind of statements, opinions, and expressions would be deemed illegal under the new provisions.

Hence, the most significant and measurable impact for society has been the diminishing diversity of voices in the media landscape as well as a growing distrust of "foreign" media, representatives, and NGOs in the city, which is also reflected in the chosen incidents in this research. The emergence of digital authoritarianism in Hong Kong is currently revolving around shifting interpretations over what does and should constitute freedom of expression at large, and press freedom in particular.

MOTIVES

Following the social unrest in 2019 and the subsequent imposition of the NSL, Hong Kong has seen a stronger, or at least much more visible presence of Chinese authority over the city, both in symbolic and institutional terms. For instance, the Hong Kong Police Force replaced its British-style foot drills with the marching style of China's People's Liberation Army, while the national emblem of the People's Republic of China has been given a more prominent place in public buildings and on government websites to put them in line with amendments of the National Flag and National Emblem Ordinance of the Hong Kong Special Administrative Region (Fan and Liu; Grundy). But the physical presence was also emphasised. The newly established Office for Safeguarding National Security, which remains outside of local jurisdiction, took over the premises of the state-owned Metropark Hotel in the heart of the city's commercial shopping district Causeway Bay, in close proximity to Victoria Park, which has become a focal point for mass rallies and protests over the last decades, including the annual June 4 vigil, which has not taken place since 2020 (Cheung et al.).

Since 2019, officials in China and Hong Kong, as well as state-affiliated media, have pushed the narrative that "foreign forces" have funded and initiated the social unrest — often described as an attempted "colour revolution," which consequently became the justification that the protests are a concern of national security. There was also another state narrative emerging at that time, which suggested that the Basic Law has not been correctly understood in the past and that Hong Kong has always been an executive-led government, which allegedly makes the concept of "separation of powers" not applicable in the local context (Global Times). These new discourses therefore also aimed to redefine the popular understanding of Hong Kong's "high degree of autonomy," as defined in the Basic Law, in preparation of any changes to the legal framework.

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Given Hong Kong's common law tradition, and the role for its "rule of law" approach in its position as an international finance and trading hub, these narratives enabled authorities to pursue more direct and overt forms of (digital) authoritarianism. The NSL marked a significant change as it was built on the ambiguity of judicial independence, in which the judiciary is presented as widely autonomous, but any interference by the executive (e.g. the selection of designated judges) would be described as legally sound.

When analysing a wide range of media items in relation to the selected incidents, the dominant narratives of state-affiliated actors insisted on the maintenance of an unbiased "rule of law," rendering therefore any criticism as illegitimate. Based on this key premise, that "the rule of law is alive and well in Hong Kong," other narratives targeted critical media for their attempt to undermine the reputation of both Hong Kong and China, or adopted commonly used legal arguments on how rights are never absolute.

In this context, the Foreign Correspondents' Club has become an exemplary target. First, it resonated with the previous narrative of a vaguely defined "foreign interference." The results of a survey, which was conducted by the club among its members, suggested an overall concern among journalists under the National Security Law. Despite the club being located in Hong Kong, its representation of foreign media workers in the city was used to suggest its co-option of a subversive agenda. Instead of addressing the raised concerns directly, the Office of China's Foreign Ministry questioned the survey's legitimacy and representativeness, treating it as misinformation (Yeo and Tsang).

While authorities did not directly suggest that the Foreign Correspondents' Club is in conflict with the law, the accusation of interference implicitly invokes crimes now associated with the National Security Law, such as collusion and subversion.

Similarly, critical media organisations — such as the tabloid Apple Daily and the online platform Stand News, which often featured commentaries of activists and political figures of the opposition — have not been outright banned under the NSL. Instead, official narratives, many of them pushed by state-owned newspapers such as Tai Kung Pao, would accuse them of intentional misinformation and fake news (Ni). Eventually, the offices of Apple Daily and Stand News were raided, and their assets were frozen, but authorities continued to insist that these organisations were not legally stopped from operating. Instead, they chose to cease operations "voluntarily," which was referred to as "self-inflicted closure" (The Standard). Meanwhile, however, the NSL has allowed the Hong Kong Police Force to adopt investigation and detainment procedures which are increasingly difficult to challenge legally (Ng et al.).

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METHODS

Currently, the most overt methods of digital authoritarianism are practised in the form of intimidation against persons and organisations that regularly criticise the authorities, or provide a platform for such criticism. While officials often resort to vague accusations, state-owned or state-affiliated media outlets and think tanks are frequently used to suggest more radical calls for action. This is not necessarily a new phenomenon, but, with a stronger visible presence of Chinese authority in Hong Kong, as explained above, it has become a less covert practice under the NSL and the emboldened use of state narratives. In the past (and still nowadays), such efforts were often primarily delegated to patriotic triad groups, which historically have maintained self-serving connections with authorities. Political activists and even journalists have occasionally been violently attacked by triad affiliates in public spaces, and the mob attack in Yuen Long on July 21, 2019 has also been linked to organised crime groups that are particularly influential in Hong Kong's rural areas (Wang and Kwok).

While the severe sentencing guidelines of the National Security Law have become an important premise for intimidation, the law has been effectively weaponised in various ways. The overall vagueness of what exactly could constitute an offence has created an environment of uncertainty, caution, and self-censorship. This extends across media organisations, labour unions, NGOs, primary and secondary schools, universities, and even regular citizens in both online and offline spaces. In addition, the NSL — which cannot be subject to any judicial review — has provided both law enforcement and prosecution under the Department of Justice with far-reaching powers. Suspects in national security related cases are rarely granted bail and are often detained for a long period of time before they stand trial, which raises concerns over principles of "presumption of innocence" and the "right to a fair trial" (Bristow). Hence, the cost of being potentially accused of an NSL offence, regardless of an eventual substantiation, has become an effective tool in silencing critical discourses in society. This could also be seen in the dissolution or excommunication of student unions, after they were increasingly seen as potential liabilities for universities (V. Wang).

