



**THE HONG KONG
JOURNALISTS
ASSOCIATION**

JOURNALISTS CAUGHT BETWEEN TWO FIRES

Hong Kong media faces serious harassment and self-censorship

2015 ANNUAL REPORT

**REPORT OF THE
HONG KONG JOURNALISTS ASSOCIATION**

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Introduction and recommendations

The year under review has been both momentous and worrying for Hong Kong. Debate about government plans for the chief executive election in 2017 and the limits imposed on nomination procedures ahead of a popular vote dominated the news. The government package was eventually blocked in the Legislative Council—by 28 votes to eight—as pro-government legislators mounted a bungled walk-out.

Political polarisation was also much in evidence during the 79-day Occupy protests in Admiralty, Causeway Bay and Mong Kok, which were eventually cleared by police in November and December 2014. There were some ugly scuffles during the protests as those opposed to the movement tried to force the protesters to leave.

There was also the rise of a so-called “localist” political movement, which was angry about Beijing’s growing influence on Hong Kong—both politically and economically. The most high-profile events it organised were protests in New Territories towns against cross-border traders. This development worried Beijing, which feared the rise of pro-independence sentiment.

Journalists became caught in the midst of these developments, as they went about their work reporting on developments. During the Occupy protests, they faced harassment and at times violence from both opponents and the police. The Hong Kong Journalists Association (HKJA) reported that more than 30 journalists suffered injuries in encounters with aggressive protesters and police officers. Some journalists even faced charges that they had assaulted officers, although these invariably turned out to be fictitious. Journalists also became targets during some “localist” protests.

In this difficult environment, journalists were caught between two fires. They found themselves caught between external pressures from the likes of the Hong Kong government and big business, and internal pressure in the form of escalating self-censorship to comply with establishment viewpoints.

Journalists themselves felt that press freedom was deteriorating. The Hong Kong Press Freedom Index, which records how both the public and media workers perceive the state of press freedom on an annual basis, declined in 2014. The index for the general public showed a decline of 0.6 points to 48.8 on a scale of 0 to 100. The index recorded by 537 journalist respondents to a questionnaire showed a steeper decline—by 3.1 points to 38.9.

Journalists were worried about a number of issues, including increased violence against them, for example during the Occupy protests and other incidents. This added to anger and concern over the mysterious chopper attack in February 2014 against former *Ming Pao Daily News* chief editor Kevin Lau, which was considered the second most damaging issue to press freedom cited in the survey. No motive has yet been established for the attack and the mastermind or masterminds remain at large.

HKJA chairperson Sham Yee-lan said: “I have been in the industry for 30 years and have never seen a year [2014] with so many reporters being attacked.”

Journalists were also worried about self-censorship and the attitude of government officials towards the media. Media workers rated self-censorship at 7.0, with 10 meaning the practice is very common. The rating for the attitude of government officials, including the chief executive, to media enquiries declined from 3.1 to 2.6 for journalists, 71 percent of whom stated that the Hong Kong government was one of the sources of press freedom suppression.

Journalists clearly felt there was a need for the government to do more to protect press freedom through the enactment of freedom of information legislation. A total of 89 percent of journalist respondents felt this was needed. Chief Executive Leung Chun-ying pledged to play an active role in implementing such a law when he signed an HKJA press freedom charter during his election campaign in 2012. However, the only progress on this front has been an ongoing study by a Law Reform Commission sub-committee—a process that can be lengthy with no guarantees that the government will accept a commission recommendation at the end of the day.

There have been other significant developments in the media industry in the year under review. The Executive Council decided to terminate the free-to-air licence held by

beleaguered broadcaster Asia Television (ATV), while potential broadcaster Hong Kong Television Network (HKTV) won a major court battle against the government over its refusal to grant it a TV licence, although the government is appealing against the judgment. There are fears that the government will drag out the HKTV case, allowing stronger dominance by Television Broadcasts (TVB) over the industry, especially after it took on board a mainland Chinese investor dubbed “China’s Rupert Murdoch”.

Two well-respected Chinese-language newspapers, *Ming Pao Daily News* and the *Hong Kong Economic Journal*, have had new chief editors appointed, prompting concern that they may be undergoing a change of editorial direction. Indeed, there was considerable controversy at *Ming Pao* over changes made to sensitive stories on a protest sit-in held after the annual July 1 march and the crackdown on the pro-democracy movement in China in June 1989.

Given these concerns afflicting the industry, there is a clear need for the Hong Kong government to take a more pro-active stance towards the protection of press freedom as set out in the Basic Law, the Hong Kong Bill of Rights and the International Covenant on Civil and Political Rights, which it is clearly now not doing. In particular the government should take the following action as a matter of urgency:

- 1) Take all possible measures to ensure that journalists are able to carry out their legitimate reporting duties, especially during protests. It is an international norm that the performance of these duties during periods of social unrest is vital to the protection of human rights and may prevent law enforcement agencies from abusing their powers. It is also particularly worrying when police turn on journalists as if they were protesters. Officers need to be given clear instructions on how to handle journalists during protests with the aim of allowing them to carry out their duties freely. Police who assault journalists should also face prosecution action and officers should take appropriate action against protesters who attack reporters—irrespective of their political alignment.
- 2) Enact as a matter of urgency freedom of information and archive laws to ensure that Hong Kong residents, including journalists, have proper access to government information and documents. The access legislation should be based on the principles of maximum disclosure, limited and narrowly drawn exemptions and an effective and independent appeal mechanism. As this is a matter of urgency, the government should not wait for the results of a potentially lengthy study on the issue by the Law Reform Commission. It needs to act now.
- 3) Review its policy on the granting of broadcasting licences in the wake of the decision not to renew ATV’s free-to-air licence. There is an urgent need for the government to ensure maximum media diversity in the industry such that a variety of viewpoints is available to the viewing public. In this respect, it should give serious consideration to new applicants for TV licences, including one from Hong Kong Television Network. The government should also ensure that only ‘fit and proper’ persons are appointed to run TV stations and that programmes are suited to the Hong Kong social and cultural environment.
- 4) Reverse the non-transparent nature of its communication with the public through the media. Ministers have been resorting increasingly to explaining their policies through internet blogs, which is a one-way form of communication. They should revert to the more open method of holding formal press conferences to announce policy changes and initiatives. These allow journalists to question officials about their policies.
- 5) Review its policy on law reform to ensure that freedom of expression considerations are taken into full account in determining the content of new laws and amendments to existing ordinances.

SECTION 1

Media caught in ‘one country, two systems’ row

Eighteen years after Hong Kong reverted to Chinese sovereign rule, the inherent contradictions in the “one country, two systems” policy have come to the surface in what could be described as a perfect storm in the year under review. Fuelled by the debate about universal suffrage for the 2017 chief executive election, a row over the Occupy Central movement and disquiet over the growth of “localist” or “pro-independence” sentiment in Hong Kong, the “new normal” of relations between Hong Kong and the mainland has in fact become abnormal. At times, mainland-Hong Kong ties have been poisoned by an air of tension and hostility.

The feeling of fresh anxiety in society, ironically resembling the pre-1997 jitters about the handover, was not eased by the central government’s assessment of post-handover Hong Kong in a State Council white paper released in June 2014. There was particular concern over Beijing’s assertion of its full jurisdiction over the city, which sent shivers down the spine of many Hongkongers.

The city’s media was not immune to the worsened climate, feeling the chilly air from the north.

It was early spring 2014 when a delegation of senior news executives were invited to visit Beijing on a scale not seen since 2003 in the wake of massive opposition to proposed national security legislation. This time, chill was in the air, as if winter refused to leave.

At a meeting with the news executives, Vice President Li Yuanchao urged the media to consider the overall interests of China and Hong Kong and operate objectively, fairly and impartially in leading society to grasp the new opportunities arising from reform in the country. Hong Kong and Macau Affairs Office Director Wang Guangya was more direct. He said the media should “let people know most people are opposed to such behaviour (the Occupy Central movement)—and understand confrontation is not in the long-term interest of Hong Kong and will bring damage”.

It is difficult to gauge the impact of their explicit advice to the media executives, or more specifically, whether political considerations were taken into account in subsequent editorial decisions relating to the civil disobedience movement. Self-censorship is always difficult to prove one way or the other. There are reasons to believe, nevertheless, that Beijing’s lobbying had indeed worked.

In an interview with media organisations in early 2015, former *Hong Kong Economic Journal* chief editor Chan King-cheung, who later quit the newspaper, revealed he had faced pressure from senior management to drop the regular column of Benny Tai, one of the Occupy organisers, from the newspaper. (Tai was still writing a regular column for the paper when this report went to press.) Media watchers have observed that the newspaper has increased its publication of anti-Occupy articles, which they said was apparently aimed to dilute the impact of Tai and other pro-Occupy writers.

OCCUPY CENTRAL DRAMA UNFOLDS

After months of discussion, the Occupy Central movement broke out in an unscripted manner. At the end of a rally marking the end of a class boycott co-led by a school student group called Scholarism and the Hong Kong Federation of Students outside the government headquarters in late September 2014, a group of students stormed into Civic Square, which is part of the complex. They staged a sit-in. Hundreds of supporters thronged the compound, voicing support and confronting the police. There were sporadic clashes. In the early hours of September 28, Occupy Central organisers Benny Tai, Chan Kin-man and the Reverend Chu Yiu-ming declared that the Occupy movement had officially begun. The trio had originally planned to stage the protest near Chater Gardens in the Central business district on Chinese National Day on October 1.

