

2018
Annual Report



Candle in the wind— National Security law looms over diminishing freedoms



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Chief editor

Chris Yeung

Executive chief editor

Carol P. Lai

Writers

Ching Cheong, To Yiu-ming, Allan Au, Cathy Chu, Tse Chung-yan, Shirley Yam,
Ken Lui, Yan Mei-ning

Translators

Chan Wai-fong, Cheung Choi-wan, Pamela Ngai, Koh Yoke-moi, Wendy Lee

Special thanks

Tim Hamlett, Wong Ping-ho, Benny Au, John Reacroft and Jackie Sam

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Hong Kong Journalists Association

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Introduction recommen

on and dations

This year's publication of the Hong Kong Journalists Association's annual report on freedom of expression not only commemorates the 50th anniversary of the founding of HKJA, but also marks the 25th anniversary of the publication of this annual report since it was first published in 1994. In retrospect, this year also witnesses a very difficult situation for freedom of expression in Hong Kong.

Research on the press freedom index conducted by the Public Opinion Programme of The University of Hong Kong earlier this year indicated that the general public gave the lowest score since the survey was launched in 2013 to the city's press freedom in the last 12 months.

At the same time, the majority of journalists who responded noted that Hong Kong press freedom has gone backwards. The survey reports that most journalists and members of the public said pressure from the central government is the major factor that undermines press freedom. In the past year Beijing officials repeatedly put pressure on the HKSAR Government, urging them to implement Basic Law article 23. That definitely hurts Hong Kong press freedom.

The HKSAR government evidently intends to promulgate a National Security Bill to implement the provisions of Basic Law Article 23. If it is indeed passed, the expression of public opinion, which is at the moment not a criminal offence, will become an offence liable for conviction according to the rule of law. For instance, the alleged 'pro-Hong Kong independence' view of Benny Tai, a law professor at the University of Hong Kong, last March attracted high profile criticism from both Beijing officials and the HKSAR Chief Executive. The move is also consistent with other actions by those in power, who have a strong desire to speedily pass this controversial bill.

The incumbent HKSAR Chief Executive pledged that the enactment of the Basic Law Article 23 will hinge on public opinion. But the facts indicate that the oppositional forces and factors which were preventing the then HKSAR Government from forcefully pushing through the said bill have since disappeared or become weak. To use Legislative Council as an example, those in power used a series of disqualification (DQ) devices to remove dissenting democratically elected legislators from their seats, which in effect silences the already weak dissenting voices. The current Legislative Council, controlled by the pro-establishment legislators, has indeed dispelled the doubt and anxiety of the SAR Government, which previously led it to fear it would not secure sufficient votes and therefore to withdraw the bill some 15 years ago. In fact, the critical oppositional votes only emerged after half a million people took to the streets in 2003. That was as a result of Cardinal Joseph Zen calling upon the public to reject the draconian law, which received large scale reportage by the *Apple Daily* and *Next Magazine*, as well as a phone-in talk back show with radio broadcasters Albert Cheng and Raymond Huang. The so-called "one newspaper, one magazine and two microphones" campaign had a big effect on public motivation which in turn fuelled and accelerated people power to voice out objections and, to a large extent, forced the SAR Government to withdraw the bill all together. Whether all these cause-and-effect factors, which triggered the unprecedented expression of resentment at that time and forced the SAR Government to back down, will come back again is a big question.

Now the Legislative Council is under the control of pro-establishment legislators, that will enable Beijing officials to force through the enactment of the Basic Law Article 23. The HKSAR Chief Executive, who has openly said she would only enact the bill if there is a conducive legislative environment, is in fact disguising the way the bureaucratic government is assisting in the implementation of the move.

This annual report on freedom of expression was originally a concerted effort between the HKJA and “Article 19” – an international organisation concerned about freedom of expression and self-censorship. The name, “Article 19,” originated from Article 19 of the United Nation’s “Universal Declaration of Human Rights”, and also arose from Article 19 of the International Covenant on Civil and Political Rights adopted by the United Nations General Assembly. Hong Kong has signed this covenant. The imminent enactment of Basic Law Article 23 is now being justified in the name of protecting national security, but it would deprive Hong Kong of her existing freedom of expression, which is exactly what the society and the committee responsible for this annual report are most concerned about.

The chapter written by this annual report’s chief editor, Chris Yeung, points out that, according to article 39 of the Basic Law, anything which restricts human rights and freedom should abide by the requirements of the International Covenant on Civil and Political Rights. The HKSAR Chief Executive and some HKSAR officials have repeatedly remarked that freedom is not absolute and can be limited, which is at best a half-truth in complete disregard of the provisions of the second clause of Article 39 of the Basic Law.

In light of the shrinking of printed media and the rapid growth of online media, the frontline in the public opinion war has extended to the digital media zone in a big way. The chapter written by Tse Chung-yan reveals how the Chinese-funded media has extended the influence of their newly founded digital media to the territory.

The chapter by Ching Cheong analyses the current situation and the causes of declining press freedom in mainland China. He also focuses on how the authorities manipulate local media by criticising and condemning the so called ‘pro-independence view’ of Benny Tai. Ken Lui covers the latest developments of the situation of journalists covering the China beat, revealing the plight of mainstream media and those covering sensitive news in the mainland and Macau, with the latter often being threatened, assaulted and blocked. The controversy over mainland officials’ staged confession of suspects in front of Hong Kong media is also highlighted.

The chapter co-authored by Allan Au and Cathy Chu reveals and analyses the output of mainstream media and public broadcasting over the past year, highlighting self-censorship and the difficult situation ahead.

The chapter written by Shirley Yam reports that there has been no progress on the introduction of a law on freedom of information and an archives law since the new Chief Executive of the HKSAR took up office. This is in spite of the fact that the government has relaxed the restrictions on online media's coverage of official news after several years' lobbying effort by the HKJA. The report, which analyses the Hong Kong media in detail, reveals that the result of these two laws not being promulgated is that, in effect, journalists are being obstructed and not allowed to search for the truth.

Looking at the rugged road ahead, the biggest challenge facing the HKJA and the major concern of this annual report is nothing but the agenda behind the enactment of the Basic Law Article 23. When the said enactment was proposed, back in 2003, the threat was mainly to the traditional printed and electronic media, but 15 years later the situation has changed. In light of the emergence of online media and many individual websites, the reach of the threat and the number of those affected are very much extended.

Due to our concerns about the enactment of Basic Law Article 23, the HKJA will closely monitor whether the Hong Kong SAR Government will deprive Hong Kong of the freedom of speech stipulated by the Basic Law, the Hong Kong Bill of Rights Ordinance and the International Covenant on Civil and Political Rights. With this in mind, the HKJA urges the incumbent administration to take the following actions to protect freedom of expression and press freedom:

1. As there is no genuine urgency and society has not yet come to any consensus, and to avoid distorting the "one country, two systems" principle, the HKSAR administration should not enact Basic Law Article 23.
2. The HKSAR administration should instead speed up the promulgation of a freedom of information law, which should be enacted before Basic Law Article 23 is implemented.
3. Recently, Hong Kong journalists have been treated violently and injured while conducting normal reporting activities in the mainland. In order to avoid these undesirable incidents, the HKSAR administration should negotiate with the relevant Chinese departments to prevent this violence becoming habitual and routine as means to threaten Hong Kong reporters who are covering the news.
4. The promulgation of the National Anthem Bill, envisaged to be tabled and passed during the 2017-2018 legislative year, will seriously restrict the public's freedom of expression in Hong Kong and is contrary to Article 19 of the International Covenant on Civil and Political Rights.

As a tribute to the 25th anniversary of the publication of this annual report, we would like to extend our heartfelt gratitude to Daisy Li, the then chairperson, Charles Goddard, Cliff Bale, Kevin Lau, and Fong So, members of the 1994 HKJA executive committee, who first compiled this annual report on freedom of expression. We are also grateful for the perseverance and contributions of all the chairpersons, executive committee members, and staff members of the past. We particularly thank all the journalists, editors and scholars who, despite their very busy schedules, strove to find time to contribute to the report.

Chapter 1

*By Chris Yeung with contributions from
Yan Mei-ning on National Anthem Law*

‘One Country’ precedes the notion of ‘Two Systems’

Dubbed “Emperor Xi”, Chinese President Xi Jinping paid his first visit to Hong Kong in 2017 since his elevation to the peak of the pyramid of power at the Chinese Communist Party’s 18th Congress in 2012. His visit was timed to mark the 20th anniversary of the setting up of the Hong Kong Special Administrative Region (SAR) on July 1. It was an emperor’s inspection tour in many senses, judging from the scenes of his visits and the instructions he gave. Every word he spoke during his three-day visit has become an order on Hong Kong policy from Zhongnanhai. Xi’s power was further consolidated at the national plenum of the Chinese National People’s Congress (NPC) in March, 2018. At the plenary session, he was re-elected as President by 2,969 delegates. One opposed. An amendment to the Chinese Constitution was approved, lifting the two-term cap on the length of the tenure of State President. It gave new life to the life tenure system that late Chinese leader Deng Xiaoping had laid to rest in the 1980s, paving the way for Xi’s continued leadership after his second term ends. The perpetuation of Xi’s leadership means the hard-line policy of Beijing towards Hong Kong in recent years will remain unchanged.

In his speech delivered at the inauguration ceremony of the administration led by Chief Executive Carrie Lam Cheng Yuet-ngor, Xi reiterated that the central authorities would unswervingly adhere to the policy of “one country, two systems”. Second, he said they would stick to the correct direction of fully and accurately implementing the policy in Hong Kong to ensure it has not “deformed.” Xi’s speech has laid down the “bottom-line” and “red-line” of the “one country, two systems” framework.

Xi maintained matters relating to central-SAR relations must be correctly handled firmly under the principle of “one country”. The thinking of “one country” should be firmly established, he said. Any activities that endanger national security, challenge the power of the central authorities, the authority of the Basic Law and use Hong Kong to infiltrate the Mainland are deemed to be a challenge to Beijing’s “bottom-line”. “(They) must not be allowed.” The insistence on the principle of “one country” and the respect of the differences between the “two systems,” he said, should be “integrated organically” with the upholding of the power of the central authorities, the safeguarding of Hong Kong’s high degree of autonomy and the enhancement of the city’s competitiveness through the backing of the Motherland. At no time, he said, should that endeavour be abandoned.

Beijing’s move to redefine the “one country, two systems” policy could be dated back to 2014 when the State Council published the White Paper on the Implementation of One Country, Two Systems Policy. Later that year, the Chinese NPC announced a decision on universal suffrage in Hong Kong on

August 31. It was dubbed the “8.31 decision” from then on. The NPC Standing Committee’s interpretation of the Basic Law’s provision on oath-taking in 2017 is another instance of Beijing attempting to redefine the relations between the “two systems.” The aim was to strengthen Beijing’s control through such formal measures to highlight their authority and to tighten their supervision over the city’s highly autonomous powers in all three branches of the government, namely the executive, the legislative and the judicial organs. A Chinese online news platform, *Duowei*, quoted Tian Feilong, a Mainland academic, as saying Beijing’s policy towards Hong Kong has changed with the stipulations of “bottom-line” and “red-line” over concrete systems and issues. Tian is an executive officer of the Mainland’s One Country Two Systems Legal Research Institute and a board member of the quasi-official Chinese Association of Hong Kong and Macau Studies.

Beijing had moved to install “gates” to screen out unwanted candidates in the chief executive election by universal suffrage in the “8.31 decision” in the wake of the anti-national education curriculum protest in 2012 and the rise of the sentiments of localism, democratic self-determination and Hong Kong independence in recent years. Another “gate” was installed when the NPC Standing Committee interpreted the oath-taking provision in the Basic Law to bar those who are deemed to be “pro-independence” from running for LegCo elections.

To boost a sense of statehood, the NPC Standing Committee added the national anthem law into Annex III of the Basic Law in October. The Government is scheduled to present a bill on the national anthem to the LegCo during its 2017-18 legislative year. There are fears that the room for free speech and artistic creation will be reduced if a national anthem law is enacted. Following the 500,000-strong march on July 1 in 2003, the Government put the bill on Basic Law Article 23 on the shelf indefinitely. Chief Executive Carrie Lam has, both during her election campaign and after July 1, repeatedly said there was no plan to resume legislative work. Xi’s “bottom-line” argument is clearly a reminder to the SAR Government they ought to seriously think about ways to shoulder the responsibility of upholding national security. Calls for resumption of Article 23 legislative work from both Mainland officials and pro-Beijing figures have become more vocal. Remarks made by SAR officials on the issue have seen subtle changes.

In her election manifesto, Lam has stressed that the SAR government is obliged to enact a law in accordance with Article 23. She said that should be done in a prudent manner after careful consideration. If elected, Mrs Lam said she would try to create an environment conducive to legislative work. She did not give a timetable. Speaking on a radio programme in December, she said she would double her efforts to improve the economy and people’s livelihood. Mrs Lam said she would

try to remove the stigma on Article 23. She said: "Do not demonise Article 23," asking "isn't it a good thing to protect national security?"

While Lam was vowing to "de-demonise" Article 23 and playing the "good guy" by stressing there is no timetable for Article 23, central government officials and pro-Beijing figures were keen to play the "bad guy", drumming up public support for the enactment of the national security law. Li Fei paid a visit to Hong Kong in November in his capacity as chairman of the Basic Law Committee before he stepped down from the post in 2018. During the visit, he made an explicit statement that the failure of the enactment of the national security law has clearly brought about "negative impacts." He did not specify there. A row over the remarks made by University of Hong Kong law professor Benny Tai in Taiwan in March ignited another round of calls for an early resumption of legislative work on Article 23.

Tai, one of the three initiators of the Occupy Central Movement, attended a human rights forum in Taipei between March 24 and 25. Participants included activists in support of independence in Taiwan, Xinjiang and Tibet. In his speech, Tai said people from all nationalities in China would attain democracy after the dictatorial rule in China came to an end. Under a democratic system established thereafter, they should have the right to self-determination. Following a blitz of attacks against Tai in pro-Beijing newspapers, the Government issued a rare statement condemning Tai's remarks, which were by nature only opinions expressed by an academic at a forum. This condemnation was followed by strongly-worded statements separately from the central government's Liaison Office in Hong Kong and State Council's Hong Kong and Macau Affairs Office. The pro-Beijing forces in Hong Kong intensified condemnations against Tai and calls for HKU to sack him. Tai said the campaign against him was worrying. He asked: "Have we already reached a stage where people would be punished for their speech, which are not acts (The incident) has already caused chilly effect among the people?" Tai is worried that Hong Kong people would have to say what the people in power like to hear to avoid getting into legal trouble. They would also have to face verbal attacks, he said. Tai called on Hong Kong to stay vigilant about moves that are aimed to pave the way for resumption of Article 23 legislative work.

With Article 23 legislation looking seemingly imminent, the legislative process of a national anthem law, which also hinges upon the principle of "one country", has officially begun. The Constitutional and Mainland Affairs Bureau has given an outline of the proposed law to the Legislative Council. A bill is scheduled to be tabled for first reading during the current legislative year.

The National Anthem Law of the People's Republic of China was enacted speedily by the NPC Standing Committee in 2017 under the supervision of Xi. According to the document issued by the Standing Committee, this piece of new legislation ensures people's respect for the national anthem so as to uphold national dignity. All acts that are deemed an insult to the national anthem shall be prohibited. These include acts that might not be anticipated at this stage. Any violator of the law will be liable to a maximum penalty of three years in jail. The Mainland authorities maintain the National Anthem Law is necessary and timely. But like many other Mainland laws and regulations, the National Anthem Law has seriously curbed freedom of expression and violated Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

Respect for the national flag and the anthem should come from the hearts of people, not from harsh laws. Many acts that are deemed as an insult to the national flag and the anthem are indeed an expression of discontent of the people towards the authorities and their policies. Or they are merely an expression of artistic creation. They should all be protected under Article 19 of the ICCPR.

China has not yet ratified the ICCPR. Hong Kong's situation is different. According to Article 39(2) of the HKSAR Basic Law, any restrictions on civil rights and liberties must conform with those provisions of the ICCPR that are applicable to Hong Kong. The Chief Executive and some HKSAR officials have time and again said freedoms are not absolute and that they could be restricted. They were only stating a half-truth with total disregard of the stipulation under Article 39(2) of the HKSAR Basic Law.

