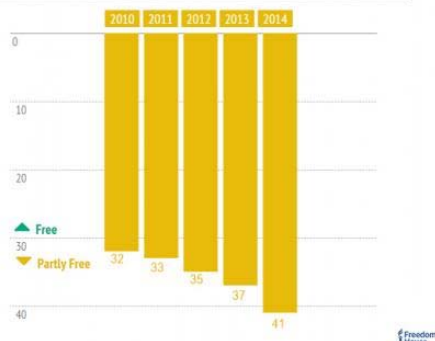


## Hong Kong \*

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### Hong Kong: Five Year Decline in Press Freedom

Media freedom declined further in 2014 as violence against journalists increased, and cyber attacks crippled news sites.



Freedom of expression is protected by law, and Hong Kong media remained lively in their criticism of the territory's government and to a lesser extent the Chinese central government in 2014. However, Beijing's enormous economic power and influence over Hong Kong businesses, politicians, and media owners allow it to exert considerable indirect pressure on the territory's media, leading to growing self-censorship in recent years.

During 2014, the environment for media freedom declined further as physical attacks against journalists increased, massive cyberattacks crippled widely read

news sites at politically significant moments, and businesses withdrew advertising from outlets that were critical of Beijing and supportive of prodemocracy protesters. The year featured an especially brutal assault on a former chief editor of the daily newspaper *Ming Pao*, as well as a wave of attacks on journalists covering prodemocracy protests and counterdemonstrations.

### Legal Environment

Under Article 27 of the Basic Law, Hong Kong residents enjoy freedoms of speech, press, and publication, and these rights are generally upheld by the territory's independent courts. However, they risk being undermined by the power of the National People's Congress (NPC), China's rubber-stamp parliament, to make final interpretations of the Basic Law, as well as by Chinese surveillance in the territory and the mainland economic interests of local media owners. Moreover, the perpetrators and especially the organizers of attacks on journalists in recent years have often gone unpunished, creating a climate of impunity that became more evident in 2014 as the pace of attacks increased. Hong Kong's Defamation Ordinance establishes defamation as a civil offense punishable by a fine. Although the ordinance includes a definition of criminal defamation, that clause has rarely been used in court.

Hong Kong has no freedom of information (FOI) law. An administrative code—the Code of Access to Information—is intended to ensure open access to government records, but official adherence is inconsistent, prompting local journalists and watchdog groups to urge the government to give freedom of information requirements the force of law. In March 2014, after a year-long investigation into the territory's existing access to information regime, the Office of the Ombudsman concluded that Hong Kong needed an FOI law. The government responded by stating that it would defer a decision on FOI legislation until after the release of a Law Reform Commission subcommittee report on the issue. Law Reform Commission secretary Stephen Wong Kai-yi said the subcommittee's report was expected before 2016.

As part of the broader effort to ensure citizens' right to freedom of information, the ombudsman also recommended in March that the government enact an archive law to preserve government documents. In May it was revealed that the Food and Health Bureau and the Labor and Welfare Bureau had not saved any files in government archives in at least three years. However, the executive branch again cited an ongoing Law Reform Commission subcommittee study as its reason for not considering archive legislation in 2014. The Hong Kong Journalists Association (HKJA) has expressed its suspicion that the government uses Law Reform Commission studies as a pretext to delay legal reforms. The watchdog group noted in its 2014 annual report that such studies often take several years to complete and produce recommendations that the government is not obligated to follow.

On March 3, 2014, a new Hong Kong Companies Ordinance took effect, but controversial provisions restricting the disclosure of company directors' residential addresses and identification numbers, which would pose serious obstacles to investigative reporting, were not put into operation. At year's end, these provisions were still under consideration by the government. Separately, the Legislative Council's constitutional affairs panel abandoned efforts to advance a blanket antistalking law that was first proposed by the Law Reform Commission in 2000. Journalists had warned that a broadly defined antistalking law could be abused to suppress press freedom.

Press freedom advocates continue to question the selective application of the Broadcasting Ordinance and the constitutionality of existing procedures for granting licenses to new media outlets, as the decisions to grant or refuse licenses are made by the executive branch rather than an independent body.

## Political Environment

Hong Kong's media remain relatively outspoken, featuring a high degree of professionalism and vigorous political debate. However, media self-censorship poses a serious threat to free expression in the territory. According to a survey conducted by the HKJA between December 2013 and February 2014, local journalists believe that self-censorship is common. The respondents gave an average rating of 6.9 on a 0–10 scale, with 0 representing no self-censorship and 10 indicating that it is very common. The problem stems in part from the close relationship between local media owners and the central government in Beijing. Several owners sit on the Chinese People's Political Consultative Conference (CPPCC), an advisory body that has little real influence over government policy but is used by the Chinese Communist Party (CCP) to co-opt powerful members of society. A number of Hong Kong media owners are also current or former members of the NPC, and many have significant business interests in mainland China.

Two prominent media figures were removed from their positions by employers in 2014, prompting accusations of censorship. In January, the parent company of Chinese-language daily *Ming Pao* reassigned chief editor Kevin Lau Chun-to to its electronic books and teaching materials division. During Lau's two years as chief editor, the newspaper pursued a

number of investigations into local officials and politically connected mainlanders, leading many of Lau's colleagues to suspect that his removal was part of an effort by Hong Kong's political establishment and the CCP to stifle the territory's independent media. *Ming Pao* staff protested managers' decision to replace Lau with Chong Tien-siong, a Malaysian national who had publicly expressed support for a failed 2012 CCP plan to introduce "patriotic education" to Hong Kong schools. At year's end, Chong had yet to officially assume the position of chief editor from editorial director Cheung Kin-bor, the acting chief editor.

