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### 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.

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# Introduction recommen

**2017 Annual Report: *Two Systems Under Siege - Beijing turns the screws on Hong Kong media***

**2018: *Candle in the Wind - National Security law looms over diminishing freedoms***

**2019: *Red line stifles freedoms***

**The theme of our 2020 Annual Report is *Freedom in danger.***

As Hong Kong entered 2020, the city was still suffering from the shock caused by the political storm whipped up by the prolonged anti-extradition bill protest that erupted in June. As this report went to the press, there is no sign of an end. A novel coronavirus, now officially named as COVID-19, hit the city in early 2020, dealing another blow to the city. Then came the third blow on May 28 when the Chinese National People's Congress (NPC) passed a resolution to empower its Standing Committee to enact a national security law that will be directly applied to Hong Kong through Basic Law Annex III. The law aims to prohibit secession, subversion against state power, terrorist activities and foreign interference in Hong Kong. The legislative move by the NPC had been kept in secrecy before it was formally announced when the NPC convened its annual plenum in Beijing on May 21. Beijing is fully prepared to do so in spite of the price of a violation of its commitment of "one country, two systems" and huge economic and political price to pay. Hong Kong looks certain to plunge into the biggest turbulence since the 1989 Tiananmen Square crackdown. There may be a mass drain of capital and a new wave of migration. The city is in danger. People fear a loss of their freedoms.

# on and ndations

*By Chris Yeung*  
Chairperson of the  
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With the social unrest sparked by the anti-extradition bill protest continued, the deadly coronavirus had spread like wildfire in Hong Kong, mainland China and other parts of the world. The World Health Organisation has declared the virus a pandemic. The virus crisis had cooled down the city's political temperature. Insisting on the importance of social distancing, the Government had imposed a ban on group gathering. First, it was a ban of all gatherings with more than four persons. It was applicable to restaurants, among other places. It was later relaxed to allow gatherings of no more than eight persons. As the epidemic began to ease, political restlessness returned. Citing the ban, the Police had rejected several applications for demonstrations. Massive officers were mobilised to disperse some group gatherings.

One of which saw crowds gathering in Mong Kok on the night of May 10. Police officers attacked and insulted reporters. They were asked to kneel down, pepper-sprayed and were ordered to stop filming. Some had to state their names and organisations on the camera before they were allowed to leave. The anger of reporters reached a boiling point. The HKJA, Hong Kong Press Photographers Association (HKPPA) and six other media groups demanded an urgent meeting with

Commissioner for Police Chris Tang Ping-keung. They issued six demands before the meeting was held. They said the Police should:

1. Stop all attacks and verbal violence against the media;
2. Suspend the duty of officers who breached the law in detaining and attacking journalists on May 10;
3. Strictly enforce the law in accordance with the Police General Orders, Police Force Ordinance and Police (Discipline) Regulations;
4. Apologise to reporters who were attacked and insulted;
5. Stop all unfounded accusations of "fake reporters" and "fake press cards" immediately;
6. Formulate concrete plans for improvement, not empty review.

The other six groups are Independent Commentators Association, Journalism Educators for Press Freedom, CitizenNews Trade Union, Ming Pao Trade Union, Next Media Trade Union and RTHK Programme Staff Union.

In response to calls for an official press card system, the groups said in their statement the right of reporting is basic rights of citizens and that an official endorsement of it is unnecessary. Any systems that

seek to screen reporters will seriously undermine press freedom. The groups strongly oppose any proposals of the kind. Any media organisations, who give consent to those proposals, will effectively let the Government narrow down the room for press freedom, thus strangling the already-shrinking press freedom in Hong Kong.

The meeting was held on May 21. Representatives from the HKJA and the PPA had repeatedly demanded an apology from Mr Tang. Mr Tang later responded and said at the meeting: "I apologised in my personal capacity if any reporters felt offended and insulted (on May 10)." But he refused to make a concrete pledge that the Police will not use force against reporters and suspend the work of officers involved in the May 10 operation. Tang only said they would make the best efforts to ensure the reporting of reporters. Reporters enjoy freedom and right to film if they do not affect or obstruct the work of police officers. On May 22, the NPC plenary session was convened. A draft resolution on a national security law for Hong Kong was announced. The final version passed on May 28 was even harsher. The law could be used to suppress freedom of expression and freedom of the press. The media will become an immediate target. Any reports and commentary that opposed the authorities could fall into the trap of the national security law.

If the national security law takes effect in Hong Kong, the already-limited room for free speech, freedom of publication and freedom of the press will be severely shrunk. In the past, a lot of journalists have been jailed for breaching national security law in mainland China because of their reporting or articles. A lot of journalists felt deeply worried about their future and that they may become the victim of misfortune. A news programme or a commentary article could become the evidence for their conviction of national security offences. Journalists may be forced to keep silent, worsening the chilling effect on media freedom.

Two days after the NPC resolution was passed, US President Donald Trump criticised Beijing for breaking its word over Hong Kong's autonomy in the 1984 Sino-British Joint Declaration. He said Hong Kong is "no longer autonomous from mainland China." Beijing, he said, was replacing its "promised formula of 'one country, two systems' with 'one country, one system'." He added that the US would also impose sanctions on individuals seen as responsible for smothering Hong Kong's autonomy.

Hong Kong is entering into turbulent waters. Beijing will resort to harsh legislations, more direct interference and behind-the-scenes arms-twisting. The Police will intensify its use of force and tougher tactics to handle protesters. Media, as the fourth power, and journalists, as the eyes and ears of the people, have the duty of monitoring the violation of laws and regulations by those with public power. They will be confronted with more suppression from the central government and Hong Kong government and the pro-establishment camp.

Hong Kong is now a city in danger. Freedom of expression and freedom of the press are under growing threat.

In Chapter 1, **Chris Yeung** maps out the threats from different directions that journalists are facing. The article analyses the change of focus of the Central Government in the "one country, two systems" from a balance between the two to the principle of "one country." The marked shift results in a gradual erosion of the city's freedoms. It also documents the unlawful acts of the Police in obstructing reporters and use of force, which has directly infringed reporters' right of reporting and undermined press freedom.

Chapter 2 is composed of three articles. **Ronson Chan** has covered the protests day and night. He gives a first-hand account of the problem of police violence. In an attempt to seek justice, the HKJA has

sought a judicial review of the Police's enforcement of law in relating to the reporting activities of journalists. **Kris Cheng** reports the various arguments. The problem of doxxing in the wake of the anti-extradition bill protest has become a concern in the society, in particular among the 30,000-strong Police Force. Citing "anti-doxxing", the Government and police union have made separate attempts to seek injunction or judicial review in courts to restrict public access to personal data of police officers, such as their residential addresses. One of their targets is the voters' registrar. Freedom of access to information is vitally important to the media for them to monitor malpractices. **Shirley Yam** analyses the problem and HKJA's legal action. Another battlefield of the social movement is public opinion. **Alvin Lum** takes a look at the Government and Police's media strategy.

There are also three articles in Chapter 3, focusing on media organisations at the centre of the political storm. **Au Ka-lun**, a veteran journalist who had worked with the TVB News, takes a wider view to look at the ups and downs of the free-to-air broadcaster. Radio Television Hong Kong, the Government's public broadcaster, has become the target of a joint attack by the mainland media, officials and the pro-establishment camp. *Headliner*, a political satire programme, has come under heavy criticism for some programmes that had ridiculed the Police Force. RTHK said they will review the programme after the remaining editions in the current season are being run. It will become a collective memory if the programme is axed thereafter. **RTHK Programme Staff Union** tells the story of their dilemma. Student reporters are the subject of a controversy in the social movement, which saw more students doing reporting at the scenes. **Tse Chung-yan** tells their story.

**Ching Cheong**, a veteran China-watching journalist, has done massive research documenting how the mainland authorities kept the world in the dark over

the coronavirus. The lesson to learn by China and the world is the vital importance of a free and independent media.

Leading political cartoonist *Zuni*, as in the two previous reports, tells the story of the media graphically.

Freedom of expression and freedom of the press are protected under the Basic Law for 50 years after the handover. The past year saw Hong Kong engulfed by restlessness and jitters. We are convinced freedom is inseparable from Hong Kong's success in the past. It is only with free speech, free press and free flow of information that we have a robust economy, unlimited creativity, advanced innovation and technology and a lively cultural life. We hope the Government will adopt concrete actions to rebuild a free environment for the city to shine again.

Our recommendations are as below.

1. The NPC should scrap plans to enact national security law for Hong Kong.
2. In view of social divisiveness, the Government should not restart legislative work on Article 23 until after there is a social consensus.
3. The Police should stop obstructing the work of reporters and use of violence. They should coordinate with reporters. The Police should not pursue the introduction of a unified press card system and identification arrangements for reporters in public demonstrations.
4. The Government should conduct an independent investigation into the Police's obstruction of work of reporters and use of violence against them since the anti-extradition bill protest began in June last year.
5. The Government should speed up the enactment of a freedom of information law and an archives law that are effective in enhancing public access to information and archives.
6. The Government should stop putting pressure on RTHK and respect its editorial autonomy.

# Beijing's ha Police batc threats to freedom

*By Chris Yeung*

**“ ‘You’re such a bunch of rubbish reporters’ is inappropriate language; (we) will reprimand (the officer).”**

**“Police respect press freedom; we also understand the media have the responsibility of reporting. But Police must stop violence (and) prevent someone from behind the journalists to attack us.”**

Commissioner for Police  
Chris Tang Ping-keung

# ands, ons pose media

**“Last year, there were more than 11,000 demonstrations and rallies in Hong Kong, ten times that of 1997. It shows people have more freedoms, not less.”**

**“Due to rumours, misinformation, smearing and divisiveness, our anti-epidemic work has encountered more difficulty.”**

Chief Executive Carrie Lam

**“The way RTHK handled (*The Pulse*) has breached the ‘one China’ principle; it’s not just because of a particular shot or question, but the whole programme.”**

Secretary for Commerce and Economic Development Edward Yau on the RTHK programme *The Pulse*.

April 4, 2020 marks the 30th anniversary of the promulgation of the *Basic Law*. In an article marking the occasion, Chief Executive Carrie Lam Cheng Yuet-ngor wrote there were more than 11,000 public demonstrations and rallies in Hong Kong in 2019, which is 10 times that of 1997. “(It) fully demonstrates Hong Kong people enjoy more, not less, freedoms.” Hong Kong people were infuriated and grieved by her remarks.

Traditional Chinese wisdom has it been that at thirty, one stood on his own and established. Having promulgated for 30 years and taken effect for 23 years, the implementation of the policy of “one country, two systems” should have boosted the confidence of Hong Kong people. The opposite is true. The promises of highly-autonomous rule, democracy and freedom have turned sour - with the 50-year-long guarantee period being just half-way through. The hands of the Central Government were reaching out farther and farther. Suffered from low popularity, Mrs Lam has neither the will nor the ability to defend the city’s autonomy and core values. Her attempt to bulldoze the now-shelved extradition bill last year has resulted in serious violent clashes between the Police and protesters. She has failed to resolve the conflict through political means. Worse, she wrongly relied on the Police force to “put an end to violence and chaos,” only to have made the situation worse. Without effective checks and balances, frontline officers were not able to hold their nerves. The problem of Police breaches of laws and rules in their operation has turned from bad to worse. Reporters were at the brunt of police violence. With democracy and freedoms already withering, the media, as the Fourth Power, are under serious impacts facing authoritarian rule and massive negative publicity of reporters.

The HKJA has conducted a yearly Press Freedom Index survey since 2013. The 2019 survey, comprising two parts, namely the public and

journalists, as in previous years, was conducted between January and March. Results announced in May show press freedom ratings by both the public and journalists who responded, fell to a new low, both in terms of actual ratings and percentage of the drop. The record low was mainly attributed to threats to the personal safety of journalists during their reporting and their difficulties in getting information. Out of 100, the public gave 41.9 points to press freedom, down by 3.1 points from 2018, a record low since 2013. The ranking of importance of factors that affected press freedom among the public has shown marked change. The personal safety of reporters during report, as one of the factors, rose from the third rank in 2018 to the first rank in 2019.

Journalists gave 36.2 points to press freedom, a drop of 4.7 points in 2018, as a result of a drop attributed to several factors. They include pressure from media bosses and management on editorial staff and threat to personal safety of reporters, access to information and laws that could facilitate access to information.

Of the 327 journalists who responded, 94.8 percent said press freedom has moved backwards compared with 2018 . 33.2 percent said senior editorial staff have put pressure to water down or not to report on the debate about Hong Kong independence, representing a rise of 11.5 percentage points from 2018. 71.8 percent said they feel uneasy when reporting views that are different from the mainland officials’ stance on “one country, two systems” that put more emphasis on the principle of “one country,” which marks a rise of 2.4 percentage points from 2018. 92.9 percent the problem of deliberate violent obstruction of reporting by the Police is common. (See details of survey in Appendix)

Over the past year, journalists faced threats from all fronts.

## Extradition bill stokes fear

Last year, Mrs Lam sought to railroad the now-shelved extradition bill, sparking fears among citizens about their personal safety and a loss of freedom from fear. The bill was aimed to empower the Chief Executive to send anyone in Hong Kong wanted by the mainland, Taiwan and Macau to the relevant places upon a request, followed by an application for extradition in local courts. An air of fear and anxiety over the shrinking of press freedom and free speech has engulfed the city. Since June, Hong Kong people have taken to the streets. The numbers grew from hundreds of thousands to one million, then two million. It was only until the end of 2019 that Mrs Lam decided to withdraw the bill. But she rejected a list of five demands, of which the most important was a call for the setting up of an independent commission of inquiry. Protests sprouted across the city. The number of demonstrations and rallies rose to a new height as the Lam administration turned a deaf ear to public opinion. People persisted and took part in different forms of protests. Conflict between the police and protesters grew more and more violent, verging on mayhem. Police violence and obstruction of reporting of journalists and breaches of law and regulations have become a norm. That Mrs Lam cited the number of rallies to propagate more freedoms being enjoyed by Hong Kong people could not be more ridiculous.

Dubbed as the “send-back-to-China” bill, the government proposal met strong opposition from a wide segment of the society, including the legal and business community. They fear the bill, if passed, would take away the firewall between the two legal systems in Hong Kong and mainland China. The mainland judicial system is notorious for its backwardness with the government being above the law. This writer wrote an article headline “What is more important than press freedom?” published on the Chinese-language *Ming Pao* on June 13. “If the extradition bill is passed into law, the firewall that separates the two vastly-different legal and judicial

systems in Hong Kong and mainland China will vanish. Articles and views of reporters, columnists, commentators could be posted and widely circulated on social media on the mainland. They may be deemed as having brought about damaging consequences if they touched on sensitive issues such as politics, business and finance, mainland systems and human rights. They may be deemed as having brought about negative impacts on the local and central governments and enterprises and being targeted by the mainland authorities. There is a possibility that they may be extradited to face trial in a mainland court for offences being made possible after the bill became law. A Hong Kong member of the Basic Law Committee Professor Albert Chen Hung-yeek has said it would be difficult for the Chief Executive to resist an order from the central authorities. Can Mrs Lam explain to the public whether she has on any occasions said no to Beijing? On what basis should Hong Kong people have trust in what she said?

Armed with the full support of Beijing and a majority of votes held by the pro-establishment camp in the Legislative Council (Legco), Mrs Lam attempted to push through the bill for passage at all cost. Protesters surrounded the Legco building to try to stop lawmakers from scrutinising the bill. On June 12, the Police fired teargas canisters, bean bag bullets and rubber bullets to disperse the crowd outside the Legco building in Admiralty. Some local and foreign journalists became the target of the police's firepower. Some reporters were hit by bullets. On one occasion, television footage showed riot police officers could clearly see reporters with vests emblazoned with “Press”, but still shot them. The HKJA has condemned the police act and demanded an end of violence against reporters and obstruction of their work. With hindsight, that was just the beginning of a social unrest. The problem of police violence has also worsened further with police's hostilities towards reporters also growing. Relations between the police and reporters dropped to the freezing point.