Article 19(2) of the ICCPR safeguards freedom of expression. Although Article 19(3) says freedom of expression may be subject to certain restrictions, such restrictions must meet three conditions. First, the restrictions must be "provided by law". Second, the restrictions may only be imposed on one of the legitimate grounds specified in Article 19(3): 1) for the respect of the rights or reputations of others; or 2) for the protection of national security or of public order or of public health or morals. Third, the restrictive measures must conform to the strict tests of necessity and proportionality. In 2011, the United Nations Human Rights Committee issued General Comments No. 34 further elaborating on the protection and requirements of Article 19 of the ICCPR. The Committee noted that when restrictions are imposed on the exercise of freedom of expression, they may not put the right itself in jeopardy. It also recalled that "the relation between right and restriction, between norm and exception, must not be reversed." Moreover, the restrictive measure adopted must be the least intrusive amongst the various options available. In a nutshell, the restrictions imposed by the authorities on the right to

freedom of expression should not be overbroad, and the penalty handed down should not be draconian. Indeed, the UN Human Rights Committee expressed concern regarding some laws restricting freedom of expression including those that prohibit disrespect for the national flag and related symbols. In sum, the move by the HKSAR government to legislate a new ordinance implementing a large part of the National Anthem Law would violate Article 39(2) of the HKSAR Basic Law.

The central authorities have repeatedly emphasised the importance of the principle of “one country,” saying it “overrides” and “precedes” the notion of “two systems.” In his speech delivered on July 1 to mark the 20th anniversary of the 1997 Handover, Xi laid down the “bottom-line” and political “red-line.” The issue of Hong Kong independence has become highly sensitive. The NPC Standing Committee has approved the new National Security Law on July 1, 2015. Compared with the previous National Security Law decreed in 1993, the scope of the new law is much wider. Similar to the 1993 law, the new National Security Law seeks to prevent, stop and penalise acts of treason, secession, subversion against the Central People’s Government, or theft of state secrets. But unlike the previous version, the new law also covers areas including finance and economy, food, energy, Internet and information and religion. It also includes outer space, the international seabed area and the polar regions.

When promulgating the new law, Beijing designated April 15 as China’s National Security Education Day. Hong Kong and Macau are incorporated into the new National Security Law, but the law will not be directly applied in Hong Kong. On April 15, the first symposium with the theme of national security was held in Hong Kong. It was organised by a think-tank, the Hong Kong Policy Research Institute, whose convenor is Tsang Yok-sing. Speakers included Lam, Secretary for Security, officials from the central government’s Liaison Office and the Foreign Ministry’s Office in Hong Kong, and Zheng Shuna, a member of the Legislative Affairs Commission of the NPC Standing Committee. Although the National Security Law will not be directly implemented in Hong Kong, the concept and principle of national security have already been shipped into the enclave. The process of ideological education, or a kind of “brain-washing”, has begun, paving the way for pre-legislative work of Article 23. Beijing’s intention of an early enactment of Article 23 is the writing on the wall. Journalists feel dark clouds are gathering and rainstorms are imminent.

The Hong Kong Journalists Association published its annual Press Freedom Index in April. Of a maximum of 100, the general public gave an average 47.1 points to the city’s press freedom in the last 12 months, down by 0.9 points from the previous year. It is the lowest score since the survey was

launched in 2013. Journalists’ rating was 40.3 points, up by 0.9 points compared with the previous year. Still, it falls below the 50-point Pass Level. In the same survey, 73 per cent of journalists who responded said press freedom had gone backwards. The survey shows most journalists and members of the public said pressure from the central government is the major factor that undermines press freedom. Other factors are self-censorship and pressure from media proprietors.

True, the central government has neither done nor said anything that had directly affected press freedom in Hong Kong in the past 12 months. But journalists and the public increasingly feel the “China factor” has caused shrinkage of the room for free speech and free press. On April 21, Qiao Xiaoyang, formerly head of the Law Committee under the NPC, gave a talk on the Chinese Constitution during his visit to Hong Kong. He stressed that the central government has full jurisdiction over Hong Kong. The issue of Hong Kong independence is not a question of whether it will become reality, nor about freedom of speech, he said. Qiao said it is an issue that hinged upon nationalistic sentiments and also the Constitution. During the legislative process of Article 23 in 2003, the then Secretary for Justice Elsie Leung Oi-sie had said the provision was always like a “knife hanging over the heads” of Hong Kong people. Her remarks sent shivers down the spine of journalists. She denied the proposed legislation was aimed at threatening press freedom. She claimed it would be a safeguard to journalists because “everyone knows how the ‘knife’ looks like, everyone knows what he or she can and cannot do.” With Beijing emphasising the notion of “one country” and national security, the principle of “one country” seems to have become a “knife” hanging over the heads of Hong Kong people.

There was a feeling of *déjà vu* last year when Hong Kong marked the 20th anniversary of the Handover. Their feelings of doubts and anxieties about “one country, two systems”, a high degree of autonomy and “Hong Kong people ruling Hong Kong” seem like a throwback to the pre-handover days. Hong Kong under “one country, two systems” has entered a long, chilly winter season. Media found themselves at the centre of a web of contradictions. Media outlets, be they from the traditional or the new media, television stations or newspapers, have to overcome difficulties in their business operations and the visible and invisible political pressure from various directions. Like a massive piece of rock, the principle of “one country” is adding more pressure on the heavy hearts of journalists.

**The
Chinese
Dream is
a press
freedom
nightmare**

In the five years since Xi Jinping became General Secretary of the Chinese Communist Party (CCP), press freedom in China has regressed further. According to the *World Press Freedom Index* compiled by the Paris-based Reporters Without Borders, China's ranking has dropped further, from the 174th place (5th from the bottom) in 2012 to the 176th (4th from the bottom) in 2017. It is most unfortunate that under CCP's influence, Hong Kong, world-renowned for her press freedom, has also seen a rapid decline from the 54th place to the 73rd over the past five years. In 2002 when the World Press Freedom Index was first published, shortly after the sovereignty handover, Hong Kong was ranked 18th. What a huge decline! It is fair to say that Xi Jinping's Chinese Dream is virtually Hong Kong journalists' nightmare.

Press freedom goes backward in Xi Jinping's first term

If anyone dismisses the solid significance of such rankings, let's look at some substantive issues. When Xi Jinping assumed power in 2012, 27 journalists were being locked up in the whole country. When his first term ended in 2017, this figure shot up to 41. This means it is not a ranking issue but substantial human rights persecution. Such data concretely reflects that CCP's oppression of news journalists is indeed worsening.

In January 2018, in a rare move to ridicule state leaders who oppress press freedom, the New York-based Committee to Protect Journalists announced "award winners" and named Xi Jinping the one holding the tightest grip on the media.

Why has press freedom been suppressed so severely in the five years since Xi Jinping assumed power? This is because he has wrongly attributed the breakdown of the Soviet Union and Eastern Europe to relaxed restrictions on ideology, the press and academic research, allowing people with different opinions to freely express their political views and opinions. Once the cage of thoughts was opened, the Communist system collapsed despite its 70-year implementation.

On November 21, 2012, the *South China Morning Post* reported that Xi Jinping, in a speech for internal circulation, asked why the Soviet Union and its Communist Party had disintegrated. One major reason is because they had lost their belief and ideals in communism. During a December 2012 tour in Shenzhen, Xi Jinping said, "Despite fast economic growth for several decades, China must still learn a dear lesson from the former Soviet Union." He said, "Why did the Soviet Union disintegrate? Why did the Communist Party of the Soviet Union collapse? One major reason is they wavered in ideals and belief. Eventually, with just a few words by Gorbachev, announcing the disbandment of the Communist Party of the Soviet Union, such a huge party vanished. Proportionally, the Soviet Communist Party had more members than we do, but nobody was man enough to stand up and resist."

Based on such a mistaken understanding, on assuming leadership, he emphasized the importance of controlling ideology. In a most typical speech made at the National Propaganda and Ideology Work Conference on 19 August, 2013, he said, "The disintegration of a regime often starts from the ideological area. Political unrest and regime change may perhaps occur overnight, but ideological evolution is a long-term process. If the ideological defences are breached, other defences become very difficult to hold. We must closely grasp the leadership power, management power and discourse power in ideological work closely in our hands, and cannot let this fall to others at any time. Otherwise, we will make irredeemable historical mistakes."

That is why over the past five years, we have witnessed the introduction of a series of measures to curtail thoughts and undermine press and speech freedoms.

For example,

April 2013: *Document No. 9*, issued by the General Office of the CCP Central Committee, prohibits discussing topics in seven areas (simply referred to as "seven banned topics"), which include press freedom;

August 2013: *Outline of the Essence of Xi Jinping's 8.19 Speech* for internal circulation encourages "barring the sword" in the domain of ideology;

February 2014: The Central Leading Group for Cybersecurity and Informatization was established, and China has since entered an age of web blackout;

October 2014: The "Social Credit System" was announced, to strengthen personal surveillance of dissidents;

July 1, 2015: Promulgation of the new *National Security Law*, which expands the concept of national security to 11 new areas, of which three are related to ideology: culture security (Article 23, covering news, movies and publications), internet security (Article 25) and religion security (Article 27) etc.;

January 2016: The newly implemented *Chinese Communist Party Disciplinary Regulations* prohibit “improper discussion of the central Party” (Article 46);

February 2016: At the Party’s News and Public Opinion Work Conference, Xi Jinping preached that in confronting enemies, one should “hold a gun in one hand, and a pen in the other” and that “The media must be surnamed Party”;

June 1, 2017: *Cybersecurity Law* went into effect.

Listed here are just measures affecting all. There are also myriads of implementation details and ways of prosecution difficult to list one by one. Such a string of laws and regulations are woven into a tightly knit speech trap, easily incriminating media practitioners and making them Xi Jinping’s captives.

Outlook for press freedom in Xi’s second term

Based on the above analysis, not only is the prognosis of press freedom in Xi Jinping’s second term not optimistic, but there will also be more moves to clamp down on the freedom of thought and of speech, as first signs of increasing controls already appeared in his first term.

1. In regard to Chinese people, CCP will strengthen the monitoring of media people through the “Social Credit System”

It was mentioned above that starting 2014, CCP began to set up the so-called “Social Credit System.” Said Lu Wei, then Director of the State Internet Information Office dubbed “internet czar”, “China will build an online credit record to perfect the reward and punishment mechanism.” He said, “The internet should be a space of freedom and order. Everyone has the freedom to speak and express opinions, but nonetheless, order has to be observed. One man’s freedom cannot be built upon another’s lack of freedom.” As he sounded ambiguous, people did not quite realize the purpose of the system or what he meant.

The truth about the system’s purpose has now come to light: it is that the credit system is transformed into an alternative “stability maintenance system.” In March 2018, the National Development and Reform Commission announced that starting May this year, citizens with poor credit records would be restricted from travelling by train or air. So far, more than seven million people have already been blacklisted. Once blacklisted, you become a second-class citizen and are discriminated against everywhere.

Canada’s *The Globe and Mail* reported that veteran journalist Liu Hu, who frequently accused high-ranking cadres of corruption and exposed their crimes in Sina Weibo, found himself mired in the “Social Credit System” blacklist in early 2017. After being blacklisted, Liu Hu could not reserve a flight, buy a house, apply for a bank loan... It is worth noticing that Liu Hu had not received any notice before being blacklisted. “There are no documents, no police arrest warrants, no official notifications. They simply cut off everything I was entitled to in the past. What is most frightening is that you can do nothing at all. You cannot complain to anybody. You are this helpless.” For many years, Liu Hu, who used to work for Guangzhou’s *New Express*, has accused high-ranking cadres of corruption and exposed their crimes in Sina Weibo. Liu Hu has posted allegations of corruption against many identified officials at provincial and ministerial levels, including Ma Zhengqi, Deputy Director of the State Administration for Industry and Commerce; Du Hangwei, director of Shaanxi Provincial Public Security Department, etc. Such acts have placed Liu Hu at the edge of China’s speech censorship. Telltale signs that journalists are monitored through this so-called “Social Credit System” first appeared last year and such monitoring will predictably be pushed further this year.

2. In regard to foreigners, CCP’s surveillance and control will extend more to foreign media organizations

According to the 2018 annual report of the Foreign Correspondents’ Club of China (FCCC), the working conditions of foreign journalists have deteriorated year by year in the past five years. The risks of reporting are also rising higher and higher. More than 70% of foreign journalists had the experience of being detained during reporting or were prohibited from covering events. They were also coerced into “obedience” lest CCP does not renew their visas. FCCC’s latest questionnaire survey reported that 40% of respondents felt reporting conditions in 2017 deteriorated from the year before, 11 percentage points up from 29% in 2016. More than 70% of respondents who travelled to Xinjiang in 2017 were told that reporting was prohibited or restricted. In order to secure a bureau in Beijing, foreign media often acquiesce to CCP’s unreasonable demands.

Listed above are common measures. Apart from them, we have noticed a new development in recent years, which is to press foreign academic periodicals to delete essays detrimental to CCP. Under CCP's pressure, *China Quarterly*, an academic journal published by the Cambridge University Press, agreed at one time last year to withhold 300 essays related to the June 4th crackdown, Xinjiang, Tibet, Taiwan, etc. In light of appeal by international scholars, the Cambridge University Press reversed its decision. Shortly afterwards, *Journal of Asian Studies*, an American academic journal, also confirmed that CCP had requested the withdrawal of about 100 essays. However, the journal's publisher, the Association for Asian Studies, resolutely objected to political censorship of academic journals and vowed to promote free exchanges in academia. These two incidents clearly show that CCP is extending its efforts to restrict the freedom of thought, freedom of speech and academic freedom abroad. Such moves actually mean building a firewall for your own house in front of other people's house, and asking for cooperation with CCP's information blockage policy.

3. To contend for the so-called "discourse power", CCP will create, through its "massive foreign propaganda" structure, more "pseudo-foreign media" and "Western fifty cents" in the international arena, using the former to deceive Chinese people and the latter to sway the international community.

The "eye-rolling" incident during the annual meeting of China's National People's Congress (in which reporter Liang Xiangyi from the Shanghai-based business channel Yicai rolled her eyes with a scornful look towards Zhang Huijun, who claimed to be operating director of American Multimedia Television U.S.A.) focused attention on "pseudo-foreign media" reared overseas by CCP. A list of "pseudo-foreign media" was exposed online with the subject line of "red flags all over the world." In fact, these "pseudo-foreign media" were exposed long ago. For example, during Hong Kong's "Occupy Central" movement in 2014, 142 "foreign media" organizations suddenly emerged to condemn "Occupy Central" with a joint signature declaration published in *Wen Wei Po* (see the October 2nd advertisement in that paper). That was the first time people realized that CCP had delegated people to run so many so-called pro-communist "foreign media" abroad. On January 12, 2017, these 142 organizations published a joint signature advertisement to congratulate *People's Daily Online* on its 20th anniversary.

Apart from directly rearing "pseudo-foreign media" abroad to speak up for CCP, CCP has also reared a bunch of "Western fifty cents." Some of these "Western fifty cents" come from the news sector. They have produced many news documentaries remarkable by professional standards. More, from academia, sing the praises of the Chinese model, the Chinese viewpoints, the Chinese culture, "One Belt One Road" etc.

Based on the above trend of development, it is predicted that during Xi Jinping's second term, CCP will accomplish thought and speech surveillance of the entire population through more advanced scientific technology. It will strengthen the force and accuracy of its "massive foreign propaganda" overseas. It will also continue to leverage its mighty financial power and market attractiveness to force overseas media, scholars and academic institutions to bow to its thought-restricting measures. It will probably also go overseas to organize and establish think tanks or education institutes under its own control (not only Confucius Institutes but also education institutes that award certificates and diplomas) and "public welfare" bodies, as tools to infiltrate Western society.

Room for Hong Kong's press freedom shrinks further

In spring 2018, Benny Tai, Associate Professor of Law at the University of Hong Kong, made a speech in Taiwan. He suggested that after CCP's collapse, there would be several possibilities for Hong Kong's future development, including independence. The speech caused Tai to be criticized and denounced by leftists in the "Cultural Revolution" style.

What does "Cultural Revolution" style criticism and denunciation mean? It means: official media set the tone, (SAR and the Central) governments declared their stands, "the masses" took action. This time, the process to criticize Benny Tai bore the following features: attack was first launched by leftist papers, followed by denunciations by central-level media and high-profile condemnations by official institutions (including the SAR Government, the State Council's Hong Kong and Macau Affairs Office (HKMAO), the Liaison Office of the Central People's Government in the Hong Kong SAR) calling on the Hong Kong Government to take action. Taking their cue from Beijing, scores of leftists in Hong Kong thus marched to the University of Hong Kong, demanding that Benny Tai be sacked. If this were mainland China, the next steps would be Tai being denounced at rallies, school leaders deciding to dismiss him based on "righteous indignation of the masses", then prosecution by public security authorities. Anyone who had undergone the mainland intellectuals' thought reform movement would recognize this process very well and still have lingering fears. Unfortunately, the shadow of political catastrophes that devastated a generation of Chinese intellectuals 70 years ago unexpectedly reappeared in Hong Kong today.

Peking University Professor Qian Liqun analyzed the pattern of how Mao Zedong criticized intellectuals and summarized in several points: "The Mao pattern: seize typical characters, representative individuals, who would become the target of attack; uncover and bring down a handful, liberate most people" (refer to Qian Liqun: *A Trilogy of the Twentieth Century Intellectual Thought*, page 387). The Mao pattern summarized by Professor Qian aptly applies in the case of Benny Tai being denounced. CCP seized Benny Tai as a typical character, converged attacks on him, brought him down, scared other people so they would sever ties with him (This is what "liberate most people" means), isolating and cutting him off from help.

