

# Hong Kong, Apple Daily and freedom of the press

By **Jocelyn Chey**

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*The arrest of the chief editor and chief executive of Hong Kong's Apple Daily newspaper signals the end to Hong Kong's free press, according to Western press reports like Austin Ramzy and Tiffany May's article in the New York Times of 16 June. It is taken as an indication of Beijing's growing stranglehold over Hong Kong and its disregard of the rights and norms guaranteed under the framework known as "One Country Two Systems."*

Freedom of the press is specifically protected under Article 27 of Hong Kong's Basic Law and Article 16 of the Hong Kong Bill of Rights. This latter document, passed before the handover to the PRC, incorporated the International Covenant on Civil and Political Rights into Hong Kong law.

What is new is the National Security Law, passed by China's National People's Congress just one year ago, about which I have written previously. The Security Law overrides local legislation in cases with security implications, including collusion with foreign governments or organisations. Article 31 states that a company or organization that commits an offence under the law will be fined and suspended if it is deemed to have committed an offence under the law.

The owner and founder of Apple Daily, Jimmy Lai, is now in prison in Hong Kong on charges under this law. The arrest of Ryan Law and Cheung Kim-hung on 18 June for the first time extends the application of the law to a media enterprise.

The newspaper is accused of publishing more than 30 articles calling for foreign countries to impose sanctions on China and Hong Kong. At the time of writing, it appears that Apple Daily will close this week because its bank accounts have been frozen, and it is running out of cash.

Jimmy Lai Chee-ying, who founded the Apple Daily in 1995, is a self-made entrepreneur and businessman. Born in South China, he arrived in Hong Kong when hundreds of thousands of refugees fled the mainland during the "Three Year Famine" (1959-61). He built a garment business that became the well-

known Giordano chain with hundreds of outlets in China, Hong Kong, Korea, Taiwan and around the world, particularly in the Middle East.

The business transition from fashion to media may seem strange to some in the western world, but it is not uncommon in Asian family firms who often build diversified portfolios. The Sing Tao/Standard newspapers of Hong Kong and South East Asia, for instance, grew from the Burma-based Aw family's business in "Tiger Balm" and other patent medicines.

In Lai's case, a critical point was reached in 1989. The entire population of Hong Kong was traumatised by media coverage of the brutal ending of protests in Tiananmen. Giordano rushed out tee-shirts with slogans supporting the protestors.

One powerful slogan that I recall was "Chinese people do not attack Chinese people." Proceeds went to support the students in Beijing. In retaliation, his retail shops in China were closed. Lai's political career was determined from then on. He secured a British passport before 1997.

Apple Daily can be compared with the UK News of the World or the US National Enquirer. Like them, it concentrates on celebrity gossip and populist news. It became embroiled in numerous defamation cases. It has consistently pushed an anti-Beijing line.

In the early years after the handover most Hong Kong newspapers were pro-China, although after a decade or so, disillusionment set in. None took up as extreme a position as Apple Daily, which all along supported the Pan-Dems pro-democracy parties and protests such as the "Umbrella Movement" of 2014.

Lai became a strong supporter of US President Donald Trump. He visited the US in 2019 and met Vice President Mike Pence and Secretary of State Mike Pompeo. According to US government-funded [Radio Free Asia](#), "The two had a constructive discussion about the situation in Hong Kong, human rights, and the broader context with China and Taiwan," and Lai "thanked Secretary Pompeo for the administration's concern with human rights, and encouraged continued international attention to Hong Kong and the promises the Chinese government has made."

Apple Daily published the fake news alleging business links between Hunter Biden and the Communist Party of China and bribes paid to Chinese officials. In the lead up to Trump's bid for re-election, an Apple Daily [editorial](#) in September 2020 stated "Treating China like the Nazis in history, joining forces with English-speaking countries and Japan are the main course, the real deal."

Hong Kong's Security Secretary John Lee told the press on 17 June that the government would take action against any individuals or companies "attempting to use journalistic work as a protective umbrella or cover to commit crimes endangering national security." Senior police superintendent Steve Li Kwai-wah also said that articles published by Apple Daily had encouraged other countries and institutions to impose sanctions on China and Hong Kong.

The evidence is still to be tested in court. The crackdown on Jimmy Lai and his newspaper may be egregious cases of government suppression of press freedom. No country in the world however has a truly free press. The Australian press ranks 25<sup>th</sup> only on the World Press Freedom Index, and cases such as Dylan Voller's defamation case against various publishers or last year's police raid on the ABC show some of its limits.

The question of how free the press may be becomes murky when a government frames its actions in terms of national security, thereby effectively preventing open discussion of the rights of individuals or the merits of their actions. China has learned from other nations how to use this tactic. The US charged Julian Assange under the Espionage Act for publishing secret documents. The Australian government filed charges under the National Security Information Act against Witness K and Bernard Collaery.

Let us maintain press freedom at home as well as in Hong Kong.

*Jocelyn Chey is Visiting Professor at the University of Sydney and Adjunct Professor at Western Sydney University and UTS. She formerly held diplomatic posts in China and Hong Kong. She is a member of the Order of Australia (AM) and a Fellow of the Australian Institute of International Affairs. She is also an Associate at China Matters.*