What happened after that was 79 days of protests, dubbed by Western media as the “Umbrella Revolution”. It came to a symbolic end on December 11 after the main protest area in Admiralty was cleared by police. The 79 days saw key sections of roads

in Admiralty, Causeway Bay, Mong Kok and briefly Tsim Sha Tsui being occupied by protesters. They were angry with the decision made on August 31 2014 by the Chinese National People's Congress Standing Committee laying down tough restrictions on how candidates could be nominated for the 2017 chief executive election in 2017. They said the condition that candidates had to be backed by more than half of a 1,200-member nominating committee was unacceptable and demanded genuine universal suffrage.

During the period of occupation, Hong Kong was a divided city. The occupied zones saw roads and streets filled with tents, banners and yellow umbrellas, which became a symbol of protest. Disruption and inconvenience to daily life and the adverse impact on businesses such as catering caused by the closure of roads and traffic diversions aggravated social divisions. There were ugly clashes between protesters and police, including a confrontation on the night of September 28 that resulted in the firing of 87 tear gas canisters. The governments in Beijing and Hong Kong condemned the protests, insisting they were unlawful. Some top mainland officials and media described the movement as a "colour revolution", hinting that foreign forces were behind it. The United States government maintained it was not involved.

Frontline reporters encountered difficulties in reporting the protests. In its 'China Press Freedom Report' released in January, the International Federation of Journalists said 39 reporters complained that they had been harassed, attacked, detained or maliciously accused by police and anti-Occupy protesters during the occupation. Some reporters received hundreds of harassing phone calls, and a few said they received calls from interviewees giving instructions on how to write their stories, it said.

With society sharply divided over the movement, the media was caught in the middle. Some anti-Occupy groups lambasted the media for being biased in favour of the protesters. Some media organisations, however, faced accusations of self-censorship over their coverage of the movement. Inside newsrooms, conflict between frontline reporters and senior editors over the handling of Occupy stories was not uncommon. One case involved TVB. An order by the head of its news department to change the wording of a story about alleged "kicking and punching" by seven police officers against a protester at Tamar Park led to a joint petition by their reporters (see Section 2).

Journalism students also felt the heat of dissatisfaction about the movement. It was reported that the pro-Beijing newspaper, *Wen Wei Po*, withdrew a scholarship for journalism students at Baptist University to show their anger over university students' participation in the protest. The withdrawal, however, prompted journalism alumni and teachers to set up new sponsorship programmes for students. In a related development, TVB drastically cut its quota for student interns in 2015. It is widely known that TVB's news executives were unhappy with the "supportive attitude" of frontline journalists in their reports on the Occupy movement. Only two of the handful of intern positions went to local journalism schools. The remainder went to students from Fudan University in Shanghai.

NEWSPAPER ADVERTISEMENTS PULLED

Amid fears about growing mainland interference in the media, the revelation that some China-funded companies had pulled their advertisements from some Chinese-language newspapers in Hong Kong sent jitters through the industry. Speculation that the mainland authorities had prompted this action to send a message about their dismay at coverage of the Occupy movement by certain publications stoked fears about political interference in the media. The newspapers involved included *Apple Daily* and the free daily *am730*. Chan King-cheung from the *Hong Kong Economic Journal* revealed that the newspaper had faced a boycott before and that, he said, was common in the industry. It is apparent that some publications had decided not to make it public for fear of being seen as confronting their advertising clients.

Like the media sector in other places, the city's traditional media has been beset by declining readership and audiences and a volatile economy. The growth of social and online media, meanwhile, is posing a significant challenge to traditional media. Further, drastic changes to the socio-political landscape have made it more difficult for the media to function effectively.

MEDIA CREDIBILITY IN DOUBT

Concerns about Beijing's interference and the use of money by business to penalise publications for being critical of the authorities have cast a shadow over the independence of the media. Amid such doubts, public perceptions about the credibility and trustworthiness of the media have declined. This feeling has been particularly strong among journalists.

The second HKJA Press Freedom Index, which was released in March 2015, showed that public and journalist perceptions of press freedom over the previous year had dipped. The latest index stood at 48.8, out of a total of 100, for the general public, down 0.6 points from the index for 2013. The drop was steeper for journalists, standing at 38.9—a decline of 3.1 points from the previous year. A total of 1,035 members of the public and 537 journalists were interviewed in January 2015. HKJA chairperson Sham Yee-lan described the results as worrying.

A separate survey conducted by the University of Hong Kong's public opinion programme in mid-April 2015 showed that the public rating for the media's credibility slipped 0.12 points to 5.72 out of a total of 10—the lowest since October 2006. The public satisfaction rating also fell sharply. More than half of respondents said self-censorship existed among media organisations, mainly because of their perception that the news media had scruples when it criticised the governments in Beijing and Hong Kong.

A string of events in 2014 further tarnished the image of the Hong Kong press. According to a study by the US-based Freedom House released in April 2015, Hong Kong ranked 83rd in its press freedom index, down from 74th in 2014 and 71st in 2013. Hong Kong's ranking was on a par with the likes of Egypt and Turkey.

The survey covered 199 countries and territories, ranking each as either "free", "partly free" or "not free". Hong Kong retained its status as "partly free", a position it has held since 2009. Mainland China, which ranked 186th, was rated "not free". Taiwan was ranked 48th and was rated "free".

Freedom House said Beijing's enormous economic power and influence had allowed it to exert "considerable indirect pressure" on Hong Kong's media that led to growing self-censorship.

It said the environment for media freedom had declined further in 2014 as "physical attacks against journalists increased, massive cyberattacks crippled widely read news sites at politically significant moments, and businesses withdrew advertising from outlets that were critical of Beijing and supportive of pro-democracy protesters".

There are growing fears and suspicions among frontline reporters and middle-ranking news editors that their media organisations are being "harmonised" (*hexie* in Chinese) by the authorities. This refers to attempts to bring newsrooms into line with how Beijing wants them to report events.

It is in no small part because of fears that the traditional print media have or will lose their ability to confront the established powers that a string of online news and commentary websites has emerged in the past two years. They include *The House News* (the predecessor of *The Stand News*) and *Post 852*.

"I AM FRIGHTENED", SAYS WEBSITE FOUNDER

Founded in 2012 and modelled on *The Huffington Post* in the United States, *The House News* caused a stir in the media and political circles for its sharp criticism of Chief Executive Leung Chun-ying and support for the yet to be launched Occupy Central movement. Functioning as a platform for pro-democracy writers, the website emerged as a rising pro-democracy voice and a mover and shaker of public opinion over political matters.

It therefore came as a shock when one of the key founders of *The House News*, Tony Tsoi, announced that he was closing it down in July 2014. In his farewell notice, Tsoi said: "I am frightened". As well as financial matters, Tsoi cited political pressure, which he implied came from Beijing. He alleged that many pan-democrats had been followed, investigated and smeared, creating an atmosphere of "white terror".

“The most disturbing is that my family is also feeling the pressure. They are worried about me the whole time,” he wrote. “When we eat at home, I insist that we do not switch on the television because I do not want to discuss social issues with them. I know they will only worry.”

Tsoi was one of the 10 core “martyrs” for the Occupy movement, who came out to openly back the civil disobedience movement in 2013 at a time when the idea was still at the early planning stage. The website became a target of hacking in 2014, prior to its closure. The identity and motives of the hackers remain a mystery. Although *The House News* was relaunched by core figurers including Tsoi in late 2014 under the name *The Stand News*, Tsoi maintained a low profile and never divulged more details about the closure decision.

JIMMY LAI HITS THE HEADLINES

The drama surrounding *The House News* is part of the bigger picture of the pressures faced by the Hong Kong media amid significant social and political changes. Jimmy Lai, who founded Next Media, publisher of *Apple Daily*, knows better than anyone in media circles about the intensity of this pressure.

Known for his zealous fight for democracy and anti-communist stance, Lai bore the brunt of attacks by the pro-Beijing media and social circles. He was among the last batch of protesters who stayed and was arrested at the Admiralty site in the final hours of the Occupy movement. He stepped down as chairman of Next Media shortly after his arrest, saying he would like to “spend more time with my family and further pursue my personal interests”.

Lai has been the subject of massive negative publicity in some pro-Beijing media in the past few years. The intensity of the pressure against him grew last year. The disclosure of email exchanges between his close aide Mark Simon and supporters of democracy has caused trouble to some pan-democrat legislators. The revelations, involving alleged donations from Lai to some pan-democratic legislators, prompted complaints being filed with the Independent Commission Against Corruption about these lawmakers. Lai was summoned by the commission as part of its probe. The investigations were still underway at press time.

The media tycoon aside, the Next Media group has also been the target of sabotage and harassment. There were several cases of copies of *Apple Daily* being burned or splashed with red ink at distribution points in streets. During the Occupy movement, dozens of people, who arrived on coaches, staged demonstrations outside the group’s headquarters in Tseung Kwan O for several days, blocking the passage of vehicles that were trying to leave to distribute the newspaper in the early hours of the day. At one point, newspaper staff had to use a special route to get the newspaper out. Meanwhile, police were accused of failing to maintain order at the site.

In a further worrying development in January 2015, the Next Media headquarters and Lai’s home were the targets of coordinated early morning firebomb attacks.