During this process, the denouncers pay no heed to the law, produce no evidence, and turn a deaf ear to appeals. If you alone become a target of attack (the so-called "typical character" above), you are subject to this kind of suppression. Henry Tang's frivolous remarks, "No need to listen to explanation. It's just sweet talk." typically illustrate the mentality of everyone following the crowd for fear of falling behind in such a major denunciation campaign. People cannot bear playing second fiddle in professing, with irrational and unreasonable thinking and words, that they are politically correct. After verbal and written denunciations by various pro-establishment parties, the next step will definitely be "crush with a sledgehammer" (in the words of *Global Times*). HKMAO and the Central Government's Liaison Office in Hong Kong have both pressed the SAR Government to "regulate, by law, pro-independence elements colluding with external separatist forces." It is really chilling to witness such a pattern of intellectuals being denounced in Hong Kong, which used to be the freest place in China!

There was a famous saying by Voltaire, a great French Enlightenment thinker, "I disapprove of what you say, but I will defend to the death your right to say it."¹ Many people in Hong Kong may not agree with Professor Tai's viewpoints, but all know we must get up to defend his right to speak, because once we let him be silenced, it will be other people's turn to "be silenced." Now that Benny Tai was attacked from all sides because of the so-called "pro-independence" issue, some less sensitive topics may also become serious political concerns in future. In fact, after CCP's constitutional

amendments, Tam Yiu-chung, deputy to the National People's Congress Standing Committee, already said it was unlawful to chant "end one-party dictatorship". Wang Zhimin, Director of the Central Government's Liaison Office in Hong Kong, even said it was a criminal offence to oppose the Communist Party. Along the same lines, it can be deduced that in future, whoever comments on certain policies of the Central Government is liable to be charged with "improper discussion of the Central." Complaining that Dongjiang water is too expensive is inciting disharmony between China and Hong Kong. In any case, the Benny Tai incident foreshadows a bleak future for the freedom of speech in Hong Kong.

Attacks on journalists show nature of the system

Recently, two Hong Kong reporters were violently assaulted respectively by CCP's "internal security police" in plain clothes and by "public security police" in uniforms, in the normal course of news reporting. These are vivid examples of the regime's attitude towards press freedom. On May 12, Chan Ho-fai, a reporter of *i-CABLE* Hong Kong's China Team, was covering the tenth anniversary of Wenchuan Earthquake at Dujiangyan, Sichuan when he was beaten for more than five minutes by two men who claimed they were "ordinary residents". Chan sustained multiple injuries. On May 16, Chui Chun-ming, a cameraman of *Now TV* stationed in Beijing, was forced to the ground, handcuffed, dragged onto a public security vehicle and taken away. He was released only after being forced to sign a "statement of repentance". The two violent assaults on Hong Kong reporters by law enforcement authorities in a week resulted in a public outcry.²

In fact, Beijing has strengthened its control of Hong Kong and foreign media in recent years. The normal and legal reporting activities of reporters have come under illegal surveillance, interference and even obstruction. It has become a new norm under "*Socialism with Chinese Characteristics for a New Era*", and a "convention" that reporters stationed in Beijing must "accept". For many foreign reporters, "signing the statement of repentance" has become an "emotional quotient" that they must have in their professional life, otherwise they would not be able to survive. However, the level of violence that Chan Ho-fai and Chui Chun-ming were subjected to was shocking.

From the incidents of the wanton assault of reporters by CCP's law enforcers, one sees the nature of this society. Here below I try to make a list of the structural causes of the assault on reporters:

Reasons why reporters from outside of the mainland are manhandled by the CCP

<i>Structural causes</i>	<i>CCP's rationale</i>	<i>Understanding of the international community</i>
Ideological hostility towards the press	Media should serve the Party: "The surname of media is Party". It should therefore only report on good news that put the Party in a good light and not bad news that put the Party in a bad light.	Media should serve public interest. A basic understanding is "no news is good news".
Mechanisms that place media under stringent control	In the mainland, it is taken for granted that the party should have a set of systems to control and monitor the media stringently.	Media should not be controlled by the CCP.
A definition of national safety that expands infinitely	CCP expands the definition of national safety infinitely and believes that ideology has an impact on the safety of its rule. Press freedom is part of ideological work.	Press freedom does not affect a country's safety. Instead it contributes to the stability of a country and a regime.
Instilling political bias against foreign media	Foreign media are a part of the forces against China and must be placed under stringent control. In many propaganda films on national security, reporters are depicted as spies.	CCP has used reporters to penetrate western societies. However, it points an accusing finger to others just like a thief who calls out "Stop thief!"
Under one-party dictatorship, the power exercised by the dictatorial regime is unrestricted.	Enforcing laws with violence is the norm in the mainland: For example, blocking petitions, demolition and relocation, urban control, driving out "the low-end population"; even if someone is beaten to death or injured, such as in the Lei Yang incident, the perpetrators are not held criminally responsible.	In the mainland, when even "their own people" are treated this way, those from outside of the mainland who are considered a threat to the safety of CCP are of course subjected to "dictatorial means" even more blatantly.

From the table above, it could be observed that violent assaults on reporters are closely connected with CCP's ideology and the system of one-party dictatorship. As long as the chronic disease of "one-party dictatorship" persists, the bias and hostility towards the foreign press will never change. That is why violent assaults on reporters will continue to happen.

1 Based on textual research, the saying did not originate with Voltaire himself, but out of the book, *The Friends of Voltaire* by Evelyn Beatrice Hall, who summed up Voltaire's thoughts in those words, rather than quoting Voltaire directly.

2 Records show that, in recent years, Hong Kong reporters have been assaulted a number of times when reporting in the mainland. Cases include the following:

In 2009, in the July 5 incident in Urumqi, Xinjiang, three Hong Kong reporters were surrounded and beaten up by a large group of armed police when they were covering the protest of people of Xinjiang. During the incident, a policeman took out his gun and pointed it at the reporters. The reporters were detained for three hours and then released. The camera of the reporter of Now TV was confiscated because the reporter had used it to record the beating of two reporters by the armed police.

In February 2010, a number of Hong Kong reporters were pushed and shoved by public security police when they were covering the court case of Tan Zuoren, a human right activist involved with the survey on the "tofu dreg projects" in the Wenchuan Earthquake.

On September 16, 2012, anti-Japanese riots broke out in a number of cities in China. A number of Hong Kong reporters covering the news were stopped and assaulted by local police. Wong Chi-keung, a *SCMP* photographer was treated as a troublemaker and was beaten by the public security police with batons. He suffered from bleeding in his head. The police also tied the hands of two reporters of *Now TV* and *i-CABLE* at their backs with belt and shoe strings to stop them from covering the news.

On March 8, 2013, four Hong Kong reporters were injured after they had been beaten and kicked by a number of men in plain clothes. They were trying to interview Liu Xia, wife of Nobel Peace Prize laureate Liu Xiaobo. The men in plain clothes had been watching Liu Xia and the reporters closely.

On September 15, 2016, villagers of Wukan Village in Shanwei took to the street to defend their rights. Five Hong Kong reporters were slapped and beaten by the public security police and were detained. The police searched them and took all their equipment. All the footage on Wukan village was deleted and the reporters were sent back to Hong Kong.

Chapter 3

By Allan Au, Cathy Chu, and To Yiu-ming

**Self-
censorship
systematised
and RTHK
feared drien**

As early as in 2007, the *Annual Report on Freedom of Expression* published by Hong Kong Journalists Association (HKJA) noted that HKJA had received many complaints and queries concerning self-censorship by news media. However, “lacking the testimony of more informed people, many accusations inevitably become unsolved mysteries and fall short of arriving at conclusions.”

Although “self-censorship” can hardly be confirmed, there are still many ways to carry out news censorship and for those in power to manipulate media content. American scholar Margaret E. Roberts, who studied news censorship in China and published *Censored*³ in April 2018, described China as “a nearly ideal case” due to her wide variety of censorship measures, ample censorship resources and advanced censorship technology. Her analytical framework is a good reference for the present situation faced by Hong Kong media.

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Roberts categorized government-led censoring behaviors into three “Fs”. The first is to create Fear, the second to increase Friction, and the third to cause information Flooding.

“Create fear” is achieved by explicit censorship, using laws and administrative measures to eliminate noises. But such high-handed measures, if targeted at the public, may backfire and end up raising public concern about the censored content. Those in power have learned to use a carrot and stick approach on key people such as the media and journalists, who disseminate information and know the bottom line themselves. In order to curry reward and avoid punishment, they practice self-censorship. Big Brother does not need to personally take direct action at all.

“Increase friction” is aimed at hiding sensitive topics by increasing the cost to the public of getting such information. For example, certain websites can be blocked so people have to buy software to bypass internet censorship, or the connection speed of certain websites can be reduced etc. Big Brother cannot stop people from getting sensitive news altogether, but such measures are like a “tax on information,” which increases recipients’ costs by making them spend money and time if they want to see the information. In reality, most people are not that interested in politics. They are impatient and have no time. Causing them just a little trouble is sufficient to make most people quit. In local state-controlled bookstore chains quite a number of books covering sensitive topics cannot be found on the shelves, or are only available in small quantities. This has effectively trimmed circulation, and is an ingenious way of increasing friction.

“Information flooding” is achieved by releasing large quantities of irrelevant information on purpose to create chaos and switch focus away from the information being hidden. Amid all the hubbub, the public does not have time to distinguish the real from the false, or the trivial from the important. News websites are rife with entertainment, consumer issues and leisure items. New TV channels often emphasize soft news, or are mainly entertainment. Roberts considers this an effective means to manipulate information as it effectively submerges information that the government does not want people to see and increases the costs to citizens who want to find the information.

Allan Au, in *Twenty Shades of Freedom*⁴ proposes using the idea of “constitutive censorship” as a way to observe how Hong Kong’s media is manipulated from the perspective of the media’s own institutional logic.

³ Roberts, Margaret E (2018). *Censored: Distraction and Diversion Inside China’s Great Firewall*. Princeton: Princeton University Press.

⁴ Au, Ka-lun Allan (2017). *Twenty Shades of Freedom: Media Censorship Routines in Hong Kong*. Hong Kong: The Chinese University Press.

He points out that various methods of controlling news content are already hidden in the daily operation and organizational structures of media organizations. Those in power need to control media channels (such as buying a media enterprise or placing an agent to be in charge) and the ways of expression (such as directing media genre, producing massive soft programs and thematic subjects of government agenda etc.). Generally speaking, “constitutive censorship” occurs at three levels in the media’s organizational operation. The first is the media organization’s regulative system. The person in charge, who naturally controls the organization’s administration, can control resource allocation (such as whether to allocate resources for reporters to do investigative reporting, whether to increase corresponding manpower after adding new channels, etc.), juggle personnel promotion or transfer (such as promoting obedient subordinates, influencing personnel placement by executive means, etc.), set company operational targets (such as chasing hit rates, chasing title sponsorship to boost revenue, etc.) Although bosses do not seem to directly interfere with news operations, through resource allocation and personnel redeployment they can effectively determine and limit the freedom of frontline reporters.

The second level is the normative system inside media organizations, which often justifies seemingly biased news selection as “professional news judgment.” For example, a high-ranking official’s speech is deemed definitely newsworthy and warrants suspending scheduled programs to broadcast it live in full; the “official-facts” are considered “self-validated facts,” not to be queried or verified. However, by contrast, reports covering senior officials’ scandals or historical taboos are cross-checked according to the most stringent standards in a “suddenly professional” manner. Wearing a “professional” halo, the normative system may not be easily detected by readers and journalists.

The third level relates to the routines and inertia in the operations of media organizations (cultural-cognitive system). On one hand, media organizations tighten resources. On the other hand, to chase profits, they increase news content and airtime. Frontline newswriters, while bearing an increasing workload, have to take up both instant news reporting and multi-media productions. They feel like they are in a torrent, losing their autonomy. With resources under tight control, the bosses and their agents, rather than backing the frontline newswriters up, often reinforce the already tight news routines instead. The frontline newswriters are exhausted dealing with daily deadlines and have no time to monitor the government, as well as no energy to contemplate in-depth reporting, which is what those in power are happy to see.

Various “constitutive” manipulative measures convert censorship into something intangible, invisibly installing controls into daily routines. News journalists still seem to possess freedom while in fact, unknowingly, losing autonomy. This perspective can be applied to all the following cases which detail: *HK01*’s altering reports on declassified June 4th documents; *South China Morning Post* retracting a financial columnist’s commentary; *Headliner*’s airtime being rescheduled to air the National President’s speech; as well as certain developments in public broadcasting and commercial TV stations.

***HK01* altered reports on declassified June 4th documents**

On December 20, 2017, online news site *HK01* published two reports related to the June 4th incident, which were based on newly declassified UK National Archives documents. Among the declassified documents were cables dispatched by the British Embassy in Beijing to the Foreign Office in London including a report by Alan Donald, then British Ambassador to China, which quoted a member of the State Council. The report related to the forceful crackdown of the pro-democracy movement by People’s Liberation Army (PLA) troops sent into Beijing and the embassy’s estimates of casualties.

The two articles, entitled “The UK government got intelligence from State Council. PLA 27 Army fired at soldiers. Over 10,000 civilians dead” and “27 Army opened fire on the crowd, Shenyang military region soldiers were also shot,” were retracted on the day of their release. The editorial department modified the original articles, omitting some details and also deleting particulars about the PLA entering Beijing, before publishing them online again⁵.

HK01's move was alleged to be self-censorship, thus arousing public attention. The news site subsequently explained that the reports were withdrawn because editorial and reporting staff had not properly carried out their duty as they had not exercised their responsibility to verify all the information. In particular, they had mistaken British intelligence records as authoritative documents and had dogmatically taken them as the basis for "restoring history." After senior staff discovered the problem, they immediately examined and revised the articles before re-issue. Therefore, *HK01* considered this responsible "quality censorship" rather than "political censorship."

We can decide for ourselves whether this incident of articles being retracted and revised is a case of political censorship from clues in the differences found in the articles before and after revision (Table 1 & Table 2)⁵. First of all, the source quoted in the British official documents was mostly described as a member of the State Council in the original report. That's why the reporter also referred to the source as a high-ranking Chinese official to underscore the reliability of the articles. After revision, the source became a staff member or just a person in general. However, replacing the reference to State Council officials, who belong to the political hierarchy, by describing the source as staff members is inconsistent with the facts and lessens the authority of the source. This was mentioned in the statement issued by Hong Kong Journalists Association on the morning of December 22, 2017 to express concern about the reports being revised. The news site then changed "staff member" to "member" in the afternoon.

Secondly, it is suspicious that the report was revised to avoid important facts and dwell on trivial details. The original report covered the PLA's activities in Beijing, from military deployment, entry into the city, firing to kill, to military vehicles running over dead bodies. After censorship, these particulars were either deleted or reduced (see Table 2). For example, the original articles directly quoted the declassified report as saying, "APCs then ran over bodies time and time again to make 'pie' and remains were collected by bulldozer." The whole sentence was deleted from the revised copy, which subsequently added one sentence and shifted the focus to soldiers being run over—"Previously, there was hardly any information, reports or verbal mentions of tanks mistakenly running over soldiers." The declassified report was again quoted, saying "APCs caught up with Shenyang military stragglers and ran over them."

Thirdly, the revisions tried to de-emphasize the declassified report's estimates of casualties. One original article quoted that report, saying an internal estimate by the State Council put civilian deaths at a minimum of 10,000. After revision, references to the number of deaths which had earlier appeared in headlines and subheadings all disappeared. "At least 10,000 civilians died," mentioned in the first article was also deleted. The second article mentioned the death estimate in the declassified report, but immediately contrasted it with some lesser estimates from the mainland, such as figures provided by former Beijing mayor Chen Xitong (more than 200 people died) and by former deputy director Zhang Wanshu of Xinhua News Agency (727 people died) etc., to highlight that multiple versions of estimates existed. At the same time, however, it omitted the higher estimates (from two or three thousand to over 10,000) made by the European Union, Spain, the United States, or Alan Donald and mentioned in the original article.

Although the declassified reports of the British Embassy in Beijing do not necessarily represent the truth, relevant information from various parties does help probe the truth. This is especially important as Chinese authorities have all along refused to thoroughly investigate the June 4th incident. It is particularly helpful in this case as the embassy in Beijing, through its personal connections, attempted to grasp the situation at that time and passed on its intelligence analysis as an account for its home country. This should be regarded as a serious historical record, so its key points, basis and related specific details were worth reporting by the media. On the contrary, if a report purposefully downplayed the news value, avoided important content and dwelt on the trivial, such that the main points got lost or lopsided comparisons were made, this would be deemed a case of news anomie, whether it was due to wrong judgment, limited ability or political censorship.