In February 2014, Li Wei-ling, an outspoken government critic, was fired from her job as a radio host at Commercial Radio. Li claimed that the government had pressed the station to either fire her or jeopardize the renewal of its broadcasting license, which expires in 2016. Hong Kong chief executive Leung Chun-ying denied ever communicating with Commercial Radio about Li, and the broadcaster asserted that political pressure did not play a role in Li's firing. Local and international watchdog groups expressed concern about the case, and argued that the process by which the government issues broadcasting licenses needs to be more transparent.

In October 2014, the television station TVB broadcast footage of police officers beating an activist during the fall prodemocracy protests known as Occupy Central with Love and Peace, but within hours it replaced the video's voiceover to downplay allegations of excessive force. Three employees who prepared the initial clip were later demoted or otherwise disciplined by the company.

Reporters covering rallies or sensitive breaking news stories sometimes face assaults. The HKJA recorded two dozen attacks on journalists during the first month of the Occupy Central protests, which began in late September 2014 and at times featured violence by police or counterprotesters. Two journalists were arrested for allegedly assaulting police while recording their attempts to disperse protesters. Hong Kong journalists also face restrictions and intimidation when covering events on the mainland, limiting their ability to provide national news to the local population. Chinese authorities require journalists to obtain temporary press cards from the Liaison Office in Hong Kong prior to each reporting visit to the mainland, and to obtain the prior consent of interviewees. Even with accreditation, journalists from the territory have repeatedly been subjected to surveillance, threats, beatings, and occasional jailing when reporting on the mainland.

Targeted, retaliatory violence against media workers, although relatively rare in Hong Kong, has occurred more frequently in recent years. On February 26, Kevin Lau, the recently reassigned chief editor of *Ming Pao*, was assaulted by two men while on his way to work. One of the assailants hacked Lau's back and legs with a meat cleaver, leaving him with serious long-term injuries. Many local media outlets, politicians, and rights groups condemned the attack as an assault on press freedom. Because many past cases of violence against Hong Kong journalists have gone unsolved, some media outlets expressed concern that the perpetrators and any possible organizers of the Lau attack would not be brought to justice. In March, police arrested 11 people in connection with the case, including two men who were charged with carrying out the assault. As of the end of 2014, none of the suspects had been brought to trial.

Separately in March, two executives of the *Hong Kong Morning News*, a Chinese-language newspaper that was scheduled to be launched in the summer of 2014, were reportedly beaten by a group of four men wielding metal pipes. Police subsequently charged five suspects; at their arraignment in December, one pleaded guilty to carrying out the assault, while the four others denied participating in the crime.

Cyberattacks pose a growing threat to press freedom in Hong Kong. The website of *Apple Daily*, a tabloid newspaper that is critical of the Chinese government, suffered major cyberattacks throughout 2014. In February, the outlet reported that a distributed denial-of-service (DDoS) attack had effectively shut down its Hong Kong and Taiwan websites for several hours. Then, in the midst of an unofficial referendum on election reform organized by Hong Kong prodemocracy activists in June, the media outlet became the target of the largest DDoS attack in history, with junk traffic to its websites reaching 500 gigabits per second and causing a “total collapse” of the sites on June 18, according to owner Jimmy Lai. The computer systems of *Apple Daily* and parent company Next Media sustained further attacks during the Occupy Central protests, as did the e-mail accounts of Next Media executives. Lai himself was harassed and briefly arrested at protest sites late in the year, and he stepped down as his company’s chairman in December.

## Economic Environment

Dozens of daily newspapers are published in Chinese and English. Hong Kong’s residents have access to satellite television and international radio broadcasts from services such as the British Broadcasting Corporation (BBC). There are no official restrictions on internet access in Hong Kong, and the territory has one of the highest usage rates in Asia, with at least 74 percent of the population accessing the medium as of 2013.

Radio Television Hong Kong (RTHK) operates as an independent department in the government and earns high public-approval ratings for its critical coverage of the authorities. However, since the government issued a new charter in 2011 that vowed to promote China’s official “one country, two systems” policy toward Hong Kong, there have been concerns over mounting political pressure on RTHK’s editorial independence.

Publications known for their criticism of the Chinese central government have reported difficulties in attracting advertisers in recent years because of fears among private business owners that the association would damage their economic interests on the mainland. In 2014, as a confrontation over Hong Kong’s electoral reform loomed, a number of companies began pulling their advertisements from such outlets. In January, the head of *AM730*, one of Hong Kong’s few remaining print newspapers without a pro-Beijing editorial perspective or ties to the CCP, revealed that mainland Chinese companies had recently started to withdraw their advertising from his publication. Separately, Mark Simon, an executive at Next Media, announced in June that the British-based multinational banks HSBC and Standard Chartered had pulled millions of dollars in advertising from *Apple Daily* starting in late 2013. Simon attributed the decisions to pressure from Beijing, though the banks and the Chinese

government's Liaison Office in Hong Kong denied the claim. *Apple Daily* also suffered financially from efforts by thuggish Occupy Central counterprotesters to disrupt distribution of the paper and destroy copies en masse. In July, the prodemocracy news website House News shut down, with the owner citing political pressure and a lack of advertisers.