## **Police's pledge of facilitating reporting mere words**

Freedom of the press is guaranteed under the *Basic Law*. Government officials have reckoned the media functions as the Fourth Power and that they respect the reporting work of journalists. Under Chapter 39 of the Police General Orders, the Police should facilitate the work of journalists. Police officers should not obstruct the taking of photos and videos by journalists. The opposite is true. When the anti-extradition bill protest began to heat up in late May, Police officers have started adopting different tactics to obstruct reporters' work such as the use of strong lights to disturb the taking of photos and videos. During the June 12 clearance operation, the HKJA has received a total of 27 complaints from journalists against the misbehaviour of police officers. The scale of severity of the alleged police violence and number of complaints against police are unprecedented. Still, many would not have anticipated that the police threat and attack against reporters, both verbal and physical, is just the beginning. As violence escalated, police's deliberate attack on journalists has also got more serious.

Between June 12 and the end of April, the HKJA has received a total of 55 complaints from reporters against police officers, including 27 cases relating to the clashes in Admiralty on June 12. It is only the tip of an iceberg. The actual number of cases is much much higher. The reasons are multi-folded. They include the lack of an effective police complaint mechanism. Many reporters do not want to waste their time on the lengthy process of police complaints. Some media organisations preferred to handle their cases on their own. In November, Cable TV, a pay TV network, lodged a batch of complaints from 23 reporting staff against unreasonable and brutal treatment by police officers. There are reasons to believe other media organisations faced similar problems.

The HKJA has commissioned the Hong Kong Public Opinion Research Institute to conduct a survey on the violent treatment they were given during their reporting of the social events since June last year. A total of 222 journalists responded to the questionnaire survey between January and March. Of them, about 65 percent, or 145, said they encountered violence by the Police and people with different political views during their reporting work. Only 28 said they had not received such treatment. The rest said they either did not remember well or had not reported on the protests. Threats from the Police include the use of strong lights, verbal abuses, pushing, blocking and snatching of cameras, pepper spray attack and firing of teargas canisters from a short distance. Journalists reported a list of injuries and harm to their bodies. They include side-effects of teargas such as skin allergy, diarrhea, respiratory system problems. Some have suffered bruises and have to be hospitalised for treatment including stitching. The violence from protesters journalists have suffered mainly came from supporters of the Police, the pro-establishment camp and the Government, accounting for 72 percent. Only 22 percent said they were violently treated by anti-extradition bill protesters. The list of violence include verbal insult, pushing, blocking and snatching of cameras, attack with hard objects or corrosive materials.

The HKJA and the Hong Kong Press Photographers Association (HKPPA) have issued numerous statements since June to raise concerns about the problem of alleged breaches of law and regulations and brutality by police officers towards reporters. Attempts had been made to talk to Mrs Lam and Commissioner for Police Chris Tang Ping-keung directly. Mrs Lam had repeatedly declined to sit down and talk. In January, Chief Secretary Matthew Cheung Kin-chung held a meeting with the two unions and other other media organisations. Officials from the Police Public Relations Bureau had also taken part. Cheung has reasserted the media as the

Fourth Power. He reaffirmed the Government's pledge of upholding press freedom and that Police would coordinate with the work of reporters. But the abuses of Police officers have not been lessened. They grew worse. The HKJA has issued three open letters to Mrs Lam publicly in March, demanding an immediate end to police violence. On March 8, a Cable TV news female reporter was pushed down to the ground by a police officer while she was reporting a mass gathering in Tseung Kwan O. Two days later, Mrs Lam explained it was difficult for the police officers to have a well-planned operation under a rapidly-changing environment. She again emphasised that the Government respects press freedom while calling on people to have an "understanding and accommodating" attitude towards the Police. While denying they have deliberately targeted journalists, the Police claimed there were "fake reporters" at the scene. They claimed some reporters mingled with the crowd of reporters and attacked police officers from among the crowd, using that as an excuse to justify their attack on reporters.

Judging from the massive volume of videos and personal accounts given by reporters, the problem of abuses of power and breaches of law and regulations is not isolated, but systemic and common. It shows an attitude of suspicion and distrust among many police officers towards reporters. With the violence in the social movement escalating, such attitudes worsened into hostilities and feud towards reporters. Some even showed a feeling of scorn towards the watchdog role of the media as the Fourth Power. It was clearly manifested in the verbal violence expressed by police officers towards reporters. One common reference to reporters was "triad reporter." On one occasion, a reporter identified himself as "reporter" when asked by a police officer. The officer replied by turning the Chinese word "reporter" into a foul language. On another occasion, a police officer ridiculed a reporter,

asking "do you really think you have the 'fourth power'?" The lack of respect among the Police towards reporters is one of the deeply-rooted factors that has pushed police-media relations to a freezing point.

A more direct factor is that conflicts between the Police and protesters during the social movement have been more complex and that the use of violence by both sides has kept escalating. During the 2014 Umbrella Movement, protests had mostly happened in Admiralty, Mong Kok and Causeway Bay. The scale of occupation had been relatively small. The anti-extradition bill protest has sprouted across the city in its real sense. Streets, shopping malls and residential districts have become the common protest areas. It was always difficult to differentiate protesters and residents. The Police have repeatedly claimed there were "fake reporters". They said a "fake reporter" had attempted to grab a suspect away. But they have failed to provide concrete information about the case. It seems to be a case of using claims of "fake reporter" to justify the use of force by the police to disperse the crowd.

The political scene heated up again in late April after the COVID-19 pandemic showed signs of easing. Protesters returned to the streets in bigger numbers. In the evening of May 10, there were mass gatherings in Mong Kok. Once again, reporters faced violence and insults by police officers. They were ordered to crouch down, directly pepper-sprayed, stop shooting and to read out their names and organisations before cameras before they were allowed to leave. In a joint statement issued by the HKJA and seven other media groups, they condemned the insane interference of their work and attack from the Police. They expressed anger over the insulting act of the Police. They demanded an urgent meeting with the Commissioner of Police Chris Tang Ping-keung and that officers who acted irrationally during the Mong Kok operation should be suspended from duty for investigation. Speaking at a

Yuen Long District Council meeting on the following day, Tang admitted the situation the media faced in Mong Kong “was not ideal.” He said they would find out what happened, adding he agreed that officers should be more professional. But he refused to make an apology to those journalists. At a meeting with HKJA, HKPPA and two other media organisations, Tang made an apology to journalists who felt insulted during their operation on May 10.

On May 15, the Independent Police Complaints Council (IPCC) published a thematic report on the social unrest erupted since June. The Council did not comment directly on the alleged interference of reporters’ work by police officers. But it reckoned there is room for improvement in the communication and coordination between the Police and the media. The Council noted that reporters who stood in front of the cordoned-off area may obstruct the work of the Police. In one of its recommendations, the Council said the Police and the media should jointly work out a code of practice. It should cover four areas, namely how to identify reporters and ways to encourage media organisations to draft a list of their reporters. The HKJA and the HKPPA have criticised the report for being biased and misleading. The Council had only absorbed the views of the Police and had not touched on the issue of Police interfering with reporters’ work. The report, the groups said, had watered down the seriousness of the problem of police violence. The groups also said they opposed any press card system that could screen out certain reporters. Hours after the report was published, Mrs Lam announced at a press conference she has adopted the recommendations. She highlighted the idea of a joint code of practice between the Police and the media is one of the five tasks that she has given top priority.

Largely composed of reporters from pro-Beijing newspapers, the Hong Kong Federation of Journalists (HKFJ) could not wait to say yes to the

idea. Vice-chairman Kwok Yat-ming said in an interview with a pro-Beijing newspaper *Wen Wei Po* the newspaper industry endorsed the idea. He claimed that reporters from some online media and some so-called citizen journalists, who had not received any professional training, had damaged the quality of news. Kwok said the media industry should set up a licensing mechanism to ensure the sustained development of the industry. He did not elaborate what was the “sector” that he was referring to. The HKJA has conducted a survey among its 617 full members in October on their views on an official press accreditation system. 254 responded. 96 per cent of them said no to the idea of official identifications of reporters.

The IPCC had not consulted the HKJA during its drafting process. The code of practice proposal was hastily made. Mrs Lam and the HKFJ, which has the blessing of the Central Government’s Liaison Office, have joined hands pushing the idea. It is clearly aimed to put more restrictions on reporters, making it more difficult to report the truth the Police want to hide.

The Police feel adamant that the media is biased, a view which is shared by the pro-Beijing and pro-establishment circle. They argue reporters’ cameras were only targeted at police officers’ making arrests of people and their use of force, never the violent acts of “rioters”. The public, they said, could only see “police violence”, but not the violence of protesters. During the social movement, reporters from media outlets with different backgrounds have conducted live coverage of the protests. The Police have also sent their own media team to give live coverage. On many occasions, there were always reporters from different organisations reporting at the same scene. The footage they used for their reports may not be the same. This is only natural. It is unfair and misleading to claim reporters reported the fact selectively without justifying their claim with facts.

## Reporters become the target of protesters

Centre for Communication and Public Opinion Survey, Chinese University of Hong Kong has conducted a survey on the credibility of media organisations in August 2019. Results show an overall decline of their credibility ratings. Most paid newspapers saw a decline of their scores. Online media saw the opposite. Electronic media shows no major change of their credibility rating. Television Broadcasts (TVB), the city's leading free-to-air broadcaster, saw a further, and bigger, drop of their score. Their score is just slightly better than *Wen Wei Po*, *Ta Kung Pao* and the *Hong Kong Commercial Daily*, which are all under the control of the Liaison Office. The overall score of the media is 5.71 points, out of 10. Overall speaking, the average score of the pro-establishment media fell, with TVB having a bigger drop. In an article published in *Ming Pao* on November 28, 2019, Professor Clement So of the CUHK Department of Communication and Journalism said the outlook of the media's credibility is not optimistic. He said the latest credibility rating may fall further. He said the credibility of the media may further decline if they deviated from their professional standards when reporting the city's growing social conflicts.

The protest against the extradition bill has escalated to become a social movement. Protesters insisted on their "five demands," saying "not one less." The Government refused to budge. Protesters continued to fight for their demands. Some demonstrations resulted in violent clashes. The brutal crackdown of protesters by the Police has aggravated the problem of police violence, which were captured by reporters at the scene, then spread on the internet. Already faced with protesters at the scene, police officers felt the pressure being under the watchful eyes of reporters there. Many held a negative view towards journalists; they felt more annoying about them and saw them as a threat.

The anti-extradition bill protest has deepened social division. The media was caught in the sharp conflict between the Police and their supporters and the protesters. Journalists were accused of having taken sides, being unfair and pursuing their own political objectives in the name of playing the role of the Fourth Power. Very often, reporters were blocked by protesters and civilians during their reporting. Some media organisations have their vehicles and equipment vandalised. A reporter from the *Apple Daily*, who had conducted live coverage of the protest, was assaulted after she finished work. Many reporters and staff of the newspaper, which is owned by Jimmy Lai, have suffered from doxxing. Reporters being bullied at rallies in support of the Police were common.

## Beijing expulsion order of US journalists damages autonomy

On March 18, the Chinese Foreign Ministry ordered a group of journalists from three US newspapers to leave Beijing. They were banned from working in the mainland, Hong Kong and Macau. This is the first time an expulsion order of Beijing on foreign journalists is also applicable in Hong Kong and Macau, which are both Special Administrative Regions in China. The order clearly deviates from the "one country, two systems" policy and high degree of autonomy. The three newspapers are *New York Times*, *Wall Street Journal* and *Washington Post*. Under the *Basic Law*, Hong Kong is given powers to handle entry and exit matters and the issuing of work visas. The Foreign Ministry's order has neutered the high autonomous powers of the Hong Kong Government. One day later, Foreign Ministry has defined the matter as "foreign affairs." The Government kept mum on the controversy. The Hong Kong Foreign Correspondents Club has repeatedly written to Mrs Lam to demand clarification. The FCC has raised three questions. They are:

1. If expelled journalists move to Hong Kong and seek employment here or are transferred to Hong Kong by their employer, will they be allowed to work in the SAR?
2. How does expulsion from mainland China affect a journalist's ability to enter Hong Kong, even as a visitor?
3. If they already have the right to work in Hong Kong through general employment visas, dependent visas, permanent residency or any other authorisation through the Hong Kong immigration department, will that be revoked or superseded by a decision from Beijing?

The Government has refused to answer the questions directly. The decision has set a bad precedent. The Central Government has dragged Hong Kong into a diplomatic dispute, stripping the SAR government of its power in handling immigration matters. Worse, the Hong Kong SAR government has failed to defend its autonomous power. The direct application of the mainland-style expulsion order in Hong Kong does not augur well for Hong Kong. There are fears that the mainland approach in curbing foreign journalists in the mainland will be adopted in Hong Kong, causing more harm to press freedom and the "one country, two systems" policy.

According to the 2019 Press Freedom Index published by the HKJA in May, 72 percent of respondents said they feel jittery when reporting views that are different from Beijing's principle of "one China." It represents a rise of three percentage points from 2018. The most obvious example is the row over a RTHK current affairs programme, *The Pulse*. In a programme broadcast in March, a reporter interviewed a senior official from the World Health Organisation. The reporter asked whether WHO would reconsider the membership of Taiwan in WHO. China's official media accused the reporter of promoting Taiwan independence. Secretary for Commerce and Economic Development Edward Yau

has criticised the programme for a breach of the "one China" principle.

Judging from Yau's remarks, the Government seems to have laid down a basic position that the issue of Taiwan's membership, or even participation, in WHO is a matter within the parameters of "one China." It is therefore deemed as an issue RTHK should avoid touching on in its programmes. The issue of Taiwan in WHO has become a taboo subject although it is an issue the public are concerned and interested to know more. The RTHK today could be any media outlets tomorrow, facing pressure from government officials. The aim is to create a chilling effect, scaring media proprietors, editors and journalists away from the sensitive issue/s. The problem of self-censorship will grow worse. The public's right to know will be weakened. The adverse impacts will be profound and extensive. Amid growing pressure on RTHK, Junius Ho Kwan-yiu, a legislator, has demanded RTHK to become an official mouthpiece. Director of Broadcast Leung Ka-wing said in a letter to staff on May 6 RTHK has become the centre of a typhoon.

The onset of 2020 saw Beijing reaching out deeper into Hong Kong affairs, in a desperate bid to block the city's democrats from taking a majority of seats in the next Legislative Council following the September 6 election. Beijing will pull out all stops to tighten control over political dissidents and independent media, aiming to reverse the present unfavourable public opinion scene. Threats and pressure on the media from all directions will intensify.



# Journalists the threat of police brutality

In the past year, Hong Kong journalists found themselves reporting in a difficult situation never like before. Massive street protests sparked by the anti-extradition bill movement saw violent clashes between the police and civilians. Reporters covering such events unexpectedly became another target of conflict. They suffered verbal abuse as well as physical attacks and institutional violence. Regrettably, those harm has primarily been caused by the police.

This has come unexpected as we thought police-media relations had significantly improved after the Umbrella Movement in 2014. Frankly speaking, the relations once worsened to a critical point after the movement. Many reporters suffered unreasonable police brutality while covering the movement. In the *2015 Annual Report on Freedom of Expression*, Sham Yee-lan, the then Chairperson of the Hong Kong Journalists Association wrote “Hong Kong journalists’ personal safety was under serious threat in the past year. During the 79 days of the

Occupy Central Movement, reporters were disturbed or even violently attacked by aggressive protesters and police officers.”

The HKJA already voiced its warning against police brutality then, and the Police actually put forward some improvements afterwards. For example, we submitted that the Force Media Liaison Cadre (FMLC), which is comprised mainly of police constables, had failed to mediate at the scenes because they were too junior compared with inspectors or even superintendents who often led riot police teams to make street arrests. The Police later increased the number of inspector-grade personnel on the FMLC front line. The situation did improve.

## **Three measures to improve police-media relations**

The Police also strengthened communication between the FMLC and the media by inviting frontline reporters or photographers to communicate with

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*By Ronson Chan*

# Chapter 2

police officers at their media liaison training sessions. It was hoped that police officers would understand journalists' needs to report on the front line and learn some basic journalism knowledge so they could better understand journalists' various acts during reporting, thus reducing the chance of misunderstanding.

From time to time, the Police Public Relations Branch (PPRB) organised socialising activities for spot news reporters, news photographers, reporters on the security beat and PPRB officers of various ranks. I think the police did this with the hope that both parties would get to know and trust each other so that when they got to work on the front line, chances of friction would be lessened. The PPRB held a barbecue just in May last year, with a soccer match before that. Many fellow journalists and I joined.