LEUNG BLASTS ‘PRO-INDEPENDENCE’ VIEWS

Hong Kong people cherish freedom of speech, but pressure to limit the space for expression seems to be growing, particularly after the Occupy movement. The 79-day protest saw calls, in the form of slogans and banners, for a bigger say for Hongkongers in achieving universal suffrage and over their well-being as a whole. Such calls as “autonomy over our own destiny” have deepened fears in Beijing and among local pro-Beijing circles about the rise of what has become known as “localism” and pro-independence thinking.

In his 2015 policy address, Chief Executive Leung Chun-ying launched an unexpected attack on the University of Hong Kong student magazine *Undergrad* over what he termed its pro-independence views, calling for vigilance against such ideas. Leung highlighted the “fallacies” expressed in *Undergrad*, which is published by the university’s student union. He referred to its February 2014 issue, which featured a cover story entitled “Hong Kong people deciding their own fate”. He also singled out the book *Hong Kong Nationalism*, which says Hong Kong should find a way to, in his words, “self-reliance and self-determination”. Leung said: “*Undergrad* and other

students, including student leaders from the Occupy movement, have misstated some facts. We must stay alert.”

Leung’s high-profile attack against such voices has added fresh fuel to the debate about the enactment of a national security law. Under Article 23 of the Basic Law, Hong Kong must enact on its own a law to prohibit treason, sedition, subversion, secession and the theft of state secrets. An attempt to enact the law by the former Tung Chee-hwa administration in 2003 ended in failure after more than 500,000 people took to the streets on July 1 to protest against it. The bill was shelved after the uproar. Leung has been repeatedly asked whether work would resume on the legislation, but he has always maintained that the government has no timetable to place it on the agenda.

But pressure for the governments in Beijing and Hong Kong to rein in the spread of pro-independence thinking grew in the aftermath of the Occupy movement. The chairman of the pro-Beijing Federation of Trade Unions, Ng Chau-pei, who is a delegate to the National People’s Congress, dropped a bombshell when he said he would solicit support from fellow delegates at the body’s annual session in March 2015 to ask Beijing to apply its national security law in the city. Weeks later, a local delegation composed of lawyers called for the enactment of an anti-independence law during a visit to Beijing.

Both attempts whipped up controversy in the city. However, the two governments sought to distance themselves from the proposals. Although the suggestions did not gain wide support in society, they reflect the line of thinking in some quarters in Beijing and among some pro-Beijing circles in Hong Kong. The proponents may not seriously believe that their proposals will be adopted, but they may be trying to persuade Hongkongers that an early enactment of Article 23 legislation would be a better deal.

The issue of national security hit the headlines again in May 2015 when a new draft of China’s national security law was published online for a one-month consultation. For the first time, Hong Kong’s obligations under the draft were highlighted, raising the prospect of renewed pressure on the city to get moving on Article 23.

Article 11 of the draft states: “China’s sovereignty and territorial integrity brook no division. Safeguarding China’s sovereignty and territorial integrity is the common obligation of all Chinese people, including people in Hong Kong and Macau as well as Taiwan.” Article 36 says: “The Special Administrative Region of Hong Kong and the Special Administrative Region of Macau must fulfil their responsibility to safeguard national security.”

Three organisations—the HKJA, International Federation of Journalists and Independent Commentators Association—expressed concern about the draft law. They said it was not right for the Chinese legislation to try “to override the Hong Kong Basic Law ... and redefine the obligation of Hong Kong people with an ordinary national law.” They called for significant changes to the draft law to better protect press freedom and the rights of journalists.

The Standing Committee of the National People’s Congress approved the law on July 1—the anniversary of Hong Kong’s return to China. Chief Executive Leung said the law would not apply to Hong Kong. He also reiterated that the government had no plans to enact Article 23 legislation, although the city had an obligation to do so eventually under the Basic Law.

THE PROMISE AND THE REALITY

Speaking at a news award ceremony in April 2015, Chief Secretary Carrie Lam reaffirmed the government’s commitment to upholding freedom of press and speech, which she said was a cornerstone of the city’s success. She also noted that police would protect the news media’s reporting rights while maintaining law and order. Lam’s assurance, however, failed to ease journalists’ anxieties.

Dozens of frontline reporters and photographers reported injuries caused by police officers and anti-Occupy protesters during the 79-day Occupy movement. Citing insufficient evidence for formal charges, police have taken no action on complaints by TVB and RTHK about their reporters being assaulted by protesters at the Hong Kong

Cultural Centre in Tsim Sha Tsui at a rally organised by groups opposed to the movement. More details of these cases are given in Section 2.

When it comes to the fate of freedom of the press and expression in Hong Kong, the jury is still out. But dark clouds are gathering at a time when the city enters choppy waters in the sea of “one country, two systems”.

SECTION 2

Journalists face violence while carrying out duties

A string of disturbing events in 2014 put a damper on press freedom and freedom of expression in Hong Kong. The city's heated political climate was the backdrop to a grisly attack on former *Ming Pao Daily News* chief editor Kevin Lau in February 2014, sparking shock and outrage among journalists and the community at large.

Journalists suffered further attacks in the second half of the year. During the 79 days of mass civil disobedience known as the "umbrella movement", which lasted from late September until mid-December, more than 30 journalists suffered injuries in encounters with aggressive protesters and police officers. There were also cases of journalists facing charges that they had assaulted officers, and law enforcement officials loudly mocking reporters who were carrying out their duties. Such occurrences have become commonplace for reporters, especially when covering protests.

Last year's gruesome attack on Lau saw assailants hack him six times with a cleaver. The local community joined hands and put forward a HK\$3 million reward to help bring those responsible to justice. Shortly after the horror unfolded, police arrested two accomplices who were believed to have carried out the attack and nine other suspects involved in the case. The pair face charges of wounding and theft. They will appear in the High Court at a hearing scheduled for July 8 2015. The nine suspects have posted bail pending further enquiries. The mastermind or masterminds behind the knifing remained at large at press time.

JOURNALISTS LACK PROTECTION DURING OCCUPY PROTESTS

The past year has not been easy for journalists, especially during the Occupy protests. There were cases of reporters being attacked in plain view by anti-Occupy supporters. During police clearance operations, law enforcement officers were also seen hitting journalists, resulting in baton injuries. Some arrests of reporters were questionable. One involved a photojournalist who was accused of assaulting an officer with his camera, and another involved an engineer from a broadcasting station who was alleged to have attacked an officer with a ladder. The HKJA gathered information about at least 32 cases involving violence against journalists during the Occupy movement.

The most high-profile incident happened on September 28 2014, when police fired a total of 87 rounds of tear gas at protesters assembled along Harcourt Road in Admiralty. Even though they wore brightly coloured vests emblazoned on front and back with the word "journalist" and they repeatedly identified themselves to officers at the scene, reporters and photographers still became victims of police violence during the anti-riot operation. A correspondent for digital radio broadcaster DBC reported that officers pulled him from a concrete road divider, prompting him to lose balance and fall to the ground. The police subsequently prevented him from carrying out his reporting work even though he wore a vest identifying himself as a journalist and carried a valid press card.

This was just the tip of the iceberg. On October 3, violence erupted in Mong Kok and Causeway Bay as crowds of anti-Occupy protesters attempted to evict pro-Occupy demonstrators in a heated face-off. At least seven cases involving violence against reporters came to light. During the fracas in Causeway Bay, one Radio Television Hong Kong (RTHK) reporter was hit by police officers armed with batons, resulting in injuries to his waist and pelvis. In Mong Kok, a photojournalist working for *Ming Pao Daily News* was punched and had his camera and flash equipment damaged by members of an anti-Occupy group.

In the early morning of October 4, a *Ming Pao* reporter suffered bruising to his chest when several plainclothes officers tried to clear a crowd. This was despite the fact he was wearing a vest identifying him as a journalist and that he repeatedly told officers he was a reporter while keeping his distance from the crowd. Later that day, RTHK reporter Eric Mak suffered an eye injury after a man punched him while he was

videotaping in Mong Kok. His glasses were damaged in the attack. The assailant was later arrested, convicted of unlawful and malicious wounding and sentenced to four weeks in jail. He was required to pay HK\$3,395 in compensation to Mak and RTHK.

“REPORTERS? SO WHAT!”

During the chaotic clashes at the Occupy protest sites, the personal safety of journalists was always at risk. On October 15, scuffles between Occupy protesters and the police erupted at Lung Wo Road in Admiralty. A journalist working for the online news platform inmediahk.net was, without prior warning, hit with pepper spray after being asked to leave the scene. He had repeatedly told officers he was a reporter and had shown his press pass. The police proceeded to force him out of the area. In the process, his arms were twisted. Several police officers reportedly yelled: “Reporters? So what! You guys can do anything you like?” In a separate incident, a photojournalist from the online news outlet SocREC was dragged, kicked and punched for nearly 30 seconds by police officers clad in anti-riot gear. The photojournalist was subsequently apprehended and taken on board a chartered police bus, even though his press pass was clearly visible.

On the evening of October 18, clashes broke out at an intersection of Nathan Road in Mong Kok after a police operation earlier in the day to clear Occupy protesters proved unsuccessful. The police continued to display rudeness and violent behaviour towards journalists. An *Oriental Daily News* reporter was pushed to the ground by baton-wielding police officers. After regaining his balance and repeatedly telling officers he was a journalist, officers responded by shooting pepper spray into his face from close range. The pain was so intense that the reporter fell to the ground. It was just one of many complaints by working journalists about unjustified pushing and shoving by the police.

