



OUR REF: (5) in LM(5/2024) NSD/S/135/42/2830
YOUR REF:
TELEPHONE: (852) 3660 0761
FAX:

3 September 2024

To: Automattic Inc.

[By mail: privacypolicyupdates@automattic.com]

Dear Sir/Madam,

This is a notice under section 7(4)(b) of Schedule 4 to the Implementation Rules for Article 43 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("Rules") to require the addressee company, namely Automattic Inc., as a hosting service provider¹, to take disabling action on electronic message(s) on an electronic platform.

Section 6 of Schedule 4 to the Rules provides that the Commissioner of Police may, with the approval of the Secretary for Security, authorize a Designated Officer to exercise one or more of the powers specified in section 7 of Schedule 4 to the Rules if the Commissioner has reasonable ground for suspecting that –

- (a) a person has published the electronic message(s) on an electronic platform; and
- (b) the publication is likely to constitute an offence endangering national security or is likely to cause the occurrence of an offence endangering national security.

Section 7(4)(b) of Schedule 4 to the Rules provides that the designated officer may require the hosting service provider for the electronic platform to take a disabling action on the electronic message before the deadline specified by the designate officer.

¹ As stipulated in Schedule 4, if a person (first person) hosts stored material that has been posted on an electronic platform; and the first person or another person provides an intermediary service for the platform, the hosting of the stored material by the first person is taken to be the provision by the first person of a hosting service for the platform. Hosting service provider, in relation to an electronic platform, means a person that supplies a hosting service for the platform.

There is reasonable ground for suspecting that the publication of an electronic message, which is a website [<https://flowhongkong.net>] (please refer to the screen capture in Annex A) is likely to constitute or cause the occurrence of:

- (a) the offence of secession under Article 20 and/or incitement to secession under Article 21 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("National Security Law");
- (b) the offence of subversion under Article 22 and/or incitement to subversion under Article 23 of the National Security Law;
- (c) the sedition offence under section 24(1)(a) and/or (b) of the Safeguarding National Security Ordinance; and
- (d) the offence of collusion under Article 29 of the National Security Law.

There is no platform service provider in relation to the Message. Therefore, being authorized by the Commissioner of Police with the approval of the Secretary for Security under section 6 of Schedule 4 of the Rules, **I, as the Designated Officer appointed by the Secretary for Security under section 13 of the Schedule, hereby require the addressee company to take disabling action on the Message within the next 48 hours.**

Section 5(2) of Schedule 4 to the Rules provides that a hosting service provider takes a disabling action on an electronic message published on an electronic platform if the service provider removes the message from the platform, restricts or ceases access by any person, via the platform, to the message; discontinues the hosting service for the part of the platform on which the message is published or the whole of the platform; or restricts or ceases access by any person to the part of the platform on which the message is published or the whole of the platform.

Please note that under section 12(1) of Schedule 4 to the Rules, a service provider who fails to comply with the above requirement commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 6 months. Should the addressee company fail to comply with the above requirement, prosecutions may be instituted without further notice.

Please be reminded that, pursuant to Article 63(3) of the National Security Law, the relevant institutions, organizations and individuals who assist with the handling of a case shall keep confidential any information pertaining to the case. For the avoidance of doubt, there is no objection to disclosing the mere fact that disabling action has been taken by the addressee company in compliance with a requirement issued under Schedule 4 to the Rules. You are hereby reminded not to divulge any confidential communications (including the contents of this notice) between the addressee company and the National Security Department of the Hong Kong Police Force to third parties which may prejudice investigations and other law enforcement actions concerning offences endangering national security.

If you require any further information, please contact the undersigned at (852) 3660 0761 or nsd-ict@police.gov.hk

Yours faithfully,

A handwritten signature in black ink, consisting of a large, stylized loop with a vertical stroke through the center and a horizontal stroke extending to the right.

(Annette CHENG)

for Commissioner of Police

URL

https://flowhongkong.net

Screen Capture

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多元、流動、非傳統 移加港人的融入想像

回看歷史，離散是香港的常態，而加拿大是許多人的目的地。八十年代，香港面臨前途問題，十年間約 38 萬港人遷走加拿大；2019 年以後，離散的...

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香港、臺灣兩個世界 自我調節練習融入

香港與臺灣彷彿有著「世界上最遙遠的距離」，雖然飛行航程不到兩小時，也沒有時差，但對彼此的瞭解似乎不淺也不深，仍然存在文化差異，「是否融入？如...

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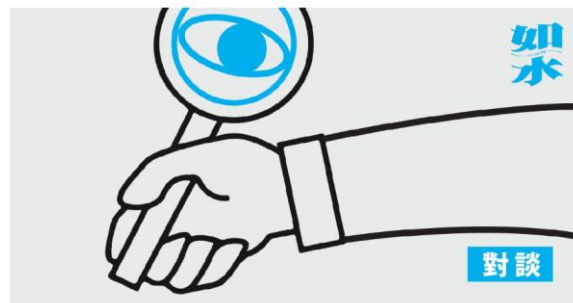
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March on! 三月香港一個墟：文化沙龍探索何去何從

在香港的三月，似乎是沒有甚麼記憶點的一個月份。在英國的三月，每天都有機會跟很多人擦身而過...

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「我是香港人」or 'Yeah, I'm Chinese'——移英港人下一代的身分認同

訪問過不少 BNO 移民家庭，凡是有未成年小孩的家庭，問到移民原因，很多都會提到為了下一代。為何覺得移民對小孩子好？「學業壓力沒有那麼大。」...

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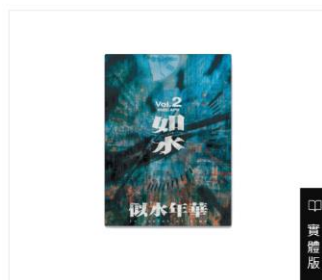
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contact_cs@flowhongkong.net

投稿

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