

**Press Freedom on the Brink in Hong Kong**  
**The Great Shock of China's National Security Law**

January 2021

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## Abstract

Until fairly recently, Hong Kong relatively enjoyed press freedom even after the 1997 reversion to China under the framework of “One Country, Two Systems.” However, in June 2020, China enforced the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (hereinafter referred to as “the security law”), which includes the imposing of punishment, life imprisonment as the maximum, for the offences of secession, subversion, terrorist activities, and collusion with a foreign country or with external elements. The security law also stipulates the government policy to strengthen its control over the media, the internet and the like. In August, the founder and some other members of the Apple Daily newspaper—the only major media in Hong Kong critical of the Chinese government—were temporarily taken into custody on suspicion of violating the security law, and the police raided its headquarters.

The author conducted online interviews with 16 individuals involved in the Hong Kong media, based on which this paper examines the influence of the security law on the media. Many of the interviewees pointed out the ambiguity of the security law, showing their grave concern that what actions constitute “inciting,” “abetting” or “collusion with a foreign country or with external elements” would be determined based on the arbitrary interpretation by the central government. When asked about the future of the Hong Kong media, almost all of them said that they could see no hope in the short term unless there would be changes in the mainland China.

Many mentioned internet media as their only hope, but the interviews also revealed various challenges facing the media including the shortage of financial and human resources, because of which they cannot conduct satisfactory reporting. On top of this, some touched on the latest trend of continuous emerging of pro-China media on the internet aiming to attract young people, by, for example, letting internet celebrities known as Wang Hong make comments on YouTube. Amid China’s exercising influence, we cannot take our eyes off Hong Kong’s press freedom that is standing on a brink.

## Introduction

Press freedom is truly on the brink in Hong Kong. The reason is the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (hereinafter referred to as “the security law”), which went into force on the day it was adopted by China’s Standing Committee of the National People’s Congress in June 2020. The law imposes life imprisonment as the maximum punishment for offences of secession, subversion, terrorist activities, and collusion with a foreign country or with external elements. The security law also stipulates the government’s policy to strengthen its control over the media, the internet and the like. In August, one month after the enforcement of the law, Jimmy Lai Chee-Ying, the founder, and some other members of the Apple Daily newspaper—the only major media in Hong Kong critical of the Chinese government—were temporarily taken into custody on suspicion of violating the security law, and the police raided its headquarters (hereinafter referred to as the “Apple Daily Incident”). Also, in November, a news program producer of Hong Kong’s public broadcaster RTHK (Radio Television Hong Kong) was arrested by the police on suspicion of violating the Road Traffic Ordinance when she tried to find out the owners of vehicles from their license numbers when she was making a documentary to investigate the incident where protesters were attacked by a group of people wearing white shirts during the demonstrations against the fugitive offenders extradition bill (hereinafter referred to as the “Anti-extradition Movement”)<sup>1)</sup> of 2019.

This paper gives the details of the security law and an account on how the security law was established. In addition, it provides an overview of how people in the Hong Kong media are reacting to the law, the changes in the media environment in Hong Kong some 20 years after the handover of Hong Kong to Chinese rule, and an outlook of the future of the Hong Kong media. I asked 20 people involved in the Hong Kong media for interviews, but four rejected my request. Of these four people three were those whom I had interviewed in the past, so I could sense that people in the media have become cautious of talking to people from the outside with the security law in force. The interviews to those 16 who accepted my request were done online, using WhatsApp and Skype. The interviews were carried out mainly in Mandarin Chinese. As for the Hong Kong government, I submitted questions in writing at its request as I have done before.

This paper comprises the following chapters. The public broadcaster, RTHK, which is increasingly under pressure of the authorities these days, is discussed in a separate chapter.

## **I. Details on how the security law was enacted and outline of the law**

## **II. General state of the Hong Kong media**

## **III. Chinese government strengthens control sparked by the “500,000-marcher demonstrations” against the security law**

## **IV. Enactment of the security law and reactions of people involved in the media**

## **V. “Pressure” on public broadcaster RTHK**

## **VI. Conclusion**

## **I. Details on how the security law was enacted and outline of the law**

The security law is officially called the “Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region,” and was enacted by China to be applied in the Hong Kong Administrative Region. Based on the Basic Law of Hong Kong, enacted by China in 1990, Hong Kong was supposed to enjoy a high level of autonomy under the “One Country, Two Systems” framework as a Special Administrative Region after its handover from the United Kingdom to China in 1997. But on the other hand, Article 23 of the Basic Law of the Hong Kong requires Hong Kong itself to enact a law concerning the national security of China and prohibit any acts which hinder maintaining the nation’s sovereignty and territorial integrity. The Hong Kong government began working on enacting the security law from between 2002 and 2003, when Chief Executive Tung Chee-Hwa was in office. But 500,000 marchers took to the streets on July 1, 2003, protesting the security law and Chief Executive Tung was forced to shelve the enactment of the law. Thereafter, the Hong Kong government was reluctant to enact the law being apprehensive of the citizens’ objection. Then, major civil movements erupted, like the “Umbrella Movement”<sup>2)</sup> in 2014, which demanded fully free democratic elections, and the “Anti-extradition Movement” in 2019. The movements aroused a sense of crisis in the Chinese government, and so China decided to enact the security law by itself.