Having written so much background information, I didn't mean to say the Police had done a lot, but that not only I, but many fellow journalists, would never

have imagined that these efforts, made over the past several years, would vanish just one month later when the anti-extradition bill movement broke out.

## **Police-media conflict intensified as protest erupted**

The first battle of the anti-extradition bill movement was fought on the evening of June 9 last year. That night, protesters clashed with police officers outside the Legislative Council in the public activity area, which the Police quickly seized control, and chased away all the citizens and reporters suddenly. Police officers holding batons in one hand and large-size pepper spray canisters in another dispersing all reporters along Lung Wo Road.

With pepper spray nozzles being pointed between eyebrows, fellow journalists were bound to obey without any chance of reasoning, let alone asking for an explanation. During the operation, a senior police officer bellowed, "Reporters take most pleasure in

obstructing police work!” This comment made a deep impression on me. Maybe I was too naive then. I thought of communicating more with the police in future so they would really understand what we need in our work. However, this turned out not to be the case as shown in the nasty facts that followed. That night, we were finally pushed to areas near the Hong Kong Convention and Exhibition Centre about one kilometre away from Lung Wo Road. Even more disappointingly, when a reporter was stopped and searched and water bottles were found in his bag, he was accused of planning to hurl the bottles at police officers.

### **Tear gas canisters fired directly at journalists on June 12**

As events developed, it dawned on us that police had such an awful impression of journalists.

Three days later, as the second reading of the *Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill* was about to resume in the Legislative Council as scheduled, violent clashes broke out between the police and civilians. In the face of fierce resistance, unclear whether they could not distinguish reporters from protesters, some police officers fired pepper spray deliberately at journalists reporting outside the Legislative Council. That night, Special Tactical Squad (STS) officers shrieked abuse at journalists reporting on Queensway, “You Jurnos Motherf\*ckers,” and pushed them away using batons and round shields. STS, considered the police elite, was mainly comprised of officers from the Airport Security Unit, Special Duties Unit or instructors from the Police Tactical Unit Training School. STS officers on Tim Wa Avenue fired tear gas canisters horizontally at journalists who were filming. An expatriate yelled, “You shoot the journalist!” From that day onward, fellow journalists who covered clashes realised that our safety is being threatened and the biggest threat comes from the police.

There is no complete official data of how many journalists were injured in the past year. From June last year to April this year, 48 people reported to the HKJA that they had sustained injuries while reporting and the figure represented only the tip of the iceberg. Harm was done in three ways, including ammunition, attack by weapons, verbal abuses and humiliation by police abusing their power.

### **Indonesian female journalist was shot in one eye and blinded**

During the initial phase of the movement, the police “only” fired tear gas projectiles or threw hand tear gas canisters in the direction in which they were sure journalists were present. As the scale of force escalated, the number of occasions when the police fired beanbag rounds and plastic bullets increased. Towards the end of September last year, Indonesian female journalist Veby Mega Indah was shot in the right eye while covering the anti-extradition bill movement. She lost the sight of the eye forever.

It must be pointed out that the process of the police deploying these so-called “less-lethal” firearms was very controversial. Although they have all along insisted on not revealing the principles governing the use of these firearms and the use of force as stipulated in the *Police General Orders and Force Procedures Manual*, as shown in media reports, police officers may only use less lethal weapons such as plastic bullets and beanbag rounds when there is “physical assault likely to inflict bodily harm upon any other person.”

However, this was not the case when Veby was shot. Police officers were preparing to leave from the staircase of the Footbridge connecting Immigration Tower when a black-clad protester suddenly darted out, and a plastic bullet was instantly fired in his direction by a police officer. From the visual angle of that officer when he opened fire, a large number of journalists were clearly at the back and it was most likely that some would be hit.

In fact, a similar incident happened in the evening of October 27 last year when I was reporting in Mong Kok. The police were withdrawing along Argyle Street towards Tai Kok Tsui, followed by a large number of reporters at the back. When a water bottle was suddenly thrown from the back of the reporters' crowd, police officers turned around immediately and pointed their scatterguns at all the reporters. My position was not close to the police at all. But after they raised their guns, the reporters in front of me dispersed instantly. Unaware that guns had been raised, I heard the crack of a gunshot. Only when I looked around to see who was shot did I find myself teetering and realized that I had been shot in my foot.

It is baffling that when police officers opened fire, they neither targeted at assailants nor chased to their locations but did so from their original position. This is extremely dangerous to reporters who are very often at their heels.

### **Police use of pepper spray highly arbitrary**

Photographer Chan Long-hei said in an interview, "Pepper sprays should be the nightmare of all journalists." This remark is not exaggerating at all. Pepper spray not only causes pain and a burning sensation in the skin, but the pain multiplies with the quantity of spray used and area of contact, and the suffering reporter needs a longer time-out.

As far as I know, police officers mainly shoot at the faces when they use pepper spray. But in the past year, they also shot left and right, and even high up. This increased the number of reporters inflicted, including those who thought they were standing farther in the back.

Besides physical violence, journalists also endured a lot of insults by the police in the anti-extradition bill movement. Apart from the June 12 "You Jurnos Motherf\*ckers," "black journos", "dead cockroaches" are also names very often used by riot police to call

journalists on the front line. As a matter of fact, not all police officers are so hostile to journalists. For instance, PPRB personnel don't use such emotional words. Although from the force management down to PPRB senior superintendent Kong Wing-cheung, they have repeatedly urged police officers not to use such words, it is unbelievable and disappointing that riot police continue such name-calling unscrupulously.

Scenes of journalists being aggrieved were not confined to words and violence. There were incidents when a reporter's HK identity card was displayed in front of the camera during a live streaming video, and a police officer deliberately read out the personal information of the reporter whom he stopped and searched. All these acts were clearly in breach of the *Personal Data (Privacy) Ordinance*. On May 10 this year during a police roundup in Shantung Street, Mong Kok, pepper spray was shot at a large number of reporters. Many reporters were intercepted and ordered to state their names and organisations in front of a video recording camera that police said was used for criminal investigation. The reporters carrying out news gathering duties held press cards, wore reflective vests and carried photographic equipment. It was really unacceptable for the police to have them make statements that may be of self-incriminating nature when there were not even sufficient elements to constitute "reasonable suspicion" and no legal representatives were present.

In the past year, Hong Kong journalists discharged their duties faithfully amidst the adverse circumstances with tear gas in the air, pepper spray all around and various kinds of bullets splashing. Although Hong Kong is yet to become a battlefield of flames raging everywhere, imminent dangers are not negligible. Despite repeated denial of police brutality by the police and government, lenses and images do not tell lies. No matter how long the camera is and what a split-second decision it may be, black will not become white.

# HKJA seek review over violence to journalists

*By Kris Cheng*

# ks judicial er Police owards

The HKJA filed a judicial review over the Hong Kong Police Force's treatment of frontline journalists last October. The union is seeking court declarations that police misconduct is an unlawful breach of freedom of the press, opinion and expression guaranteed by the Basic Law – the city's mini-constitution – and Bill of Rights.

HKJA Chairperson Chris Yeung said: "We firmly believe that freedom of expression and freedom of the press are the cornerstones of Hong Kong that must be maintained. We look to the court to exercise its supervisory role and seek the declarations from the court so that the HKPF and the Commissioner of Police can be held to account".

The union argued that the court should provide declarations that the Police and the government have duties to uphold freedom of the press and to investigate complaints; as well as to identify how that duty should be discharged in practice.

In support of these, the union provided testimonies from 13 full-time journalists who wore clear press identification; stayed at a distance from the protesters and did not exhibit any threatening or unlawful behaviour when abused by the police. The testimonies detailed how the Police have gassed, pepper-sprayed and beaten with batons the journalists. They were also barred from observing or recording events, as police officers set unnecessarily large and distant cordon areas, used strobe lighting or other means to interfere with journalists' equipment, and removed journalists from certain scenes of interest. Police also threatened them with arrest for police obstruction.

Philip Dykes SC, arguing for the union, said journalists perform a public watchdog role to "seek, receive and impart information and ideas of all kinds", especially during public order events, to ensure law enforcement authorities are accountable for their conduct in handling protesters and their use

of force, in accordance with the laws. Any interference with reporting could only be justified if they are no more than necessary, the counsels said.

“We don’t say journalists are above the law – they are constrained by the law,” he said. “They can be arrested if they cease to be witnesses and become indistinguishable from participants.” Officers must justify any interference with journalists and have good reason to question whether a person is a member of the press. “When force is used on a journalist with the intent of preventing reporting, it will always be unlawful, because that is not a legitimate use of force by the police to control the situation,” he said.

Jenkin Suen SC, representing the police chief and Secretary for Justice, agreed there was a duty for officers to facilitate journalistic activities but disagreed that the court has a role in drafting protocols on its implementation. He said it would be dangerous for the court to entertain the “rather sweeping and ambitious challenge” and give “uninformed advice based on one part of the jigsaw puzzle”. The counsel also argued that some police officers allegedly breaching their duty in specific instances did not mean the police have breached the duty on a systemic level, particularly when those complaints have yet to be proven and each case is fact-sensitive. Individual journalists with genuine claims could seek redress against officers via other means, he added.

Suen added there were extreme and genuine difficulties experienced by the police during public order events in differentiating journalists from other participants. He said some journalists stood too closely to officers and lines of fire and often ignored police pleas requesting them to move aside. The counsel also claimed that there were “fake journalists” possessing counterfeit or questionable press passes but he provided no evidence to support the claim.

Robert Pang Yiu-hung SC, also for the union, replied that the number and pattern of complaints brought by the association were representative of police systematic problems and that the Force itself had acknowledged receiving “numerous complaints” over the past 10 months of protests. Their failure to take action in those cases contrasted with “the thousands of people who have been arrested in connection with public order events,” he continued. “Trials have taken place, people have been convicted, appeals are going to be heard ... It points to a failure within the Force itself and not individual persons.”

Mr Justice Anderson Chow Ka-ming reserved judgment. There was no decision by the time this report went to the press.

# In the name of doxxing

*By Shirley Yam*

Doxxing is a notorious by-product of the clashes between the police and protestors. Both sides have fallen victims to this practice of putting online personal information and threats. The damage has, however, gone way beyond the individuals affected into hurting institutional protections of rights and freedom in Hong Kong. In the name of doxxing prevention, the authorities have been undermining basic values and rights of Hong Kong through means not limiting to legal actions. Despite the Hong Kong Journalists Association's success in rebuking some of these attempts, the Pandora box has been opened. The compromised transparency and speech freedom is worrying.

## **Privacy as a weapon**

From the onset of the anti-extradition bill protests in June 2019, doxxing has become a phenomenon. The Privacy Commissioner for Personal Data (PCPD)

received around 4,758 complaints in 2019. The victims' phone number, address, social media account were leaked across various social media and posted in the streets. These are followed by serious and persistent cyber-bullying mainly in the spread of hate messages and threats.

The victims are from all sorts of backgrounds with various political views. Police officers and their family members are the single largest sector accounting for 36 per cent of the complaints received by the Privacy Commissioner. It started with the Police's first crackdown of protesters - some of whom were attending a lawful assembly - outside the Citic Tower on June 12 2019. In retaliation, protesters began to leak personal details of the officers on a telegram group named @Dadfindboy. This group once had over 180,000 members as of late October 2019. By March 2020, 3,300 officers and their family members including young children have been affected according to the police. The victims included not only its management but also frontline officers.

Receiving much less publicity is the harassment of protesters for or against the government. These groups each accounted for 30 per cent of the complaints to PCPD. A website HK Leaks, which AFP said has "bullet proof" anonymous hosting, targeted 200 journalists, high profile activists and protestors. Among them were 22 working or former journalists from *Apple Daily*. It is registered anonymously on a Russian server and has shifted domain three times since August alone. The website has been promoted by groups linked to China's Communist Party including the state-run TV broadcaster CCTV.

Doxxing is a threat to speech freedom. Whatever noble motive is claimed, it should not be tolerated. It is a crime under Hong Kong's privacy law to make public personal information without consent causing stress. The maximum penalty is HK\$1 million fine and a maximum of five years' imprisonment. By January 2020, PCPD said it had referred more than 1,400 doxxing cases to the Police. By March 2020, 49 have been arrested for doxxing-related crimes, according to the Police. On September 25, 2019, a man was charged with an offence relating to "conspiracy to disclose personal data obtained without data users' consent". The court hearing has yet been started due to the coronavirus.

Despite the existence of legal sanction, anti-doxxing has become the justification of the government and the police in making the moves that would have been unimaginable in the past. Among the moves are:

1. Withholding badge number and identification by police officers;
2. Applying for injunction order against doxxing of police officers and their family members;
3. Seeking judicial review to stop public access to voters' register; and
4. Making anonymity requests for police officers involved in protest-related trials.

### **Withholding police identification**

The Police General Order of the Hong Kong Police requires officers to wear their badge numbers, insignia or warrant cards for identification unless circumstance does not allow. Absence of identification has, however, been tolerated by the Police during the year-long protests with anti-doxxing as the justification.

The June 12 crackdown in Admiralty is the watershed. Police officers from the special tactical unit, commonly known as “raptors”, who have been dispersing protestors with pepper guns and batons carried no identification. Secretary for Security John Lee told the legislature on June 19 that the raptors simply “do not have enough room on their uniform to display the identification”. This claim was immediately challenged by photographs taken by the media in the morning of the crackdown as well as in other public events such as the 2014 Occupy Movement protest. Raptors members have displayed their warrant cards back then. Lee’s justification has failed to address what the public saw as moves by officers to avoid accountability.

At the same time, protestors have resorted to doxxing in retaliation for the violent Citic crackdown. In response, hiding of identification has become the norm among the police officers on duty in public order events. For more than five months, officers carried no identification and worn masks dispersed protestors and journalists with force. The poor design of uniform is no longer the justification but staff safety. Senior Superintendent of the Police Operation Branch Wong Wai-shun said the police would normally try their best to display warrant cards. “However, given the rampant doxxing, we have to consider the officers’ worry for the safety of their family members,” he told a press conference.

It’s not hard to imagine how human rights would be compromised when law enforcement agents wear no identification. As pointed out by Icarus Wong Hoi-yin, a spokesperson of Civil Rights Observers, police officers - who are the only ones allowed by law to use force - should be held accountable for what they do at all times. However, the absence of identification plus the wearing of mask have made it close to impossible for the public to hold any officer accountable for any use of excessive violence or abuse during the clashes. Add that to the lack of

independent investigation on police misbehaviour in Hong Kong, there is simply no redress for members of the public.

Three civilians decided to file separate legal challenges to require police officers to have their identification number displayed while on duty. Among them are retired civil servant Kwok Cheuk-kin. He is asking the court to declare that those who failed to display their identity were not performing their duties and should not be immunized by the law.

On October 3, the HKJA applied for a judicial review on the same issue. The union argued that journalists have a legitimate interest to report on how police officers carry out their statutory duties and whether they use only “necessary” force. The interest is in the right of the public to see that delinquent police officers who use force that is not necessary and may amount to human rights infringement are held accountable. It added that journalists, like other members of the public, also have a personal interest in identifying police officers who may have used unnecessary force against them. In fact, of the 26 journalists that have complained to HKJA of police violence, only one has agreed to assist the investigation of Complaints Against Police Office. The rest explained their reluctance with the identification problem. All four applications for judicial have yet been heard at the time of publication.

It was not until October 29 that the Police announced a new system to identify officers on duties. Each officer in the force’s daily operations are required to wear a card with “call signs”, or internal codes, that have information about their positions and departments. The then police spokesperson Tse Chun-chung called this a balance between proper identification of officers and protection of them from doxxers.

To the public, it appears more like an attempt to fend off criticism that offers little transparency. Unlike the traditional identification number system, the call signs are not accessible to the public. It is made up of alphabet, numbers and symbols, making it hard to remember. The black print on blue paper also makes the call signs difficult to read. Even so, police officers have seen covering the new identification with various means. The media has also found four officers sharing the same call signs in at least one occasion. When questioned, Senior Superintendent Wong Wai-shun blamed it on “administrative and logistical hiccup”.