Looking from this perspective, as the articles had been repeatedly scrutinized, it is difficult to imagine the above three mistakes were due to problems with judgment or ability. Therefore, the self-censorship is inescapably denounced.

5 There was one more article, entitled "Martial law army officer claimed 200 killed by stray bullets, sneering at Tank Man: so-called bravery," and published on January 9, 2018, which has not caused controversy. The person-in-charge of that news site has openly indicated that a second batch of reports are being prepared for release around June 4th this year, rather than being retracted at the last moment.

6 On December 22, 2017, Hong Kong Journalists Association issued a statement expressing concern about *HK01*'s withdrawal of the two published reports and republication after revisions. The statement has an attachment comparing the revised versions with the original reports. The two tables below are compiled with information from this attachment.

Table 1

First report: "The UK government got intelligence from State Council. PLA 27 Army fired at soldiers. Over 10,000 civilians dead"

Original	After revision
1. Title: The UK government got intelligence from State Council: PLA 27 Army fired at soldiers Over 10,000 civilians dead	The UK government quoted State Council personnel: PLA 27 Army opened fire Students, soldiers alike were shot
2. The day following PLA's bloody crackdown	The day following PLA's crackdown
3. British Ambassador to China Alan Donald was given information by a state councillor	British Ambassador to China Alan Donald was given information by a staff member of State Council
4. gave details of how the 27 Army carried out crackdown duties, including indiscriminate shooting of students, civilians and unarmed Shenyang regional soldiers, and said the State Council's internal estimate put civilian deaths at a minimum of 10,000	mentioned how the 27 Army carried out crackdown duties; students, civilians and unarmed Shenyang regional soldiers were shot
5. Subheading: Quoting China's State Council intelligence The identity of the source was blackened	The identity of the source was blackened Cannot be made public so far
6. State Councillor	Staff member of the State Council
7.	Added: contrasting with intelligence in other British diplomatic documents quoting general staff, "staff" is mostly used, while member may be translated as member or councillor
8. At that time, China's State Council consisted of the premier, vice premier, State Councillors. Alan Donald's cable said this senior Chinese source had previously proved reliable, and was careful to separate fact from speculation and rumour.	Alan Donald's cable said this Chinese member had previously proved reliable, and it was clearly stated in the document that the Chinese source separated fact from speculation and rumour.
9. The document said the army that had committed the atrocities was 27 Army from Shanxi Province, of which 60% were illiterate. 27 Army Commander Yang Zhenhua was nephew of Yang Shangkun, the then National President and Vice Chairman of the Central Military Commission, and son of Yang Baibing. 27 Army soldiers were told they were entering Beijing to take part in an exercise and would be filmed. They were kept without news for 10 days before the crackdown.	Deleted

Table 2

Second report: "27 Army opened fire on the crowd, Shenyang regional soldiers were also shot"

Original	After revision
1. The document quoted a State Council source	The document quoted a source
2. 27 Army troops on armored vehicles opened fire on the crowd, which included civilians and other troops	27 Army troops on armored vehicles opened fire in the direction of the crowd, which included civilians and other troops
3. Subheading: military vehicles ran over dead bodies, surrendering civilians mown down by hidden machine guns	Deleted
4. Unarmed soldiers and civilians alike were gunned down	Unarmed soldiers and civilians alike were shot
5. Students understood they were given one hour to leave square but after five minutes APCs attacked. Students linked arms but were mown down including soldiers. APCs then ran over bodies time and time again to make 'PIE' and remains were collected by bulldozer.	Deleted
6.	Added: During the June 4th crackdown, there was a continuation of reports of military vehicles running over students, the most famous example being student Fang Zheng, who had come forward to recount his own catastrophe. However, previously, there was hardly any information, reports or verbal mention of tanks mistakenly running over soldiers.
7. Subheading: "A brutal and bloody night" 10,000 deaths estimated	Many versions of fatality records
8. A State Council source confirmed	The source quoted by the document confirmed
9. The document finally noted that the State Council put the minimum estimate of civilian deaths at 10,000	The document finally noted that the State Council source estimated a minimum of 10,000 civilian deaths
10.	Added: two paragraphs on the death counts of the June 4th incident
11. Apart from information from China's State Council, Alan Donald also dispatched cables to London to relay intelligence gathered by the British side	Apart from receiving intelligence from China's State Council source, Alan Donald also dispatched cables to London to relay intelligence gathered by the British Embassy in Beijing
12.	Deleted three paragraphs on death estimates by the British Embassy
13.	Deleted three paragraphs on intelligence related to army redeployment

South China Morning Post retracts business column article

On July 18, 2017, financial columnist Shirley Yam published an article in her weekly column, *Money Matters*, on *South China Morning Post's* (SCMP) webpage. The article, which was published on SCMP on July 19, was entitled "How's the 'Singaporean' investor in The Peninsula's holding company linked to Xi Jinping's right-hand man?". In the article, she pointed out that Chua Hwa Por might be related to Li Zhanshu (then Director of the General Office of the Communist Party), the right-hand man of Xi Jinping, the General Secretary of the Chinese Communist Party (CCP). Chua was a Singaporean businessman who, since last June, had increased significantly his shares in Hong Kong and Shanghai Hotels, the holding company of The Peninsula Hotel. Yam found out that the address that Chua filed was the same address filed by someone with the same name as Li Qianxin, the daughter of Li Zhanshu. In addition, both of them were directors and shareholders of the same limited company.

Two days later, SCMP published a clarification saying that the article had "multiple unverifiable insinuations" and did not meet the paper's standards for publication. The paper apologised to the readers for the "regrettable misstep" that it claimed it had committed. The article was removed and the column was temporarily shut down. A month later when Shirley Yam resurfaced, she wrote her farewell piece and ended her 11 years of column writing in SCMP. She reiterated later: "I have no doubt at all about the article that was published on July 18, 2017. The article was published on SCMP's website and daily newspaper only after 24 hours of vetting by the editor. To ensure that the article was clear and also for legal considerations, the writer and the editor had agreed on some revisions made to the article."

Since the article had already been vetted by the editor, and the writer and the editor had discussed and agreed on the revisions, the article obviously met the standards of the editors when it was published. This was actually proved by the statement published subsequently by SCMP in which they admitted that the article was found to be not meeting the paper's standards only on further examination. In other words, SCMP was inconsistent and there were only two possible explanations: First, they had not noticed the "multiple

unverifiable insinuations" and saw them only on further examination; second, the standards were changed after the publication of the article. In other words, the "multiple unverifiable insinuations" that had been acceptable before became unacceptable later. Since the article had been discussed and vetted extensively before it was published, the first explanation is untenable. The only tenable explanation is that SCMP realised that it had been wrong, but how did it come to this realisation? If SCMP did not explain clearly why there was a difference between its standards before and after publishing the article, it is difficult not to suspect it of self-censorship.

SCMP has not said explicitly which parts of the article were what was described as "unverifiable insinuations". SCMP probably means the writer had no evidence that Chua and "Li Qianxin" were related or that "Li Qianxin" was the daughter of Li Zhanshu. In other words, there was no evidence that the hundreds of millions of dollars Chua invested in Hong Kong and his huge funding source had anything to do with Li Zhanshu, a powerful political figure in China.

However, the writer had proof that Chua and "Li Qianxin" had the same address and owned a company together. Li also appeared to be active in a listed company which was 70% owned by Chua. There was no doubt that the two persons had a close relationship. Of course, one could not say "Li Qianxin" was the daughter of Li Zhanshu simply because she had the same name. The writer did not mean to use this as an evidence to prove the connection between Chua's actions and Li Zhanshu. She only maintained that this could be a clue by which Chua's identity could be uncovered. However, as Chua began to attract the media's attention and even investigation, he suddenly resigned as the chairman and executive director of his listed company and stopped purchasing shares in Hong Kong and Shanghai Hotels. It was even said that he and "Li Qianxin" went back to Beijing. For the writer, Chua's reaction was not only amusing but inevitably led to speculation that he was trying to avoid suspicions lest the plans on the succession of top leaders of the Chinese Communist Party be jeopardised.

Even though the writer had no way to prove the connections between Chua Hwa Por and Li Zhanshu, she was raising reasonable doubts with concrete evidence to alert readers to an issue that may be of interest to the public and the international community. First of all, there was preliminary evidence that Chua's investment in Hong Kong involved huge funding sources which seemed to be connected with the right-hand man of China's top leader, a fact that deserved further investigation. Secondly, if Chua was a relative of some high-

ranking officials or had a close relationship with them, there would be more reasons to look into the source of his hundreds of millions of dollars' wealth, especially because Xi Jinping had been vigorously cracking down on corrupt officials since he came into power and the number of officials who were disposed and imprisoned was unprecedented. Why has Li Zhanshu been able to advance in his political career and rise smoothly to the position of member of the standing committee of the Political Bureau of CCP? Is Xi Jinping treating those who are close to him and those who are not differently? Or, was it only a misunderstanding and he should be vindicated?

The writer was only putting forth her opinions or doubts based on facts so that others have the opportunity to discuss or follow up on the story. What *SCMP* should have done was to find out the truth and not to retract the article and sweep the question under the carpet. *SCMP* was purchased by Alibaba in December 2015. Since then it sees its mission as "telling a good story of China". Was retracting a sensitive article that asked questions about top Chinese government officials an act to fulfil in its mission to tell a good story of China?

In the cases of *SCMP* retracting a column article and *HK01*'s making changes to a report on declassified files about June Fourth, the executives of both media simultaneously defend themselves with "professional ethics". They cited "professional" reasons, such as there were "multiple unverifiable insinuations" in the article or "the editors and the reporters had not fulfilled their verification responsibilities," when they removed the article or made changes to the article. Reporters undoubtedly have the duty to look for evidence and to verify, but to what extent must a reporter verify a fact? In a lot of cases, the main characters of the news stories are evasive and avoid talking about an incident, or their actions are suspicious, or they refuse to disclose any information. When a reporter or a commentator cannot one-hundred-percent verify something in the story, does it mean he/she cannot even point out some reasonable doubts?

"Professional" standards are often obscure and can easily be used by media executives as spurious arguments to practice self-censorship. To find out if a media organization is abusing the term "professional" for the purpose of self-censorship, one may observe whether there are double standards or inconsistency in its behavior. For example, is the high standard

of checking and verifying applied to all stories? Do the media executives become more cautious than usual and raise the standards only when a report involves some important figures or touches on some sensitive issues that those in power do not want to be seen? If the reporter and the editor have already verified the article rigorously and have agreed on the best way to present the story, but the media organization suddenly goes back on its decision after the story was published, it can obviously be inferred that some higher-level power has intervened in making a decision and the incident is very unusual, not the routine application of professional journalistic standards.

Such extraordinary behaviour usually occurs when a news report involves those at the top.

***SCMP* conducts Gui Minhai interview fixed by Ministry of Public Security**

The Causeway Bay Bookshop incident continues. Last February, *SCMP* published an interview with Gui Minhai in a detention centre in Ningbo. In the interview, Gui Minhai claimed he was a chess piece of the Swedish government. He said that the staff of the Swedish Embassy took him away from Ningbo to Shanghai in mid-January last year. When they tried to take a train to Beijing, he was taken away by public security personnel. In the interview, Gui expressed "regret" for what had happened. What merits attention is *SCMP* admitting in its report that the interview had been arranged by the Ministry of Public Security and the reporter did not have any independent source to back up what Gui said. In addition, two policemen had been standing next to Gui throughout the interview.

Later *Safeguard Defenders* published a report on how China forced detainees to confess in front of TV cameras, citing the above-mentioned interview by *SCMP*. The organisation claimed that the *SCMP* and its editor, Tammy Tam, had collaborated with China in publishing the "confession" interview. Angela, the daughter of Gui, wrote to Tammy Tam, *SCMP*'s editor-in-chief, and asked her if she had any regret after reading the report. Angela Gui pointed out that what her father said in the interview was not his real thoughts and questioned why *SCMP* had to publish the interview. *SCMP* subsequently published the communication between Tam and Ms Gui. Tam emphasised that the paper had agreed to do the interview based on professional judgment and that they had not collaborated with the Chinese authorities. She also said that their reporter had to choose between doing the interview in a stage-managed setting or not having any interview at all.

When *Headliner* meets Xi Jinping

When President Xi Jinping visited Hong Kong on the occasion of the celebration of the 20th anniversary of the handover of Hong Kong, *TVB* abruptly pulled off air *Headliner*, a personal view programme of *Radio Television Hong Kong (RTHK)* that satirises the ills of the society, and replaced it with a pre-recorded speech of Xi Jinping. *TVB* had not sought approval from the Communications Authority—neither before nor after the programme was rescheduled. The authority received 406 complaints and issued “strong advice” to *TVB* after an investigation.

In the course of the dispute, *TVB*, which had been on the defensive, went on the offensive and cited “the importance of the speech of the state president” as the reason in a round of high-profile and strongly-worded justifications that captured a lot of attention.

The incident occurred on June 30, 2017. *TVB* was scheduled to broadcast *Headliner* from 6:00 to 6:30 pm. However, with only short notice, at 5:49 pm *TVB* broadcasted a “special news report” which was a pre-recorded speech of President Xi Jinping that he had made in Hong Kong. The speech lasted about 14 minutes after which *TVB* broadcasted finance news and a pre-recorded Fengshui programme. *Headliner* was moved and aired on Channel J5 at midnight.

Later when Amen Ng Man-ye, head of *RTHK*’s Corporate Communications Division said *TVB* would be held liable for rescheduling the programme, *TVB* published a statement in reply and mentioned Ng by name accusing her for being “unprofessional”: “It would be in ignorance of the facts if Ng did not consider the President’s speech as news, or it was of less importance than ‘*Headliner*’. It was an inappropriate statement by a professional news practitioner or broadcaster.”

RTHK Programme Staff Union published a statement in response pointing out that Xi’s first visit to Hong Kong was of course an important piece of news, but the recorded speech was a footage of a pool coverage by Hong Kong’s televisions and not breaking news. On that day, *i-CABLE News*, *Now News Channel*, *RTHK* Television and *TVB* Interactive News Channel had already broadcast the speech at around 5:10 pm. Instead of interrupting the cartoon that was on air on Jade Channel to broadcast the speech at that time, *TVB* chose to broadcast the speech close to 6:00 pm. The union questioned *TVB* saying that if *TVB* thought it was an important news item, it could have inserted the speech immediately: “Why had it acted so out of character and was happy to be the last one to broadcast it?” In fact, the feed that was broadcast during the timeslot scheduled for *Headliner* was neither “unexpected” nor news that “must be broadcast during that time slot”.

In late October, the Communications Authority (CA) ruled that *TVB* had breached the CA Guidelines and “strongly advised” *TVB* to observe the schedule more closely. In response, *TVB* said that rescheduling the programme had been necessary and “isn’t the president’s first speech in Hong Kong more significant than the weekly *Headliner*, which is not even a news programme?”

According to the Communications Authority, *TVB* had submitted a retrospective application for CA’s approval with regard to the rescheduling of the programme but had withdrawn the application a day later. *TVB* claimed that it had not been asked by CA to resubmit its application after the withdrawal and that *TVB* had written to CA many times to explain but the explanation was not accepted. CA stated that it was incumbent upon *TVB* to submit the application.

In *TVB*’s 2017 interim business report, three programmes were highlighted in the passages on its news channel. Apart from the news feature, “Belt and Road Initiative” and the Chief Executive election, the 3-day visit of Xi Jinping in Hong Kong was also highlighted. It was also emphasised that *TVB* News “closely followed and reported the public engagements of President Xi in a timely way”.

RTHK: Soldiering on while being drained⁷

Hong Kong residents generally have high expectations of the quality and editorial integrity of *Radio Television Hong Kong*, or *RTHK* in short. This is understandable given that it is the only government-funded public broadcaster in Hong Kong. In the last few years, *RTHK* has been working on operating its own new television channel. However, it is fair to say that the station has been struggling to fulfill its role as an influential and independent public broadcasting service. *RTHK* journalists and staff are concerned that the station will eventually not be able to live up to its aspirations owing to it being gradually drained of resources in recent years. To make matters worse, it has also suffered the blows of extraordinary personnel reshuffles in the past year. Of late, *RTHK* programmes and their journalists are increasingly becoming the target of harsh attacks from other pro-Beijing media, all of which are casting a dark shadow on *RTHK* in upholding its mission as a public broadcaster.

⁷ This section was written by the *RTHK* Programme Staff Union.

Insufficient human resources. Rundown facilities

In March 2017, Carrie Lam, then a candidate for Chief Executive of Hong Kong, responded to queries from a *RTHK* Staff Union representative at an HK Journalists' Association seminar. She criticised the "overuse of pictures" by some *RTHK* channels as backward and outdated. According to *RTHK* Production Staff Union members, the production of the said programme "World News in Pictures" was indeed an act of expediency in order to deliver international news to its audience with limited resources. The root cause of the many shortcomings in the current batch of *RTHK* television programme productions lies in government under-investment in relation to its actual production needs and demands. There has also been a lack of comprehensive planning when broadcasting policies have been drawn up.