The security law was enacted as follows. In 2020, the National People’s Congress of the People’s Republic of China (NPC) was postponed from March, when it was normally held, to May, due to the spread of the new coronavirus. And on the night of May 21, 2020, the day before the NPC opened, a spokesperson of the NPC abruptly announced the government’s policy to enact the security law. On May 28, 2020, the closing day, the NPC officially decided on the enactment of the security law. After that, on June 30, the NPC’s Standing Committee

adopted the security law and the full text of the law was made public for the first time. The Hong Kong government put the law into force on the same day.

The security law starts with Chapter 1 on General Principles followed by chapters on the Duties and the Government Bodies of the Hong Kong Special Administrative Region for Safeguarding National Security; Offences and Penalties; Jurisdiction, Applicable Law and Procedure; Related Organization of the Central People's Government; and Supplementary Provisions in the final Chapter 6. In total, the law comprises 66 articles under the above chapters. The main articles of the security law are as follows.

Article 1 of Chapter 1 clearly states that under the policy of ensuring full implementation of the "One Country, Two System" framework with the "people of Hong Kong administering Hong Kong with a high degree of autonomy," the law was enacted to prevent and impose punishment for the offenses of "secession," "subversion," "organization of terrorist activities" and "collusion with a foreign country or with external elements to endanger national security." Article 4 states that the Hong Kong government shall respect and protect human rights in safeguarding national security, and Hong Kong residents enjoy the freedoms of speech, the press, publication, association, assembly, and demonstration under the Basic Law of Hong Kong. In Article 5, it is stated that the principle of the rule of law shall be followed in imposing punishment on offenses of endangering national security, and a person is presumed innocent until the person is convicted by a judicial body. Article 6 provides that safeguarding the sovereignty, unification and territorial integrity of the nation is the common responsibility of all of the people of China, including Hong Kong.

And the following Chapter 2 includes articles that people involved in the media consider especially problematic. The provisions of some articles could make the above Articles 4 and 5 meaningless. In Article 9 it is stated as follows:

**"The Hong Kong Special Administrative Region shall strengthen its work on safeguarding national security and prevention of terrorist activities. The Government of the Hong Kong Special Administrative Region shall take necessary measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, including those relating to schools, universities, social organizations, the media, and the internet."**

In the backdrop of this article is the fact that the main members of the 2014 Umbrella Movement and the 2019 Anti-extradition Movement were students and members of citizens groups, and during the Anti-extradition Movement, especially, images of the police violently attacking citizens were transmitted around the world through internet media.

In Article 14, it is stated that the work of the Committee for Safeguarding National Security of Hong Kong shall not be intervened in by other institutions or organizations, information on the work of the committee may not be disclosed, and decisions made by the committee cannot be amended by the courts. Article 15 provides that the Committee for Safeguarding National Security of Hong Kong shall install a post of National Security Adviser, and an adviser shall be appointed by the Central People's Government to give advice on matters relating to the duties and functions of the committee and to participate in the meetings of the committee. It looks like the post of the National Security Adviser, controlled by the Central People's Government, will have power that surpasses that of judicial independence which had been established in Hong Kong.

In Chapter 3, the offenses and punishments are given in detail. And in Article 20 of Part 1, the elements that constitute the crime of secession are provided as follows.

**“A person who organizes, plans, commits or participates in any of the following acts, whether or not by force or threat of force, with a view to committing secession or undermining national unification shall be guilty of an offence.”**

Then it is clearly stated that the offence applies to acts of separating Hong Kong or any other region of China from the People’s Republic of China, surrendering Hong Kong to a foreign country, and other like acts. As for the punishment, life imprisonment or an imprisonment not less than 10 years is sentenced to the main offender or persons who commit a grave offence. This article supposedly is aimed at persons like Andy Chan Ho-Tin, the then head of the Hong Kong National Party, who called for the independence of Hong Kong when he lectured at the Hong Kong Foreign Correspondences’ Club in 2018.

In Article 22 of Part 2, the elements that constitute the crime of subversion are provided as follows.