Given its weakness, this call sign system should only be temporary upon the curbing of doxxing. An extensive injunction order granted by the court that makes doxxing of police or their family members a contempt of court should have ended the obscure identification. It has not. Despite the powerful weapon, the traditional identification system has not been resumed making it hard for the public to be convinced that accountability instead of safety is the real concern of the Police.

### **Injunction against doxxing**

On October 25 2019, in the name of “public interest”, the Secretary for Justice and the Commissioner of Police have secured an interim injunction order against the following acts:

1. Using, publishing, communicating or disclosing to any other person the personal data of and concerning any Police Officer(s) and/or their family members, including but not limited to their name, photograph, job title, residential address, office address, school address, email address, date of birth, telephone number, Hong Kong Identity Card number or any other official identity documents, social media ID; intended or likely to intimidate, molest, harass, threaten, pester or

- interfere with any Police Officer(s) and/or their family members without their consent;
2. intimidating, molesting, harassing, threatening, pestering or interfering with any Police Officer(s) and/or their family members;
3. assisting, causing, cancelling, procuring, instigating, inciting, aiding, abetting or authorizing others to commit any of the aforesaid acts or participate in any of the aforesaid acts.

As described by Eric Cheung, Principal Lecturer, Faculty of Law, HKU, the restrictions obtained by the police were “as wide as the universe”. Theoretically, the restrictions would cover everyday situations such as using the government phonebook or calling the roll at schools. Given that consent by the related officer as the only exception and the enforcer being the police, it would be difficult to forecast how the injunction order will be used.

For journalists, this legal risk is like a hanging sword. Imagine a whistleblower informing the media of a senior police officer responsible for the vetting of liquor licenses accepting pecuniary interest from a bar within his area. In order to “get to the bottom of the story”, journalists would have to use personal data to verify or dig deeper into the tip-off. The subject may consider himself to be “pestered”, “intimidated” or even “threatened” by such an investigation. A journalist may find it difficult to form a legally correct view on whether an intended use of data is likely to have one or more of the prohibited effects. Because of the risk of contempt proceedings (whether real or perceived), a journalist may simply decide not to proceed with a lawful investigation or news activity. At the same time, the whistleblower may refrain from providing information to the media due to the legal risk. This chilling effect will restrain press freedom hurting public interest.

The Hong Kong Journalists Association intervened to seek exemptions for news activity as well as whistleblower leaking information for public interest. These two already enjoyed exemption in the Personal Data (Privacy) Ordinance. The Association argued that such an amendment would have the benefit of an upfront explicit assurance while bringing in an existing protection of press freedom enshrined in law. DOJ and the Commissioner opposed the exemption on the ground that it would be open to abuse. They claimed that there has been evidence of the prevalence of fake journalists in Hong Kong but produced none in support of their claim. DOJ also argued that only unlawful acts would be caught by the injunction order. Jin Pao SC who appeared for the Association disagreed, calling the order a blanket ban that “taken to an extreme, the press could not even publish the name of the Commissioner”.

On November 8, the Hong Kong court granted the injunction order; deleted the term “interfere” and allowed the exemption to news activities. Justice Coleman said doxxing posed risks to the maintenance and the application of the rule of law in Hong Kong. However, he pointed out that freedom of the press, acting as a “watchdog”, is important in Hong Kong. The exemption should be included to guard against the possibility of the injunction having a chilling effect on lawful and proper reporting, said Justice Coleman.

Surprisingly, amidst the authorities’ fierce publicity against doxxing, only one has been prosecuted so far. In a low profile announcement on its facebook on November 5, the Police said a woman has committed doxxing and contempt of court proceeding has commenced against her. That is hardly an all out battle against doxxers. In the meantime, the prosecution and police-related bodies continued to use doxxing as a justification for their moves to erode transparency and openness.

## **Closeting the Voters’ registrar**

On October 16 2019, the Junior Police Officers’ Association made a shocking move in the name of anti-doxxing. The police union applied for a judicial review to bar public access to the registry which provided the name and address of all four million registered voters. It has been opened to public inspection as well as scrutiny to guard against malpractice such as vote rigging.

The union argued that the disclosure constituted an infringement of the registered electors’ right to privacy. It also complained that there is a real and substantial risk that the ongoing doxxing practices will be facilitated and intensified by the easy and ready access to information contained in the Register. The union has, however, provided no evidence that the registry has been used in doxxing. High Court Judge Anderson Chow has therefore rejected the application.

The Court of Appeal, however, took a very different view. Its judgement said doxxing “will instil chilling effect on our society when many individuals or targeted groups or sectors of the public are intimidated into silence or suppressed to express their opinion openly and honestly or conduct their affairs or pursue their life in the way they wanted for fear of being victimized by doxxing”. If doxxing practices are not curtailed, the appeal court warned that “the fire of distrust, fear and hatred ignited by them will soon consume the public confidence in the law and order of the community, leading to disintegration of our society”. The Court of Appeal said by allowing access only to political parties and candidates who should be the first persons to vigilantly monitor the election process, a balance has been struck among privacy, threat of doxxing and the integrity of elections. An interim injunction was granted.

On November 24, the district board elections were held without the voters' list being opened to public scrutiny. Various voters have complained to the media of receiving election-related correspondence for strangers at their residential address. Yet, the press were no longer allowed to study the voters' list to investigate.

HKJA decided to intervene in the judicial review, this is because the media has long been a watchdog in the policing and monitoring of the integrity of elections in Hong Kong. The Register and the Linked Information between name and address are fertile sources of information for journalists. Investigating the register has allowed the media to uncover many vote-rigging schemes over the years; while the Election Affairs Commission has been passive and candidates restrained by limited resources as well as expertise. The media's exposure has contributed to major improvements in the city's election system. This has been recognized by the Commission in public. If public access to the register is barred, the function of the press as a public watchdog would be significantly undermined, compromising the transparency and accountability of the election. Also given the tight security system for the inspection of the register that allows no paper or electronic device, the register is the least likely source for mass scale doxxing.

On April 8, Justice Chow dismissed the police union's application. He agreed that doxxing was a serious issue but he did not find the level of privacy attached to home addresses - which were readily provided to third parties in many different aspects of daily. His judgement wrote that he had to give weight to the rights, freedoms or interests of other parties which may be in conflict with the privacy issues. Among that are the freedom of the press to seek and collect information and to investigate and the

freedom of expression enjoyed by both the press and the public. "Public vigilance also plays an important part of the system to detect and uncover vote-rigging and other election malpractices, and maintain the accuracy, integrity and completeness of the voter registration records and hence the probity in the conduct of public elections," Justice Chow said.

In late April, the police union appealed against the ruling. This is despite the fact that the court has already ordered an injunction against doxxing of Police. Anyone who used information contained in the electors' list without the related person's consent would be guilty of contempt of court.

On May 21, the Court of Appeal ruled the mandatory public access unconstitutional for failing to strike a fair balance between the rights of the individual electors concerned and the societal benefit. However, the court agreed that the media played a vital role in maintaining the integrity of the electoral system. While the voters' register should no longer be opened to public inspection, members of the press should be exempted from the bar. Journalists are given immediate access to the voters register for the September Legislative Council election. This exemption would also be enshrined in the revised law to come.

### **Secrecy for police officers in court**

Under the open justice principle, the general rule is that justice should be administered in public. Therefore, fair, accurate and contemporaneous media reporting of proceedings should not be prevented by any action of the court unless strictly necessary. Minors and victims of sex crimes in courts are those protected by statutory anonymity. Yet, the Department of Justice has asked for the secrecy be extended to cover Police and civilians in at least six protest-linked proceedings on the ground of safety.

Press gag applications made by the Prosecution

Date	Defendant and charges	Subject of secrecy	Ruling
2019.9.13	Lifeguard Sin Ka-ho on one count of rioting and two of resisting a police officer during a protest	Two officers identified only by their UI numbers	Allowed
2019.10.15	Student Hui Tim-lik who has allegedly slashed a police officer in the neck.	The police officer	Rejected. Magistrate said the Police has arranged various press interviews for the officer.
2019.10.16	Cheung Tsz-lung who faces three charges including wounding.	The taxi driver attacked and three witnessess including two policemen.	Rejected. Principal Magistrate Bina Chainrai said the driver's name and photo have already been reported by the media.
2019.10.17	Lawmaker Au Nok-hin assaulted two policemen with a loudspeaker during a protest	The two policemen	Rejected. The encounter has been widely broadcasted on TV and social media.
2020.1.16	The identity of a police officer whose personal details have allegedly been exposed by Chan King-hei.	The police officer	Allowed
2020.5.13	Hearing impaired student Law Cheng-kit on a count of assaulting a police officer	The police officer	Pending. Magistrate Lam Tze-kan said it would be out of proportion to make a gag order based on the doxing of some officers on the internet.

After the Au Nok-hin hearing, a prosecution spokesman said the department was not bound by law to identify any person involved in criminal proceedings by their correct name in an indictment, so long as they made “reasonably sufficient” identification. He added that the Victims of Crime Charter allowed victims and witnesses in a criminal offence to have their right to privacy and confidentiality respected.

The irony is the identity of most of the witnesses involved has long been reported. The absurdity is best illustrated by the case of Hui Tim-lik. Magistrate Stanley Ho pointed out that the police have arranged more than one press interview with the officer that has allegedly been assaulted by Hui. The anonymity application was “contradictory” to the publicity sought.

Magistrate Ho was also concerned with the rights impact of a press gag. “While the prosecution has provided no evidence to show how doxxing will be worsened by the denial of such a press gag, it would not worth the risk of jeopardizing press freedom and open justice with it,” he said. He added that a gag order would not be necessarily given the extra protection provided by the injunction order against doxxing.

Unfortunately, not every magistrate shared his concern. Of the six known cases, half have been rejected; two were allowed while one is pending ruling.

Journalists groups and lawyers are concerned that press gag order would compromise the freedom of press guaranteed under *Article 27 of the Basic Law* and the right to fair and public hearings under Article 10 of the Hong Kong Bill of Rights. Barrister Johnny So Chun-man said the court may grant anonymity to a “witness in fear”, whose safety may be compromised if he testifies, but he could not see how

a police officer, given his duty to protect citizens, would qualify to have his name hidden in open court.

### **Police exposed personal details of journalists**

The Police have exhausted every means for their own interest in the name of privacy protection for its officers and their family. Yet, it has allowed frontline officers to intimidate journalists by exposing their personal details.

On October 28, a journalist protested against police violence against the media in a police press conference. She was escorted out. The journalist later told the *Stand News* that a member of the Police Public Relation Branch has taken pictures of her press card that exhibits her name and photo. A photo of her press card was posted on a pro-establishment social media group where she was called “whore” and “self promoter”. Other journalists have also complained to the *Stand News* about pictures most likely to be taken by the police of themselves have appeared on the doxxing websites. In response to the media enquiry, police spokesman did not comment on these specifics. The spokesman emphasized that an internal code and guidelines have been issued on privacy protection.

While there is no proof on any police misconduct in the above cases, what happened to Ronson Chan and several other journalists in the months to come is beyond doubts. Chan, the deputy assignment editor of *Stand News* was reporting on a police clearance of a protest on December 26. He chased after a baton wielding man to ask whether he was a plainclothes officer. Other officers took him aside and asked for his press card as well as Hong Kong Identity Card. One of them held the ID card in front of Chan’s life streaming camera. The journalist’s name, ID card number and date of birth were visible to some 10,000 online viewers for about 40 seconds. The reporter has asked the officer to stop and warned him of

violating privacy laws but in vain. The officers blamed him for keeping the camera rolling. Police spokesperson Kwok Ka-chuen called the exposure “inappropriate” but issued no apology.

Similar abuse happened on January 20 to another *Stand News* journalist. He was searched ahead of a rally in Chater Gardens. During his second attempt to broadcast the police action, an officer took his phone and broke the screen. Police spokesperson Kwok blamed the journalist for not wearing a press card, adding that they didn't know he was live streaming.

When asked to comment on Chan's case in March, the Commissioner of Police Tang Ping-kuen said his officer may be “too involved” with their jobs to have “wrongly” exposed journalist's personal information. He said frontline officers should be informed that this is improper and be stopped immediately.

This is nothing more than lip service. On May 10, while reporting on protests in Mongkok, dozens of journalists were pepper-sprayed; ordered to squad and stopped from filming. Police officers ordered them to read out their names, ID card number and display their press card to the police camera before being released. All these happened in the presence of Police Public Relations Branch (PPRB) officers suggesting a top down policy instead of decision by individual officers.

All these above cases are outright infringement of privacy and press freedom. The Privacy Commissioner for Personal Data Stephen Wong Kai-yi had said in December his office would launch an proactive investigation after what he called prima facie evidence the law had been broken. However, he later told the HKJA in a closed door meeting that it would be difficult for his office to prosecute exhibition of personal information in front of a live streaming camera under the existing law. In response to the May 10 abuse, his office has encouraged HKJA to file

complaints on behalf of the journalists. Its spokesperson added that no organisation should collect personal data beyond lawful purpose and with improper means.

## **Conclusion**

Doxxing is an abuse as well as a threat to speech freedom. It should not be tolerated. The police have condemned that with every strong word. The public, however, cannot see zero tolerance in its action. Equipped with a powerful and extensive injunction order, the police has only secured one prosecution so far. Instead, in the name of anti-doxxing, it has continued to allow its officers not to use the more transparent identification insignia; asked for secrecy for its officers in court and to turn a blind eye against their infringement of journalists' privacy. Whereas the police union sought to erode transparency and integrity of the election system. The public can only conclude that doxxing has been used as an excuse to undermine rights.

# One step of propaganda

Confronted with the social unrest ignited by the anti-extradition bill protests in June last year and the coronavirus epidemic unfolded early this year, the Hong Kong government has intensified their media campaign aimed to shape public opinion in their favour.

The latest orchestrated campaign was launched in the wake of the failure of the Government in getting public support for the now-shelved extradition bill. Government allies in the political circle have privately said the mishandling of the bill was the major factor driving hundreds of thousands of people to the streets.

Against such backdrop, the Government has notably invested more resources to upgrade their platform on social media, hoping that their messages would reach more netizens. One of its major initiatives is a newly-established Facebook page “Tamar Talk”,

# closer to da?

*By Alvin Lum*

which is reportedly overseen by two senior policy secretaries. (The Central Government Office is located at Tamar, Admiralty, in Hong Kong Island.)

But such a communication strategy aimed to make a case in favour of the Government runs the risk of moving one step closer to propaganda. The danger of turning information into propaganda is that polarisation of society over issues relating to national interests and political issues could get even worse. The Government and the Police have taken several major propaganda initiatives in the past years.

Firstly, the Police force has set up their “own channel” in social media, in addition to a daily press conference since June. The Government Information Services (GIS) has been disseminating more aggressively what they said are “facts” about the anti-government protests in the city.

During the early time of the unrest, the Police have heavily relied on a daily press conference to rebuke criticisms against their handling, or more accurately, mishandling of the protests. They have repeatedly claimed their officers have followed strictly the laws and regulations in the use of force, insisting they were appropriate. Journalists, however, have persistently argued there were systemic breaches of laws and regulations by police officers, citing pictures and video footage.

Since protests had intensified and turned increasingly confrontational in the second half of last year, police have introduced live coverage of protests and dispersion action, in addition to the original broadcast of press briefings or formal press conferences.

The head of the Police's Police Public Relations Branch (PPRB), who chaired the press conference, would defend their operation on the day before, with video footage of the incidents taken from the police's perspective.

A few months after the protest began to grow fiercer, the PPRB has produced more "reports" by their own officers via their Facebook. They were typically hosted by an officer with media training. One of them was a former TV journalist. Those reports were packaged as a "news" report, being presented from a narrative in favour of the Police to legitimise their operation.

The force is not alone in adopting an aggressive media strategy. The Information Service Department has commissioned a total of 15 video clips and eight posters, in the financial year 2019-2020, which cost over HK\$6.2million.

Among the videos included "Hong Kong Protests: The Facts", and "See the clear picture", which were broadcast after confrontations between police and protesters escalated.

The department has also placed 30 advertisements in global publications from September to October and December to February. They respectively pitched the message that the unrest in Hong Kong is only part of the complex "jigsaw puzzle", and "Hong Kong is ON". "Hong Kong is ON" is a two-minute video produced by the Government to propagate the message that "Hong Kong remains strong" and that "Hong Kong will bounce back."