According to official documents, there were 523 non-managerial government staff members in various departments within *RTHK* in 2011. This figure increased to 731 in 2018. On paper, each producer is at present responsible for producing only 11.9 programmes, a slight increase from the previous workload of 10.2. The management insisted that beefing up staff numbers on this scale is rare amongst government departments and should not be taken for granted. However, upon closer examination, this additional manpower of more than 200 workers does not actually represent an increase in new staff members. This is because during the 44 months when recruitment of government staff was frozen, some workloads had been transferred to contracted workers who were not counted in the official numbers. Therefore, the so-called increase in human resources is merely a manipulation of numbers.

In the year 2010-11, the total hours of television programmes produced was 599.3 hours, while the number of projected hours for 2017-18 was 1403.0 hours. With the production workload expected to increase by nearly one and a half fold, how much manpower has actually been added? From 2011 to 2018, a total of 208 new government employees were recruited, while contracted managerial staff number reduced from 250 to 138, which is equivalent to a net loss of 112 workers. Therefore, in real terms, less than 100 new staff members were actually added to the workforce.

This additional staff are responsible for producing 800 hours of new programmes annually at a time when the station is transforming from merely producing programmes to running its own channel. New departments have been set up to handle tasks such as channel positioning, publicity, and programme scheduling. Shortage of manpower is common in all departments. This often results in unreasonable workloads. For example, staff often have to work overtime to fill in gaps. It is also not uncommon for assistant directors, directors,

and even producers to take on extra responsibilities, from managing social media, creating publicity materials, to preparing subtitles. Some programmes are made without any production resources, instead they are produced by directors who shoot and edit with their own equipment in their own spare time.

RTHK's three production stations at Broadcast Drive, built in the 1970s, have long been insufficient and outmoded. The problem was exacerbated when the station began to run its own channel. In order to coordinate filming schedules, production staff either modify the format of their programmes, or finish filming the programmes in advance, sacrificing timeliness. Due to a lack of storage space, filming sets which are often costly to construct end up being discarded and cannot be used again in the following season, which is a waste of already scarce resources.

Moreover, the administration office, production team, graphic designers, filming studio, editing studio and engineering unit are scattered around four different buildings in the Kowloon Tong area. Staff members must travel to and move around these premises every day either on foot or by shuttle buses, which can take half an hour or so for each journey. Structural limitations have made it necessary to build recording studios using a refurbished shipping container, which is housed outdoors making soundproofing hard to achieve. During typhoon seasons, the facility suffers from leakage problems. Part of the roof was blown off in a previous storm and is still in a state of disrepair. Such working conditions are undesirable to say the least.

In 2009, the government proposed constructing a new broadcasting house at Tseung Kwan O. Unfortunately the proposal was rejected by the Legislative Council's Panel on Information Technology and Broadcasting. In September 2016, *RTHK* proposed to the LegCo that it fund a new multi-purpose building. This plan was again shelved. In October the following year, the proposed grade B building project was downgraded to grade C.

After being given a new platform, *RTHK* was thought to be able to have more of a say in matters and exert a bigger influence. Unfortunately, it has not been allocated the new resources necessary for it to carry out its new role. On the contrary, in the long run, with manpower, hardware and other resources spread so thinly to cope with the extra workload, staff members will find it a struggle to maintain and sustain quality.

Broadcasting channel squeezed. Freedom of speech suppressed

During the recent visit of President Xi to Hong Kong, *TVB* made a controversial last minute decision to suspend the broadcasting of the long-standing *RTHK* show “*Headliners*”. *TVB* has many a time publicly expressed its displeasure about having to accept the requirement of scheduling *RTHK* productions as part of its public broadcasting license application. The main area of contention surrounds *RTHK*’s own TV channels, which *TVB* regards as sufficient in meeting *RTHK*’s own broadcasting needs without having to follow the obsolete practice of borrowing airtime from other commercial broadcasters.

Edward Yao Tang-wah, Secretary for Commerce and Economic Development, provided a robust response to *TVB*’s position on this matter. He maintained that it is in the public interest to require *TVB* to fulfil government broadcasting requirements in exchange for the free use of airwaves which is a public resource. Despite its continued complaints, in 2015 *TVB* agreed to the terms and conditions set by the government in its successful bid to renew its broadcasting licence. It should be noted that the government had already adopted the approach of allowing *TVB* more flexibility in scheduling *RTHK* programmes, for example, airing them during non-peak viewing times such as at six o’clock in the evening. One of the conundrums for *RTHK* is how best to uphold the value of public broadcasting and make itself relevant to the viewing public.

In recent years, the handling of news coverage of state leaders has become an increasingly contentious topic. In March this year during the National People’s Congress, China’s legislature approved an amendment to the state constitution regarding the abolition of the presidential two term limit. This move has unnerved local and international media outlets and sparked intense speculation on China’s attempt to bring back the leadership-for-life practice. Some critics even coined the move “a restoration of the emperor system”. In *RTHK*’s current affairs programme “*Opinion 31*”, political commentator Ching Cheong and Hong Kong’s delegate to the National People’s Congress Lau Pui-king were invited as guests on the discussion panel, the highlights of which were posted soon after on social media, with the headline: “Emperor Xi Forever?”

This post received a complaint from *HKGpao*, a pro-government online media organization founded by former *RTHK* radio host Robert Chow Yung. He launched a vehement attack on the wording with a mixture of articles and pictures to counteract what he perceived as “an attack on the state leader”. *RTHK* social media later changed it to a more neutrally worded “Proposed Removal of Term Limit for State President and the Deputy”.

RTHK’s standard procedure in handling complaints stipulates that it will make changes to inappropriate or inaccurate content, after which the corresponding department will reply to the complainer. However in this case, following a complaint from a specific pro-Beijing media organization, all 80 or so social media pages belonging to the station were ordered to suspend their content updates. In response to a query from the Staff Union, the management answered that it would review its social media policies. The new policies subsequently went through several rounds of revision within a few weeks which caused confusion and frustration among the staff. Journalists believed that over-reaction from the management had eroded the trust of frontline staff, who feared that their editorial independence will be compromised in the future.

According to a media report, the suspension of website updates was a decision made following a meeting between *RTHK*’s Director of Broadcasting Leung Ka-wing and the Commerce and Economic Development Bureau. It was rumoured that the Permanent Secretary for CEDB Eliza Lee Man-ching was furious at the meeting, threatening that Leung’s contract would not be renewed upon its expiration in August this year if he failed to deal with the issue satisfactorily. The management however denied being under duress from the officials, saying the meeting was a regularly scheduled occurrence. Concerned by the possibility that *RTHK*’s operation might have been the subject of government interference, Legislative Councillor Claudia Mo Man-ching sought to raise an urgent question at a Legislative Council meeting, but her move was blocked by LegCo President Andrew Leung Kwan-yuen.

Many critics have pointed out that the tightening grip of Beijing on the freedom of speech will inevitably trap Hong Kong media organisations in a position where they find themselves more often than not on the wrong side of political commentary. *RTHK* is a particularly easy target for attacks from all sides and has the unenviable task of squaring this circle: acting within the confines of being a government agency while at the same time striving to operate as an independent public broadcasting service.

RTHK's cynical commentary style on current affairs has been accused on several occasions by pro-Beijing media of 'biting the hand that feeds it'. The nature of this negative remark, however, contradicts the very principle by which *RTHK* should be guided, i.e. that it should be an independent broadcaster that serves the interest of the public. In the past year, a number of pro-government online media organizations have launched various attacks on the station, some of which have verged on twisting the truth. For example, its flagship programme "*City Forum*" featured a special discussion on the 20th anniversary of Hong Kong's handover. The theme was 'One Country, Two Systems', and included opinions from different ends of the political spectrum. The coverage adopted a balanced approach, both simultaneously reporting on the voice of the democratic alliance showing their 1st of July march slogan "cheated for 20 years", as well as viewpoints from the government with the slogan "Trust The Country". The main title was: "One Country Two Systems, A Big Wisdom. Cheated for 20 Years, Too Heavy to Mention? The President says Trust The Country. Celebrating the Handover with black banner and bauhinia."

Editors often carefully choose titles that include opinions from opposing ends of the political divide. However, pro-Beijing media as well as the Hong Kong Association of Media Veterans still claim that such headlines were an insult to state leaders and could be interpreted as showing disloyalty to Beijing by attempting to destabilize Hong Kong. While *RTHK*, being a public broadcaster, was prepared to face public scrutiny, it felt that pro-Beijing alliance's attack was biased. For example, they ignored the fact that the phrase "cheated for 20 years," which they perceived to be trouble-making, was actually a slogan of the democratic march. They apparently also failed to notice how the speech of President Xi was also included, which gave the report a balance of views. The journalists were concerned that Cultural Revolution-style criticism would undermine rational dialogues and freedom of speech, not to mention how it could put tremendous pressure on the journalists involved. It is of grave concern that *RTHK* journalists may now choose to adopt a more conservative approach to journalism, or indeed impose stricter self-censorship on themselves in handling sensitive topics.

Chaotic organisational structure. Unusual personnel reshuffle

The scale of operations of *RTHK* has seen an exponential growth in the last few years, from the unhurried days of making a few television programmes to being responsible for filling the daily broadcasting schedule of its own terrestrial channels. Despite the obvious need for more resources to match the increase in the volume of programme production, this has not materialised. The establishment of a brand new *RTHK* television channel cannot simply be addressed by employing a few more staff, without due consideration to be also given

to aspects of branding, marketing and upgrading of technology. The *RTHK* situation has also been blighted by the lack of leadership at the senior management level. Both Roy Tang Yun-kwong (a former leading government officer responsible for matters of broadcasting) and Leung Ka-wing (former Asia TV senior manager with no experience of public administration) lacked a comprehensive understanding of the predicament facing *RTHK*, and hence they fell short in their efforts to lead the public broadcaster forward at this critical juncture.

RTHK went through a phase of organizational restructuring in an effort to increase its capacity to produce more broadcasting hours. One of the new measures put in place was the setting up of a special procurement unit to look into purchasing high quality foreign-made programmes. Whilst this was ostensibly a move in the right direction, the new measure suffered from the lack of other operational supporting elements within the organisation to make it work, such as devising a comprehensive promotion strategy (whether by releasing traditional trailers or utilising digital social platforms). As such, the burden of promoting programmes inevitably falls back on the programming department itself, which is already inundated with the extra responsibility of producing multiple promotional materials to meet different publicity requirements.

The accepted wisdom of following through a production cycle has been undermined by the sheer volume of programmes queuing up in the production pipeline and, to make matters worse, there has been inadequate logistical support. For instance, the production of programme subtitles, which was hitherto done internally, is now sub-contracted out. This means *RTHK* producers have to finish making current affairs programmes two to three weeks in advance, meaning this type of programme loses its immediate relevance and the topics are no longer timely when they finally come on air.

The general landscape of the media industry is unmistakably a challenging one. The productivity of media outlets is highly dependent on hefty investments, and *RTHK* is no exception. The inescapable outcome of tightening budgets is the stretching of human resources. Staff have been asked to play several roles simultaneously. Such unrealistic demands have, not surprisingly, resulted in disruption to the standard procedures of production. As *RTHK* continues to operate under conditions set by confusing and inconsistent policies, which have the net effect of further undermining professionalism and accountability, it is not surprising to learn that job satisfaction among staff remains at a low level and their morale has reached its nadir. Take the example of staff promotion. There had been considerable delay in the appointment of two *RTHK* assistant directors of broadcasting where the process lasted over a year. In comparison, the

two major milestones, namely the setting up of the new TV Channel 31 and the take-over of *Asia TV*'s channels, complicated in nature, have been relatively smooth and trouble-free. In contrast, the confirmation of the senior leadership role in the radio department took much less time, fuelling speculation that the two departments were not valued equally. This mistrust gave rise to rumours which culminated in the deferred retirement of the Deputy Director of Broadcasting Lisa Liu. It was perceived that the decision to extend her tenure beyond 100 days after official retirement was made without sufficient grounds and could only have been to facilitate the promotion of another favourite candidate. *RTHK* staff union had been trying to hold senior management accountable for the decision it had taken and demanded clarification on the criteria for promotion. However, Director Leung Ka-wing dismissed this episode and unhelpfully made ambiguous comments by referring to moving with the times. With the uncertainty surrounding senior leadership appointments in the last few years, the already fraught relationship between departments within *RTHK* has unfortunately become even more strained.

RTHK has sought to leave the government bureaucratic structure for many years with a view to transforming itself into a quasi-public independent media outlet, but to no avail. The Director of Broadcasting is still being appointed by the government. Nonetheless, many *RTHK* staff remain committed to the vocation of public broadcasting. They regard the mission of the organization as the fearless pursuit of independent and truthful reporting which must not succumb to government influence and commercial interests. It is vital that *RTHK*, as a media organization, maintains its capacity to continue to report on societal changes, facilitate public discourse and communicate the voices of citizens on matters of public interest. In terms of furthering the development of local culture, *RTHK* plays a valuable educational role by widening the cultural horizon of citizens. Ideally, it should be encouraged to be creative with its broadcasting content and be allowed to experiment with new ways of working. Today, more and more media organizations have embraced the new era of soliciting capital investments from mainland Chinese corporations. The knock-on effect is one of restraining political discussion. Against this backdrop, the main challenge for *RTHK* is: can it remain unbiased in its reporting of current affairs, continue to offer penetrating analysis, and be a force for positive change? The journalists and editorial staff of *RTHK* are already disadvantaged by overstretched resources and poor staff morale. Facing pressure from all sides, the *RTHK* team must be more resolute than ever in defending the people's right to know and upholding the right to freedom of speech.

TVB: Expanding revenue sources

TVB's 2017 profit fell drastically by 51% to only \$244 million, which was the fourth consecutive annual fall, and the worst recorded profit in almost a decade. However, its advertising revenue has since rebounded. Advertising revenue from the Finance Channel in the third quarter of 2017 recorded an annual increase of 172%. The way *TVB* creates revenue sources merits attention though.

It is usually difficult for hard news and investigative reports to earn money. It is not uncommon for in-depth investigations to offend someone. Reporting serious and heavy social issues does not encourage consumers to spend and is not favoured by advertisers. The target audience for financial news, however, is those with idle money and the nature of the programme can attract programme sponsorships from banks and securities dealers. Financial news is therefore the main source of income for TV News Channel.

In the second half of 2017, *TVB* rebranded J5 Channel as "TVB Finance and Information Channel". Produced by the News and Information Division, the new Channel focuses on financial news and information. Apart from the usual financial news, there are many soft information programmes. For example, "*Academia without Borders*" provides the audience with information on studying abroad; "*A Property A Day*" takes the audience to view apartments; "*A Dream Home Planning*" is about home renovation; "*Investment Tips*" discusses investment strategies, etc. Some reporters from *TVB* News Channel said that *TVB* has been allocating far more resources in recent years to news topics concerning government agendas such as the "One Belt, One Road Initiative" and "Greater Bay Area". These programmes are also given more air time.

These "information" programmes are usually about everyday life and the contents are more of a practical nature, apolitical, and presented in a soft style. Sometimes the subject matter has nothing to do with news. However, all these programmes have one thing in common: advertisers will sponsor them more readily.

Most media are businesses and it seems natural that they seek profits. In its 2017 Interim Business Report, *TVB* reviews the operation of its news division and lists three foci, one of which is the feature "*One Belt, One Road Initiative*", which *TVB* claims was "clear and concise".

Some reporters of *TVB* News point out that in recent years the management has created a lot of new information programmes, but there has not been a corresponding increase in human resources. The pressure to broadcast has resulted in reporters being overworked and the space for producing in-depth and analytical news getting squeezed.

***i-CABLE*: After live streaming on the seaside memorial service**

On the night of the seventh day after the sea burial of Liu Xiaobo, the Nobel Peace Prize laureate who died from sickness in July 2017, Liu's friends and supporters held a memorial service at the seaside resort of Yashan in Xinhui, Jiangmen. *i-CABLE*'s China news team conducted a Facebook live stream at the spot. Participants also uploaded pictures of the event onto Twitter. Later participants in the ceremony were arrested one after another by the public security authority. The driver who had worked for the Guangzhou office of *i-CABLE* for many years was also detained.

HKJA published a statement strongly condemning the Xinhui Branch of the Public Security Bureau for detaining the driver, who had driven the reporter to cover the seaside ceremony, without providing any reasonable explanation. The driver was released 3 days later after *i-CABLE* hired lawyers to help him. Executives of *i-CABLE*'s China news team were also in Guangzhou to follow up on his detention.

After the incident, Lam Kin-shing, head of *i-CABLE*'s Guangzhou Office who had been stationed in Guangzhou for 10 years, was called back to Hong Kong before he finished his term there. Since then he has never been back to the mainland to cover any news. Sources in *i-CABLE* News Channel believe that this arrangement was due to management's concern for his safety and was with Lam's consent. Lam, who had worked for *i-CABLE* for 14 years, resigned in April, 2018. He said he resigned for personal reasons and he thanked the company for their trust and support throughout the years.