There were also cases in which officers abused their powers by arresting journalists who were carrying out legitimate reporting duties. There were two notable cases. On November 25, now TV broadcast engineer Lee Siu-lung was accused of attacking a police officer with a ladder while he was helping a reporter during a police operation to clear protesters in Mong Kok. Lee was suddenly pushed to the ground and arrested. He was charged with suspected assault of a police officer. However, he was released unconditionally after being detained for more than 24 hours. In April 2015, he took legal action against the police for assault.

In a separate incident on November 27, officers pinned *Apple Daily* photojournalist Wong Chun-lung to the ground. He was handcuffed and detained. Officers accused Wong of repeatedly using his camera to hit an officer’s head. Wong later underwent a medical examination of his injuries. He was diagnosed with a sprain in his right wrist and a bruised left ankle. Footage taken by fellow journalists revealed that it was in fact the officer who had bumped into Wong’s camera as he turned, contrary to what the police had claimed.

Reporters have not only failed to be given reasonable protection during the protests, they also did not obtain justice in their complaints against assault. On October 25, a female RTHK reporter and three male TVB journalists were attacked by several anti-Occupy protesters during a rally to show support for the police outside the Cultural Centre in Tsim Sha Tsui. The police were initially passive in helping the RTHK reporter identify her assailants. They said they did not make any arrests because of difficulties in collecting evidence. Faced with public pressure, police later agreed to revisit the case. Investigations are continuing.

As for the TVB case, police initially held three suspects, who were later freed without charges again because the police said they had insufficient evidence. Sources say the police allowed suspects to wear face masks and shower caps as they lined up at an identification parade. Police once again said they would revisit the case if and when fresh evidence came to light. In the wake of the attack.

TVB DROPS REFERENCE TO “PUNCHING AND KICKING” IN REPORT

The alleged beating of activist and social worker Ken Tsang by seven police officers during a police clearance operation near Lung Wo Road on October 15, which was captured by a TVB news team, whipped up a storm of protest. However, the broadcaster itself hit the headlines because of alleged interference and self-censorship by editorial management.

A news clip of the alleged beating under dim light was broadcast in the early hours of that morning. The report stated that the officers carried Tsang “to a dark corner of Tamar Park, where he was placed on the ground and punched and kicked by the group. Two officers then left the scene, while the remaining officers continued to kick the activist. The remaining officers eventually escorted the activist away. The whole process lasted nearly four minutes.”

Shortly after the report was broadcast, news department head Keith Yuen ordered that it should be re-worded. The edited version read: “Officers carried him to a corner of Tamar Park. The officers eventually escorted the activist away. The whole process lasted four minutes.” Wording in the original report including “dark” and “punched and kicked” were deleted.

Several further versions were aired following arguments among middle and top newsroom management. The final version, broadcast in the main evening newscast, stated: “It is suspected that police officers assaulted the man, using actions like waving their fists and kicking.”

Newsroom staff were apparently still unhappy with the final version. More than 100 of them signed a joint petition voicing discontent over the decision to drop the original wording.

At a meeting with news staff one day after the incident, Yuen maintained that TVB reporters had failed to “approach and directly ask (the officers) whether the beating was on purpose”. Yuen reportedly emphasised that “no one could know exactly what happened.”

Assistant news editor Ho Wing-hong, who played a part in the original report, said he and his colleagues had repeatedly reviewed raw footage of the alleged beating. Ho maintained that Tsang was indeed punched and kicked and that the original report was an “objective description” of what they saw. Ho was later transferred to the post of chief researcher and later resigned from TVB. Several other journalists also reportedly resigned in the wake of the controversy.

JOURNALISTS ALSO FACE VIOLENCE FROM ‘DEMOCRATS’

In April 2015, a TVB news van was surrounded by protesters outside Mong Kok police station. They punched the van and shouted foul language at the cameraman inside. The incident came after about 40 protesters marched along the main artery in the district to protest against the government’s proposal for electing the chief executive in 2017.

Two protesters were arrested during scuffles. The marchers then converged on the police station to demand their release. It was during this confrontation that the incident involving the TVB van happened. A further six people were arrested. The HKJA condemned the violence.

The HKJA and the Independent Commentators Association also condemned violence or intimidation against commentators after *Ming Pao* columnist Wat Wai-yin said her family had received death threats in connection with her support of the police over the wrongful charging of an autistic man in a manslaughter case. She also said her address had been posted on Facebook.

Wat stopped writing columns for *Ming Pao* after the newspaper carried criticism against her. She told a rally held to support her in May 2015 that she was facing “violence in the name of democracy”.

PRESS FREEDOM INDEX HIGHLIGHTS VIOLENCE

The 2014 Hong Kong Press Freedom Index published by the HKJA in March 2015 highlighted the prevalence of threats and violent attacks against journalists. Slightly more than half of the general public and journalists, who were questioned separately, expressed concern about the trend. On an index of 0-10, where zero represents no threat and 10 represents the perception that the threat is extremely prevalent, the general public gave a score of 5.2 and journalists 5.5.

More than 90 percent of respondents in the journalists' group said they thought there had been an increase in the number of attacks by law enforcement officers in 2014 compared with the previous year. A total of 87 percent said there had been an increase in the number of attacks by pro-establishment supporters and 70 percent thought this was the case with attacks by interviewees who were not happy with questions by reporters.

Online news platforms also encountered unfair treatment in their reporting of the Occupy movement, even though their reporters carried valid press passes. On September 28, a reporter from post852 was stopped by police when he tried to walk from Wan Chai to Central. A police officer was reported to have questioned his credentials, saying his organisation "is not on the list". The officer berated the online publication, calling it "a rubbish organisation". It was only after the reporter called the Police Public Relations Bureau (PPRB) that he was allowed to access the protest area. The reporter cited a section in police rules which states: "Media Representatives include reporters, photographers and television crews who are in possession of a Hong Kong Journalists Association membership card, and hence police officers should facilitate the work of reporters with courtesy."

In a separate case which happened in April 2015, after the Occupy movement ended, a journalist from inmediahk.net was refused entry to a government news conference on political reform at the chief executive's office. The journalist held a valid HKJA press pass.

SECTION 3

Hong Kong stars in its own television drama

The past 12 months saw the beginning of the end for 58-year-old Asia Television (ATV), culminating with the Executive Council's decision on April 1 2015 not to renew its free-to-air licence. This was in many ways a surprise decision. Another ruling one month later was not at all surprising. The council decided to renew the licence of dominant broadcaster Television Broadcasts (TVB) until 2027.

The imminent exit of ATV from the market—probably in April 2016—has prompted new players to seek free-to-air broadcast licences. They include Hong Kong Television Entertainment (HKTVE) and Fantastic Television. TV watchers, however, have good reason to doubt whether there will be greater choice in the near term. There are fears that the quasi-monopoly of TVB will remain the main feature of the free-to-air TV market for the foreseeable future.

THE DECLINE OF ATV

The Executive Council imposed the death penalty on ATV on April 1—April Fool's Day—declaring that its licence will end on April 1 2016. Its existing licence had been due to expire in late November 2015, but the Executive Council was obliged to give the station one year's notice of licence termination.

ATV has now made history, becoming the first broadcaster to have its licence terminated. By the time this report went to press, it remained unclear whether the cash-strapped broadcaster would be able to secure sufficient funding to stay on air until April 2016. It has struggled to raise funds to pay staff since 2014. ATV said after the Executive Council decision that it would not rule out legal action against the government. Executive director Ip Ka-po urged the administration to reconsider if the broadcaster was able to find a buyer. Its major investor Wong Ching (known as Wang Zheng in putonghua) claimed the decision was the result of "a series of conspiracies and scams". He did not elaborate.

However, Commerce and Economic Development Secretary Greg So said the decision was final, adding that they had given enough time for ATV to state its case and submit a reasonable restructuring plan. The government, he said, would set up a task force to deal with problems that might arise during ATV's final year. Government-owned Radio Television Hong Kong (RTHK) was asked to look at operating an analogue channel after ATV gives up its services.

The fate of ATV was sealed following a drama on the eve of the Executive Council decision. On its 6pm evening newscast, ATV quoted a company spokesman as saying that Wong had agreed that a controlling stake would be sold to Ricky Wong, chairman of listed Hong Kong Television Network (HKTV). There was no comment from Ricky Wong that evening, giving rise to confusion and speculation about the reported deal. Hours later, he denied that he had struck a deal in a statement filed with the Hong Kong Stock Exchange.

Noting public concern that a surge in HKTV's share price had been caused by a misleading ATV report about the deal, former commerce minister Frederick Ma said the Securities and Futures Commission might look into any share price irregularities.

Shortly after Ricky Wong's denial, Deloitte, the accounting firm tasked by the High Court to find a "white knight" to save ATV, revealed that it had succeeded in identifying a buyer. Wong Ching, Deloitte said, had agreed to sell a 52.4 per cent controlling stake, officially held by his relative Wong Ben-koon, to an unnamed buyer. It was later confirmed that the "white knight" was AID Partners Capital, which had previously saved the entertainment company HMV from liquidation in Hong Kong. Referring to the buyer, commerce minister Greg So said the news was not enough to justify a licence renewal.