Expect more to come in the coming year. The budget set aside for overseas and local publicity in the 2020 financial year will increase by 53 per cent and 8.7 per cent respectively.

The Government's media offensive has backfired, at least from the journalists who regularly covered the "4 pm press conference." At one stage, some had complained about the long opening remarks-plus-video by Police representatives, which took away the time left for questions from journalists.

The effectiveness of the strategy, meanwhile, is questionable. Worse, the flip-flopping of Chief Executive Carrie Lam in anti-epidemic policymaking has often given more ammunition to her critics.

The unprecedented coronavirus epidemic should have created an opportunity for Mrs Lam to rally the society to fight against the virus by putting aside their political differences. In times of public health emergency, she and her administration could also invoke broad powers to enforce legislations that normally would require either public consultation or accountability.

But faced with criticism against their slow response, the Lam administration has adopted a very defensive strategy. And on three occasions, they have backtracked from previous policy positions. This includes the simple question of whether or not residents should wear a mask, whether the Government should close the border and should extend restrictions on bars and restaurants in serving alcohol.

True, the circumstances in times of a serious epidemic could change so drastically within a short period of time that warranted a change of mind. But it was particularly confusing when Mrs Lam herself made a strong defence on her stance, but only to be reversed or drastically revised by herself in a day or two. The decision about closing all transits at the Hong Kong International Airport, for instance, was reversed in a few days.

A regulation aimed to restrict the operation of karaoke and beauty parlours was gazetted with immediate effect. But its announcement was only made four hours in a press release before that. Business operators grumbled about the lack of time for preparation and confusion incurred.

Defending her anti-epidemic strategy, Mrs Lam has repeatedly said one of the most important principles is “science-based.” But on more than one occasion, she also said there is “no exact science.” They include the question of the maximum number of people allowed in their ban on group public gathering. That legislation may be well-intentioned, but has been seriously questioned and challenged during its implementation.

The legislation, for instance, did not carry specific mention of “common purpose” under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation. It was in fact only covered in the *Public Order Ordinance*.

Journalists have also become confused when some were asked by police officers to disperse when they did reporting on the ground. They were told they may be fined for a breach of the regulation. Under the regulation, journalists should be exempted. The Government has failed to confirm categorically that journalist or news-gathering works are exempted.

Despite the strong public challenge, the government has only marginally relaxed the ban on public gathering from four persons to eight persons in May.

The Government has in the past years made more and more bold assertions about the freedoms Hong Kong enjoyed since the 1997 handover, thanks to the *Basic Law*. This is despite the fact that the international community has expressed more and more concerns about the erosion of the city’s civil liberties.

In April, Mrs Lam asserted the city enjoyed more freedoms than ever since 1997, citing there were over 11,000 public assemblies and processions in 2019, which was 10 times that of 1997. She has however overlooked the fact that the Police have banned 26 public assemblies and 22 marches in 2019, an all-time high. In previous years, there were either no or only a single-digit number of cases of applications for demonstrations being banned.

Such strategy however is put to test when well-cited international indices and credit rating agencies publicly questioned Hong Kong’s autonomy in face of increasingly assertive Chinese Central Government.

In response to the Index of Economic Freedom by the Heritage Foundation, which lowered Hong Kong from the number one ranking to the world’s second freest economy, the government’s spokesperson said Hong Kong residents “continue to enjoy a wide array of freedoms”. The integration with the mainland, the government said, “will not erode Hong Kong’s freedom”.

The responses are weak when similar concerns were raised by international rating agents. Fitch Ratings , for instance, questioned a similar factor about integration with the mainland, yet the Government again responded to such criticisms as “highly questionable” in its assessment on the city.

**RTHK:  
Dual role  
brings  
dilemma**

*By RTHK Programme Staff Union*

Radio Television Hong Kong (RTHK) has just celebrated its 90th anniversary in 2019. As a government department and the only public broadcaster in Hong Kong, RTHK is of course accountable to the citizens of Hong Kong; its mission is to defend the public's right to know. Apart from providing information, RTHK is also a platform that reflects public opinion, accommodates and welcomes criticism. If it is being made good use, it is in fact an important channel for the government to gauge public opinion. However, since the outbreak of the anti-extradition bill movement in 2019, public opinion has become even more polarised than during the Umbrella Movement. Media is an observer. Given the fact they hold the tools of communication, they are often the target of enticement and control by those in power. There is only a fine line between having it both ways and pleasing nobody. RTHK is a government department as well as a mass media organisation. Under the current culture of governance, it is having a much harder time than before.

It is worth noting that over the past 12 months, RTHK has come under fire from both inside the government as well as pro-establishment groups. By accusing RTHK for failing to remain impartial, they have been trying to pressurise RTHK to curb news unfavourable to the government. It must be pointed out that RTHK has always upheld the principle of providing diverse views and staying impartial, but we ultimately work with the premise of uncovering the truth. By doing so, we may cause a stir and fierce debate in the society. However, to put the blame on the "messenger" is to put the cart before the horse. This brings out the long-standing question: Is RTHK a mass media organisation or a propaganda machine? In this article we will discuss some major incidents about RTHK in 2019-2020 for readers to have a better understanding of the situation and the general trend now.

## **Beating up the kids with the door closed**

Since the eruption of the anti-extradition movement, the relationship between RTHK and the Police force has become more tense. As they are both government departments, they should both uphold the most important principle of "serving public interest" by standing firmly on their post. In reality, RTHK has come under attack by the police. Our frontline reporters have been targeted and are often forced to guard the truth with their bodies.

The anti-extradition bill movement has lasted for months. In the course of the many demonstrations and clashes, the police have fired tens of thousands rounds of teargas canisters. A massive number of live ammunition has been used. An increasing number of people watched what happened at the scenes of conflict from the live broadcasts of RTHK, which did not have narration. The fact is RTHK has won public support and encouragement for our broadcasts. However, our reporters have become the subject of unreasonable and unnecessary use of force by the Police. They were pepper-sprayed directly even when they were reporting on the pavement, their gas masks being pulled down by officers at scenes filled with tear gas, and being shoved at for no reason. One of our colleagues was being rushed to the hospital for treatment after he was hit and injured by a tear gas canister. In other words, while reporters were defending with their life the public's right to know, the police force was undermining our work.

The RTHK Programme Staff Union has issued more than 10 statements criticising the indiscriminate violence of the Police. The union has also written to the Commissioner of Police Chris Tang Ping-keung to demand a response and an apology with regard to police violence. By the time this article went to press, there had been no response from him regarding the bloody suppression of reporting at the scenes of

conflict. It is worth noting that in the case of an electronic media reporter who was pushed to the ground by the police and injured at a scene of conflict, the senior police officers have expressed sympathy and apologised.

Despite the fact that reporters have suffered from police violence, the Chief Executive and government officials have only reiterated that freedom of the press is guaranteed. Police officers who had misused force have not been reprimanded for their vicious acts. Meanwhile, RTHK has continued to be attacked.

In early 2020, Chris Tang wrote twice to the Director of Broadcasting and the Communications Authority targeting “*Headliner*”, a RTHK show. He singled out an item of the show, “Scary Information” (驚方訊息), for having created a wrong impression and given misleading information on the Police to viewers. Let us first leave aside the question of editorial independence. We would want to ask whether RTHK is the only media organisation that has questioned the performance of the police force? Why do the police force vent their anger by targeting RTHK which is also a government department, though one at a disadvantaged position?

If we look at the figures, RTHK has received 6000-odd complaints in recent months about *Headliner*, but we have also received over 30,000 letters of compliment to the programme. However, the Secretary for Commerce and Economic Development Edward Yau Tang-wah said openly that “appreciation cannot offset the complaints”. In other words, in the mind of the Secretary, public opinion did not count.

After the Police Force complained about *Headliner*, RTHK Board of Advisers Chairman Eugene Chan Kin-keung asked RTHK to provide him with internal information regarding the complaint as though he was the “grand imperial sire”. The Board of Advisors

are geared up to establish a “task force” in an attempt to interfere with the daily editing work of RTHK, overstepping its function of “advising the Director” as stipulated in the RTHK Charter.

### **Cut budget**

Beginning in April 2019, RTHK’s Channel TV 31 started providing 24-hour broadcasting service. It is both a blessing and a curse. In 2012, it was decided that RTHK would take over two free TV channels as well as the analogue channel frequencies of ATV after its closure. Subsequently the number of RTHK’s first-run programme hours was increased. However, the increase in its production budget has been marginal. Given the limitation of its budget, RTHK has been focusing on developing live programmes, strengthening co-productions of its radio and TV divisions, and repackaging its archived TV programmes to maintain its service. As RTHK is gradually on track, allocation for its production is dramatically and drastically cut in the 2020-21 Budget.

As a whole, the budget of RTHK for the next year has increased only by HK\$25 million, an increase that just keeps pace with the annual inflation. A detailed breakdown of the items shows that while the annual budget has increased nominally by at least HK\$34 million, it is all set aside for salary adjustment. When the role of RTHK was reviewed in 2000, the recruitment of civil servants and staff promotion was frozen. To keep up with programme production, RTHK employed a large number of contract staff who did not enjoy equal pay for equal work. Only in recent years have some non-civil service contract posts been gradually converted into civil service posts. Because of this, even though there has not been any major increase in the number of staff, the expenditure on salary and remuneration has risen.

What is regrettable is that while the government is well aware of this historical background, it has decided that RTHK should be given only “a slight increase but drastic cuts”. Allocation for “general departmental expenses”, which covers programme production expenditure, has actually been reduced by over HK\$30 million. Covering news overseas, stage set, props and costumes in drama production, etc. all needs money. The cut in production expenditure will have considerable impact on RTHK. In the meantime, the number of hours of first-run programmes has been increased from 1778 hours to 1830 hours. In short, “the horse is expected to run fast while it is not allowed to graze”.

What is more frustrating is the announcement the Communications Authority made last March. Local television broadcasters who hold free television licenses were told they were no longer required to provide airtime for RTHK programmes. TVB promptly stopped airing RTHK programmes the next day. It is well known that TVB has been profiting from the habitual view mode of the audience. Under the present method of survey, the viewership of RTHK programmes is considerable even though TVB keeps moving RTHK programmes to non-prime time slots. This figure has been quoted every year as a performance indicator in RTHK’s annual budget. As legislator Eddie Chu Hoi-dick put it, “when the viewership falls drastically next year, no matter how many clicks RTHK gets on internet, it will still be a pretext for the government to cut further the resources allocated to RTHK.” The union thinks that the management should advance with time by including click rates on the internet as an indicator of viewership because only then will it reflect the whole truth.

The 2018 Audit Report had not found any major mistakes in RTHK’s budget. It only pointed out that the production cost of the school education (ETV) programme produced for the Education Bureau was rather high. Allocation for ETV was subsequently removed from the Budget and the expenditure fell

from HK\$28 million to zero. The 30-year collaboration between the Education Bureau and RTHK ceased immediately. It happened so quickly that it could be described as unique among all the departments that had ever been named in the Audit Report. What is obvious is that the government is using all its means against RTHK, a department in the administration that speaks the truth.

### **Conclusion: A strange coincidence in time — a tacit suppression**

Immediately after the Commissioner of the Police had written to the Director of Broadcasting and the Communications Authority on *Headliner*, the RTHK Board of Advisors wrote to the Director demanding internal information concerning the complaints.

During the anti-extradition bill controversy and the dispute over *Headliner*, RTHK has been a target of harassment by phone-callers. Our reporters have been doxxed and there has been a barrage of complaint letters. However, RTHK has also received a large number of letters of appreciation. Even though the Secretary for Commerce and Economic Development said that appreciation cannot offset the complaints, his words may only show that he was making a futile attempt to defend the indefensible. He probably did not expect the establishment machine to lose in the battle of public opinion.

When the Communications Authority announced the revocation of directions issued to domestic free television programme service (free TV) licensees on the requirements to broadcast RTHK programmes, TVB immediately issued a statement welcoming the decision and stopped broadcasting a programme of RTHK, *Legco Review*, the next day.

# TVB: The e Hong Kong ups and do

There was an era when you heard only one noise in the corridors of housing estates in Hong Kong at night. Every family watched TVB soap dramas. The talents it trained, both on-screen and behind-the-camera, conquered the Chinese-speaking world and led the performing arts culture trend.

There was an era when TVB reporters, seen as a symbol of authority, were revered. Press conferences would start only after TVB's news crew had arrived. Whenever there was an international event, there were always TVB journalists reporting on the spot, in line with its objective of "TVB News Cares".

Those glory days now belong to the past. Now is an era with no dominant broadcaster. For the first time ever in 2019, TVB broadcast its "anniversary celebration" gala show in a pre-recorded video, not live. Faced with intense competition, its investments failed and advertising revenue plummeted and the

# epitome of g's OWNS

By Au Ka-lun

company recorded heavy losses. Its credibility dropped to a record low.

TVB is an epitome of the Hong Kong brand waning. Over the past year, the broadcaster has changed radically, both inside and outside, reaching a critical moment.

## **Management restructure, with red capital calling the shots**

There was a famous saying by American journalist A.J. Liebling, "Freedom of the press is guaranteed only to those who own one." Who enjoys press freedom? The answer is: those who own news media. In the capitalist world, one can buy up media outlets with money. The boss possesses supreme power in controlling the personnel, adjusting key production objectives and influencing how news gathering resources are allocated.

Ever since mainland Chinese media tycoon Li Ruigang, dubbed as China's Rupert Murdoch, took a major stake in TVB, doubts have been raised about who is TVB's ultimate controller. A few years earlier when TVB was about to repurchase its shares after issuing bonds to raise funds, TVB majority shareholder Young Lion was challenged by the Securities and Futures Commission regarding its complicated structure, which gave shareholders different voting rights. The Communications Authority intervened to investigate. After examining its shareholders agreement, the Authority believed that although majority shareholder Li Ruigang had power of personnel nomination or disapproval, he could not ensure that TVB's affairs would be conducted in accordance with his wishes and was thus regarded as not exercising control. It ruled that there was no evidence suggesting that TVB and/or relevant parties were in breach of the restrictions on disqualified persons or unqualified voting controllers under the

*Broadcasting Ordinance*. The Authority believed that TVB's earlier non-disclosure of the relevant agreements might have resulted from an error of judgment. Nobody was condemned or penalised.<sup>1</sup>

Charles Chan Kwok-keung, who was nicknamed "King of shell companies", resigned as TVB Chairman and retired in January 2020. During his tenure, TVB's share price plunged by 80 percent, with a loss of over HK\$10 billion in market capitalisation. A couple of years ago, TVB invested heavily in high-yield bonds issued by SMI Holdings. Eventually, the HK\$800 million investment was entirely written off. TVB quitted the bond market after posting heavy losses. In his letter to staff on retirement, Chan recalled his narrow escape from a helicopter crash in Norway two years earlier, "Facing life and death in a second, I realised that life is short and unpredictable. This made me look at life in a new way."

After Chan's departure, there was a major reshuffle in TVB's board of directors. Xu Tao, a confidant of Li, became the Chairman. Mark Lee Po-on became the Vice-Chairman. Mark Lee said he hoped to concentrate efforts on the mainland market in the coming year.

The *Broadcasting Ordinance* stipulates that non-Hong Kong permanent residents are not allowed to exercise control of free-to-air TV licensees. The original intent was to protect important and influential media organisations from foreign influence and to look after local public interests. The Communications Authority's lax treatment and recent loosening of cross-media ownership restrictions may be conducive to the prevailing trend of mergers and acquisitions as well as media convergence. However, how to cater to the taste and needs of the local audience while looking north does pose an immense challenge to TVB.

## **Business in adverse conditions, huge drop in advertising revenue**

At the time of Charles Chan's departure, TVB was suffering both inside and outside. His financial juggling while in power flopped, causing TVB's heavy losses and turning its accounts from black to red. TVB's total investments in SMI bonds amounted to more than HK\$800 million. It was later exposed that some collaterals had been remortgaged to third parties. The HK\$800 million investment evaporated, fully written off within two years. The loss not only wiped off two years' profits but also turned the accounts red. Furthermore, due to the anti-extradition bill storm in the second half of 2019, TVB's advertising revenues dropped to HK\$774 million, a 40 percent drop compared with the same period a year ago. This has yet to take into account the impact of the economic downturn following the coronavirus outbreak.