"Creating fear" is a means that mainland authorities often use to obstruct normal news coverage. Outstanding reporters in the mainland have all been silenced and many have left the news industry. This trend has spread to Hong Kong among reporters who cover stories on the mainland. Even though *i-CABLE* News was brave and fearless in this incident and *i-CABLE*'s China News team may not have been affected in terms of their future reporting, the intimidation is obvious in the eyes of bystanders. Will media reports focus less on sensitive issues out of "personal security" concerns and "risks that are too big to bear"? The ripple effects of the fear created may lead to news workers becoming over-cautious, while the management may think it is a matter of course to avoid sensitive topics and even feel justified to act in ways that preempt all risks. The quality of the contents of news coverage on China may gradually suffer.

Conclusion: Censorship never goes away

From what happened last year, we could see the signs of information manipulation and control, such as "creating fear", "information flooding", etc. It could also be observed that when someone wants to manipulate what is reported, they do not have to intervene openly. They only have to have the power to enable their agents to draw lines subtly, for example, by resorting to "professional" means, such as resource distribution, promotion and deployment of personnel, and programme genre, etc.

Not every case discussed above can be regarded as "self-censorship" in the traditional sense and it is difficult to ascertain whether or not those in charge act on purpose. Reporters cannot help but be affected by these constraints which they have to submit themselves to.

As long as news workers have insight into these advanced ways of manipulating and controlling information and communication, they will be alert to the hands of censorship which have always been around and are still never far away.

Chapter 4

*By To Yiu-ming, Tse Chung-yan and
Allan Au*

Media ownership and China- digital fron

⁸ See Chapter 3 in the *2014 Annual Report on Freedom of Expression* and Chapter 1 in *2015 Annual Report on Freedom of Expression*

changes -funded outline

This annual report documents important changes in news media ownership every year, with special focus on mergers and acquisitions of Hong Kong media by Beijing and its followers. The new owner or the largest shareholder, after gaining the power of control through mergers, acquisitions or stock purchase, may decide on the business practices, resource allocation and personnel appointments. He may thus affect the amount of manpower, selection of topics, priority of content, angle and focus of news coverage etc. Therefore, mergers and acquisitions as well as investment moves by Beijing and its followers not only represent an expansion of its speech territory but also an increase in its power to control the media. It is also worth noting that in recent years pro-establishment people have been flexing their muscles in online media, as well as traditional media. A survey and analysis will follow.

Another point worth focusing on is the survival space of media deemed unfriendly by Beijing. What we are concerned with is not the life and death of individual media, but political pressure interfering with the market, suppressing opposing voices and undermining the pluralistic environment for opinions on public affairs. For example, *Apple Daily* and *Next Magazine*, under control of Next Digital Limited, which has long been criticised by China's media in Hong Kong, have not only faced the challenges of new technology in recent years but have also been hard pressed by advertising boycotts. Our previous annual reports⁸ have noted that the sharp decline in advertising revenue is striking a blow at Next Digital's economic lifeline. Developments in the past year saw a worrying downward trend.

TVB: Who is the real controller

In the controversy sparked by TVB's proposed share buy-back, TVB applied for judicial review and won the lawsuit, but eventually had to withdraw a \$4.2 billion share buy-back offer. The Communications Authority followed up right away by examining whether the newly disclosed shareholding structure was in line with the Broadcasting Ordinance. It also studied whether anyone had failed to provide comprehensive information during the earlier application for shareholding changes.

In 2015, China Media Capital (CMC) bought a stake in Young Lion, a majority TVB shareholder. CMC chairman Li Ruigang, dubbed China's Rupert Murdoch, is a former deputy secretary of the Shanghai Municipal Committee. But full details of Young Lion's shareholding structure as well as the extent of pro-Beijing capital investment in TVB have yet to be revealed. Outsiders have long suspected behind-the-scenes manipulation⁹.

The buy-back hustle and bustle dragged on for a year. TVB was alleged to be using shareholders' money to buy back shares for the majority shareholder, which is not necessarily fair to minority shareholders. As the share buy-back would boost Young Lion's stake, thus triggering a mandatory general offer, Young Lion would have to apply to the Securities and Futures Commission (SFC) for exemption (i.e. a waiver). SFC while granting the waiver imposed conditions, including one that TVB was to disclose full details of Young Lion's shareholding structure, and another that in voting on the buy-back resolution, foreign-capital shareholders should enjoy "equal stake, equal rights". As TVB's second-largest shareholder, London-based fund Silchester, had rejected the buy-back idea, it became doubtful that the buy-back resolution would pass.

TVB did not accept the ruling and applied for judicial review. The court ruled in favor of TVB, noting that the Broadcasting Ordinance's voting right restrictions on non-Hong Kong shareholders were applicable in a waiver resolution. But TVB's buy-back plan eventually failed. Firstly, SFC still had the final say on whether to grant the waiver; secondly, the incident exposed to scrutiny the shareholding structure of majority shareholder Young Lion. Investigations by the SFC and its Takeovers and Mergers Panel revealed that Young Lion had two kinds of shares, one with voting rights and the other without. CMC, of which Li Ruigang was chairman, owned 85% of the non-voting shares and, through a shareholders' agreement, possessed de facto powers of appointment, removal and decision-making. The Communications Authority asked TVB to clarify the shareholding information and indicated that until the issue was satisfactorily resolved, further applications for shareholding changes would be inappropriate.

The incident raised many interesting questions. Outsiders wondered whether shares of CMC, the de facto controller of Young Lion, similarly had different voting rights. The regulating authorities further requested CMC to clarify who was the real controller. CMC Chairman Li Ruigang said he owned 86% of CMC's voting rights, was the ultimate decision-maker and "there was nothing hidden."

According to SFC, they "encountered difficulties in obtaining the shareholders' agreement" during their investigation. Eventually, the "shareholders' agreement" they uncovered

was one they had not been shown while vetting earlier shareholding changes. Is the Communications Authority's shareholding vetting process too sloppy? Was anybody covering up, trying to evade restrictions on non-Hong Kong residents holding a licence? If a licensee does not cooperate, can he be regulated effectively?

i-CABLE: Setting off again after change of ownership

Having posted losses for several years in a row, *i-CABLE* Communications Limited officially changed hands, with David Chiu Tat-cheong, chairman of Far East Consortium and member of the Chinese People's Political Consultative Conference, becoming the new chairman. Forever Top (Asia) Limited, with a 43% stake, became the largest shareholder. Since this ownership change, more than half a year ago, no drastic action has been taken. *i-CABLE*'s yearly loss further increased to \$362 million in 2017. The new management completed a salary review towards the end of March, gave a pay rise to employees of the news department and offered an additional increment to the January salary retrospectively as well as a double-pay bonus. Some employees said the level of pay rise was not ideal but they understood the company had its difficulties.

Some *i-CABLE* News reporters said that since the ownership was changed, the direction of news editing and reporting had seen no significant change. Nonetheless, in light of longstanding uncertainties, a number of reporters resigned. Although manpower has been replenished, the newcomers are mostly less experienced. New Chief Operating Officer Irene Leung said they would continue to revamp operations and structure with a view to balancing revenue and expenditure in three to five years.

Next Digital fails to sell Next Magazine

On July 17, 2017, Next Digital announced it would sell some of its magazine businesses to Gossip Daily Limited, led by businessman Kenny Wee, in a deal worth \$320 million. Wee paid earnest money multiple times totaling \$80 million (including initial earnest money of \$60 million, and a monthly compensation of \$5 million starting October 2017). However, after the completion date had been pushed back three times, Next Digital, which still had not received the funds the buyer had promised to pay, announced termination of the deal on February 2, 2018.

As early as mid-October last year, Hong Kong's *Next Magazine* was already handed over to Kenny Wee's new team according to the original plan. Of the original 100 plus-strong workforce, 34 quit and 70 made the transition to the new company. After the deal was terminated, Next Digital regained control of *Next Magazine*. After Lunar New Year, it made half the workforce redundant. Several more issues were published.

⁹ See Chapter one of 2017 Annual Report on Freedom of Expression for background of the controversy.

Then it announced that print publication would stop after the last issue was published on March 14, ending its 28 years of history from prosperity to decline. In future, the magazine would be fully digitalized and appear on the *Next Digital* online platform.

The sales downturn of Hong Kong and Taiwan *Next Magazines*, making insufficient income to cover expenditure, necessitated their sale. Advertising revenue was decreasing by a particularly wide margin (see Table 1). At the same time, Next Digital's flagship publications *Apple Daily* and *Taiwan Apple Daily* have continued to post losses in recent years. Turning from profit to loss, the deficit is also on an increasing trend (2016/17 interim report: \$61 million; 2017/18 interim report: \$75.9 million). No wonder the group could not afford the losses of the magazine businesses (2017/18 interim report: \$67.6 million).

The difficulties in operating *Next Magazine* and even Next Digital reflect not only the immense challenges faced by traditional media under the impact of digital technology, but also the severe blow of being politically shut out by advertising boycotts from Next Digital's economic lifeline. Although it is difficult to spell out precise financial implications of the latter for the group, looking at the advertising revenues of *Apple Daily* and *Next Magazine* over the past two years alone, the

yearly 30 to 40% drop for two consecutive years is huge. It far surpasses the drop in circulation revenues (see Table 1). The circumstances are suspicious.

According to the original takeover plan, after completing the transaction, the new owner would inject \$180 million into *Next Magazine* to boost operating funds and continue to publish the printed version. The lifespan of *Next Magazine* was cut short when Kenny Wee's takeover failed. This even accelerated termination of its printed existence. Next Digital could neither turn loss into profit nor muster sufficient fiscal power to hold on; it could only cut costs, close the printed version, and try the digital track as quickly as possible.

Looking to the future, resources at the disposal of *Next Magazine* will no longer be the same. To survive, it will need to reposition itself within the Next Digital camp, and find a unique spot amid the numerous online news and information media. Meanwhile, the takeover also reflects that Next Digital, under the dual pressure of both media transformation and advertising boycott, is facing a grave life-and-death challenge. It is worth close attention, because if the situation deteriorates further, Hong Kong's environment for opinions on public affairs will certainly be affected.

Table 1 Loss figures of Next Digital Limited and revenues of major publications

	2017/18 Interim Report 1 April to 30 September 2017	2016/17 Interim Report 1 April to 30 September 2016
Group total losses	\$171,500,000 (+15.3%)	\$148,700,000 (+21.1%)
<i>Apple Daily</i>		
Advertising Revenue	\$46,500,000 (-40.7%)	\$78,400,000 (-38.2%)
Circulation Revenue	\$94,900,000 (-5.9%)	\$100,900,000 (-10.5%)
<i>Taiwan Apple Daily</i>		
Advertising Revenue	\$129,300,000 (-15.1%)	\$152,300,000 (-34.3%)
Circulation Revenue	\$65,700,000 (-16.4%)	\$78,600,000 (-23.5%)
<i>Hong Kong Next Magazine</i>		
Advertising Revenue	\$9,800,000 (-33.8%)	\$14,800,000 (*)
<i>Taiwan Next Magazine</i>		
Advertising Revenue	\$14,800,000 (-57.6%)	\$29,000,000 (-41.4%)

Information source: Interim Reports of Next Digital Limited

* Figure unavailable.

Battle line of China-funded online media

Online media are booming in Hong Kong. The Chief Executive Carrie Lam fulfilled her campaign promise right after she took office by formulating an online media registration system, allowing online media to attend events and press conferences organized by the government, if they met certain criteria. The decrease in the cost of launching and running online media has led to an increase in the number of pro-establishment online media. Through issuing articles and sharing pictures on social media, they participate in the debate on controversial social issues. Some scholars believe that alienation between the pro-establishment and opposition camps will worsen in the long term if online media continue to polarise and politicise certain issues.

Speakout

Run by Sevsss Foundation, which was co-founded by Cheung Chun-yuen, the Chairperson for the campaign office of then-Chief Executive candidate CY Leung, and Raymond Tang, the Advisor for the campaign office, the online site *Speakout* was established in January 2013. Since then, it has become the “propaganda office” of “Leung’s camp”. The website releases not only instant news but also blog columns, many of which are written by Leung supporters. They include the former Executive Council members Cheung Chi-kong and Lam Fan-keung, Lau Ping-cheung, who was the Deputy Director for the campaign office of then-Chief Executive candidate CY Leung, and Wat Wing-yin, whose articles and opinions are widely shared and discussed.

When CY Leung was ruling Hong Kong, *Speakout* often had exclusive stories about Leung. For example in July 2015, Leung met university students who were participating in Sevsss Foundation’s internship programme in Beijing. Video clips were released by *Speakout* exclusively. It was reported that officials who had accompanied Leung to Beijing did not know about the event. In the following December, Leung attended the Inter-school debate competition organised by Sevsss Foundation. This was also exclusively reported by *Speakout*. All mainstream media subsequently quoted its content. At that time, *Speakout* was not yet recognized as a news outlet by the Information Services Department.

Apart from exclusive news, *Speakout* also took a role in releasing unofficial information. Shortly after the former Secretary for Home Affairs Tsang Tak-sing and the former Secretary for Civil Service Tang Kwok-wai were replaced in mid-July 2015, *Speakout* released exclusive analytical articles implying that

Tsang and Tang had not resigned voluntarily but had been sacked by Leung. The article was soon deleted. Some also reported that shortly after the news came out, Fung Wai-kwong, the then Information Coordinator for the Office of the Chief Executive, approached various media with whom he had good relationships, to spread the inside story. However, most of the mainstream media ignored this approach.

After Leung left office, *Speakout* continues to run as an online news site, providing live coverage as well as sharing pictures related to various current affairs on social media, with phrases such as “Please click the like button if you agree”.

HKGpao

Veteran Journalist Robert Chow set up *HKGpao* in May 2015. The website also provides instant news, blogs and video clips, but with less live coverage. The content usually comes from *Wen Wei Po* and it is published after some editing. Leading bloggers include Wat Wing-yin and Robert Chow. Its Facebook page also has a number of photos with phrases such as “Well said” and “Please click the like button”.

Robert Chow stated that he self-funded *HKGpao* when it was in the pioneering stage. However, *Next Magazine* soon disclosed that the online site was supported by Social Policies Research and Consultancy Company Limited, a company founded in 2010 and renamed as “*HKGPAO.COM LIMITED*” in 2015. Chow holds 30% of the shares and the rest is held by a BVI company named “Market Legend Limited”. The directors of the company include the vice chairman of Henderson Development Limited, Lee Ka-Shing, who is also the youngest son of Lee Shau-kee. Later during an interview with *Sing Tao Daily*, Chow admitted that Lee co-founded the company with a 7-digit investment, and subsequently transferred the shares to him as Lee had no intention of running the online site himself. Chow refused to disclose the price.

Orange News

Describing itself as “a new media platform that provides high quality news and insight” and “rational, objective, in-depth and broad-view news reports and reviews”, *Orange News* was established in 2014. Apart from instant news and reviews, there is also entertainment and financial news, as well as lifestyle, anecdotes and comic columns. Its political style is relatively moderate compared with the two online media mentioned above. However, *Next Magazine* revealed that *Orange News* was founded by Sino United Publishing, which is held and operated by Guangdong New Culture Development, a mainland-based shell corporation, fully funded by the Liaison Office of the Central People’s Government in the HKSAR. In other words, the ultimate owner of *Orange News* is the Liaison Office.

Although *Orange News* seems to be less pro-establishment, its reviews mainly support the pro-establishment camp and criticise the pro-democracy camp. In the by-election in March for example there were a number of articles criticising Paulus Zimmerman, a pro-democracy candidate who ran in the Architectural, Surveying, Planning and Landscape functional constituency, as well as Yiu Chung-yim, a similar candidate in the Kowloon West geographical constituency. An article that described Yiu said that he held major responsibility for causing the by-election, which had cost HK\$300million. There were also articles that criticised Au Nok-hin, the democrats' candidate in the Hong Kong Island geographical constituency, saying that he was "related to anti-Chinese societies", "a liar" and "wangling votes as a localist".

Lite News Hong Kong

Lite News Hong Kong (or *Lite News*) was established in 2015. It is described as "an online platform dedicated to providing objective news reports and exclusive reviews". Its content includes news reports on political, economic and military issues, but most of the content is culled from other major media. It also provides "news reports for dummies" and a "Lite encyclopedia" as well as analytical reviews and lifestyle articles. As for the content orientation, *Lite News* seems to be even less pro-establishment than *Orange News*. During the by-election for example there were reports about a group of people wearing masks who attempted to attack Paulus Zimmerman at an election forum. There were no articles praising the pro-establishment camp or criticising the pro-democracy camp.