**“A person who organizes, plans, commits or participates in any of the following acts by force or threat of force or other unlawful means with a view to subverting the State power shall be guilty of an offence”**

In detail, the acts listed are overthrowing the basic system of the People’s Republic of China established by the country’s Constitution, overthrowing institutions of the People’s Republic of China or the Hong Kong Special Administrative Region, obstructing such institutions from enforcing the laws, and attacks and damages on the premises and facilities of institutions of the Hong Kong government so that they cannot carry out their normal functions. And punishments equal to that of secession -- the main offender and persons who committed serious offenses will be sentenced to life imprisonment or imprisonment of not less than 10 years -- are laid down. It looks like the punishments target some demonstrators of the Anti-extradition Movement who gathered in front of the Liaison Office, a local agency of the Central People’s Government, and threw ink on the national emblem of China posted at the entrance or it could also be applied to those who broke in and vandalized the Legislative Council building. In addition, there is no guarantee that publications in Hong Kong, such as magazines critical of the Chinese Communist Party, will not infringe on the law.

In Article 23, it is stated that a person who incites, assists, or provides financial assistance for the offences of secession or subversion shall be sentenced to imprisonment of five years or more and not less than ten years, if the crime is serious.

In Part 3, “Terrorist Activities,” Article 24 stipulates “serious violence against people,” “use of explosives and arson,” “sabotage of transport facilities,” “disruption or destruction of water, electric power, gas, telecommunications and the internet and other systems” to threaten the government and realize his or her own political convictions are criminal offenses. In addition, if a person kills or inflicts serious bodily injury to another, or inflicts serious loss of public or private property, the person will be sentenced to life imprisonment or imprisonment not less than ten years. Equally, from Articles 25 to 27, it is stated that acts of organizing or leading terrorist organizations, providing weapons or funds to terrorist organizations, and promoting terrorist activities are considered as offenses and punishments are laid down. It is considered that these articles aim at punishing acts of violence such as those carried out by some young demonstrators, the so called “the valiant,” who threw firebombs and broke street lights equipped with surveillance cameras during the anti-extradition demonstrations.

Part 4 is on “Collusion with a Foreign Country or with External Elements to Endanger National Security.” Article 29 stipulates that “spying, obtaining and providing State secrets to a foreign country or foreign organization” constitute a criminal offense. Some concrete examples are “rigging or undermining an election in the Hong Kong Special Administrative Region, which

is likely to cause serious consequences,” and “imposing sanctions or blockade, or engaging in hostile activities against the Hong Kong Special Administrative Region or China.” Another crime is “provoking by unlawful means hatred among Hong Kong residents towards the Central People’s Government or the Government of Hong Kong.” Jimmy Lai Chee-Ying, the founder of the newspaper Apple Daily, was arrested on suspicion of “colluding with a foreign country or with external elements.” It seems that his relationship with the United States was especially considered problematic.

Part 6 gives the scope of application of the security law. Article 38 says that the security law applies to a person who is not a citizen of the Hong Kong who commits offences under the security law from outside Hong Kong. This means, for example, if a Japanese national participates in activities to support the independence of Hong Kong, that person may be detained under the security law if he or she enters Hong Kong.

Chapter 4 provides the “Jurisdiction, Applicable Law and Procedure” for the cases. Article 41 stipulates that, in principle, trials will be conducted in an open court. But for cases concerning state secrets, which are unfit to be opened to the public, the media or the public will be prohibited from attending all or part of the trial. On the other hand, it states that the sentence will uniformly be made public. It looks like the trial will be close to that of mainland China for political offenders. If a person is suspected of endangering national security, Article 43 allows the government to order the surrender of travel documents and prohibit the person from leaving the region. In addition, the article says the Chinese government may demand political organization of a foreign country or outside China (it seems “outside China” mainly points to Taiwan and overseas Chinese democratic organizations) and their agents to provide material. When the founder and other members of the Apple Daily were arrested, the court issued an order, on a request from the police, to the Hong Kong branch of the Japanese financial daily NIKKEI to provide material. This order is thought to have been based on this article. In Article 43 it is also said that if a person is suspected on reasonable grounds of being involved in an offense endangering national security, that person’s communications may be intercepted and conducts put under covert surveillance upon approval of the chief executive. This means communications of journalist who write articles critical of the government may be intercepted by the authorities.

Article 44 stipulates that the chief executive of Hong Kong shall select several judges, including those from the Court of Final Appeal, the supreme court of Hong Kong, who will handle cases concerning offenses of endangering national security. This implies cases concerning the security law will be handled by judges appointed by the chief executive, which suggests the independence of judicial powers, which had been maintained after the handover, is in reality negated.