HUNT FOR ATV 'WHITE KNIGHT' FAILS, FOR NOW

The effort to find a "white knight" to save ATV had been continuing for some time before AID Partners tried to step in. In early October 2014, ATV management told its

nearly 1,000 staff members that shareholders had been in talks with potential buyers and that staff would be paid once transactions had been completed. Executive director Ip Ka-po revealed that more than 10 investors from different parts of the world had expressed “great interest” in acquiring a 10.57 percent stake in the station. This was the share that the High Court ordered the broadcaster to sell to break the control exercised by Wong Ben-koon.

At one point, Ip revealed that talks were underway with Ricky Wong, who had failed to obtain a licence from the government for HKTU. It was reported in 2013 that Wong had offered HK\$600 million to buy ATV. But the bid was rejected by Wong Ching, who was reportedly asking for double that amount. Ricky Wong said in February 2015 that HKTU saw no grounds for working with the ailing broadcaster. His remarks ended speculation about his plan to save ATV.

THE COUNTDOWN BEGINS

The Executive Council decision to terminate ATV’s licence has given rise to fresh uncertainty about whether ATV can continue to operate until April 2015 as at least 100 staff have quit following the management’s repeated failure to pay salaries on time. Ip said in early April 2015 that ATV would only be able to stay on air for four more months unless new funds were made available. He put monthly operating costs at HK\$30 million.

At one stage, Ricky Wong offered to pay at least HK\$5 million each month to ATV in return for airing HKTU programmes on its channels. Advertising revenue generated from the deal would be split between HKTU and ATV. However, talks over a potential deal failed in late April 2015.

The controversy over ATV’s failure to pay its staff on time despite Labour Department warnings became the curtain-raiser to its possible demise. Delays in paying its broadcasting licence fee added insult to injury, dampening the chance of the government approving its application for a licence renewal.

In mid-February 2015, ATV was slapped with a HK\$380,000 fine by Sha Tin District Court after its vice-president Lau Lan-cheong pleaded guilty on behalf of the station to 38 summonses for having failed to pay staff salaries totalling HK\$336,756 on time. In April, the broadcaster was fined a further HK\$690,000 for similar offences, making a record total fine of HK\$1.07 million.

In February 2015, Communications Authority chairman Ambrose Ho said ATV had failed to pay a HK\$10 million licence fee for 2014/2015, which was due in December, plus a penalty of HK\$200,000 for the delay. Ho warned that ATV would have its licence revoked if it failed to pay. ATV later paid both the licence fee and penalty.

LUNCHTIME NEWSCAST AXED

With finances in short supply and staff resigning, ATV was forced to cut back its news programmes. ATV announced that it would cancel its lunchtime 12.30pm Chinese-language newscast from May 18. The broadcaster maintained that replacing the newscast with other programmes did not breach the Broadcasting Ordinance, which only required two daily news sessions each lasting no less than 15 minutes. The main evening English-language newscast was also cut from half an hour to 15 minutes. The company said in May it had fewer than 120 news staff, down from about 200 in September 2014.

Faced with a grave financial crisis, ATV management and staff adopted a host of measures to raise funds. They included the sale of assets, including hundreds of black-and-white Cantonese-language films, studio equipment and 30,000 costumes. The broadcaster sold a plot of farmland in Tsuen Wan for HK\$10 million. In May, US film producer Fox agreed to buy 28 vintage TV series from ATV for an unspecified sum.

In a further twist to the tale, ATV executive director Ip Ka-po announced in June 2015 that investors had agreed to inject new capital into the beleaguered broadcaster. “ATV will have a new chance of a turnaround and new hope,” Ip proclaimed. He said Wong Ben-koon had agreed to sell his 52.4 percent stake to an unnamed investor. “(The buyer) is competent and will build a media empire,” and the new boss was considering

applying for a new free-to-air licence, Ip said. There were no further details at press time.

NEW BATTLE FOR FREE TV SPECTRUM BEGINS

As these developments were taking place, a new battle for the ATV spectrum scheduled to be handed back to the government got underway.

Shortly before the April 1 Executive Council decision, Wong Ching revealed in an interview with mainland financial media outlet *Caixin* that two potential buyers had offered to buy his stake for HK\$200 million and HK\$300 million respectively, which were far below his asking price. He did not name the potential buyers, but one of them was understood to be David Chiu, son of late former ATV chairman Deacon Chiu, who died in March 2015.

David Chiu announced in April that a consortium he led had applied for a free-to-air TV licence, saying it would be too complicated to resurrect ATV and that it would be better to start a new broadcaster. The new venture, Forever Top (Asia), consists of two mainland entities and MGM China Holdings co-chairwoman Pansy Ho. It pledged to invest HK\$3.2 billion in its first six years of operations on facilities and productions. The other two shareholders are Guangzhou R&F Properties chairman Li Sze-lim and Beijing-based investment company Hony Capital, which manages private equity funds worth US\$7 billion (HK\$54.6 billion).

Another operator, Hong Kong Television Entertainment (HKTVE), is set to offer services from 2016 after the Executive Council approved its application for a free-to-air licence on the same day that ATV's licence was terminated. The council had previously agreed to the move only in principle. HKTVE is run by PCCW, which operates the pay service, now TV. The "in principle" approval also applied to another applicant, Fantastic Television, which is run by i-Cable Communications, which also runs a pay service. Formal approval has yet to be given to Fantastic Television to run a free-to-air service pending further talks with the government.

Meanwhile, the government announced on April 1 that it would set up a taskforce to ensure the speedy resolution of various issues relating to ATV, with the aim of minimising any adverse impact caused by its decision not to renew the broadcaster's licence. Officials said they had invited RTHK to provide an analogue TV service to give audiences an additional choice from April 1 next year up to 2020.

RTHK UNION SLAMS 'HASTY' TRANSFER

The government's plan to invite RTHK to operate the spectrum to be left unused by ATV was criticised by RTHK's staff union, which called the decision hasty and irresponsible and one made without prior consultation and detailed planning. Due to resource and manpower constraints, it said it was almost impossible for RTHK to provide a 24-hour channel within a short time.

A few days later, RTHK producers reportedly submitted a proposal to their management on how to provide "mini-newscasts" as a contingency measure as soon as ATV ends its broadcasts. But they said such a minimal set-up would not be possible without additional resources. An RTHK executive suggested that if the channel was to air 15 to 20 minutes of news each day, about 30 to 40 staff would be required.

Ironically, the proposal to allow RTHK to run an analogue channel comes amid uncertainty over who will lead the public broadcaster. A public recruitment exercise is underway to find a replacement for incumbent director Roy Tang, who has served since 2011 and therefore longer than expected. The move to find a replacement is also controversial as all station directors have been outsiders since 2007, with two of them, including Tang, being government administrative officers. The RTHK staff union has criticised the government for ruling out internal promotion.

Local advertising industry veterans joined calls for the government to decide as soon as possible on the reallocation of ATV's free-to-air spectrum to ensure fair and open competition in the television market. They said that with ATV fading out and its analogue spectrum set to be taken over by RTHK—which does not take advertising—TVB would be the only option for high-penetration television ads. They estimated that more advertising money would go to digital online platforms.

HONG KONG TELEVISION NETWORK WINS LEGAL BATTLE

The 2014 annual report stated that “the government’s commitment to media diversity was brought into serious question in October 2013 when the Executive Council denied a free-to-air television licence to one of three applicants—HKTV.”

Hong Kong Television Network (HKTV) chairman Ricky Wong challenged the Executive Council decision in court. A hearing was held in August 2014. HKTV’s lawyer argued that the council had failed to discharge its duty to give adequate reasons for rejecting the application. However, government lawyers insisted the law allowed it discretion to decide which broadcasting operators would receive free-to-air TV licences. They maintained that the decision was fair and that HKTV’s application was rejected due to changes in the advertising market.

In a surprise decision, the High Court ruled on April 24 2015 that the Exco decision was unlawful and ordered the government to reconsider the ruling. Mr Justice Thomas Au said in a written judgment that the government’s decision failed to follow its 1998 pro-competition policy, which stipulated that there should be no limit on the number of free-TV licences.

The judge said that the Executive Council had instead adopted a “gradual and orderly approach” to opening up the TV market and awarded only two licences—to Hong Kong Television Entertainment and Fantastic Television. He noted that Exco had chosen to rank the three applicants instead of considering their individual merits.

Civic Party leader Audrey Eu said a fresh application by HKTV for a free-to-air TV licence should not affect Exco’s reconsideration following the High Court ruling. But she said changes in the TV market including the imminent expiry of ATV’s licence should be taken into account.

The government announced in May 2015 that it would appeal against the High Court ruling.

TVB GETS NEW CHAIRMAN AND ‘A CHINESE MURDOCH’

Deal-maker Charles Chan was appointed chairman of TVB in December 2014, replacing long-time incumbent Norman Leung, who turned 74. Leung retired on January 1 2015. Chan, 59, was named a non-executive director of TVB in April 2011 after leading a group of investors to buy Shaw Brothers’ stake in the broadcaster for HK\$6.26 billion. He was appointed to the executive committee in March 2012.

The investors also included Taiwanese entrepreneur Cher Wang Hsiueh-hong, co-founder of smartphone maker HTC, and Providence Equity Partners, a US private equity company that manages US\$22 billion in capital and investments worldwide.