The drop in advertising revenue has resulted not only from its low willingness of spending amid anti-extradition bill protests but also attacks from the online community. Some netizens, who were unhappy with TVB's news coverage they deemed as biased, called for a boycott of the commercial brands advertising on TVB. Some brands have publicly declared that they would not advertise on TVB. TVB's HK\$1.33 billion profits in 2015 has since gradually declined to what should have been HK\$35 million of profits attributable to shareholders in 2019. However, taking into account the huge loss of the HK\$330 million write-off in SMI bonds, TVB posted a deficit of HK\$295 million for the whole year, putting the accounts in red for the second year in a row.<sup>2</sup>

## **Amid anti-extradition bill storm, layoffs sparked doubts**

TVB's two rounds of layoffs in 2019 were suspected to be related to employees' political stance. During

the anti-extradition bill movement, banners bearing phrases of “destroying conscience, suppressing voices” were hung from the rooftop of the TVB headquarters. TVB laid off about 20 employees, mainly production staff, citing “the market being unstable and political unrest” as the reason. Some of them had earlier uploaded their staff ID in a campaign to protest against TVB’s biased news coverage. Towards the year end, TVB cut another 10 percent of its workforce by laying off 350 employees. Its production and logistic service were affected most. There was suspicion that political considerations were one factor in TVB’s choice of employees to be laid off. Among those made redundant was a producer who had reportedly posted anti-government stickers in his office in support of the anti-extradition bill movement. TVB claimed that the sacked staff was made redundant for taking part in outside production without the company’s approval.

During the protest movement, a number of TVB artists quit after being thrown on the scrap heap. They had either spoken out in social media platforms in support of the movement, with written words such as “add oil”. Among them was Joe Tay, who openly admitted he had joined a protest march and then his contract was not renewed. Tay said TVB “has succeeded in annihilating Sir Run Run Shaw’s past vision and contributions to Hong Kong people” and that “the glory years are a thing of the past available only as aftertaste.”<sup>3</sup>

In response to queries about not renewing some artists’ contracts, a TVB spokesman said certain artists, being the subject of particular concern among mainland viewers, would spark sensitive sentiments. As TVB programmes “have all along been distributed in the mainland, so the company has to put out some responses and adjustments, including casting, in operations. These are purely commercial decisions.”<sup>4</sup>

## **TVB News in the eye of the storm, credibility at record low**

Ten years ago, the credibility of TVB News was comparable to Radio Television Hong Kong (RTHK), ranking second among electronic media in public opinion surveys. A tracking research conducted by the Chinese University’s Centre for Communication and Public Opinion Survey<sup>5</sup> for many years published its latest credibility rating of the media in August 2019. Among the six electronic media, TVB came in last, scoring 4.45 out of 10, compared with 7.3 ten years ago and 5.88 three years ago. Among the traditional media, it was only slightly higher than the Communist Party-controlled media, namely *the Hong Kong Commercial Daily*, *Wen Wei Po* and *Ta Kung Pao*.

Since the anti-extradition bill movement erupted in June, netizens criticised TVB news coverage as biased. Early in the movement, the Chinese Service of the British Broadcasting Corporation<sup>6</sup> conducted an analysis of the news coverage by Hong Kong’s main TV stations. It found that TVB’s report of the June 16th demonstration by two million people was shorter than Cable TV News and Now TV News; on June 21st when the police headquarters were besieged, TVB reported protesters cursing and hurling insults at police in detail; TVB’s report of the pro-police rally on June 30th was longer than the other two stations’ reports. BBC’s story quoted an anonymous TVB News employee as saying that some colleagues had been asked to add to their stories voices supporting the government or police, or increase coverage of protesters’ aggression. Others pointed out that supervisors did not accept the absence of voices from the government, police or extradition bill supporters in certain newscasts while conniving to fully omit the views of protesters or the democrats in some other newscasts.

Netizens were also disgruntled with the editing approach used by TVB News in reporting certain eyebrow-raising incidents such as the July 21st attacks by people in white T-shirts at the Yuen Long West Rail Station, the injury inflicted on Democratic Party District Board member Andrew Chiu Ka-yin, who had an ear bitten off. The order of the edited shots and focus blurred the true picture of the incidents.

The Communications Authority has received more than 30,000 complaints<sup>7</sup>, most of which were targeted at TVB's distorted reports, which allegedly misled and played down police brutality, etc. As of March 2020, as far as the cases the Authority had finished investigating were concerned, it did not find sufficient evidence to substantiate the complaints. Based on the investigation reports, the Authority accepted TVB's explanation and agreed that its reports had covered a wide spectrum of views and footage showed confrontational elements on both sides. Some shots were missing because the incident had happened before its news crew arrived at the scene, or was not witnessed by the reporter. The Authority also accepted TVB's explanation that they had made reasonable efforts to produce complete coverage within the shortest possible time.

In fact, the *Generic Code of Practice on Television Programme Standards*, which sets out standards for TV programmes, stipulates due impartiality. It does not require absolute neutrality or equal time being devoted to each view. On the one hand, it safeguards editorial autonomy, while on the other hand it allows TV stations to place particular emphasis on viewpoints of a certain side without strict restrictions.

During the anti-extradition bill movement, TVB cameramen and company vehicles were attacked time after time. One cameraman was beaten with metal rods by black-clad protesters, his neck being

held from behind. Another cameraman had his memory card taken away. The Hong Kong Journalists Association has issued statements to condemn such acts, which severely interfered with news gathering and coverage. While covering clashes at the scene, most TVB news crews would hide the logos on their equipment to avoid abuse by protesters.

### **Halting RTHK programmes, political suppression denied**

For many years, TVB had asked the Communications Authority to lift the requirement of allocating its airtime for RTHK programmes. Its wish came true in early 2020. TVB said as RTHK already had its own broadcast channels, its programmes need not be aired on TVB. Under the new arrangements, popular RTHK programmes such as *Hong Kong Connection* and *Headliner* would no longer be aired during TVB timeslots, which recorded relatively higher viewership ratings.

Permanent Secretary for Commerce and Economic Development Eliza Lee Man-ching once explained that according to the licensing terms, TVB was only required to pay the Communications Authority an administration fee and was exempted from paying a spectrum utilization fee because free TV licensees have certain social responsibilities, including a duty to broadcast RTHK programmes. The RTHK Programme Staff Union estimated that the market price of the spectrum utilization fee would be close to HK\$400 million. The union said the government should charge this spectrum utilization fee after TVB has stopped airing RTHK programmes.

The incident has caused a row in society. Sham Shui Po District Board member Calvin Ho Kai-ming condemned TVB's move as "political suppression in disguise." TVB regarded his statements as defamatory and said it would take legal action.

## Future business lies in the Greater Bay Area

TVB's radical changes of the past year are exactly the epitome of this era.

Information technology is toppling the old order. The media ecology is changing rapidly. To retain its influence, the traditional TV market leader can only plunge into the fight to compete with new media and online dramas. While transforming, the old battlefield is shrinking with young audiences heading off. In competing with the many rivals in the new world of the internet, it has yet to enjoy any goodies. Profits dived and there is no way out of the dilemma. This is the general trend of traditional media.

TVB sprang up half a century ago with Hong Kong as its base. Operating on free soil with coincidentally preemptive opportunities and exuberant creativity, it exported popular film and television culture. The influence of Cantonese entertainment spread all over Greater China and Southeast Asia. However, as the economies of surrounding countries developed, Hong Kong no longer enjoys unique superiority. Various trades including film and TV production are struggling miserably to transform and reform, trying to establish its own style while integrating.

Amid inside and outside troubles, TVB, which used to operate in a prudent manner, took a tumble due to financial juggling. Once the TV station of Hong Kong people, TVB has now turned to embracing the mainland market. It slashed home-made production, increased joint-production dramas and bought more dramas from outside.

During the anti-extradition bill movement, in response to queries concerning casting and not renewing contracts with some artists, TVB conceded that it had to consider sensitive sentiments held by mainland audiences towards how artists spoke and behaved. This clearly shows that political considerations have

seeped into the creative process. While TVB is looking north for money, how would it retain past characteristics without letting them fade? How to retain the Hong Kong flavor without being changed? After red capital has taken control, it is also doubtful whether these are media owners' considerations.

Flashed back to Asia Television's twilight years, the TV station had put emphasis on the Greater Pearl River Delta market. It failed. Hopes were dashed that they would be able to turn around the situation. Struggling with staff layoffs, revenue losses and transformation, TVB's management has repeatedly declared that its priority in the future would be focusing on the mainland market. The mainland will be the single largest market at present and in future. TVB's grand plan: advance into the Greater Bay Area.

1. *Hong Kong Economic Journal*, "Li Ruigang just bought TVB stake, approval after re-examination, previous non-disclosure of two different share types, assurance to be non-voting controller," September 28, 2019
2. *Hong Kong Economic Journal*, "TVB losses swell to 290 million, dividend 20 cents, 40% drop of ad revenue in second-half year, 330 million write-off on SMI bonds," March 26, 2020
3. *Ming Pao*, "Joe Tay taunted TVB as annihilating Sir Run Run Shaw's contributions," December 10, 2019
4. *Ming Pao OL Web*, "TVB is concerned with the mainland market: soap drama casting needs adjustment?" August 23, 2019
5. Refer to the website of the Chinese University's Centre for Communication and Public Opinion Survey at [shorturl.at/ijGMU](http://shorturl.at/ijGMU)
6. BBC Chinese Service, "Behind the minute differences of how Hong Kong's TVB, Cable News and Now TV cover the anti-extradition protests," July 16, 2019. [shorturl.at/qNQ38](http://shorturl.at/qNQ38)
7. Refer to information on the website of the Communications Authority. [shorturl.at/qOPUW](http://shorturl.at/qOPUW)

**Student  
reporters  
learn  
from the  
ground**

*By Tse Chung-yan*

In the nearly nine months of struggle which had begun as anti-extradition law protests, many major mass media agencies often broadcast live for hours unstopped. Viewers of Hong Kong and even the world watched live coverage of the conflicts at various scenes across the city. Student media of all the universities were also among the media reporting on the frontline and shed as much sweat and blood as journalists from mainstream media. They even shot exclusive footage that was later aired by media around the world. However, as they strove to cover scenes that made headlines, the student press actually faced more risks than mainstream reporters since they were questioned and detained by police more often than others. That said, the behaviour of some student reporters was also a subject of controversy. A communication and journalism lecturer urged student press to maintain impartiality and be seen as doing so at the scenes.

University student publications can roughly be divided into two types: those published by students studying media and journalism, such as Shue Yan University's *Our Voice* and those run by students under their respective student unions. Student press is one of the major organisations under university student unions. They often enjoy the same status as their executive committee and union council. It functions as the "fourth estate" on campus monitoring the administration of the university and the governance of the student union. Apart from print media, some universities also have campus radio and TV, such as the Campus TV of the University of Hong Kong. They are also part of the "fourth power". Other than campus issues, student press also pays attention to current social and political issues and are sometimes themselves the centre of controversy. For example, in 2007, *Chinese University Student Press* drew public limelight after it published a section on erotics on every issue. In 2015, the then Chief Executive Leung Chun-ying criticised HKU's *Undergrad* for propagating Hong Kong independence, citing one of its editions.

Thanks to the popularity of live streaming via mobile devices during the anti-extradition protests and clashes, student reporters, in full gear, were in the frontline broadcasting live to viewers just like mainstream media reporters. What was more extraordinary was that they shot exclusive footage, such as the one showing a black-clad young man being shot by a police officer at Hau Tei Square in Tsuen Wan on October 1. The footage was aired by local media as well as overseas press. Apart from this incident, when Indonesian reporter Veby Mega Indah was shot and blinded in her right eye by a police officer while reporting on a footbridge in Wanchai in late September last year, a student reporter was on her side and had captured the shooting, thus effectively exposing the violence journalists faced in Hong Kong today.

Although some student reporters shot exclusive footage, their behaviour was controversial sometimes. For example, a reporter complained that from time to time student reporters argued with police officers about their right of coverage the moment they arrived at the scene. Such arguments often deteriorated into quarrels that made it difficult for all other journalists to do their job. Student reporters were also seen calling out asking arrested protestors for their names, which raised the question of conflict of roles.

Every year, students interested in press work on campus form cabinets and take part in the election of the student press. They are not restricted to students in communication and journalism. The Hong Kong Journalists Association is a trade union being set up under the *Trade Unions Ordinance*. Under its constitution, only those training in journalism or serving a form of apprenticeship at a press agency may apply to join as a student member. In other words, school press reporters may not be eligible for membership and while they are reporters in name, they may not enjoy the protection that other reporters enjoy. This is also why they were often targeted by the police.

Student press complained that most of their reporters in the frontline had been challenged by police officers about their identity as reporters, being stopped and checked and their bags searched. They were often scolded, jostled, threatened, had their mobile phones snatched and even arrested. In the siege of the Polytechnic University last November, when leaving the scene, some student reporters were arrested and accused of taking part in a riot. Following behind-the-scenes talks between the HKJA and senior police officers on the night, some student reporters were brought to a specific location to verify their identity and searched before they were allowed to leave. Another incident was when protestors broke into the Legislative Council building last July 1, student reporters who followed the protestors into the building to take pictures were later charged for conspiring in criminal damage and entering or remaining in the LegCo Chamber.

Apart from the risk of arrest, it was also not uncommon to see student reporters hospitalised for being hit and injured by tear gas canisters, pepper-spray balls and bean-bag rounds. A student reporter suffered from third-degree burn on his arm after he was hit by a teargas canister. A large area of his upper arm was bruised and it took him one and a half months to recover. Apart from physical injury, he also suffered from psychological harm. Since after being hit by the teargas canister and pepper-sprayed, he would unconsciously step back whenever he saw an officer raising his gun or holding out the pepper-spray when he was reporting. He was worried about being hit again but thought his fear was as ridiculous as a firefighter being afraid of fire.

Bruce Lui, a senior lecturer in the Department of Journalism of the Baptist University of Hong Kong, often accompanied his students to scenes of protest to cover the news. He thought that student reporters were able to capture scenes that mainstream media failed to capture because they were closer to the

protestors in age as well as mentality. They had clues about where to look for stories and the protestors were also more willing to talk to them. In addition, when they were reporting on the frontline, they thought that they must be courageous and fearless. That was why they were able to capture more exclusive footage than mainstream press who were more cautious and who usually went about in a group. Also, mainstream press usually broadcast live only when major clashes were expected. Student press were the opposite and therefore had more chance to capture exclusive footage.

However, everything has its pros and cons. Lui pointed out that student reporters who had no professional training in journalism might confuse their role as reporter with that of a protester and see reporting as part of the struggle. Student reporters who shouted slogans and sang with the protestors at demonstrations actually violated the principles of objectivity and impartiality upheld by journalists. Moreover, student press was one of the major units under a student union. They operated independently and are not answerable to anyone. Student reporters could therefore get to the very front and shot as much footage as they could. The other side of the coin was that they lacked the protection of "adults" and faced a higher risk of arrest.

After the Government forcibly implemented the Prohibiting on Face Covering Regulation beginning of last October and the siege of the Polytechnic University, the HKJA has urged student reporters to carry a statement with the seal of the student union or a university department that could verify their identity as a reporter. They could show the statement to the police when they were stopped and checked. However, Lui said the current reporting environment was "very depressing" and that police officers in general were hostile to the press. Moreover, student reporters had the "original sin" of being young. Under these circumstances, they were given a hard

time by the police more often than mainstream reporters. Even if they had carried any document that proved that they were a reporter, the treatment they got would only be slightly better than there being none.

He cited his own former experience covering news in the mainland. Apart from being mentally prepared for arrest, he usually studied the environment cautiously, observed what was happening around him and remained very safety conscious to prevent getting hurt or targeted. "You have to be able to do your job and not be arrested at the same time." The purpose was to win the time and space to cover what was happening at the scene.