Chapter 5 lays down provisions for the Office for Safeguarding National Security, which will be set up in Hong Kong by the Central People’s Government. In Article 48, it is stipulated that the Central People’s Government will set up an office for safeguarding national security in Hong Kong. And in Article 49, it is said that the duty of the office is to “oversee/guide” the Hong Kong government in performing its duties to safeguard national security. Article 55 says in complex cases involving foreign countries or external elements which are too difficult for the Hong Kong government to exercise jurisdiction, the office will exercise jurisdiction over the cases.

Chapter 6 provides supplementary provisions. Article 62 stipulates, “This Law (security law) shall prevail where provisions of the local laws of the Hong Kong Special Administrative Region are inconsistent with this Law.” This means that the security law has priority over all laws of Hong Kong.

As seen, it can be said that the provisions of the security law powerfully restrict Hong Kong’s freedoms of speech and press. But the security law is not the first tool the Chinese government has used to strengthen control over the Hong Kong media. The Chinese government began to strengthen its control from at least around 2004. In the following chapters, I will take a look at the situation surrounding the Hong Kong media and look back on the history of the Chinese government exercising its power over the media in Hong Kong.

## **II. General state of the Hong Kong media**

Hong Kong was a colony of the United Kingdom, so even after the handover of the entire region to Chinese rule in 1997, the language used by main media outlets was divided between Chinese (Cantonese and Mandarin) and English.

Of the main newspapers, those published in the Chinese language (Cantonese and Mandarin are about the same in writing) are Oriental Daily News, Apple Daily, Hong Kong Economic Journal, Ming Pao Daily News, Sing Tao Daily and some others. Chinese-government-run Wen Wei Po, Ta Kung Pao and Hong Kong Commercial Daily are also published in the Chinese language. South China Morning Post, Standard and some others are published in the English language. Television stations operating in Hong Kong are terrestrial television stations TVB (Television Broadcasts), HKTVE (Hong Kong Television Entertainment), Fantastic TV transmitted free of charge via optical fiber cables, cable television station i-Cable, and internet protocol television (IPTV) Now TV and some others. TVB, HKTVE, and Fantastic TV have both Chinese and English channels. i-Cable and Now TV are multi-lingual, broadcasting mainly in Cantonese, Mandarin and English. Phoenix TV, which is close to the Chinese government, broadcasts mainly in Mandarin, but its programs essentially target audiences in the Chinese mainland. Originally, public broadcaster RTHK mainly broadcast on radio and didn’t have its own television channel. The television programs it made were provided free of charge to terrestrial television stations like TVB, and broadcast during the golden hours. In digitalizing RTHK, it started test broadcasts on terrestrial digital channels in 2014, and currently broadcasts on three channels (mainly in Cantonese and Mandarin). As for radio, RTHK has a total of seven channels broadcasting in Cantonese, Mandarin and English. Commercial radio stations Commercial Radio Hong Kong and Metro Broadcast Corporation Limited each have three channels, broadcasting mainly in Cantonese.

Their political stances are as follows. The absolutely pro-Beijing media are Wen Wei Po, Ta Kung Pao, Hong Kong Commercial Daily and Phoenix TV, and those somewhat pro-Beijing are TVB, Sing Tao Daily, Standard, Oriental Daily News and some others. Those who are thought to conventionally hold a neutral stance but are now said to have become somewhat pro-Beijing are South China Morning Post, Hong Kong Economic Journal and Ming Pao Daily. It seems Now TV, i-Cable and RTHK are also becoming pro-Beijing. Currently, the only existing media critical of the Chinese government, as far as the author can see, is Apple Daily (see Table).

**Table: Basic structure of conventional Hong Kong media**

	Newspapers	TV
Pro-Beijing	Wen Wei Po Ta Kung Pao Hong Kong Commercial Daily	Phoenix TV
Somewhat pro-Beijing	Sing Tao Daily Standard Oriental Daily News	TVB
Neutral → somewhat pro-Beijing	South China Morning Post Hong Kong Economic Journal Ming Pao Daily News	
Neutral → beginning to be somewhat pro-Beijing?		i Cable Now TV RTHK
Critical of Beijing	Apple Daily	

On the other hand, from 2007 to 2014, internet media such as MyRadio, SocREC, Ragazine, D100 Radio, meme, and Post 852 started services one after the other. And from 2015 to 2017, Hong Kong Free Press, FactWire, Kinliu.hk, Hong Kong 01 and Hong Kong Citizen News started services successively, as if hundreds of flowers were blossoming. Of these, MyRadio, Ragazine, D100 Radio and meme are internet radio stations. SocRec is a website for video recordings of social incidents, and others are basically text websites<sup>3)</sup>.