However, it was another appointment to the TVB leadership that raised eyebrows in the media. TVB announced that its controlling shareholder had sold an undisclosed stake to Li Ruigang, who is dubbed “China’s Rupert Murdoch”, marking a further input of mainland capital into the local media. The shareholding changes in TVB quickly received the green light from the government’s Communications Authority.

The change introduces “an additional member controlled by Li” to investor group Young Lion Holdings, which holds 26 percent of TVB shares. In addition to Li, Young Lion includes TVB chairman Charles Chan, HTC Corp chairwoman Cher Wang and Providence Equity Partners.

Responding to press enquiries, Li said he had been invited by Charles Chan to become involved as he was optimistic about TVB’s prospects. Li is the chairman of the powerful state-owned Shanghai Media Group. In 2011 he was promoted to deputy secretary general of the Shanghai Communist Party’s administration office. A few months later, he decided to get back into the media business.

Chan said Li’s insights and broadcasting and media-related contacts would enrich TVB’s Chinese-language content, particularly in further developing its film business.

However, Civic Party lawmaker Claudia Mo accused the governments in Beijing and Hong Kong of being bent on “dyeing free TV red. They have to keep a firm ideological grip”. She called on Hong Kong people to “keep their eyes wide open”. Another pan-democrat, IT sector lawmaker Charles Mok, expressed concern that mainland-based

capital was increasingly finding its way into Hong Kong's television industry, raising concerns that the SAR's press freedom was being eroded.

TVB GRANTED ANOTHER 12-YEAR LICENCE TO 2027

Amid disquiet over the entry of mainland investor Li into TVB, the government renewed the broadcaster's licence for another 12 years from December 2015 until November 2027. A mid-term review will be held in 2021.

Asked if the government was concerned about the influx of mainland capital to TVB, commerce minister Greg So said the government had taken into consideration many factors, including programme quality and the recent change in TVB's shareholding structure.

TVB has committed to a six-year investment plan—between 2016 and 2021—of HK\$6.336 billion, including HK\$6.192 billion in programming investment and HK\$144 million in capital investment.

Amid fierce criticism of its programme quality and lack of originality, TVB has pledged that at least 12,000 hours of its programming, representing 27.4 per cent of the total, will be produced locally each year.

Commenting on the Executive Council decision, advertising veteran Tsang Kam-keung said he believed TVB's dominant position in the market would continue as there were hardly any competitors who were strong enough to challenge its position.

SECTION 4

Government-media relations strained

The HKJA has long been complaining about the secretive nature of the government and its attitude towards relations with the media. It feels that this trend has worsened since July 2012, when Chief Executive Leung Chun-ying took office. It has also come amid deterioration in the political atmosphere as the government has tried to push its proposals for electing the chief executive by universal suffrage in 2017.

This trend has been borne out in the HKJA's Press Freedom Index, which was published in March 2015. It showed that media practitioners held the view that the government had become more manipulative towards the media. The 2014 index in this area rose from 5.6 in 2013 to 6.2 among journalists. A higher figure means the government is being rated as more manipulative.

In the same survey, journalists' rating of the attitude of government officials, including the chief executive, to media inquiries, fell from 3.1 in 2013 to 2.6 in 2014. A rating of 10 means officials are very truthful and zero means they are being absolutely evasive. A total of 83 percent of journalist respondents gave a rating of 4 or below, while 71 percent agreed that the Hong Kong government was one of the sources of suppression of press freedom. Only 6 percent disagreed.

The issue of political reform for the 2017 chief executive election, including the related Occupy movement, dominated media coverage in the past 12 months. No other major policies were announced or introduced in the first half of 2015. In view of the importance of political reform, media gave extensive coverage to the debate. The government was keen to shape public opinion on this important issue through press conferences, stand-ups and off-the-record briefings in a bid to influence coverage.

The number of complaints by the media against the government for holding selective background briefings, instead of formal press conferences, has increased since 2010. But during the period from March to early June 2015, there was only one background briefing by the government on an issue that was not related to political reform—probably an indication of how important the electoral issue had become.

A search on the WiseNews aggregation database showed the term “government sources” was used in 201 articles in Chinese-language newspapers and 105 articles in English-language dailies between March and May 2015. This represents an average of 2.2 articles in Chinese and 1.15 articles in English a day. The figures were significantly lower than those recorded in 2014—28.4 articles a day for Chinese-language publications and five a day for their English counterparts. This may reflect the fact that one issue—political reform—was dominating the news agenda.

DISTRICT VISITS GO UNPUBLICISED

The government's publicity campaign for the electoral reform package got off to a bad start on April 22 2015. The media was only informed about the first district visit a few hours before top officials including Chief Executive Leung Chun-ying arrived in Mei Foo. The officials' “meet the people” encounter was marred by chaos as they faced pan-democrat protesters. Several journalists suffered injuries during the event and some called the media arrangement a mess.

Following the Mei Foo visit, the government's Information Services Department did not give advance notice of further district visits, nor were phone calls made to notify the media of relevant events. Indeed, journalists had to call officials to find out if any such events had taken place. This gave rise to complaints of unfair treatment as officials could give relevant information to selected media organisations. In some cases, officials even refused to confirm whether a district visit had taken place. Some journalists were only aware of such trips after officials tipped them off that pictures and stories about the visits had been posted on Facebook.

Some reporters shared their bad experience in seeking information from the government's information coordinator, former core Democratic Party member Andrew Fung. There were reports that he asked journalists about their political stance when they called him for information. Fung also had the habit of posting exclusive pictures of

the chief executive's visits on his personal Facebook page. On one occasion, Fung faced media questions after he posted pictures of Leung on a pro-government website called Speak Out Hong Kong. He insisted he did this in his capacity as a reader.

Though not run by the government, the website has been given exclusive access to some events organised by the chief executive. In mid-March 2015, Leung invited representatives of various organisations to a closed-door banquet at Government House. No media representatives were invited. It was reported that a representative of the Hong Kong United Foundation, which runs the Speak Out Hong Kong website, wanted to cover the function. Although the website did not carry any story about the banquet, journalists expressed concern that long-established pool reporting arrangements by the mainstream media had been changed after more exclusive stories about the chief executive were carried on the "unofficial" website.

MINISTERS SHUN REPORTERS, TURN INSTEAD TO BLOGS

Politically-appointed principal officials may have shied away from giving formal press conferences to announce their policies. But some have not shied away from writing about their policies and thinking on government blogs and Facebook.

On May 24, for example, four ministers took to their blogs. Financial Secretary John Tsang and Financial Services Secretary Chan Ka-keung wrote about the arrangement for mutual recognition of funds between mainland China and Hong Kong, Development Secretary Paul Chan discussed controversy over Hong Kong's purchase of water from the Guangdong government and Home Affairs Secretary Tsang Tak-shing wrote about a summer programme allowing young students to gain experience about the life of astronauts. The media gave good coverage to these blogs on the following day. This is hardly encouraging as blogs provide only one-way communication.

There was some encouraging news on other fronts—at least on the surface. The police gave almost daily press briefings during the 79-day Occupy protests in late 2014. But these events have to be put in context insofar as the government wanted to put its views across during the protest movement.

However, there were also cases of government information being disseminated in a less formal manner. It is understood that some officials still preferred feeding friendly media with exclusive stories over lunches. These included details of the 2017 political reform blueprint. They were doubtless hoping that publications could spin their stories in the government's favour. In another case, a briefing by the Commerce and Economic Development Bureau which was originally planned to be held behind closed doors turned into a formal press conference.

Superficially, the number of off-the-record government briefings declined in 2015. But senior journalists said that was mainly due to the fact that the government had refrained from making major decisions so the public could focus on political reform. Some veteran journalists complained that access to government information was not as easy as it was in the past. For instance, journalists said they encountered difficulties in obtaining data from the government about a scheme allowing mainland Chinese residents to visit Hong Kong.

CALL FOR ACCESS TO INFORMATION LAW GOES UNHEEDED

In 2013, the Ombudsman recommended the enactment of legislation giving people a legal right to access government information. This came after the Ombudsman issued a scathing report about the existing administrative code governing public requests for official information. This code has been in effect since March 1995.

Despite the Ombudsman's call, the government has been reluctant to start legislative work on freedom of information legislation. It said it was waiting for the completion of a Law Reform Commission report on the issue. A sub-committee began studying the matter and the related systems in place in overseas jurisdictions in June 2013, but two years on there is no indication when it will publish its report. A second sub-committee is studying the related issue of whether to enact an archives law.

A commission spokesman told the HKJA: "Given the importance and complexity of the issues involved, as well as the level of local and comparative research and analysis

required, it is too early for the two sub-committees to commit to an expected completion date for the projects.”

During his campaign for the 2012 chief executive election, Leung Chun-ying, in his capacity as a candidate, signed an HKJA press freedom charter pledging to promote freedom of information. Apart from referring the matter to the Law Reform Commission, he has not yet taken any action to fulfil his pledge. Indeed, the HKJA fears that the referral may be a delaying tactic given that the government appears to be happy to maintain the current administrative code.

Meanwhile, there are concerns that certain documents and records of government decisions made during the Occupy movement may not see the light of day as there is no law governing the management of archives. Indeed, former government records service director Simon Chu, who is a staunch advocate of an archives law, has suggested that student leader Yvonne Leung should apply for a court injunction to prevent the government from destroying documents relating to the decisions made and executed during the Occupy movement.

