

# Commentary | Ka Hang Wong, Jimmy Lai's Conviction Signals the End of Free Political Speech in Hong Kong

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On 15 December 2025, Hong Kong's High Court found media tycoon Jimmy Lai guilty (<https://hongkongfp.com/2025/12/15/breaking-hong-kong-tycoon-jimmy-lai-found-guilty-under-national-security-law/>) of two counts of conspiring to collude with foreign forces under the Beijing-imposed national security law, along with a third count of sedition under colonial-era legislation. On 9 February 2026, he was sentenced (<https://hongkongfp.com/2026/02/09/breaking-jimmy-lai-jailed-for-20-years-in-hong-kong-after-nat-security-conviction/>) to 20 years behind bars, a term widely understood as amounting to a de facto life sentence for Lai, a 78-year-old British citizen and founder of the now-defunct *Apple Daily*. At the heart of Lai's conviction lies Beijing's distorted understanding of sovereignty, one in which the security of the ruling party is conflated with the security of the state itself. Political loyalty is treated as a legal obligation, dissent is framed as a security offense, and pluralism is effectively incompatible with sovereignty under this logic. Lai's British citizenship has done little to alter the outcome. Despite repeated diplomatic protests from the United Kingdom and concern from other Western governments, China has dismissed (<https://www.e-ir.info/2025/10/04/opinion-how-china-is-keeping-a-british-political-prisoner-in-hong-kong/>) the case as an internal matter because it refuses to recognize the citizenship granted to him before the handover.

## Rags to Riches

Lai's life story has long been intertwined (<https://www.theguardian.com/world/2025/dec/15/jimmy-lai-rise-fall-hong-kong-itself>) with Hong Kong's rise. Born in mainland China, he arrived in British Hong Kong as a child refugee and worked his way up from factory labor to become one of the city's most successful entrepreneurs. He founded Giordano, a clothing brand that grew rapidly across Asia and came to symbolize Hong Kong's openness and economic freedom. For decades, Lai embodied the belief that commerce and political neutrality could coexist under Chinese sovereignty. But that belief did not survive 1989. After the Tiananmen Square massacre (<https://www.britannica.com/event/Tiananmen-Square-incident>), Lai became an outspoken critic of the Chinese Communist Party and its leadership. He publicly condemned Li Peng, known as the "Butcher of Beijing" for his role in ordering the military crackdown on student-protesters. In his publication, Lai reportedly called Li Peng "a bastard with zero IQ," reflecting his disdain for the Communist regime that killed thousands. The consequences were swift. Giordano faced mounting political and commercial pressure in mainland China, including boycotts and regulatory obstacles. Lai ultimately sold his controlling stake and exited the garment business as political pressure on Giordano in mainland China intensified.

Rather than retreat, Lai turned to publishing. In 1995, he founded (<https://www.bbc.com/news/articles/cgm2z7497yko>) *Apple Daily* through his media company Next Digital. The newspaper quickly became one of Hong Kong's most influential outlets, combining mass-market appeal with relentless criticism of the totalitarian government. *Apple Daily* defended civil liberties, supported democratic reform, and challenged Beijing's narratives at a time when Hong Kong still enjoyed robust protections for speech and press freedom.

## China's Breach of the Sino-British Joint Declaration

But that space has now vanished. Following the 2019 protests (<https://www.bbc.com/news/world-asia-china-48607723>), Beijing breached the Sino-British Joint Declaration (<https://www.cmab.gov.hk/en/issues/joint3.htm>) by imposing a National Security Law (<https://www.bbc.com/news/world-asia-china-52765838>) that criminalizes secession, subversion, terrorism, and collusion with foreign forces. These categories are defined so broadly that ordinary political activities, including lobbying foreign governments, engaging with international media, or advocating sanctions, can be reframed as national security crimes. Lai's conviction also underscores the hollowing out of the Joint Declaration, which promised a high degree of autonomy and guaranteed freedoms of speech and the press. Beijing now insists the treaty is a historical document (<https://www.reuters.com/article/world/china-says-sino-british-joint-declaration-on-hong-kong-no-longer-has-meaning-idUSKBN19L1J1/>) with no continuing legal force, even as it invokes sovereignty to justify sweeping restrictions on political expression. Sovereignty, in this formulation, is no longer a legal framework but a shield against accountability. Foreign citizenship, international pressure, and treaty obligations offer little protection when they collide with Beijing's security priorities.

Prosecutors argued (<https://hongkongfp.com/2025/12/15/in-full-the-855-page-guilty-verdict-against-media-tycoon-jimmy-lai/>) that Lai used *Apple Daily* and his international contacts to encourage foreign pressure on Hong Kong and Beijing. In liberal democracies, such conduct would fall squarely within protected political speech. Citizens are free to criticize their governments, seek international support, and even call for regime

change without fear of prosecution. In Hong Kong, these same actions are now treated as existential threats to the state. The revival (<https://www.hrw.org/news/2025/12/15/hong-kong-jimmy-lai-convicted-on-bogus-national-security-charges>) of colonial-era sedition laws alongside the national security law adds a further layer of irony. Statutes once criticized as incompatible with modern rights protections have been repurposed to silence dissent, even as Beijing claims to have ended colonial injustice. What remains is a legal system in which laws are selected not for consistency or principle, but for their usefulness in suppressing opposition.