### **III. Chinese government strengthens control sparked by the “500,000-marcher demonstrations” against the security law**

After Hong Kong’s return to Chinese rule in 1997, the Chinese government had been hoping to apply the “One Country, Two System” framework to Taiwan. But Taiwan had been ruled by its own political system under the name of the “Republic of China” for more than 50 years, and unlike Hong Kong, it also has its own armed forces. For China, therefore, appealing the success of the “One Country, Two System” framework in Hong Kong was indispensable for a peaceful unification of Taiwan to China. So for a while after the handover, China refrained from openly intervening in the Hong Kong media. For example, in 1998, Tsui Sze-Man, the president of the pro-Beijing magazine Mirror, strongly criticized RTHK, saying, “RTHK is using public money to chant criticism of Chief Executive Tung Chee-Hwa and the Chinese government. RTHK should be the China National Radio (China National Radio is a national radio station in Beijing which is under a strong control of the Chinese government) of Hong Kong.” At that time, Chief Executive Tung Chee-Hwa took an equivocal attitude in the beginning. But when public opinion became critical of him, he changed his course and said, “The Special Administrative Region government ensures the freedom of speech,” and the pro-Beijing camp laid down its arms<sup>4)</sup>.



Such relatively self-restraining attitude of the Chinese government changed when the “500,000-marcher demonstrations” against the security law erupted on July 1, 2003. The Chinese government judged that the reason the demonstrations drew so many protesters was the Hong Kong media’s intense reporting of the incident, which “added fuel to the fire.” And thereafter, the Chinese government began taking measures to strengthen its control over the Hong Kong media. Actually, what the media did at the time was to report on issues that were drawing the attention of the public with a conventional journalism attitude. But the Chinese government could not accept the function of the media that objected to the government’s policy. According to Johnny Lau Yui-Siu, a former reporter of a pro-Beijing media and now a political commentator in Hong Kong, in the beginning the government adopted four rather relaxed measures instead of directly placing restrictions as methods to strengthen control:

1) Buying out Hong Kong media stocks

Chinese mainland firms invest in broadcasters and newspapers whose operations had become unprofitable and take control of the business.

2) “Manipulation” of media owners

Give privileges to owners of Hong Kong media outlets, who are mostly financiers, in doing business in the Chinese mainland, or give them honorary posts in the Chinese mainland such as becoming a representative of the National People’s Congress.

3) “Manipulation” of executives of the media

Invite executives of the Hong Kong media to visit the Chinese mainland or provide “scoop” stories.

4) Advertisements

Place advertisements of Chinese mainland firms on the media and (if a problem occurs) take them down.

These moves continued from 2004. A notable incident that occurred in 2012 was the intervention in digital radio station DBC (Digital Broadcasting Corporation), founded by commentator Albert Cheng King-Hon, known for his outspoken criticism of the government, by the top shareholder, a financier who operated a real estate business in the Chinese mainland. By this intervention, DBC was forced to stop broadcasts only six months after its start (Broadcasts were resumed after Albert Cheng King-Hon sold his DBC stocks). Also in the same year, it was revealed that the chief editor of South China Morning Post, known as a quality newspaper in Hong Kong for a long time, cut out a substantial part of an article on the inexplicable death of a democratic activist of the Chinese mainland at his own discretion. This incident put a question mark on the credibility of the newspaper<sup>5)</sup>.

These methods to appease the Hong Kong media were mainly economic measures. Thereafter, the government began to place pressure on the media and force them to obey. Which means the government began to take not only economic measures but administrative or political measures. One example is a case concerning the licensing of television stations. Three firms submitted license applications for new free-of-charge television stations to the Hong Kong government. But in October 2013, the Hong Kong government denied license for HKTV (Hong Kong Television, former City Telecom), which was most enthusiastic about getting the license, and announced that basically the applications of the remaining two firms will be approved.