Finally, Lui wanted to tell the student reporters that their passion to contribute to the betterment of Hong Kong is greatly appreciated, but as reporters they must uphold impartiality and to be seen as doing so, hold fast to journalistic boundaries and demonstrate their professionalism. As a reporter, they should not join in shouting slogans or singing, and when abused verbally by any police officer, they should try not to argue with them. "It's useless to quarrel," he said. A reporter should instead make use of the time and space they have to do their job.

**Press freedom  
a matter of  
and death  
A reflection  
the Wuhan  
pneumonia**

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# Chapter 4

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**“There can be no higher law in journalism than to tell the truth and shame the devil.”**

**— Walter Lippmann<sup>1</sup>**

*By Ching Cheong*

What is press freedom<sup>2</sup>? It is colorless, odorless, invisible and untouchable. When it is there, people only see it as an abstract concept, unaware that it is something to be treasured. Only when it is no longer there will you know the pain and the price to pay are both concrete and costly; the economy is damaged, or even worse, lives are lost. The Wuhan pneumonia wreaking disaster globally is a clear proof.

For four months from December 1, 2019 to March 31, 2020, the Wuhan pneumonia that broke out in China had been spreading to the whole world. As of April 8 when this article was completed, the pandemic had yet to die down. Within the four months, more than 1.05 million people were infected and more than 60,000 died. It has become the worst public health crisis of humankind since World War II, severely damaging the international economic and social order.

The virus itself is a common phenomenon in nature, unrelated to politics. However, that a virus can wreak havoc on the whole world is definitely related to a society's political system and its mode of operation. This time, the culprit was no doubt the Chinese Communist Party (CCP), with the World Health Organisation (WHO) as its accomplice. Had CCP not covered up news of the epidemic at the beginning, the virus would not have spread so quickly<sup>3</sup>. Had WHO not endorsed CCP's stance in an unobjective, unneutral, unscientific and irresponsible manner, there would not have been an opportunity for the virus to spread throughout the world<sup>4</sup>. Therefore, if someone is to be held accountable in future, it is very clear that CCP is the principal culprit and WHO an accomplice. This catastrophe has no doubt provided a near "perfect" case study for journalism that illustrates the importance of press freedom, speech freedom and information freedom: it is a vital value, a matter of life and death.

After the Wuhan virus disease had broken out, the CCP immediately constructed a mechanism to

strangle press freedom. Such a mechanism used to be applied only in the mainland with merely its nationals suffering. Adverse consequences would not spill over its borders. But this time, the same mechanism has caused a global catastrophe, as viral transmission is not restricted by national boundaries. Therefore, this article focuses on how the built-in mechanism of the CCP system, capable of controlling disease inside one country, failed. Eventually, the situation got seriously out of control and affected the whole world.

### **Mistaken guiding principle to fight the epidemic**

From the very beginning, the guiding principle to "fight the epidemic" that the CCP had formulated was seriously wrong. As exposed by Meng Xin, a researcher at the National Institute for Viral Disease Control and Prevention under the Chinese Centre for Disease Control and Prevention, the authorities' directive regarding how to fight the virus was as follows: "Politics comes first, security the second, science the third". This is a downright absurd directive that puts CCP's ruling security above the interests of the people.

Some of Meng's messages are as follows:

Meng Xin: Alas, disclose one more thing: we had a general assembly of the entire institute on the 19th. It was mentioned at the meeting: Minister in charge of the Health Commission, that's probably our older schoolmate Ma (Writer's note: meaning Ma Xiaowei), his directive concerning the epidemic was: Politics comes first, security the second, science the third... Politics comes first, ha ha, I felt at that moment that something was bound to go wrong. Meng Xin: As there was the clear directive of politics the first, and the rigid requirement of confidentiality, not to tell not to tell, to safeguard stability. Thus the test reports went inside the safe. You only see Wuhan authorities announce zero new cases one week in a row, none of those in close contact was infected, there was no news of medical personnel being

infected. So-called politics the first, that is to safeguard CCP's ruling security against impact by the epidemic. Security the second means not to let the epidemic shake social stability; science the third means that the objectivity and professionalism of science must not override CCP's ruling status and the need to safeguard social stability.

The responsibility of formulating such a guiding principle of course lay with State President Xi Jinping, who has been dubbed the "supreme decision-maker"<sup>5</sup>. At a meeting with WHO Director-General Tedros Adhanom Ghebreyesus, he said he had been "personally commanding the disease prevention and control work"<sup>6</sup>. He even congratulated himself afterwards, bragging about how he fought the novel coronavirus, "Tighten up and loosen up all at the right time."<sup>7</sup> In fact, Xi issued a directive at the January 25 meeting of the Politburo Standing Committee, "to strengthen the guidance of public opinion, strengthen the publicity and interpretation of relevant policies and measures." On the day of the meeting, the Wechat Security Centre subsequently publicized the *Announcement on the Special Treatment of Rumors Related to New Coronavirus Pneumonia*, which made violators liable to a maximum of seven years' imprisonment. Both Xi's directive and the Wechat notice reflected the spirit of "Politics comes first, security the second, science the third".

This seriously mistaken "spirit" was also reflected in the organizational structure of the fight against the epidemic.

On January 25, CCP set up the Central Committee Leading Group on Novel Coronavirus Prevention and Control (referred to as the central leading group on coronavirus) with Premier Li Keqiang as the leader and Wang Huning, who was in charge of ideology, as the deputy leader. Of the seven members, other than Sun Chunlan who was in charge of health work, none was professional medical personnel. Obviously, this group was most concerned with ideology, publicity and stability.

## Wrong measures

Under the guidance of such an "anti-epidemic policy," with safeguarding CCP's ruling security as its primary goal, people noted a series of abnormal practices:

### 1. Covering up information

On December 30, 2019, the CCP issued the first document to block information. That day, the Wuhan Municipal Health Commission's Medical Administration Office issued a red-header document, *Urgent Notification on Doing Well in the Treatment of Unexplained Pneumonia*, which commanded "strict information reporting" by medical institutions, and "forbade any unauthorized unit, individual to release treatment information without permission."

On the evening of January 3, 2020, the Central Hospital of Wuhan assembled directors of various departments for an urgent meeting to convey the information blackout directive. According to the minutes obtained by a *Caixin* journalist, strict discipline was emphasized at the meeting, "Stress politics, discipline, science", "Do not spread rumors, do not pass rumors, various units take care of their own people". Medical personnel were required not to disclose confidential information in public, nor discuss relevant patient cases by means of text or pictures, as these could be retained as evidence. Part of this meeting's minutes was later found in a captured picture of (one of the hospital's four doctors who died) Jiang Xueqing's notebook, "Unknown viral pneumonia, no evidence of human-to-human transmission, 10 disciplinary provisions, discipline of confidentiality, not allowed to talk and blab..." This was forcing doctors to collectively cover up<sup>8</sup>.

After learning the content of this meeting, the *Caixin* journalist sighed, "This was a meeting that strictly ordered all the hospital's medical personnel to

conceal the epidemic from society. What's more, this was a meeting devoid of humanity. Therefore, the subsequent outbreak and lockdown in Wuhan for more than 50 days came as no surprise."

Eventually, the Central Government could no longer cover up the coronavirus outbreak. Wuhan's mayor Zhou Xianwang revealed in an interview with China Central Television (CCTV) on January 27, "As a local government (leader), after I got the information, I must ask for authorization before I could disclose it. Many people didn't understand this at the time." This clearly indicated that the CCP central authorities were covering up news of the outbreak.

## 2. Destroying raw data

The CCP central authorities further ordered relevant units to destroy raw data. I have already made a detailed record<sup>9</sup>, and would only list an outline here.

- i. On January 1, 2020, the Central Government banned new tests on the virus. For those already tested, samples had to be destroyed.
- ii. On January 3, the Central government issued the *Notice on Strengthening the Management of Biological Sample Resources and Related Scientific Research Activities in the Prevention and Control of Major Emergent Infectious Diseases*, requesting confidentiality on epidemic-related information.
- iii. On January 7, the laboratory at the Shanghai Public Health Clinical Centre was shut down for no reason, delaying the process to develop vaccines. In face of the catastrophe, CCP's attitude, which delayed control and prevention of the epidemic, was indeed baffling. It halted indispensable studies at all costs, probably in an attempt to avoid negative messages bringing about destabilising factors that might threaten its own ruling interests.

## 3. Severely punishing whistleblowers for "spreading rumors"

In order to implement the CCP central authorities' mistaken "epidemic treatment" policy, the authorities have relentlessly suppressed doctors who raised early warnings as well as reporters and civilians who dared to reveal the truth. The best known among them were the eight "whistleblowers" including Dr. Li Wenliang and the earlier case of Ai Fen, the whistle-giver<sup>10</sup>.

### i. The Ai Fen incident on December 30, 2019

Ai Fen, dubbed "whistle-giver", was Director of the emergency department at the Central Hospital of Wuhan, and the first medical personnel to disclose the existence of the novel coronavirus. As a result, she received unprecedented and very severe rebuke from the hospital's supervision department. Her superiors rebuked her with three consecutive sentences, "You have ignored the results of Wuhan's urban construction since the Military Games; you are a sinner that affects the stability and unity of Wuhan; you are the culprit that undermines the development of Wuhan."<sup>11</sup> Such serious accusations would definitely stifle all forms of communication.

### ii. The Li Wenliang incident on December 31, 2019

On the night after sending out the image taken by Ai Fen, Li Wenliang was summoned by his hospital leader for enquiries at the Wuhan Municipal Health Commission at 1:30am, December 31. He was interviewed again by the hospital supervision department after reporting duty the following morning. He was subsequently requested to sign a letter of admonition, *Reflection and Self-criticism for Spreading False News*. At 17:38, January 1, news was released on the official Weibo of Wuhan Public Security Bureau @ Ping An Wuhan, "Recently, certain medical institutions of our city have found multiple cases of pneumonia. The Municipal Health Commission has publicised the situation in briefings.

However, some internet users have publicised and forwarded false news without verification, causing undesirable social impact. Following investigation and verification by public security authorities, eight offenders have been summoned and dealt with according to law.” On January 2, CCTV’s news channel carried this report in full. The message that repeatedly appeared on the screen was, “Pneumonia of unknown cause was discovered in Wuhan, Hubei. Eight rumor-mongers have been punished.” The letter of admonition that Li Wenliang was made to sign that day by Wuhan public security authorities would become irrefutable evidence of the CCP covering up the epidemic and cracking down on whistleblowers.

iii. Strangling citizen journalists and others who revealed the truth

Three Chinese citizen journalists, Fang Bin, Chen Qiushi and Li Zehua have been arrested for revealing the truth of the pandemic in Wuhan. Their whereabouts remain unknown so far:

- a. Wuhan citizen Fang Bin filmed at least five hospitals and recorded a video showing eight corpses being hauled out within five minutes. On February 10, firefighters broke in and arrested him. His whereabouts is still unknown.
- b. Former CCTV presenter, citizen journalist Li Zehua reported the actual situation people faced in Wuhan during the outbreak and revealed insider information of whopping pay being offered in recruiting workers to haul corpses. He visited the P4 laboratory at the Wuhan Institute of Virology on February 26, was arrested that night and went missing afterwards.
- c. Qingdao lawyer Chen Qiushi visited and filmed many hospitals, funeral homes and residential neighborhoods in Wuhan and interviewed citizens. On February 6, he vanished after visiting a mobile cabin hospital.

According to the Chinese Human Rights Defenders, a human rights organization based in Washington D.C., in the United States, CCP authorities arrested at least 325 Chinese citizens within the one-week period from January 22 to 28. Mostly pinned labels of “spreading rumors,” “fear-mongering” or “fabricating facts to disrupt public order,” they were subject to penalties such as administrative detention, fine or educational admonition.

#### **4. Implement an all-embracing clampdown of internet speech freedom**

It was mentioned above that after Xi Jinping issued the directive to “strengthen the guidance of public opinion,” the Wechat Security Centre publicised on the same day *the Announcement on the Special Treatment of Rumors Related to New Coronavirus Pneumonia*. Then there were incessant noises of wechat accounts being shut down. Many people suddenly found their accounts unusable for unknown reasons. Account shutdowns even became an overwhelming topic on Weibo.

Taiwan media outlet The Reporter published a special investigation report on March 4, *The New Disaster of Chinese Internet Censorship -- blocking hundreds of keywords, proclaiming itself to be “a global model in the fight against the pandemic”, how CCP has fought its Wuhan pneumonia public opinion battle?*<sup>12</sup> It analysed in detail how CCP had gone about clamping down on internet communication during the process to fight the epidemic.

An interview with Canada’s Citizen Lab revealed an archive named “Wuhan, Human Room” which published messages posted on Weibo by dying patients who received no medical treatment when the epidemic was devastating Wuhan. It recorded more than 1,300 messages by Wuhan citizens crying out for help, which had disappeared from Weibo under the internet clampdown policy.

## 5. Reporting false epidemic information, leading the whole country and the whole world to underestimate the severity of the outbreak

To avoid impact on social stability thus affecting its ruling security, CCP misreported information about the epidemic in many aspects including the level of danger and scale of the outbreak.

### i. The epidemic's level of danger (whether it's transmissible human-to-human)

Is the coronavirus transmissible from person to person? This is an important sign to assess how dangerous the virus is. Epidemic information released by CCP official channels from December 31, 2019 to January 19, 2020 all emphasized that this virus showed no risk of human-to-human transmission. Beginning with the first briefing by the Wuhan Municipal Health Commission on December 31, 2019, the possibility of human-to-human transmission was rejected. This tone persisted up to January 19, when it was said, "The possibility of limited human-to-human transmission cannot be ruled out, but the risk of sustained human-to-human transmission is relatively low." Unfortunately, this was all accepted by the World Health Organization, which publicised false information to the whole world in line with CCP's tone, thus causing the pandemic to sweep the world.

### ii. About the scale of the pandemic

The scale of the pandemic refers to the number of people infected and the death toll. These figures are crucial data affecting every country's response to the outbreak. If they are underreported, subsequent prevention work will be based on wrong judgment. Regrettably, CCP's figures were obviously underreported and falsely reported. According to the official website of the National Health Commission, as of 24:00 hours on April 6, the total number of

confirmed cases nationwide stood at 81,740, and the cumulative death toll at 3,331. Taking the death toll for example, the official figure for Wuhan, the source of this pandemic, was 2,531. In the end, nobody believed this figure. Folks used two estimation methods:

#### a. Calculation based on the number of funeral urns

The authorities announced that the seven Wuhan funeral homes would each hand out 500 urns daily for 12 days from March 23 to the traditional tomb-sweeping festival of April 4. In other words, 42,000 urns would be handed out in total. According to *Caixin*, 5,000 urns were delivered in two days to a funeral home in Hankou district alone. This represented twice the official death tally of coronavirus patients in the city.

#### b. Calculation based on the operating volume of cremation furnaces

Calculations can be done on the basis of the cremation capacity. There were 84 cremation furnaces in Wuhan's seven funeral homes. Assume 65 were in normal operation, cremation of each corpse took one hour and operation continued 24 hours a day, 1,560 corpses could be cremated each day. Deducted by about 200 normal deaths each day, the death toll for a 30-day period would be 40,800.

The figures resulting from both calculations exceed 40,000, far more than the official death toll of 2,531.

In light of CCP's deliberate cover-up and WHO applying the hugely-underestimated CCP statistics without reservation, the global community was not sufficiently alert, thus giving rise to an uncontrollable outbreak.

## Experience and lessons

From this tragedy of the coronavirus wreaking disaster throughout the world, we may conclude some important experience and lessons:

1. The universal value of press freedom (including speech and information freedom) is absolutely essential to humankind's security. In the era of globalisation, whether a country enjoys press freedom is no longer an "internal affair" but related to the well-being of all mankind. The lack of press freedom in one country may result in a disaster spreading to the whole world. As far as the coronavirus pandemic is concerned, China, under the CCP rule, has brilliantly illustrated this fact.

2. Universal values like freedom, democracy, rule of law, human rights (including the right to know) are the crystallisation of the development of human civilisation. They also guarantee development towards good governance of the human society. Amartya Sen, the Indian economist who won a Nobel Prize in Economic Sciences, said, "A free press and an active political opposition constitute the best early-warning system a country threatened by famines can have."<sup>13</sup> If we substitute pandemic for famine, this saying is equally applicable in this global crisis.

