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ANALYSIS

The Latest Security Legislation in Hong Kong Betrays Beijing’s Insecurity

By Yaqiu Wang
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Despite the presence of the “omnipotent” NSL, China felt the need to embed another layer of control in the territory.

On Tuesday, Hong Kong’s legislature unanimously passed the Basic Law Article 23, the city’s homegrown national security law. The bill was approved only 11 days after it was introduced, and less than 4 years after Beijing imposed the draconian National Security Law (NSL) on the city, whose broad provisions criminalize an enormous range of activity and allows for violators to be tried on the mainland.

Video of the proceedings shows every member of the Legislative Council raising their hand to approve Article 23, as a television screen on the wall showed, “89 Yea, 0 Nay.” Hong Kong chief executive John Lee declared it a “historic moment for Hong Kong.” The choreographed vote felt straight out of mainland China—where the Chinese Communist Party (CCP) has ruled with an iron fist for more than 70 years—and not Hong Kong, the former British colony of 7 million known for its boisterous political fights as recently as a few years ago.
Since its imposition in 2020, the NSL has transformed Hong Kong into more or less another mainland city in terms of political rights. Media outlets and civil society groups have been shut down, student activism has been suppressed, and the territory’s most prominent prodemocracy figures have been arrested under NSL provisions. Article 23, dubbed by some as NSL 2.0, targets political offenses like treason and insurrection with penalties as severe as life imprisonment. The law’s wording is so broad that almost anything can constitute a state secret, such as information about “the economic or social development” of both Beijing and Hong Kong. It is certain to deepen the fear and uncertainty that now permeates life on the island.

I asked a Hong Kong friend who was once active in the prodemocracy movement how city residents were discussing Article 23. She said, “People are numb in Hong Kong. There is no free speech, so I don’t think people want to discuss it openly.” Exiled Hong Kong activist and lawyer Kevin Yam posted on X from Australia, “All the years of advocacy for or defense of #HongKong’s rule of law, democracy, and human rights have been for nought, blown away by a darkness that contains not even a speck of light. But if it is our fate to suffer Sisyphean futility, so be it. Why? Because we love HK.”

The mood is doubtless gloomy, especially among those who have sacrificed so much for the freedom of Hong Kong. But, we should not lose sight of efforts being made to fight back.

Hours after Article 23’s passage, UN High Commissioner for Human Rights Volker Türk issued a statement condemning the bill: “It is alarming that such consequential legislation was rushed through the legislature through an accelerated process, in spite of serious concerns raised about the incompatibility of many of its provisions with international human rights law.”

Such a prompt reaction from the UN human rights chief should not be taken for granted. Over the past decade, Beijing has systematically manipulated UN human rights mechanisms and undermined the integrity of the system. It’s put considerably more effort toward engagement with the United Nations, and has harassed and intimidated human rights defenders who participate in its human rights review processes and even UN human rights experts and staff. The Hong Kong government, now packed with CCP loyalists, is starting to follow in Beijing’s footsteps.

Democratic governments also criticized the new measure as violating people’s fundamental rights and the rule of law. British foreign secretary David Cameron said Article 23 “will further damage the rights and freedoms enjoyed in the city,” with serious implications for press freedom, civil society, and business activity. The US State Department’s spokesperson said the US government would take “actions the United States has at its disposal...should the circumstances require.” Dozens of individual parliamentarians and public figures across the globe issued similar statements.
These international condemnations did not come from nowhere. They are due in no small part to Hong Kongers who have fled the city and are now organizing themselves to advocate for freedom and democracy in their beloved homeland. Grassroots groups work in tandem with international organizations like Freedom House to seek release of Hong Kong political prisoners, call for targeted sanctions against officials responsible for violating human rights in Hong Kong, and press for economic consequences for Beijing’s crackdowns.

Beyond political efforts, exiled Hong Kongers have also set up platforms and programs to document the abuses in the city, and to preserve Hong Kong culture and language. Many are also working under the radar to support activists, writers, and journalists still in the city.