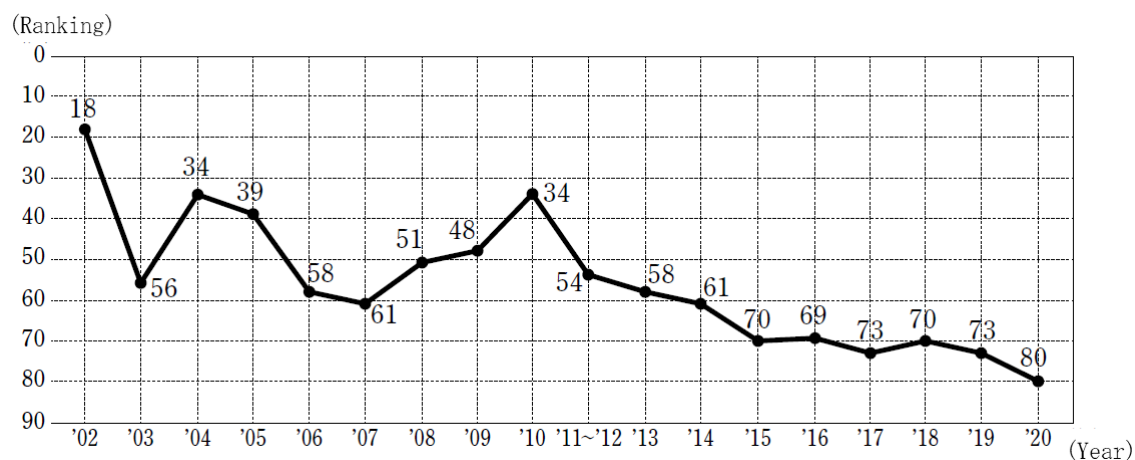
Reporters asked the authorities repeatedly why HKTV's application was rejected, but the authorities refused to make the reason public saying, "Discussions of the Executive Council (the Cabinet) are confidential." But in 2011, the then Hong Kong Broadcasting Authority, which license and regulate the broadcasting industry, had submitted a proposal on licensing free-of-charge television stations which said that "all three stations should be licensed." The government's decision to ignore the proposal was strongly rejected by the public. According to persons working in the media, it was assumed that the government considered ill effects on terrestrial television stations TVB (Television Broadcasts) and ATV (Asia Television), thought to be pro-Beijing, if HKTV, an adventurer of the industry, newly participated in free-of-charge television broadcasting. (ATV lost its license in 2016 after its business went bad.)

Around then, in addition to licensing issues, problems on personnel affairs began to arise frequently. In October 2013, it was reported that Chief Executive Leung Chun-Ying was increasingly discontented with Siring Li Wei-Ling, a popular program host on Commercial Radio Hong Kong known for her tough criticism of the Hong Kong government, and demanded that if Commercial Radio Hong Kong wanted to renew its license in 2016 without any problem it should fire her. Half a month later, Li's program was moved from the morning time frame, when the audience rating is high, to the afternoon time frame, when the rating is low. Li protested saying that she was told from the head of the radio station that "if she didn't obey, she would be fired." She was officially dismissed in February 2014. As for the personnel affairs of media executives, in May 2013, Chan King-Cheung, chief editor of Hong Kong Economic Journal, was transferred to the digital division and in July of the same year, Alice Kwok Yim Ming took the office of chief editor. It was pointed out that, since then, the number of pro-Beijing articles increased in the paper. After that, the deputy editor and three other reporters left the paper together, protesting the deleting of articles by the chief editor. Furthermore, in January 2014, it was found that, Kevin Lau, the chief editor of Ming Pao Daily News, would suddenly be replaced with a chief editor of a Malaysian pro-Beijing media outlet. Some 90 percent of the employees demanded the management to give an explanation of the reassignment and signed a document demanding the management to clearly state that the newspaper's policy of independence of editorial rights and impartiality of journalism has not changed<sup>6)</sup>.

In this way, the Chinese government gradually strengthened its control over the Hong Kong media from around 2004. This can also be gathered from the transitions in the "Press Freedom Ranking" issued annually by RSF (Reporters Without Borders), an international body of journalist. When RSF first announced the rankings in 2002, Hong Kong was ranked 18th. The region was ranked highly in the world in terms of press freedom. But in 2012, it ranked 54th, then 70th in 2015 and its ranking continued to decline. Hong Kong was ranked 80th in 2020, hitting the lowest in its history. This ranking was announced in April 2020 and does not reflect the effects of the introduction of the security law (see Figure).

## Figure. Transition of Hong Kong's Press Freedom Ranking (RSF)

Based on Press Freedom Ranking (RSF)



## IV. Enactment of the security law and reactions of people involved in the media

We took a look at how the Hong Kong media began to exercise “self-regulation” (to minimize or not carry information unfavorable to the Chinese government) as the Chinese government gradually strengthened its control of the media. In this chapter, I will introduce the Hong Kong media’s reaction on the security law, which I have learned through online interviews with people involved in the Hong Kong media carried out between late September to late October 2020, some three months after the enforcement of the security law. My questions were on the following six points.

- Which article of the security law draws your attention?
- What are your thoughts on the “Apple Daily Incident” that happened after the enforcement of the security law?
- Have the media’s reporting or tone of articles changed with the enforcement of the security law?
- Three major incidents that occurred in the few years before the enforcement of the security law are the “Umbrella Movement,” Anti-extradition Movement,” and “new coronavirus pandemic.” What are your thoughts on the media’s reporting during that period?
- Can internet media contribute to maintaining press freedom in Hong Kong in the future?
- What do you think is needed to improve the environment surrounding the media in Hong Kong?

To confirm the positions of the political powers of Hong Kong on the security law, I will first introduce the comments of two persons, one is of the pro-Beijing camp and the other of the pro-democracy opposition party.