JOURNALISTS STRONGLY BACK INFORMATION LAW

Journalists have consistently expressed a strong desire for freedom of information legislation to ensure that they and the general public have a right to access information held by the government and public bodies. The HKJA Press Freedom Index found they saw no improvement in government transparency. They also felt that existing laws were not adequate in helping them to obtain government information needed for reporting. Journalists gave this issue a rating of 4.6 compared with a public rating of 5.8 out of 10. A rating of 10 means very adequate. A zero rating means very inadequate.

In another finding, the public rated the difficulties faced by news media in obtaining information needed for reporting at 5.4, while journalists rated it at 6.0. The rating for the previous year was slightly lower at 5.9. A rating of 10 means such difficulty is very common, while zero is not very common. Further, 89 per cent of journalist respondents said the government should enact a law on freedom of information.

There is a clear need for the government to take urgent action to enact such legislation, which should be based on the principles of maximum disclosure, limited and narrowly drawn exemptions and an effective and independent appeal mechanism. It should at the same time enact an archives law to ensure that government documents are properly protected.

SECTION 5

Newspaper editors flee as self-censorship fears grow

Hong Kong has had a number of respected Chinese-language newspapers, which provided quality reporting and commentary on matters of public interest. Two of the most prominent are *Ming Pao Daily News* and the *Hong Kong Economic Journal*, which were founded by respected intellectuals Louis Cha and Lam Hang-chi respectively. However, the departure of prominent editors and alleged self-censorship cases have recently raised questions about their credibility. Controversy surrounding the two publications has also deepened concerns within and outside the industry about the worsening problem of media self-censorship.

Indeed, the Hong Kong Press Index released by the HKJA in March 2015 showed that journalists in particular were concerned about self-censorship. The 537 journalists who returned questionnaires on press freedom issues gave an average rating of 7.0 for self-censorship on a scale of 0-10, where 10 means the problem is very common. By contrast, 1,035 public respondents to the survey gave it a rating of 5.6. Both journalists and the public also felt that the news media had the greatest worries about criticising the government in Beijing, followed by business tycoons in Hong Kong and the city's government.

At a time when such fears are prevalent, *Ming Pao* and the *Hong Kong Economic Journal* both saw a change of chief editor. Coincidentally, both incumbents were transferred to run their digital media operations. Former *Economic Journal* chief editor Chan King-cheung was made deputy publisher and director of digital media in May 2013. He resigned from the newspaper group in October 2014, stating that he and the newspaper were “on different paths”.

Kevin Lau was removed from *Ming Pao*'s editorial department after holding the post of chief editor for two years. He took the helm of *Ming Pao*'s online division, MediaNet Resources, in January 2014 and remains in that post today. Lau suffered serious leg injuries from a chopper attack in February 2014. Although both newspapers have stressed that their editorial policies remain unchanged following the leadership reshuffle, concerns remain about possible erosion of press freedom.

Following the editorial leadership change, the *Economic Journal* saw a spate of resignations at senior management level. *Ming Pao* editorial staff, on the other hand, remained in their posts, but set up a staff union to defend their press freedom.

KEVIN LAU OUT, CHONG TIEN-SIONG IN

After Lau was removed, former *Nanyang Siang Pau* chief editor Chong Tien-siong, who is Malaysian, took over the hot seat. However, in the face of opposition from staff and external pressure, Chong was first made principal executive editor in May 2014. He became acting chief editor when editorial director and chief editor Cheung Kin-bor retired in October. It was not until January 1 2015, one year after the row over the change of chief editor erupted, that Chong officially assumed the top job in the editorial department. The *Ming Pao* staff union expressed concern over Chong's confirmation because he had declined its request for dialogue and the management had refused to sign a “news charter” compiled by the union.

Two controversial incidents relating to changes to front-page stories happened in the year after Chong joined *Ming Pao*. The first concerned the July 1 pro-democracy rally and its aftermath and the other the suppression of the pro-democracy movement in China in 1989. Both are issues close to the heart of Hong Kong people. A key person involved in the first incident was Lui Ka-ming, an editorial director of *Ming Pao* and executive director of its eastern Canada edition. Lui resides in Canada. Although he is the immediate supervisor of *Ming Pao*'s chief editor, he seldom manages editorial work in Hong Kong. He shows up only occasionally in *Ming Pao*'s Hong Kong newsroom.

On July 1 2014, the editorial team picked the July 1 rally as the front-page story in accordance with the established news selection mechanism. The main headline for the story, which focused on the rally plus a sit-in staged in Central afterwards, read: “Rally

for universal suffrage turnout hits 10-year high.” The sub-headline read: “Hundreds rehearse Occupy Central, police start clearance procedures.” At about 3.30am on July 2, Lui ordered the printing process to be stopped and the two headlines replaced, without informing the night editor and key executives in the editorial department. The wording “rally for universal suffrage” in the original main headline was removed. The sub-headline became the main headline, which was changed to: “Hundreds rehearse Occupy Central, police clear protesters.”

The *Ming Pao* staff union strongly condemned Lui over the decision, saying the change was not implemented in accordance with normal editorial procedures. They were worried that it might set a precedent for future intervention. The changes weakened the news value of the story as the turnout for the rally is a politically sensitive topic. Although Lui’s edited story gave an update on the police clearance operation, it dropped the wording “Rally for universal suffrage”. The union claimed the change gave rise to suspicions that Lui had attempted to play down politically sensitive issues.

In a news article published on July 3, then *Ming Pao* chief editor Cheung Kin-bor said Lui was correct in revising the headlines, taking into account the latest police action. He added that the mechanism for changing stories should be reviewed to avoid similar controversies. In an article headlined “The night of headline change”, published on the same day, Lui said editors and reporters who were responsible for the story had already left the office by 3.20am. He said the wording in the revised headline, “July 1”, carried greater meaning than “Rally for universal suffrage”.

Lui’s article failed to allay staff concerns. They were in particular angered by his remark that all the editorial staff involved had “fled” because many reporters and photographers had worked hard and completed their jobs in the protest areas. A joint statement signed by more than 190 staff members said his allegation was misleading. They called on Lui, who left Hong Kong immediately after the incident, to apologise for his remarks as well as for violating editorial practices. Lui ignored the call, triggering further condemnation and expressions of regret by the staff union.

The HKJA also condemned Lui’s actions, arguing that they had seriously undermined editorial independence at *Ming Pao*. The Independent Commentators Association added its voice to condemnations, saying Lui had abused and acted beyond his power. The association said Lui had failed to respect and seriously deviated from the newspaper’s established editorial procedures, thus causing harm to the city’s press freedom and freedom of expression.

CHONG’S FRONT-PAGE STORY CHOICE CHALLENGED

One month after becoming chief editor, Chong himself became the focus of controversy over a front-page change. On February 2 2015, an editorial meeting decided that a confidential Canadian government report on the June 4 1989 crackdown in Beijing would be run on the front page. Its headline read: “Canadian confidential report documents student witness account of June 4 shooting”. Chong made no objection to the decision at the meeting, but in the late evening decided to drop it from the front page and run it on an inside page, despite strong objections from some senior editorial staff. Instead of the June 4 report, the front page story was about Alibaba donating HK\$1 billion to help young Hong Kong people start their own businesses.

The *Ming Pao* staff union said Chong had deviated from previous practices adopted by his predecessors in selecting news stories. Unlike his predecessors, Chong had not raised any objections at the editorial meeting, nor attempted to justify his later move to act differently. Infuriated by Chong’s move and his disregard for collective editorial decisions, about 100 staff participated in an unprecedented protest by laying down their pens for one hour on the evening of February 3. The protest ended with the posting of a copy of the June 4 report on the wall at the *Ming Pao* premises.

To Yiu-ming, assistant professor in the Journalism Department at the Hong Kong Baptist University, said in an interview with Radio Television Hong Kong that it was extremely rare for editorial staff of a newspaper to stage such a vehement protest against their chief editor. The HKJA also expressed serious concern over the incident, noting that Lui’s move had deviated from the established mechanism of the newspaper’s editorial department.

In response, Chong issued a statement saying *Ming Pao*'s editorial policy had always been impartial. He stressed that the chief editor had the power and responsibility to make changes to publication arrangements for news stories. His decision to run the Alibaba story on the front page, he said, was made in accordance with "the logic of news". Chong also noted that the June 4 story was published without changes.

The row over the June 4 story was widely covered by some local and foreign media, but *Ming Pao* did not report it in news stories. There was even an attempt to drop a column on the controversy by social activist Chan King-fai. Chan, in his regular column, criticised Chong for abusing his powers at the expense of the newspaper's credibility. The column was eventually published together with a response from Chong. The chief editor said he disagreed with some of the points expressed in Chan's column, but agreed to publish it in view of *Ming Pao*'s long-standing principle of freedom of expression and adherence to facts.

SENIOR EDITORS QUIT HONG KONG ECONOMIC JOURNAL

Staff at *Ming Pao* reacted strongly to the controversies over changes to front-page stories following the change of chief editor at the publication. A different approach was taken at the *Hong Kong Economic Journal* following the removal of chief editor Chan King-cheung, with several senior editors quitting. Chan's removal was documented in the 2014 annual report. His post was taken up by executive deputy chief editor Chan Pak-tim in an acting capacity in May 2013. Two months later, executive director Loh Chan, who was also chief executive officer, resigned. Just a few days before Alice Kwok took up the post of chief editor, Chan Pak-tim himself left the newspaper. This was followed by the resignation of a deputy chief editor and three reporters.