Today, spectacular protests with millions of participants on the streets of Hong Kong are unlikely. But the less “glamorous” yet steady and essential efforts to fight for Hong Kong will continue. The brave individuals behind them demonstrate remarkable resilience in the face of seemingly insurmountable repression.

Despite the presence of the “omnipotent” NSL, Beijing felt the need to embed another layer of control in the territory. More than anything, Article 23 shows how insecure the CCP regime is, how fearful it feels about the true sentiment of the people: their undying yearning for democracy. For that, we should remain hopeful, because history has shown us time after time that authoritarian regimes once seen as unshakeable can suddenly crack.

**IN THE NEWS**

**Censorship and surveillance**

- **Censorship intensifies during “Two Sessions”:** In early March, Weibo removed from its search results discussions about an unusual move by Chinese Communist Party (CCP) authorities to cancel an annual news conference by the premier. The news conference typically takes place during “Two Sessions,” the annual plenary meetings of the country’s rubber-stamp legislature, the National People’s Congress (NPC), and political advisory body, the Chinese People’s Political Consultative Conference (CPPCC). Astrill, a widely used virtual private network (VPN) service in China, also reported frequent service disruptions during “Two Sessions.”

- **Microsoft’s Bing aids CCP censorship apparatus:** According to a March 7 report by Bloomberg Businessweek, since 2009, Bing, Microsoft’s search engine, has run a local version in China. The Chinese version blacklists thousands of websites and phrases, including “human rights” and “Communist Party corruption” from its search results.

- **WeChat removes articles on economic woes, opposition leader:** WeChat recently removed links to an article titled “Middle Class Children Have No Future” written...
by a former Huawei employee. The article discussed intense competition for jobs in China, potential job loss due to artificial intelligence (AI) tools, and quality issues with Huawei's phone chips. Another popular article deleted by WeChat, “Farewell to Navalny, You Were Not Afraid, Then We Are Not Afraid,” detailed the widely attended funeral of Russian opposition leader Alexey Navalny, who died in a Siberian penal colony in February.

Regulatory updates

• **New State Council law consolidates CCP power further**: The National People's Congress (NPC) passed the [State Council Organic Law](#) on March 11. The measure is understood by legal experts to transfer more executive authority from the state to the party. The new provisions say that the State Council must “resolutely uphold the Party Central Committee’s authority” and follow Xi Jinping Thought, the party leader's signature ideology.

• **State Secrets definition expanded**: On February 27, the NPC passed the revised [State Secrets Law](#), which, starting May 1, expands the scope of state secrets to include “work secrets,” which are broadly defined as information that would have an “adverse impact” if leaked. The law mandates that personnel with access to classified information must get approval before traveling overseas, even if they have left those jobs or retired. The law also emphasizes the inclusion of state secrets protection in not only civil servant training, but in national education, and also encourages media to enhance public awareness about information security.

Harassment and detentions

• **Suit targeting Hong Kong protest researcher continues**: Tsinghua University's ongoing lawsuit against former faculty member Wu Qiang, initiated in 2020, is now demanding over a million yuan ($139,000) in penalties for “contract breach.” Wu was dismissed from the university in 2014 for researching Hong Kong's Occupy Central movement, a civil disobedience campaign that aimed to pressure Beijing for genuine universal suffrage.

• **Tibetans detained over dam protest**: Over 100 Tibetan monks and other protesters were arrested in Sichuan Province on February 22, after they opposed a large dam project on the Dequ River in Dege County. The dam construction could destroy six local temples and require the relocation of two villages.

• **Guizhou businesswoman's arrest investigated**: Guizhou provincial authorities launched an investigation into the recent arrest and detention of businesswoman Ma Yijiai. Ma's construction company had been contracted to undertake local projects including schools, museums, and hotels for Liupanshui city, but she said she had never been paid, and had sought to recover 200 million yuan ($27.8 million). The municipal government tried to settle for 12 million; Ma declined and
was detained in November 2023 for “picking quarrels and provoking trouble,” before being arrested and taken into custody in January, where she remains.