## Pro-Beijing Ip Kwok-Him Member of the Executive Council of Hong Kong

### “The security law has not greatly affected press freedom.”

Ip is the former vice-chairman of the pro-Beijing political party Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) and had been a member of the Legislative Council for three terms. His comment in a radio program that prohibiting the use of the internet is an option in a state of emergency became a controversy in 2019.



Photo:  
Provided by Ip himself

On the enactment of the security law, Ip said, “It’s good for the Hong Kong media that what they can or cannot do was made clear.” About the people in the media being increasingly apprehensive of the law, his opinion was that if the media report the facts there is no problem. He said if the media do not cross what the Chinese government consider the “red line,” such as reporting about the independence of Hong Kong, the security law does not affect the freedom of publishing or gathering news material. Then, are what may be done or not done really made clear? To see, I asked about the Hong Kong Foreign Correspondents’ Club (FCC) inviting a pro-independence politician Andy Chan Ho-Tin of the Hong Kong National Party to lecture at the club. Ip replied, “Chan’s Hong Kong National Party is an organization that asserts the independence of Hong Kong, so his discussions are unlawful. If his lecture is broadcast live, it would mean that his views would be introduced, publicized and promoted, which is different from studying or discussing [the matter] or visiting him. This is not an issue of press freedom; it is just unacceptable.” I asked what he thinks about the FCC asking Chan to do a lecture. He answered rather vaguely, saying, “It’s hard to judge if just asking Chan to do a lecture violates the security law or not. It is hard to say whether the FCC is directly unlawful, but things like that should not be repeated.” On the Apple Daily Incident, he said, “The police say the process is opened to the public, but I don’t know much about it, so it’s difficult to comment on it.” Unlike what he said at the beginning that “what the media can or cannot do is made clear,” in reality, it is actually not clear in some aspects. It can be said that this fact is not “good for the media.”

Ip assessed that internet media has much room to develop and a great deal of vitality, but on the other hand, there are issues of it spreading misinformation and fake news. He stressed that the current internet media is in a “state of anarchy,” and like other countries, establishing some sort of regulation and a moral standard is necessary.

As for the future media environment of Hong Kong, he said, “I can’t say that there is completely no worry.” And then talked about a 14-year-old junior high school student researching and reporting the anti-extradition demonstrations as a “teenage reporter.” He said, “Hong Kong has press freedom, but a teenager doing the reporting lacks professionalism. Having professionalism is a prerequisite for journalists to be respected. It’s not right that anybody can become a reporter.” His perception was that in order for the media to develop soundly, a certain amount of control is necessary.

## **Pro-democracy Claudia Mo Man-Ching Member of the Legislative Council**

**“The security law is a sort of ‘nuclear weapon.’”**

Mo was a reporter at Standard, an English language paper. She also had worked as a newscaster for TVB and RTHK. She was a journalist who had worked for a long time on the scene. Currently, she is a member of the Legislative Council belonging to the pro-democracy Civic Party. The interview was carried out in English at her request.



On the security law, she said, “The Chinese government couldn’t tolerate the situation in Hong Kong and used a sort of ‘nuclear weapon.’” Her opinion was that the law has had a great impact. Speaking of provisions on “collusion with a foreign country or with external elements” in the security law, she commented that the security law’s impact on the foreign media is great. She warned the author that if “you acquire off-the-record information from me in Hong Kong, you will be in trouble, too.”

On the Apple Daily Incident, Mo said, “It was expected, and they ‘dramatized’ their resolve that the ‘bad guy would be done with,’” and voiced her view that the whole incident was a warning to all journalists.

As for the future media environment in Hong Kong, Mo was pessimistic. She explained that since Hong Kong’s handover to China in 1997, self-regulation was widely adopted by the Hong Kong media, and the only exception was the internet media, but she indicated that she is not sure how long they can stay that way. She recognized that the pro-democracy camp remains an absolute minority<sup>7)</sup> in the Legislative Council and so it cannot do much, but said, “We want to remain in the Council and deliver the opposing voice to the world. We will never give up.” She stressed that they will keep on fighting for press freedom in the future. (After my interview, in November 2020, four pro-democratic members of the Legislative Council were stripped of their qualifications as members and 15 pro-democracy members resigned in protest, reducing the pro-democracy camp in the Legislative Council to near extinction.)

It can be said that basically the pro-Beijing camp support and the pro-democracy camp oppose the security law. But from Ip’s words, I sort of got an impression that the pro-Beijing camp does not wholeheartedly welcome the law. Now I will introduce the voices of people directly involved in the media in the following sections.