Over the past year, the exodus of senior editors continued. Deputy chief editor Chris Yeung left in August 2014 amid reports that he and Kwok were not on good terms. Kwok was reported as saying that she respected colleagues' personal decisions and that every newsroom saw "people coming and going". The HKJA had cited Kwok in a 2003 investigation report as one of those involved in alleged self-censorship at the Metro Finance channel of Metro Broadcast Corporation.

FOUNDER LAM SELLS REMAINING SHARES TO RICHARD LI

In another development, *Hong Kong Economic Journal* founder Lam Hang-chi and his wife sold their remaining 20 percent stake in the newspaper to an offshore trust company controlled by PCCW chairman Richard Li in August 2014. The Lam couple had previously sold 50 percent and 30 percent of their shares to Li in 2006 and 2007. The latest and last transaction marked the end of the era of "intellectuals running newspapers".

Shortly before the latest shareholding sale was announced, veteran columnist Edward Chin was notified that his column in the newspaper's investment section, which had run for more than nine years, would be dropped by the end of August. A hedge fund manager, Chin was one of the initial backers of the Occupy Central movement. Chin had earlier been told by the newspaper that he should focus on investment issues in his column and that his comments on other issues could be published in other sections. Chin expressed regret over the axing of his column. He suspected it had to do with his pro-democracy stance and his major role in the Occupy movement. Alice Kwok explained that Chin's column had been dropped because of a general change involving columns in the investment section and that Chin was not the only columnist who was affected. She denied that the change was related to Chin's participation in the Occupy movement.

After stepping down as chief editor, Chan King-cheung took over the newspaper's digital section, including its website. In October 2014, Chan tendered his resignation after being told that Kwok would take over all editorial units following a restructuring. Chan said in an interview that he was on "different paths" with management following 28 years of service with the publication. In response to the resignation, Kwok confirmed the new personnel and structural changes at the newspaper. She also said that Chan resigned for personal reasons and that management cherished the long-time employer-employee relationship with Chan.

During Chan's leadership of the website, one of the most hotly-discussed stories was an exclusive interview with the younger daughter of Chief Executive Leung Chun-ying, Leung Chai-yan. Chai-yan revealed in her interview that the "happy family" photo taken with Leung and her mother in a London park was in fact a public relations gimmick suggested by her father. The incident came in the wake of reports that Chai-yan may have attempted suicide.

When the Lam couple sold all their remaining shares in the newspaper, Kwok declared that its editorial policy would remain unchanged. But the way she handled controversial issues and staff and content changes drew concern from Lam Hang-chi.

CHIEF EXECUTIVE LEUNG THREATENS LIAN OVER COLUMN

In early 2015, former *Hong Kong Economic Journal* chief editor Joseph Lian wrote in his regular column that there was a case of suspected family abuse relating to Leung Chai-yan. Leung Chun-ying issued an open letter to the newspaper, accusing Lian of making an issue out of his daughter's health problem for political purposes. He said in his letter: "Family members should not become victims of political attacks. This is the bottom line of everyone's moral standards. I appeal to the newspaper and Mr Lian to stop (commenting on my daughter's health)."

In her response to Leung's letter to the media, Kwok said the newspaper was just a platform for different opinions. She said Lian was entitled to his opinion, stressing it did not represent the views of the newspaper.

Lam Hang-chi expressed two major concerns in his column in the newspaper. First, he asked whether the *Hong Kong Economic Journal* was just a printed version of an online forum or a community blog. And second, Lam said Lian's view and the newspaper's stance were two separate, unrelated matters. Lam said he felt deeply disturbed by Kwok's remarks. He said a newspaper publisher could not shrug off his or her responsibility by simply saying that so-called problematic articles or columns did not represent the views of the newspaper. This was because, he said, those articles had passed through editors before going to the press. Disclaimers did not work in those circumstances and they would only upset or even embarrass writers, Lam said.

Lam had written in 2013 that he was not an intellectual who could shift his allegiance from his personal convictions to the state. Admitting he had long passed the age of "moving forward against all odds", he said his only choice might be to stop writing his column. Lam, however, has not opted for that choice. But, as he wrote in the same article in 2013, Hong Kong is moving further from its past.

POST'S COLUMN POLICY CHANGE CAUSES A STIR

Regular columns by well-known writers on topics they choose have long formed a major component of the coverage of the major English-language newspaper, the *South China Morning Post*. But a change of policy on regular columns in May 2015 gave rise to concerns about the scope for columnists to express their views. It resulted in the disappearance of some widely-read regular columns.

In mid-May, chief editor Wang Xiangwei sent a letter to every columnist featured on its Opinion and Insight pages informing them of the policy change. It read: "From Monday June 1, we will no longer require you to file your regular column ... Instead, we would encourage you to email proposals on your specific areas of expertise to the op-ed editor for consideration."

"In addition, the Post will contact you if/when we have a topic in mind that we would like you to write about. This should ensure more flexibility for both sides."

The demand for pre-approval of topics is a departure from the newspaper's long-established policy that allowed regular columnists ample scope to decide what to write about.

The pre-approval demand for columns was first introduced by Wang for the China section in 2012. Under the policy, one article relating to a Chinese official's comment on the country's environmental policy was dropped on the ground that the topic had not been given prior approval.

A SIGNIFICANT CASE OF SELF-CENSORSHIP?

Downplaying a story can be a form of self-censorship. A case in point is the handling by newspapers of a controversy over a payment of HK\$50 million made to Chief Executive Leung Chun-ying by a listed Australian company, UGL.

On October 8 2014, Australian newspaper *The Sydney Morning Herald* carried an exclusive report about Leung accepting a total of £4 million from UGL. Half of the payment was made in 2013 after he became the city's chief executive. Leung never declared the payment in his register of personal interests either before or after he was sworn into office on July 1, 2012. The Australian firm paid Leung the money before it acquired DTZ Holdings in return for his promise not to compete with it and to support UGL's Asian ambitions. Leung was then a DTZ director and chairman of its Asian operation. Leung did not declare the deal to the DTZ board.

The report questioned Leung's integrity both as Hong Kong's top official and a company director. It provided online a letter from UGL to Leung detailing the payment and terms as well as confirmation of the details by Leung's office.

This was a report that involved the city's top official, a significant sum and a disclosure rule that governs all government officials. It is top news by all measures. Given that it was reported at 3pm Hong Kong time on October 8, the Hong Kong media should have had sufficient time to prepare reasonably detailed coverage. However, only four of the city's newspapers placed the story on their front page on October 9. The four were *Ming Pao Daily News*, *Apple Daily*, *am730* and *The Standard*. (See table below.) The other newspapers put the story in their inside pages. Their front-page stories focussed on the Occupy movement, which had entered its 14th day without any major developments.

The case of *Headline Daily*, a free tabloid published by the Sing Tao Group claiming a daily circulation of 850,000, is telling. Its front page story was about the traffic congestion caused by the protest which was expected to worsen as kindergartens resumed classes. The UGL scandal was put on page six after various Occupy-related stories.

One can naturally ask what prompted the editors of the 14 newspapers to decide that a follow-up news report of the Occupy protests was more important than a top breaking story about the city's chief executive.

Table of newspapers' coverage of the UGL incident

Newspaper	Page number	Headline
Sing Tao Daily	4	\$50 million was DTZ departure pay, CE's Office: No link to public office
Headline Daily	6	Leung took \$50 million, CE's Office: Disclosure not required for pre-appointment contract
The Standard	1	Leung defends 'secret' \$50m payment
Oriental Daily News	5	Leung took \$50 million. CE's Office: Departure Pay
The Sun	4	Leung allegedly took \$50 million from Australian company
Hong Kong Economic Journal	8	Leung took \$50 million secret pay from UGL CE's Office: Disclosure not required for pre-appointment pay
Hong Kong Economic Times	22	CE's Office: Disclosure not required for pre-appointment pay
Sky Post	12	Leung took \$50 million CE's Office: Pre-appointment pay
Wen Wei Po	18	CE's Office: Departure pay is no deferred benefit Disclosed under Exco rules
Ta Kung Pao	2	UGL pay not linked to CE job
Hong Kong Commercial Daily	6	Leung's \$50 million pay was departure deal

South China Morning Post	3	Questions raised over firm's HK\$50m deal with C.Y.
Metro Daily	10	CY took huge pay CE's Office: No conflict of interest
Hong Kong Daily News	6	Leung paid \$50 million to help Australian company in DTZ acquisition
Sing Pao	3	CE allegedly took \$50 million from Australian company
Ming Pao	1	Leung did not disclose \$50 million pay CE's Office: Contract signed prior to appointment and no service provided
am730	1	Secret deal on DTZ acquisition exposed Leung accepted over \$48 million from UGL
Apple Daily	1	Leung pocketed \$50 million secret pay, not disclosed Potential breach of anti-bribery rules

HONG KONG JOURNALISTS ASSOCIATION

The Hong Kong Journalists Association (HKJA) is the only industry-wide union of journalists in Hong Kong.

The HKJA promotes the right to freedom of expression and actively focuses on a range of press freedom and ethics concerns. As a trade union, the HKJA focuses on labour rights, pay issues, health and safety, and training.

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