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Freedom of the Press 2012 - Hong Kong

2012 Scores

Press Status: Partly Free**Press Freedom Score:** 33**Legal Environment:** 11**Political Environment:** 13**Economic Environment:** 9

Although freedom of expression is protected by law and Hong Kong media remain lively in their criticism of the territory's government, political and economic pressures narrow the space for free expression. In 2011, several incidents raised concerns that the editorial independence of public broadcaster Radio Television Hong Kong (RTHK) was under threat, and Hong Kong authorities infringed on journalists' ability to report certain events.

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 Chinese National People's Congress to make final interpretations of the Basic Law, Chinese surveillance in the territory, and the economic interests of media owners involved in the Chinese market. Hong Kong has no freedom of information law; an administrative code is intended to ensure open access to government information, but a January 2010 report by the ombudsman found "considerable misunderstanding" among some officials about their responsibilities with regard to transparency. Records were refused for no reason, or for inappropriate reasons, the ombudsman found, citing a lack of training among government staff. The report ignited calls by local journalists and watchdog groups to give freedom of information requirements the force of law.

Press freedom advocates continue to express concerns over the selective application of the Broadcasting Ordinance and the constitutionality of existing procedures for granting licenses to new media outlets. Decisions to grant or refuse licenses are made by the executive branch rather than an independent body. The prodemocracy station Citizens' Radio, whose broadcasting license application is still pending, has faced repeated raids and prosecutions for its broadcasts, but continued operating in 2011. In November, five lawmakers from Hong Kong's Democratic Party won an appeal against their conviction for speaking on the radio station. The defendants had each been fined HK\$1,000 (US\$129) in 2009 for participating in a 2008 Citizens' Radio forum. To date, only two broadcast companies, Television Broadcasts Limited (TVB) and Asia Television Limited (ATV), have licenses to compete in the free-to-air television market. The lack of competition has led to doubt about the diversity of news coverage, according to the Hong Kong Journalists Association (HKJA). In 2011, the government announced that it would be issuing more free-to-air television licenses. By the end of the year it was evaluating at least three applications from prospective broadcasters, but no decision had been announced. In a case that raised questions about Chinese journalists' ability to work in the territory, the immigration department delayed an application for a work visa by outspoken mainland journalist Zhang Ping, who applied to work as editor of the online magazine *Sun Affairs*. Observers reported that while replies are typically obtained within four weeks, Zhang had not received a response five months after submitting the application.

Increasing media self-censorship poses a serious threat to free expression. In recent years, Beijing's influence over the news, publishing, and film industries has increased, prompting greater restraint on issues deemed sensitive by the Chinese central government. An April 2011 survey by the University of Hong Kong's Public Opinion Programme found that 54 percent of

respondents believed that the media self-censored, the highest rate since Hong Kong's 1997 handover from the United Kingdom to China. Such self-censorship stems in part from the close relationship between media owners and the central government. 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 ruling Communist Party to co-opt powerful members of society. Several media owners are also current or former members of the National People's Congress, China's rubber-stamp parliament, and many have significant business interests in mainland China.

In addition to self-censorship, Hong Kong media proactively reported certain information under the apparent influence of owners or managers during 2011. In an unusual incident in July, ATV erroneously announced the death of former Chinese president Jiang Zemin. A subsequent investigation found that the senior vice president of the company had pressured news managers to air the unverified report, despite their objections. In December, the Hong Kong Broadcasting Authority fined the station a record HK\$300,000 (US\$39,000) for the false report. Many in Hong Kong speculated that ATV shareholder and Beijing-friendly businessman Wang Zheng was the source of the editorial interference, though he has denied any involvement and no conclusive evidence had been found by year's end. In another set of incidents, pro-Beijing media such as the newspaper *Ta Kung Pao* vigorously attacked two professors, *Apple Daily* owner Jimmy Lai, the local head of the Roman Catholic Church, and a talk-show host – all of whom are known for being critical of the Chinese central government, for supporting the Hong Kong prodemocracy camp, or for granting interviews to independent Chinese news outlets.

Violence against journalists is rare in Hong Kong. However, in 2011 the authorities appeared more heavy handed than usual in obstructing journalists' ability to freely report on important events. In July, at least 19 reporters were pepper-sprayed by the police when they found themselves caught between police and protesters demonstrating against the Hong Kong government. During the demonstration, the police also arrested citizen journalist David Cheung and Kiri Choy (also reported as Cai Wenwen), a 19-year-old intern for New Tang Dynasty Television (NTDTV), a New York-based station founded by Falun Gong practitioners that broadcasts uncensored news into China. Although NTDTV faxed the police station proof of Choy's identity as a journalist, she was held overnight. Choy was initially charged with obstruction of a public place, but the charge was dropped in September after she filed a lawsuit for unlawful detention. In August, during a trip to the territory by Chinese vice premier Li Keqiang, authorities took unprecedented measures to limit reporters' ability to cover the visit. Journalists were kept far from Li and prevented from observing his public events. Several cameramen reported that uniformed or plainclothes police had stopped them from filming. Separately, after the Legislative Council moved to a new complex in 2011, the government issued new security rules that restricted journalists' ability to interact with lawmakers relative to conditions at the old building. The HKJA complained that journalists were barred from interviewing lawmakers in the corridors, that the rules stated "interviews should be related to the meetings held" (ostensibly restricting their scope), and that the new arrangement for photography and electronic media "deviate from press norm," with television feeds of the chamber provided by a production team in the employ of the Legislative Council Secretariat. In one instance in October, the official footage reportedly excluded an incident in which two lawmakers were removed from the chamber for unruly behavior. Also in October, security guards blocked photographers from taking photos of Chief Executive Donald Tsang and from approaching lawmakers at the new Legislative Council building.

Hong Kong journalists face restrictions and intimidation when covering events on the mainland, limiting their ability to provide national news to the local population. Mainland authorities require journalists to obtain temporary press cards from Beijing's 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. In 2011, such incidents were especially common when journalists from Hong Kong were reporting on online calls for a Tunisian-style "Jasmine Revolution" in Beijing and Shanghai in February.

Hong Kong's media are outspoken. There is a high degree of professionalism, and political debate is vigorous. Dozens of daily newspapers are published in Chinese and English, and residents have access to satellite television and international radio broadcasts from services like the British Broadcasting Corporation. In 2011, controversy continued to surround RTHK, which operates as an independent department in the government and earns high public-approval ratings for its critical coverage of the authorities. After rejecting proposals to turn RTHK into an independent public broadcaster in 2009, the government issued a new charter that redefined its mission to include promotion of the official "one country, two systems" policy on Hong Kong's autonomy within China, among other changes. Some warned that this could threaten the station's editorial independence. Several incidents during the year added to these concerns. In September, a new director of broadcasting was appointed – Roy Tang Yun-kwong, previously the deputy secretary of the Labour and Welfare Bureau. His appointment marked the first time since the 1930s that a civil servant was "parachuted in" to lead RTHK; typically directors were appointed from within the station. In November, two popular current affairs talk-show hosts at RTHK were informed that their contracts would not be renewed; one had been with the station for 12 years and the other for 7 years. Publications known for their criticism of the central government, such as *Apple Daily* and the *Epoch Times*, 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.

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There are no restrictions on internet access in Hong Kong. The region has one of the highest internet usage rates in Asia, with 75 percent of the population accessing the medium during 2011.

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