Even so, *Lite News* is primarily supported by the pro-establishment camp. According to information on the website, the Editor-in-chief Li Xin has a Master of Social Sciences degree from Hong Kong Baptist University. In 2016, *Stand News* quoted his Weibo as saying that he was the president of Hong Kong Baptist University Postgraduate Association and Deputy Secretary-general of Hainan Province Youth Association. According to the Hainan Province Youth Association's announcement in 2015, Li Xin is a member of the 6th committee and his title was editor of *Jdonline* at that time. Founded in 1947, *Jdonline* was one of the earliest established pro-CPC publications in Hong Kong. Currently it is the only Hongkong-based publication that is allowed to be circulated in mainland China.

Dot Dot News

Launching its Facebook page on April 9th 2016 and official website on August 17th 2016, *Dot Dot News* claimed to be a platform for "tracing Hong Kong hotspot news and gathering public opinion". Despite that, exclusive news was released before its website was fully operating. The then spokesperson of Hong Kong Indigenous, Leung Tin-kei, was involved in a physical clash with a reporter from *Ta Kung Pao* at Taikooshing MTR station on the evening of August 13th. Shortly after that, *Dot Dot News* released an exclusive interview with Lo the reporter. Lo revealed his injury on a video clip and indicated his concern that netizens might intimidate his wife and children.

Apple Daily later revealed that *Dot Dot News* was registered under the domain name "wwphk" and email address "wenweipohk2016@gmail.com". They match *Wen Wei Po*'s information. Furthermore, some netizens discovered that its IP address, admin and technical support all come from *Wen Wei Po*. The address "Tin Wan Hing Wai Centre" written on its Facebook page is the office of Ta Kung Wen Wei Media Group. The link of its official website and Facebook page can also be found on *Wen Wei Po*'s Website.

As for its content, it seems to be relatively pro-establishment compared with *Orange News* and *Lite News*. Like *HKG Pao*, its Facebook page shows pictures that satirise the pro-democracy camp, for example calling Yiu Chung-yim as "bug disease", questioning the way Au Nok-hin raised funds, and sharing pictures that arouse anger among netizens. However, there is also lifestyle news, such as introductions to hot pot restaurants with specific themes, new cinema in Tuen Mun etc.

Online media supported by Chinese capital

Online media supported by Chinese capital appear in different shapes, but they unite as one when political disputes arise, with an attempt to dominate public opinion by issuing a large number of posts. Take the protest action at HKBU's Language Centre in January this year as an example. The incident began as a campus crisis, but within a week, it had become widely discussed. There were even protesters demonstrating at the campus, urging the university to severely punish the students involved.

The incident began on January 17, when 20 students stormed the university's language centre and staged a sit-in. They included Students' Union president Lau Tsz-kei and Chinese Medicine student Chan Lok-hang. They demanded the university reveal the marking criteria for a Mandarin course exemption test, and the appeal mechanism. During the standoff, conflict occurred between students and the administration. Lau used abusive language and slammed a door. Some staff felt threatened and vainly ordered students to leave. Insults flew.

The incident, which happened on a Wednesday, began to attract public attention on the ensuing weekend, but the focus had shifted from mandatory Mandarin proficiency tests to students using abusive language and insulting staff. Students were criticised by members of the public for their behaviour. On the 24th (the following Wednesday), HKBU president Chin Tai-hong announced that Lau and Chan had been barred from classes with immediate effect. This angered students as the suspensions were issued before a disciplinary hearing had been held. A protest march was launched two days later. The incident ended with Lau and Chan apologizing to staff at the Language Centre and the university retracting the suspension orders. The role of pro-establishment online media in the incident is worth studying.

During this time, *HKGpao* and *Speakout* issued a number of posts to heat up the conflict. Take *HKGpao* as an example, its Facebook page posted more than 40 pictures related to the incident in two weeks, with 13 pictures posted between January 12th and 14th. They criticized the improper behaviour of the two students, quoted comments from celebrities and netizens, and even demanded the suspension of the students involved, and also Chan Sze-chi, a Senior Lecturer in HKBU's Department of Religion and Philosophy.

Speakout was even more aggressive in heating up the conflict. More than 70 pictures related to the incident were posted. The number of pictures increased when the incident continued to heat up. At the beginning, *Speakout* only posted criticisms of the students once a day on average, but the number increased significantly in the following week. On January 22nd, its Facebook page posted about ten pictures. With arguments similar to *HKGpao*, the online media criticised students' improper behavior towards the staff, supported Chin Tai-hong and HKBU staff who had called for a serious investigation, quoted criticism from celebrities and netizens, and demanded Lau apologise in public.

However, *Orange News* and *Lite News*, which are relatively moderate, did not issue any pictures related to the incident. As for *Dot Dot News*, no more than five pictures were posted per day on average.

During the coverage of the Tai Po bus crash in February, a *TVB* reporter was criticized for trying to stay at the site for a live broadcast, after firefighters asked reporters to leave. Quoting comments from netizens, *HKGpao* released an article pointing out that the reporter had written news articles with a somewhat "yellow stand" when she was at university, and demanded *TVB* investigate and respond.

In early March, KMB dismissed four bus drivers, including Yip Wai-lam, the convener of Monthly-Paid Bus Drivers Alliance, who had led a strike over salary reforms. This caused a public outcry. *HKGpao* attacked KMB's Deputy Communication Head Lam Tsz-ho, who had been representing the organisation, for his previous participation in July 1 marches and the signature campaign to protest against *TVB* management's decision to delete the narration of "kicking and punching". However, the Facebook post did not explain the relationship between Lam's background and the KMB incident.

Regarding the emergence of pro-establishment online media, Francis Lee, a professor at the Chinese University of Hong Kong School of Journalism and Communication, said that opposition online media such as *Passion Times* and *House News* had played a significant role in social networks since 2012. It is not surprising that the pro-establishment camp has established online media against them to secure territory on the internet. The society is now polarized, so it is difficult for pro-establishment online media to affect the attitudes of democrats and netizens. Instead, it is more effective for them to consolidate their own voices and enable pro-establishment citizens to obtain information on the Internet.

According to his analysis, there is still a clear distinction between pro-establishment mainstream media and online media. The mainstream media sometimes uses various interview techniques such as reporting only parts of the story, choosing interviewees selectively, shifting focus and neglecting certain key points. Nevertheless, their reports are still based on facts. However, the online media offer a combination of news reports and reviews. Phrases such as "please share" and "please like" often appear in the content, which make them seem more like political propaganda than fact-based news media.

Looking at incidents that were heated up in a short time, such as the Hong Kong Baptist University mandatory Mandarin proficiency test crisis, Lee believed that they revealed the characteristic approach of pro-establishment online media, as well as differences between the pro-establishment online and mainstream media, in dealing with such incidents. He stated that the mainstream media tend to respond to society. An issue only "heats up" because of the social trend. On the other hand, online media tend to stir up the discussion after a few days. This may involve orders from some forces behind the scenes who wish to aggravate disputes.

Lee said that pro-establishment online media stir up discussion by simplifying incidents, neglecting the causes behind them, focusing only on specific arguments, and labelling to shape readers' opinions on certain people. However, he also stressed that opposition online media also have a similar tendency.

As for the influence of online media on institutional decision making, Lee believed that this is relatively complicated because the influence is indirect. He explained that when an incident happens, it is first reported by media and then triggers discussion among society. The discussion catches the attention of internal staff at the organisation and perhaps even forces from mainland China, who may intervene and implicitly request the news staff to follow up. Eventually management involved in an incident or crisis has to make a decision under pressure. If we look closer at the source of pressure, it could be coming from the media. He said that a similar situation can be seen in the incident of the democracy wall in CUHK and Education University Hong Kong last September. The incident began with clashes between a few students, but soon triggered overwhelming responses on the internet, followed by protests at campuses and reviews by columnists. These actions created social pressure and the management had to respond. As we can see, pro-establishment online media have the ability to incite emotions, but do not always succeed. It depends on the scale of incidents and whether there is any attempt to cool down the confrontation.

As for news that is relatively less political, such as the Tai Po bus crash and KMB dismissing Yip Wai-lam, pro-establishment online media still issued pictures against the people involved. Lee said it reflected that both the pro-establishment camp and opposition camp tend to politicise incidents. Take the accident in Tai Po as an example, Lee believed that whether the reporter retreated or not was a matter of media ethics, but certainly not a political issue. However, online media tend to blame the reporter or the news media and continue to label them.

He pointed out that when both camps tend to polarise and politicise issues, they destroy room for discussion. Even if one attempts to comment on issues from a normal perspective, one would be afraid to be besieged and drop the idea. In the long run, it would tear society apart, as no one will take the risk involved in discussing issues from a normal perspective, and it consolidates the idea that "the opposite side is evil".

Lee believed that the polarised political discourse has led to another issue, which is both camps had begun to dehumanise and demonise each other. Apart from the diverse political stands, they also put labels on each other, such as shoeshiner, Hong Kong pig, or chav. They did not see opponents as "human beings". Some non-political incidents such as the Tai Po bus crash and KMB dismissing staff had been interpreted politically. For example, pro-establishment online media labeled yellow ribbon

supporters as unproductive and immoral in an attempt to further demonise the opposite camp and consolidate the idea that "they are right". He said that in any society, no matter how diverse the disputes are, the two camps share a common identity. The shared identity eases the dispute to some extent and both sides still see each other as human beings. For example in the United States, both Democrats and Republicans see each other as Americans. However, the situation is not the same in Hong Kong.

Lee concluded that when social media has become part of daily life, the public may simplify issues easily, demonise other parties and consolidate the existing labels and stereotypes. Looking from the perspective of coverage and discussion triggered by online media over the past few years, the work of pro-establishment online media could be considered as successful. In the coming future, he believed it will continue in a similar direction, because the establishment side must continue to run online media in order to consolidate its online territory against opposition voices.

**Access to
government
information
restricted
Reporters'
under threat**

Chapter 5

By Shirley Yam and Ken Lui

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safety

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The New Chief Executive, Carrie Lam, has been eager to appear more liberal than her predecessor in handling the government's media relations. The change is, however, more in form than substance. Lam did lift the much-criticized ban on online-only journalists from attending government press functions. However, when it came to Hong Kong's relationship with Beijing she has been defeating, instead of defending, press and speech freedom. She has been increasingly accommodating on the introduction of a national security law to Hong Kong. At the same time, she has been slow to introduce mandatory archiving of government records and access to information systems, which are fundamental to speech freedom. If her predecessor Leung Chun-ying was dealing with the media with an iron fist, Lam has put on a velvet glove. The tightening remains the same.

Sword of Damocles hoisted before Article 23

Discussion on Hong Kong's autonomy versus China's sovereignty has increasingly become a taboo. The Hong Kong government has turned proactive in weeding this topic out of public discussion.

On September 4, banners calling for the independence of Hong Kong were displayed in various universities of the city. Different university administrations handled the controversy in different ways. Some had the banners removed immediately while others left the problem to student bodies. The government did not speak up until four days later. Carrie Lam issued a statement condemning the appearance of those posters in the universities, stressing that independence was not only against the "one country, two systems" principle but also the interest of Hong Kong. She said there should be a limit to speech freedom and called on university managements to remove the banners.

However, when law professor Benny Tai made some hypothetical remarks about Hong Kong independence at a forum in Taiwan in April, Lam's administration acted swiftly. While his remarks remained largely unnoticed by the public and the media, the government took the lead in issuing a strongly-worded condemnation of them. Lam later told the press she had watched his speech on YouTube herself and approved the government's statement. She did not agree that it would jeopardize academic and speech freedom. This was followed by a *People's Daily* commentary calling for legal action against Tai for sedition.

In response, the Hong Kong Journalists Association, Independent Commentators Association and Journalism Educators for Press Freedom issued a joint statement expressing their worry at the chilling effect caused by the attacks against Tai. The unions also demanded clarification from the government on whether a journalist would face any legal repercussions for reporting discussion of independence.

The government remained silent on this question until Carrie Lam was asked in a press conference whether she could guarantee that no journalist would be prosecuted for reporting discussion of independence. "Nobody can answer a question like this. Nobody has a crystal ball in front of him or her, so [one cannot] guarantee that certain actions, certain behaviour will not be breaching the law—because the law is evolving." Lam said. "So the answer to your question, it will depend on the situation, depend on the law, depend on that particular behaviour." The Basic Law promised Hong Kong people press and speech freedom. Instead of reiterating these protections and rights, Lam has chosen to warn the media of the possibility of a change in the law to restrict those rights and freedom and the possibility that legal repercussions will follow. A sword is dangled above the heads of journalists even before the implementation of Article 23 in Hong Kong.

International body spurned Hong Kong as unsafe

International press freedom advocacy group Reporters Without Borders had planned for some years to open its first Asian Bureau in Hong Kong. Candidates for the post of bureau chief were interviewed in 2016. Yet, in April, the group announced a decision to choose Taipei instead. Christophe Deloire, the group's secretary general, told the *New York Times*: "Hong Kong was the place where we originally wanted to open an office... It is not so easy now to run activities from there." He said they had decided against Hong Kong due to "a lack of legal certainty for our entity and activities." He also cited the possibility that staff members would be put under surveillance. This concern is well justified given the organization's plan to use a Hong Kong bureau to monitor freedom of information and violations of free speech in Mainland China, and to advocate press freedom in that country.

In its 2018 World Press Freedom Index, the organisation ranked Hong Kong at 70. This was because the Chinese authorities' interference in local media had been growing. It said the city's journalists were "finding it increasingly difficult to cover subjects involving governance in Hong Kong and mainland China". Though the latest rank is three places up from last year, it is 52 places below Hong Kong's ranking in 2002 when the index was first compiled. Taiwan is ranked 51.

Legislative protection beyond reach

The battle for legislation on archiving and access to information dates back to the 90s. The government's answer to that was the introduction of administrative directives including the Access to Information Code. The non-statutory measures have been weak in protecting the right to information as well as to comprehensive and public government archives. It was not until the Ombudsman announced an investigation into the two issues in early 2013 that the government appointed two sub-committees under the Law Reform Commission to study the matters. Five years have gone by and they have come up with nothing. In the meantime, the Ombudsman has made repeated calls for mandatory access to information and archiving of public records.

Hope was raised again by Carrie Lam's manifesto, announced in early 2017 for the Chief Executive election. It said: "I hold a positive position towards the passing of a law for the upkeep of the integrity of government records". The manifesto, however, was silent on the introduction of FOI law. It only promised to "increase the transparency of government information and data" by opening up more government data for social policy research and public participation in policy formulation. She has not committed to a timetable for either of the issues.

The government's first time commitment came in October 2017. In response to a question from legislator Charles Mok, the Secretary for Mainland and Constitutional Affairs, Patrick Nip, said the two sub-committees of the Law Reform Commission (LRC) planned to publish a consultation paper on archiving and access to information as soon as possible in 2018. These sub-committees were appointed in June 2013 to study the issues. Nip said the sub-committees would collect public opinion and finalise reform proposals. After considering the draft reports submitted by the committees, the LRC would publish the reports. The government would then study the LRC reports and consider how to reform the current access to information system. He offered no specific timetable.

While the promise of a consultation this year is a baby step forward, there is little reason to be optimistic. First, assuming the Commission proposes legislation, the bureaucratic road map laid out by Nip suggested little chance of it materialising in the near future. In fact, a sub-committee member suggested to the media industry in early 2018 that a consultation paper would be issued in March. However, no paper has been issued by the time of publication of this report. Secondly, the government has often ignored or put aside recommendations from the LRC.

Ombudsman Connie Lau has expressed disappointment over the government's slow progress in implementing her office's recommendation on archive and FOI laws. She said the public has already been waiting too long for a legal safeguard of what amounts to their basic right of access to information held by government departments and other public bodies.

With no sign of legislation on the horizon, the government's performance in freedom of information has seen little improvement and even some deterioration. Government officials have boasted of a success rate of 97% for public requests for information. This figure however failed to reflect two issues: long delays in the release of requested information and reluctance to release important information. These have been the core complaints to the Ombudsman, which have been on the rise over the years. Besides, the percentage of requests refused increased to a new high of 2.3% in 2016 and stayed at that level for the first three quarters of 2017.

Table 1 How has the Government performed with regard to the public's right to information?

Item	20173Q	2016	2015	2014
Number of requests	4,263	5,144	5,183	4,599
% of requests withdrawn / requests for information not in the public agency's possession	7.2	13.3	12.91	12.3
% of requests met in full	87.9	82.4	83.4	84
% of requests met in part	2.6	2	2	1.7
% of requests refused	2.3	2.29	1.69	2

Worth noting is the new record of complaints related to the Code received by the Ombudsman since 2015. In 2017, the tally stood at 85. The main reasons for complaints included delayed responses, a refusal to explain why information was not given, and misunderstanding of the code. The Ombudsman found failure on the part of the government departments in an average of 45% of the complaints concluded between 2013 and 2016. In 2017, the percentage was 37%. The Ombudsman has attributed that to an increase in public awareness of their rights.

Fu King-wah, Associate Professor of the Journalism and Media Studies Centre of the University of Hong Kong, said the increase in the number of requests refused and complaints were indicators that the non-mandatory Code had not been effective in protecting the public's right to information.