3. The CCP model is one that violates universal values. People can see clearly that the various built-in mechanisms under the "one-party rule" system to strangle press freedom, suppress speech, monopolize information flow, and deprive people of the right to know have led to this catastrophe. As China continues to grow in power, its model continues to infiltrate into the international community. In view of WHO also turning into its accomplice, CCP's dominance will bring misfortune to the world.

1. Walter Lippmann is reputed to be the most influential journalist of the 20th century and Father of Modern Journalism. His book *Public Opinion* is regarded as a fundamental textbook of modern journalism.
2. The term "press freedom" covers concepts including the freedoms of thought, speech and information. It does not concern only media reports and commentaries; as far as media is concerned, they are not limited to stereotypes of media but also include new social media that appeared in recent years.
3. On the topic of CCP being the main culprit, see my Chinese articles, *CCP's mistakes weigh down the whole world*, a 3-part series: <https://trgt.ai/co2r4>
4. Regarding WHO's responsibility in the globalization of the coronavirus pandemic, see my Chinese series, *WHO is an accomplice*: <https://trgt.ai/t72lc>
5. According to a Xinhua news report, at the national conference on organizational work held on July 4, 2018, Xi Jinping said that the CCP central authorities, being the brain and the backbone, must possess authority to "set the tone [for major decisions]" and to ensure that "[controversies] must be settled by the uppermost authority". At the July 17 Party Group Meeting of China's National People's Congress (NPC) Standing Committee, China's third-ranked personality, Chairman of the NPC Standing Committee Li Zhanshu reiterated these eight words to show his stance, emphasising "Comrade Xi Jinping as the core of the party's central authorities."
6. On January 28 when Xi Jinping met with WHO Director-General Tedros Adhanom Ghebreyesus, he said he had been "personally commanding the disease prevention and control work." In the news dispatch issued later by Xinhua, Xi's personal role was played down as the text was amended to "A central leading group on battling the virus was established to collectively lead, command and give differentiated directions to control and prevent coronavirus in various regions."
7. On March 31 while in Hangzhou City, Xi Jinping said, "Capable of tightening up quickly when restraint is warranted. Also capable of loosening up in an orderly manner when release is warranted. Tighten up and loosen up all at the right time. Being flexible is an important ability (He said earlier, 'This also manifests a country's governance level.')
8. Caixin, *Why were there heavy casualties at the hospital where Li Wenliang belonged*, March 10, 2020
9. See my Chinese articles, *CCP's mistakes weigh down the whole world*: <https://trgt.ai/co2r4>
10. Based on the article, *The one who gave the whistle, in the Renwu* monthly magazine. The original has been blocked, but it has been archived in Wikipedia. See <https://archive.is/OLdHs>
11. Southern Weekly, *Four died in the line of duty, four on the verge of death -- the darkest moment of Wuhan Central Hospital*, March 11.
12. <https://www.twreporter.org/a/covid-19-internet-censorship-in-china-banned-keyword>
13. <https://trgt.ai/yiaor>

# Appendix

Hong Kong press freedom has dropped to a record low, according to the newly released Hong Kong Journalists Association Press Freedom Index 2019. The decline is the sharpest since the survey was launched in 2013. Both the public and reporters expressed concern over the threatened personal safety of reporters when covering news.

The survey reflects the evaluation of press freedom in the past year, and is divided into two parts: the general public and journalists respectively. The general public index for 2019 declined by 3.1 points to 41.9 on a scale of 0 to 100, and the Press Freedom Index for journalists is 36.2, showing a sharp decrease of 4.7 points compared to that of 2018 index. (Table 1)

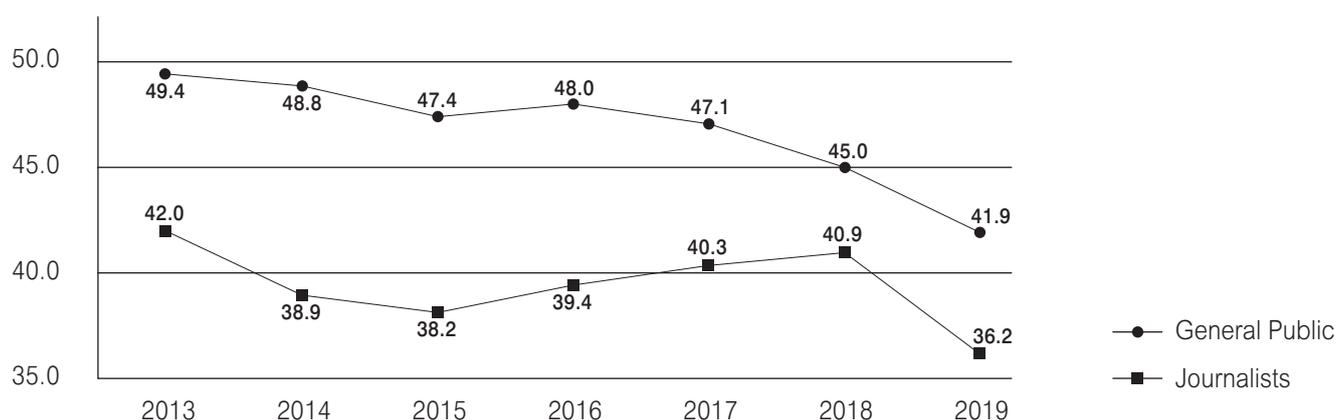
There have been frequent incidents of violence against journalists, and the number of interviewees who believe that “journalists’ safety was threatened when covering news” is increasing. Both of the public or journalists’ satisfaction with Hong Kong’s press freedom also fell. (Table 2, 3 and 4) The proportion of the public and journalists who believed press freedom in Hong Kong had worsened compared to a year ago has increased. (Table 5)

More than 90% of journalists in the survey observed the problem of law enforcement officers using violence to obstruct news activities deliberately. Over 70% responding journalists agree with the statement that HKSAR Government as a key player in the suppression of press freedom. (Table 6, 7)

In view of the public concern over the fact that journalists have been treated violently when covering news, HKJA conducted the “Survey on the violence against journalists when covering public order events” to look into the matter. Among the 222 journalists who responded, over 65%, i.e. 145 journalists said that they had been violently treated by the police and/or people with different standpoints when covering news. Only 28 responding journalists had not been violently treated. (Table 8, 9)

The public survey was conducted by the Hong Kong Public Opinion Research Institute from Jan 9 to 15, 2020. A total of 1,022 Cantonese speaking Hong Kong residents aged 18 or above were successfully interviewed. HKJA distributed questionnaires to journalists between Jan 17 and March 27, 2020, with a final successful sample of 327.

**Table.1 Seven-year change in Hong Kong Press Freedom Index (2013-2019)**



**Table.2 Factors with significant changes affecting the general public press freedom index (on a scale of 0-10\*)**

General public	2013	2014	2015	2016	2017	2018	2019	Change of mean scores
Adequacy of legislative safeguards for journalists' free access to information (the higher the score, the more adequate)	5.8	5.8	5.7	5.7	5.7	5.3	4.7	-0.6**
Hong Kong news media facing difficulties in obtaining information they need for reporting (the higher the score, the more uncommon)	4.5	4.6	4.3	4.6	4.4	4.3	3.5	-0.8**
Local journalists becoming the targets of extralegal intimidation or physical violence when reporting (the higher the score, the more uncommon)	5.0	4.8	4.6	4.6	4.7	4.7	3.3	-1.4**

\* The higher the number, the more positive the representative's evaluation; the lower the number, the more negative the evaluation

\*\* Compared with the last survey, the number changes statistically significantly at  $p = 0.01$

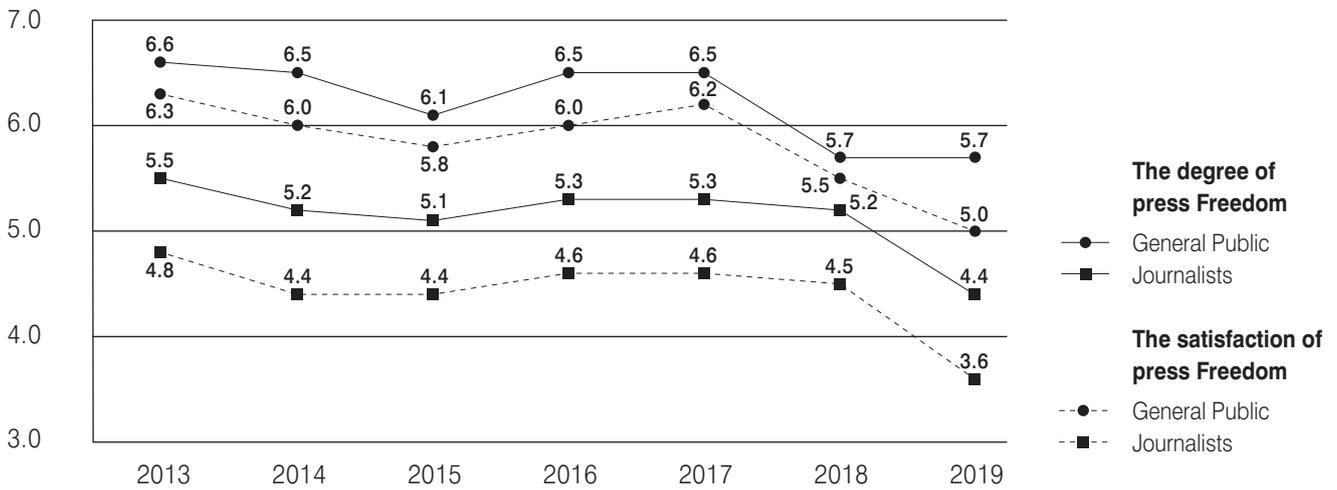
**Table.3 Factors with significant changes affecting the journalists press freedom index (on a scale of 0-10\*)**

Journalists	2013	2014	2015	2016	2017	2018	2019	Change of mean scores
Media owners or management exerting pressure and trying to influence the editorial freedom of frontline journalists (the higher the score, the more uncommon)	3.5	3.1	3.1	3.2	3.4	3.5	3.0	-0.5**
Adequacy of legislative safeguards for journalists' free access to information (the higher the score, the more adequate)	4.6	4.6	4.4	4.3	4.5	4.3	3.4	-0.9**
Hong Kong news media facing difficulties in obtaining information they need for reporting (the higher the score, the more uncommon)	4.1	4.0	4.0	3.7	4.1	4.2	3.1	-1.1**
Local journalists becoming the targets of extralegal intimidation or physical violence when reporting (the higher the score, the more uncommon)	5.2	4.5	4.9	4.7	5.5	5.5	2.6	-2.9**

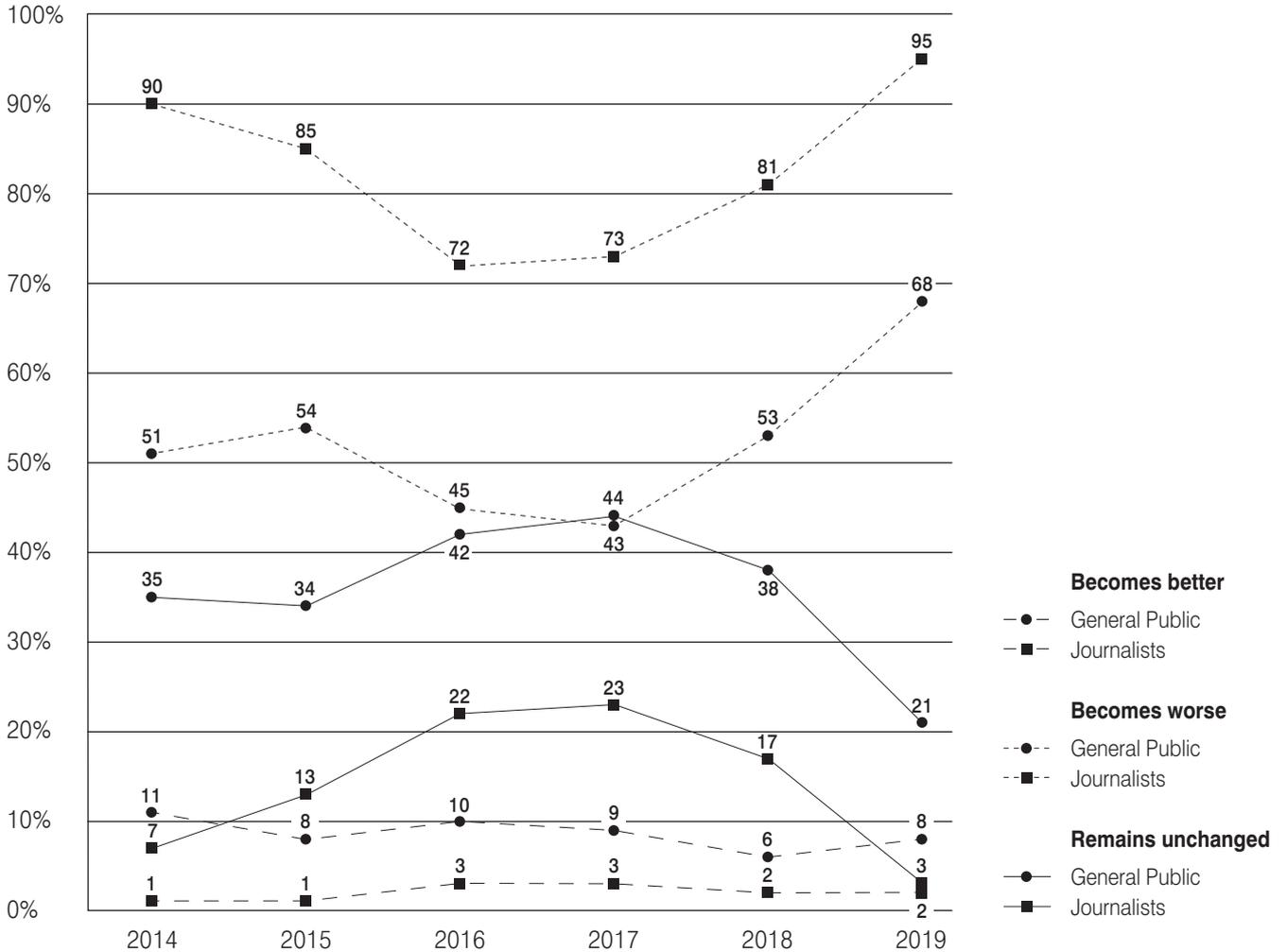
\* The higher the number, the more positive the representative's evaluation; the lower the number, the more negative the evaluation

\*\* Compared with the last survey, the number changes statistically significantly at  $p = 0.01$

**Table.4 The degree and satisfaction of press freedom in Hong Kong**



**Table.5 Overall press freedom in Hong Kong**



**Table.6**

How frequent has law enforcers resorted to violence to interfere with journalists at work?	Frequently	Infrequently
	92.9%	2.8%

**Table.7**

	2017		2018		2019	
	Agree	Disagree	Agree	Disagree	Agree	Disagree
Some have suggested the HKSAR Government as a key player in the suppression of press freedom. To what extent do you agree or disagree with this statement?	49.8%	14.9%	51.6%	10.1%	77.4%	7.6%

**Table.8 Starting June 2019, when covering recent protests/demonstrations, have you been violently treated by the police or people with different political views?**

	Frequency	Percentage (Cardinal number=222)
Yes, violently treated by police	63	28.4%
Yes, violently treated by people with different stands	4	1.8%
Both	78	35.1%
Never	28	12.6%
Has not covered any protests or demonstrations since June 2019	40	18%
Don't know/can't remember	9	4.1%
Total	222	100%

**Table.9 Form of violence have journalists been treated by the police**

	Frequency	Percentage (Cardinal number=222)
Shone strobe lights on	121	85.8%
Verbally insulted	120	85.1%
Pushed forcefully	118	83.7%
Camera lens obscured or photographic equipment snatched intentionally	81	57.4%
pepper sprayed	75	53.2%
Fired tear gas at a close range	74	52.5%
Shot by water cannon vehicle	47	33.3%
Shot by rubber bullet, bean bag rounds or sponge grenade	19	13.5%
Beaten with police baton or other items	15	10.6%
Gas masks or goggles pulled or torn off	5	3.5%
Fisted and kicked	5	3.5%
Others: Intimidate attacks with riot gear	2	1.4%