Another intentionally chilling provision of the NSL is that it was framed in a way that the related offences are not limited to Hong Kong and China, but the law can be applied to virtually anyone in the world. While this may not be of concern for most people, it may seriously affect the freedom of expression of the Hong Kong diaspora and activists who live abroad, and will make any future return or visit to the city a potentially risky endeavour (Davis and Hui).

While Hong Kong's cultural and creative industry was largely unregulated in the past, the NSL has made interventions for censorship more likely. In recent years, the Hong Kong Police Force has sent content removal requests to social media or streaming platforms, and has also asked local internet service providers to halt access to several political websites (Mozur and Krolik). The so-called "anti-doxxing" law, a 2021 amendment to the Personal Data (Privacy) Ordinance, which prohibits the disclosure of private information without a person's consent, raised concerns from Google, Apple, and Twitter, who saw it not aligned with international norms (Pak). Meanwhile, the immigration department has also started to reject work visas for foreign journalists (The Guardian).

As previously suggested, the end of the 2019 social unrest was partly facilitated by the drastic impact of the COVID-19 pandemic, which started to unfold in Hong Kong at the end of January 2020. Regular border traffic between Hong Kong and China was closed soon thereafter, and Hong Kong adopted rigorous social distancing measurements, which were long regarded as among the strictest in the world. For the longest period between 2020 and 2023, public gatherings were limited to only four people. Protest applications were automatically rejected, and any attempt to protest was swiftly dealt with under Cap. 599, an emergency ordinance that provided authorities with far-reaching powers. In alignment with China's public health response, Hong Kong identified contact-tracing as a key tool in containing the spread of the virus. The government eventually introduced a compulsory tracing app. Even though there is no known case that the gathered information has been used for other investigative or policing purposes, some experts raised privacy concerns over the app's data sharing capabilities.

RESPONSES

Due to the social distancing measures in place, the introduction of the National Security Law did not trigger any street protests or mass mobilisation. However, its imposition on Hong Kong's Basic Law was controversially discussed in the Legislative Council, which then still included members of the political opposition, as well as local and international media. The full text of the NSL was only made available right after its enactment on June 30, 2020 (Kuo). Hence, many people were only able to develop a full understanding and make necessary adjustments in their behaviours thereafter.

Two weeks after the enactment of the NSL, the democratic camp organised a self-organised primary election to find the most popular candidates to compete in the Legislative Council election scheduled later that year. The government responded by suggesting that this event may have been in violation of the new legislation (Davidson). In January 2021, more than 50 activists were eventually arrested in relation to this primary election and, soon after, 47 were charged for subversion under the NSL, including prominent members of various democratic parties (Hong Kong Free Press). Most of them have been in prison awaiting trial since then.

Citing the pandemic as the main reason, the Legislative Council election was eventually postponed. In the meantime, however, China's National People's Congress prepared a comprehensive election reform, which changed the composition of the chamber and excluded any unwanted members from political participation.

In response to the introduction of the NSL, the United States Congress enacted the Hong Kong Autonomy Act on July 14, 2020, which included sanctions against officials, revoking special trading privileges (such as the use of "Made in Hong Kong" instead of "Made in China"), and the ban of exporting sensitive technologies.

Hong Kong citizens have also become more careful in expressing their political viewpoints in public. Critical discussions have been transferred to private WhatsApp, Telegram, and Signal groups, where they are largely conducted anonymously. There have also been concerns over arrests of citizens due to their possession of banners, flags, and stickers in relation to the 2019 protest movement. In recent court cases, judges suggested that the use of protest slogans such as "Liberate Hong Kong, Revolution of our Times" or the protest anthem "Glory to Hong Kong" would constitute a legal offence under the NSL (Chan). Some political figures, such as Nathan Law Kwun-chung or Ted Hui Chi-fung, went into exile and continue with their political activism abroad.

ANALYSIS AND CONCLUSION

The case of Hong Kong suggests that digital authoritarianism is on the rise in the region. While tools and methods of control, surveillance, and censorship are not yet as readily and overtly employed as in mainland China, the lack of judicial oversight has given law enforcement and prosecution far-reaching powers that cannot be challenged in court. Even though the National Security Law has been rationalised in official narratives as a piece of legislation with minimal impact, its vague definitions of the four criminal offences have nurtured a culture of uncertainty, caution and self-censorship across society. Meanwhile, it has created an environment in which public advocacy is difficult to sustain, and even potentially dangerous. However, international networks and institutions may continue to explore ways to support local and foreign journalists in the city using different means. In general, awareness for privacy and protection from surveillance in society should be further increased as long as access and freedom of information are still relatively intact.

“In the global context of digital authoritarianism, Hong Kong may become an important reference for a region in which currently the legal groundwork is laid for what may be more stringent tools of oppression.”

In the global context of digital authoritarianism, Hong Kong may become an important reference for a region in which currently the legal groundwork is laid for what may be more stringent tools of oppression . We can witness a rationalisation and legalisation of this process, where any form of criticism is framed as an attack against the “rule of law” itself, which marks the beginning of the end of a free and open discourse.

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