## **A New Era for Hong Kong**

For Hong Kong, the implications are profound. Lai's conviction signals that historical legal guarantees no longer provide any safeguard for political speech. Independent media has been shut down (<https://www.theguardian.com/world/2022/apr/26/free-media-in-hong-kong-almost-completely-dismantled-report>), civil society has been dismantled, and dissent has been reclassified as criminality. This verdict is not simply about one publisher or one newspaper. It confirms that the political order promised to Hong Kong has been fundamentally transformed. The city that once prided itself on openness and the rule of law has entered a new era, one in which speaking freely about power is no longer a right, but a risk.

The political shockwaves of Lai's conviction extended well beyond Hong Kong's courts. Hong Kong's newly elected parliament-in-exile strongly condemned (<https://www.hkparliament.org/>) Lai's conviction as unlawful. On 22 January, the European Parliament overwhelmingly adopted a resolution ([https://www.europarl.europa.eu/doceo/document/TA-10-2026-0018\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-10-2026-0018_EN.html)) condemning Lai's prosecution and imminent sentencing, branding it an arbitrary application of state-security laws designed to crush independent media and dissent, and calling for sanctions and other punitive measures against officials responsible. Just days later, UK Prime Minister Keir Starmer publicly affirmed that he would raise (<https://www.theguardian.com/politics/2026/jan/28/keir-starmer-jimmy-lai-human-rights-china-xi-jinping>) Lai's case with President Xi Jinping during his visit to Beijing. This signals that the UK government sees the issue as more than a legal dispute but a matter of core democratic values.

These international statements, though largely symbolic in practical effect, reflect something deeper: major Western governments and legislatures regard the National Security Law's application in Lai's case as divorced from basic norms like freedom of expression, due process, and protection of political identity. They also expose the limitation of Beijing's claims to legitimacy on the global stage. By dismissing concerns about citizenship and civil liberties, China reinforces the perception that plural political belonging, whether British citizenship or democratic dissent, is incompatible with its securitized vision of sovereignty.

## **The Limits of One-Party Rule**

The legitimacy of the totalitarian party-state rests on maintaining a tightly controlled political narrative and suppressing challenges to its authority. The 1989 Tiananmen Square massacre remains a stark illustration. The regime responded to peaceful protest with mass killing (<https://www.bbc.com/news/world-asia-china-42465516>) to reinforce its grip on power and deter any questioning of its rule. Today, under the National Security Law, this logic persists, albeit with legal instruments rather than tanks: dissent, criticism, or alternative forms of identity are treated as an existential threat. Lai's case demonstrates that the Party's fear of pluralism continues to drive extreme measures. It reveals a state whose strength is maintained by silencing and criminalizing competing loyalties and identities.

Whereas the Chinese state's use of lethal force at Tiananmen constituted an internal act of repression against its own citizens, the imposition of the National Security Law in Hong Kong represents a different mode of control altogether. The CCP transplanted a security framework designed for totalitarian governance into a society historically shaped by liberal-democratic norms. Hong Kong's inability to prevent this transformation exposes not popular acquiescence, but the Chinese state's failure to sustain the institutional premise of "one country, two systems" or to honor its treaty obligations to the United Kingdom. The result has been the effective dismantling of the city's promised autonomy and the erosion of its rule-of-law tradition.

The social consequences of Lai's conviction echo patterns long familiar on the mainland. The national security framework incentivizes self-censorship and distrust between society and the state. Lai's case thus serves as a warning not only about Hong Kong's future, but about the broader limits of a one-party system that sustains legitimacy through suppression and control. Lai's case ultimately raises the question of whether such a system can coexist with modern expectations of citizenship. History offers little evidence that such systems can reform themselves through legal refinement alone. When law becomes an instrument for policing thought rather than protecting rights, meaningful change cannot emerge from within the existing framework.

The sustained international response to Lai's conviction reflects a growing recognition that the problem lies not in individual cases, but in the structure of power that produces them. If Hong Kong once demonstrated that its society could flourish under conditions of openness, accountability, and plural affiliation, its dismantling now points to the inverse conclusion: that genuine stability and legitimacy require political arrangements capable of tolerating opposition rather than extinguishing it. The future of Hong Kong, and of China itself, therefore, hinges not on the tightening of control, but on the abandonment of a one-party monopoly that treats diversity as danger and dissent as betrayal.

**Ka Hang Wong** is a PhD candidate at the University of Technology Sydney. His thesis provides a historical analysis of BN(O) status and how it evolved from being a token of British nationality into a tool of political resistance against a totalitarian party-state's assault on Hong Kong. Drawing on the Tibetan historical experience, the thesis suggests that the British government could address its unfulfilled promise of universal suffrage for Hongkongers by supporting an elected parliament-in-exile and granting land as a self-governing Crown Dependency.

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