Table 2 Complaints to Ombudsman related to Code on Access to Information

	2017	2016	2015	2014
Number of Complaints	85	71	52	56
No. of complaints completed	73	81	40	71
No. of complaints with fault(s) found in relation to the application of the Code	27	38	22	30

source: The Office of the Ombudsman

FOI hurdles limiting press freedom

Government officials have been claiming success of the Code with numbers. However, anecdotes from journalists, community organization representatives and academics have proven otherwise. Application for information via the Code is found to be a long painful process that very often yields either nothing or insignificant information. This significantly compromises journalists' monitoring of the government and public bodies.

Liber Research Community member Lam Chi-kwan said civil societies have been relying on the Code to study the town planning and land policy of Hong Kong. They have experienced a lot of hurdles in getting information in relation to New Territories small houses and concession land for social clubs. Meanwhile, academic Fu King-wah experienced a 14-month delay in his application for the number of casualties occurring at MTR platforms. His request was refused on privacy grounds. He got the number only after an appeal.

To shed light on the reality behind the numbers quoted by officials, it is necessary to report in detail two cases experienced by journalists. If a reporter with good understanding of the rules finds it a tough game to play, it is not hard to imagine the difficulty a member of the general public would experience

Case 1 Names of nominees of voters in the Chief Executive Election

Item/Date	Details
Parties	<i>Citizen News</i> v Registration and Electoral Office (REO)
Background	Only the 1,200-member Electoral College is eligible to vote in the Chief Executive election. More than 350 professional groups and business associations elect their own representatives to the electoral college. One has to be nominated to join these elections. The nominators' identity is available for public inspection for a specific period of time.
6 December 2016	<i>Citizen News</i> filed a FOI request to REO for the names of nominators of 12 members of the Electoral College who were returned unopposed. That was two weeks after the information was removed from the public domain.
15 December 2016	REO refused to provide any information, saying that it would require considerable resources to work out the nominators.
19 December 2016	<i>Citizen News</i> appealed to the Chief Election Officer and complained to the Ombudsman.
4 January 2017	REO rejected the appeal, noting that it would have to solicit the consensus of the 2,733 nominees in order to provide their identity. In a letter to the Ombudsman, the Office maintained that the collection of nominators' identity was for the "holding of an election". It said since the election was over, making the information public would deviate from the initial purpose of the data collection and individual agreement was therefore necessary.
21 June 2017	The Ombudsman ruled that REO had failed to understand the Code correctly. It noted that there was no time limit to the provision of information and maintaining transparency was an important feature of the election itself. Providing the nominators' identities to the media did not deviate from the initial purpose of data collection. It expressed disappointment over the Office's "narrow-mindedness".
17 July 2017	REO still refused to provide the information
Impact	Given the restrictive nature of the Chief Executive election, members of the electoral college are power-movers in Hong Kong. A study of their nominators is crucial to understanding the political affiliation of not only these members but also the Chief Executive. The identity of the nominators of members who were returned unopposed was only subject to public inspection for two weeks. REO's refusal to provide their identity after the election made any extensive study and comparative analysis between different terms almost impossible.

Case 2 Short term land use waiver

Item/Date	Details
Publication	<i>Hong Kong Factwire</i> v the Buildings and Lands Department
Background	The publication was informed that the Buildings and Lands Department had for more than seven years been granting short term waivers to PCCW to use many of its plant towers as offices and customer centres. This practice by-passed vetting by the Town Planning Board.
26 October 2017	<i>HKFW</i> filed a request to the Department for a list of the short term land use waivers granted to PCCW in relation to the latter's 70 plant towers between 2010 and 2017.
15 November 2017	The Department provided information on seven plant towers in 2012.
27 November 2017	<i>HKFW</i> filed another request for the short term land use waivers granted to 26 plant towers in the past 7 years.
15 December 2017	The Department maintained that the November 15 reply was all they had.
22 December 2017	<i>HKFW</i> trimmed down its request from the records of the past 7 years to those of the past 3 years.
22 January 2018	The Department maintained that the November 15 reply was all they had.
26 February 2018	<i>HKFW</i> trimmed down its request from the records of the 26 plant towers to 11.
16 March 2018	The Department refused to provide more information on the following grounds. <ol style="list-style-type: none"> 1. Departments are not obliged by the Code to acquire information not in their possession; 2. Departments are not obliged to create a record which does not exist. 3. The requirement to pay for certain information under a charged service is not to be circumvented by way of a request for information under the provisions of the Code. Instead, the department directed the journalist to search public records at the Land Registry.
Impact	<i>Hong Kong Factwire</i> has not been able to get any updated information on the land use waivers granted to PCCW. Neither has it resorted to the Land Registry because its record may not have been updated to reflect the waivers and any detailed document costs HK\$100 per page to search. Without any official information, the media has not been able to ascertain whether there is any abuse. Subsequently, whistleblowers provided <i>Factwire</i> with information on the granting of waivers for seven PCCW premises. The Department's press officers confirmed the seven cases in response to specific questions. The cases were reported on 21 March 2018, four months after the first FOI request.

Accreditation of online-only media

Within two months of her inauguration as Chief Executive, Lam lifted the much criticised barring of online media from government press functions. On September 19, the Information Services Department (ISD) introduced an accreditation system to allow those media to gain access to the Government News and Media Information System and media events. This followed a legal action by the Hong Kong Journalists Association seeking a judicial review of the government's ban on online media. The application was granted by the court and the hearing was scheduled for December 2018.

Under the new arrangement, only "bona fide mass news media organisations whose principal business is the regular reporting of original news for dissemination to the general public" can apply for registration with the ISD. The applicant must meet the following requirements:

- (i) It can provide proof of regular online news reports in the past three months immediately preceding the application;
- (ii) It has been updating its news platform at least five days a week;
- (iii) It is staffed by at least an editor and a reporter; and
- (iv) It is registered under the Registration of Local Newspapers Ordinance (Cap. 268).

While opening the door for the online media, the arrangement was, however, criticised for refusing to accredit citizen journalists as well as forcing an outdated ordinance onto internet media. They have to register under the Local Newspapers Ordinance, which was passed in the 1950s to govern physical publications. The government insisted that this registration was necessary to provide a legal foundation for the accreditation. The ordinance is, however, a weird fit for internet media in many respects.

For instance, it requires publications to submit a copy of their printed output every day. For online media, this requirement is not only impractical but also expensive. After much negotiation with the Hong Kong Journalists Association, the government agreed to accept screenshots of a website's home page every day, but insisted on a printed copy of the page to meet the law. So the material must be printed out on paper, stamped, signed, dated and delivered by mail to the Office for Film, Newspaper and Article Administration every day.

The Chief Editor of *Hong Kong Free Press* Tom Grundy said the wording of the ordinance had not been updated to take into account the fact that digital outlets do not produce a print edition. Executive Director of *Citizen News* Mak Yin-ting

said the printed copy requirement imposed unnecessary administration costs on internet media which were already operating on shoestring budgets.

In opening the door to online media, the government also stated that any media representative conducting activities other than news reporting or misconducting themselves would result in the revocation of their accreditation and therefore expulsion from the venue. The misconduct listed included using foul language, causing disruption to the orderly conduct of the media events or staging protests at the venue of a government event. The government maintained that this was to ensure that the reporting work of other media organisations would not be affected.

Mak said online media were being targeted by this warning, which was not in the rules governing traditional media. She found that a double standard. She was also concerned that online media would be unfairly treated if the decision on what amounted to misconduct was left to government officials at the venue.

Following the implementation of the accreditation system, the number of daily publications in Hong Kong increased from 50 to 75, including major online-only news platforms in the city. The ISD promised to review the new arrangement approximately six months after its introduction. HKJA terminated its legal action against the government three months after the new arrangement.

Obstruction in reporting worsens

So called "Ordinary Citizens" bullied journalists in the mainland

Reporting in China has never been safe for Hong Kong journalists. This May things have got worse. In less than four days, two journalists were attacked in Sichuan and Beijing by policemen or men who claimed to be "ordinary people". What was new was not only the degree of violence but also the authorities' response.

The first incident happened on May 12 in Dujiangyan, where Hong Kong journalists had been invited to cover the 10th anniversary commemoration of a magnitude-8 earthquake that left 87,000 dead and 370,000 injured. Hundreds of parents gathered to grieve for their kids, who were killed when a sub-standard school structure collapsed.

After interviewing several parents, *Commercial Radio* reporter Lui Tze-kin found himself surrounded in his car by two men and one woman who also snatched his bag with a computer and recording equipment inside. Chan Ho-fai, a reporter for broadcaster *i-CABLE News*, filmed the incident. Two men grabbed Chan by his arms, pulled him aside, kned him in the

stomach and kicked him in the head. Chan reported the attack to officials of the local propaganda department but the latter said the matter could not be handled because they did not know the identities of the attackers.

Chief Executive Carrie Lam, who was there leading a Hong Kong delegation, said she was very concerned about the attack and had asked for a thorough investigation. Noting that she had no authority over the investigation, Lam said she had full confidence in the local government's efforts to find out the truth.

In a rare move later that evening, the two attackers were escorted by propaganda officials to Chan's hotel to apologize. The pair said they had attacked the journalist because news reporting would reopen their wound. They claimed to have lost family members in the earthquake.

However, when questioned by journalists, they retracted that. The two called themselves Lao Bai Xin (ordinary people) but the locals recognized them as village officials. In a statement, *i-CABLE* said the company was "enraged" by what had happened and called the incident "unacceptable". They demanded a thorough investigation.

Four days later, another journalist was violently attacked in Beijing. A *Now TV* cameraman, Chui Chun-ming, was reporting on the appeal by human rights lawyer Xie Yanyi against a decision by the Beijing Lawyers Association to disqualify him. Chui and a journalist of *Now TV* were stopped by several plain-clothes police officers when he tried to approach Xie for an interview. They were asked for their press identifications and the pair obliged. The officer returned the identification to the journalist but not to Chui. He asked for his document back but in vain. When he tried to snatch it back without any success, a few in plain clothes grabbed him by his neck, pushed him onto the floor and twisted his arms to the back while handcuffing him. Chui was then pushed into a police car together with Xie. Journalists on the spot asked for an explanation but the officers did not respond. Chui was taken to a police station where he was asked to sign a confession. At least five plain-clothes police officers took part in the attack while several uniformed officers looked on. Chui was released a few hours later after he had signed a "statement of repentance" in which he admitted obstructing a public officer. Chui said he was forced to sign because the police threatened to remove his press identification. He was allowed to take calls in the police station, but was barred from making contact with other people while he was taken to a hospital. Chui suffered various bruises.

Carrie Lam said the Hong Kong government was concerned about the personal safety and freedom of Hong Kong reporters working in mainland China and expected no recurrence of similar incidents. However, she refused to condemn the act, saying that "one need not use a hostile attitude to express concern".

The police authority in Beijing also made a rare, if not unprecedented, move a day after. It released a 45-second video and a statement on the incident. It claimed the officers were conducting identity checks but Chui and another person resisted. When the pair tried to grab the card, police "acted according to the law and took them away". It said Chui had admitted inappropriate behaviour, and left after being criticised and educated by the police.

Both *Now TV* and the Hong Kong Journalists Association disputed the claims, noting that the journalist had been cooperative all along and the violence was unjustified. The union added that the handcuffing of Chui contravened China's own rules, that criminals should only be handcuffed if displaying violence, threatening suicide or attempting to escape.

China commentator Johnny Lau said the manhandling of Hong Kong journalists indicated further tightening of control by Beijing. He would not be surprised to see the re-introduction of the "Seven Rules" governing Hong Kong and Macau journalists reporting in China. The rules, which were relaxed for the Beijing Olympics, required journalists to get prior approval for reporting assignments and barred them from working beyond those assignments. He said the Chief Executive's lame response to the obvious abuse by mainland police was very disheartening for locals.

Legislator Hui Chi-fung proposed an ad hoc debate on the attacks on Hong Kong journalists. Legislature chairman Leung Kwan-yim said he saw nothing urgent in the matter and rejected Hui's proposal.

Not only journalists have become the target, supporting staff assisting their work were also intimidated. Last July, the driver of *Cable TV*'s Guangzhou Office drove a reporter to Jiangmen to cover the memorial service of Liu Xiaobo. He was detained by the public security authority a few days later. HKJA published a statement strongly condemning Xinhui Public Security Bureau for failing to act according to the law because they had kept the driver under criminal detention without giving any explanation.

Refusal of entry to Macau for reporting

The Macau government has been increasingly unwelcoming towards Hong Kong journalists. Last August 26, various journalists left for Macau to report on the aftermath of Typhoon Hato. The typhoon has resulted in a fiasco due to mismanagement. At least four reporters from *Hong Kong 01*, *South China Morning Post* and *Apple Daily* respectively were denied entry by the Immigration Department of Macau citing Article 17 Paragraph 1(4) of Macau's Internal Security Law. That suggested the reporters were "posing a threat for the stability of the internal security" of the city.

A week later Macau refused entry of more than ten reporters from *Apple Daily*. It was believed that the Legislative Assembly election to be held later in September was the cause.

Hong Kong Journalist Association expressed regret in statements over the two incidents. It also wrote to the Macau government as well as Hong Kong's Security Bureau to ask for explanations on why Hong Kong reporters were refused entry into Macau. There has been no response.

Reporters obstructed and assaulted in Hong Kong in the course of reporting

In Hong Kong, over the last year, there were sporadic cases of reporters being obstructed or even assaulted when they were carrying out their duties. Last July 1, a *Hong Kong Inmedia* reporter was covering a procession of League of Social Democracy and Demosisto. The marchers were on their way to Golden Bauhinia Square when they met about 100 people in black who were assembling. The latter snatched the props carried by the former. A reporter who was covering the incident was surrounded by a number of people. One of them hit the reporter on his shoulder twice and tried to snatch the memory card from the reporter's camera. During the scuffle, a reporter from the foreign press fell to the floor.

Last November 11, a reporter of *Oriental Daily* was obstructed by security guards while he was reporting at Citylink Plaza in Shatin. His camera and mobile phone were seized by the security guards who stopped him from leaving by surrounding him with their bodies. HKJA published a statement on November 11 condemning Citylink Plaza for unreasonably obstructing the reporter and seizing his property, and for hindering the public's right to know. HKJA urged the police to follow up seriously on the incident.

Cleaners of Cheung Sha Wan Hoi Lai Estate launched a strike that lasted from late last year till early this year. On January 2, reporters from a number of news agencies assembled at the Labour Department to cover the negotiation between the cleaners and the management. In the course of covering the news, reporters were deliberately pushed aside by the

representatives of Man Shun, a contractor that provides cleaning service, and a reporter of *Cable TV* was hit. The reporters called the police. HKJA published a statement urging the public to respect reporters' right to report and not to use violent means to obstruct reporters from carrying out their duties.

Criminal intimidation targeting Hong Kong Free Press

Hong Kong Free Press, an English online news site established for three years, received at least six anonymous threatening letters between last July and September. The letters accused the *HKFP* of "spreading hatred" and "dividing Hong Kong". In September, the family of Tom Grundy, the editor-in-chief of *HKFP*, even received letters saying directly that "when one does not know one's enemies clearly, one could get hurt". Some letters listed 50 names, including *HKFP* contributors and social activists, criticizing them for spreading speeches advocating secession from China. Tom Grundy said such threatening letters should not be tolerated and he hoped that police investigation would unearth the truth.

Reporters ordered to leave LegCo

Last November, the media were caught in a tussle among rival camps in the Legislative Council. It happened in the discussion on amendments of its Rules and Regulations proposed by the pro-establishment camps to limit filibuster. When LegCo deliberated amendment of its *Rules of Procedure*, Legislator Eddie Chu submitted a motion to ask the media and the public to withdraw from the chamber. He was citing Article 88 of *Rules of Procedure* that allows a councillor—without prior notice—to move to request the media and the public to withdraw from the chamber in any LegCo meeting and any meeting of a committee of the whole council, committee or subcommittee. Chu said he did not support the motion which was only a means to buy time for negotiation. However, HKJA believed that the freedom of the press and public's right to know should not become a bargaining chip in political tussles. HKJA regretted in a statement Chu's request for media's withdrawal.

The episode brought to the public's attention of the powerful rule that significantly restricts press freedom. HKJA later issued a statement to express its concern. The union said LegCo meetings involve significant public interest; and if its members can ask the media and the public to withdraw whenever they like, the freedom of the press and public's right to know would be severely undermined. The union called for the abolition of Article 88; or else the addition of significant public interest as the only justification for sending journalists away.

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 activity 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.

Executive Committee (2018-2019)

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Cheng King-hung, Luther Ng, Lam Yin-pong, Hilda Poon, Charles Tang,
Tse Chung-yan

Hong Kong Journalists Association

Flat A, 15/F., Henfa Commercial Building
348-350 Lockhart Road, Wanchai
Hong Kong

tel +852 2591 0692

email hkja@hkja.org.hk

fax +852 2572 7329

www.hkja.org.hk