- **Additional fine for US firm:** On February 22, Beijing authorities fined the American due diligence firm Mintz Group an additional 5.34 million yuan ($744,000), claiming it had failed to respond to prior penalties of nearly 10.69 million yuan ($1.5 million). The initial fine was imposed last July by the Beijing Bureau of Statistics for what it said was unauthorized, foreign-related statistical work by Mintz Group’s Beijing office.

- **Clampdown on journalism continues:** On February 27, a Dutch journalist was harassed while covering a protest outside an investment bank in Chengdu, Sichuan Province. Despite repeatedly showing his government-issued press card to the police, the journalist was led away from the crowd by a man who later identified himself as a police officer. On March 13, a reporter from the state broadcaster CCTV was forcibly removed while reporting live from a gas leak explosion site in Langfang, Hebei Province. State authorities said the explosion resulted in two deaths and 26 injuries.

### Hong Kong

- **Article 23 legislation:** On March 19, the Hong Kong legislature unanimously passed the Basic Law Article 23, effective March 23. The law introduces 39 broadly defined national security crimes, with penalties that include life imprisonment for treason and insurrection, and up to 20 years for theft of state secrets. Seen as an attempt to strengthen Beijing’s control over the territory, the move prompted concern about the basic rights and freedoms of Hong Kong residents. According to Freedom House’s 2024 *Freedom in the World* report, Hong Kong’s freedom score has dropped by 26 points on a 100-point scale since 2013.

- **Sedition conviction for Hong Kong independence posts:** Joseph John, also known as Wong Kin-Chung, a UK resident of Portuguese nationality, was convicted of “conspiring with others to do an act or acts with seditious intent” by a Hong Kong court. The sentencing is scheduled for April 11. Arrested by Hong Kong police in 2022, John was accused of spreading 42 posts between 2019 and 2022 promoting “Hong Kong independence” on social media platforms and websites.

- **RFA ceases Hong Kong operations:** Radio Free Asia (RFA) is set to terminate its Hong Kong operations by the end of March, relocating some staff members to Taipei or Washington DC and laying off others. In January, Hong Kong police had issued a public warning to RFA after it published quotes from former pro-democracy lawmaker in exile Ted Hui Chi-fung, saying the media outlet shouldn’t offer a platform to “criminals who make false statements.”
Beyond China

- **Chinese government extends tracking to overseas platforms:** In February, overseas-based bloggers Wang Zhi’an and Li Ying, known for disseminating uncensored news on international social media platforms, warned that their followers on X and YouTube had been interrogated by police in China, and suggested that subscribers unfollow them or change their user names as safety precautions. Analysts perceive the actions an intensified effort by Beijing to suppress critical speech beyond its borders.

- **“Connected vehicles” investigation:** On February 29, US authorities launched an investigation into the national security risks of “connected vehicles,” particularly those featuring China-made technologies, to prevent sensitive driver, passenger, and US infrastructure data from potentially being transmitted to China.

- **House passes bill to force TikTok divestment:** On March 13, the US House of Representatives passed a bill mandating that ByteDance—the video app TikTok’s parent company, which has Chinese-government ties—to divest its US assets of TikTok to a party outside of People’s Republic of China (PRC) jurisdiction within 180 days or risk a ban. The bill has now moved to the US Senate, though it remains unclear when Senate leadership will take it up.

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- **Subscribe to the China Media Bulletin:** Have the bulletin’s updates and insights delivered directly to your inbox each month, free of charge. Visit here or e-mail cmb@freedomhouse.org.

- **Access uncensored content:** Find an overview comparing popular circumvention tools and information on how to access them via GreatFire.org, here or here. Learn more about how to reach uncensored content and enhance digital security here.

- **Support a prisoner:** Learn how to take action to help journalists and free expression activists, including those featured in passed issues of the China Media Bulletin, here.

- **Visit the China Media Bulletin Resources section:** Learn more about how policymakers, media outlets, educators and donors can help advance free expression in China and beyond via a new resource section on the Freedom House website.

**For more information**

- For archives, go to: [www.freedomhouse.org/China-media](http://www.freedomhouse.org/China-media)