## **Cheung Kim-Hung Chief Executive Officer of Next Digital Limited and President of Apple Daily**

**“No matter how bad the environment becomes, we will keep on raising our voices.”**

Cheung is the head of Next Digital Limited that publishes Apple Daily. He is considered the right-hand man of Jimmy Lai Chee-Ying, the founder of Apple Daily. In the Apple Daily Incident, Jimmy Lai was arrested on suspicion of violating the security law, but Cheung was arrested on suspicion of fraud. According to Cheung, the department responsible for national security was in charge of the entire incident, and so his recognition was that, in reality, the two arrests were parts of one incident. About the handcuffed image of himself broadcast on



television, he said, “It must have been the instructions of high-ranking government officials. The officer in charge was, in my view, talking to me hesitantly.” On Apple Daily being searched by the police, he said, “The police are saying they did not search the news department, but just searching a media outlet has in itself a political meaning.” His opinion was that the authorities’ intention was to threaten the entire Hong Kong media.

Cheung first pointed out what is problematic is that the provisions of the security law are vague and interpretations could vary in some points. For example, he spoke on Article 29 which touches on “collusion with a foreign country or with external elements” and “provoking by unlawful means hatred among Hong Kong residents towards the Central People’s Government or the Government of the Region.” On this passage, Cheung said the media criticizing the government in its reporting is bound to provoke some degree of resentment toward the government in the residents. So he thinks it is unjust for the Chinese government to hold the right of interpretation on whether that sort of reporting is illegal or not. He said the security law is like a dagger (meaning the sword of Damocles) hanging over the media’s head. He indicated that his perception of the security law enacted this time is that it is the worst thing that could happen to the gradually deteriorating press freedom in Hong Kong.

On internet media, Cheung recognized issues in the quality of internet media today. But he said, “Online live broadcasting and citizen reporters strengthen the diversity of the media. A policy to shut them out will affect press freedom.” And on student media<sup>8)</sup>, whose professionalism and other issues are criticized by the pro-Beijing camp, he said, “If you don’t let them do something, they can’t grow and develop.” His opinion was that tolerating quality issues to a degree is part of press freedom.

On the media environment in Hong Kong, Cheung acknowledged that the breathing space left for press freedom has become tighter, but concluded, “The media needs to raise their voices no matter how much their environment has deteriorated. It is important to be active as long as there is room for freedom.”

### **Sang Pu Political Commentator, Lawyer**

#### **“I want 100 percent press freedom.”**

Sang escaped Hong Kong at the end of July after the security law was enacted. He went to Taiwan where he had studied for a while when he was a student. He is currently the chief director of the Hong Kong Taiwan Association, which has some 10,000 members consisting mainly of Hong Kong people living in Taiwan. Like Cheung, his life has been directly affected by the security law.

What Sang considers problematic are the terms like “incitement,” “overthrow,” “secession,” “collusion with a foreign country or with external elements,” which are clearly stated in the security law. He gave his view of the situation saying, “I decided to escape Hong Kong because



Photo:  
Provided by Sang himself

it was becoming increasingly dangerous. There is little chance that I would be able to return to Hong Kong soon.” He cited the slogan “100 percent press freedom,” the motto of Deng Nan-Jung, a journalist who founded the magazine the Freedom Era Weekly, advocating democratization and independence of Taiwan in the age of the Chiang dictatorship. Deng burned himself to death throwing gasoline on himself in front of the police who came to arrest him. Sang gave his thoughts as a political commentator and said, “My thinking is the same as Deng’s. There is no true freedom of speech in Hong Kong now. I don’t want to self-regulate.” On the current situation in Taiwan, he said, “I believe this is truly the place of liberal democracy. As Taiwan and Hong Kong are both under the pressure of China, we are in the same boat.” He stressed that, before, both Taiwan and Hong Kong people tended to look down on each other, but now they are strengthening respect and empathy toward each other.

Sang is a lawyer, so he also expressed his sense of crisis that the judiciary is beginning to lose its independence, giving the following reasons: With the security law in place, China has the right of interpretation; in complicated cases the suspect can be sent to mainland China; the confirmation letter issued by the chief executive has a binding power over the justices even when the suspect is tried in Hong Kong; and the fact that foreign justices<sup>9</sup>) who ensured the independence of the judiciary are beginning to leave Hong Kong, being disgusted of having to pass judgements that go against their convictions.

Sang who now lives in Taiwan sends out his political comments on Hong Kong by contributing to the Apple Daily, uploading them on YouTube, Facebook, and also on Patreon, a platform founded in 2013 for creators to contribute their work and collect donations. He contributes in Cantonese, so basically, he is making his appeal to the Hong Kong people.

The Apple Daily Incident greatly impacted Sang. He thinks the incident had a “chilling effect” on other reporters, forcing them to self-regulate. (A “chilling effect” has the power to restrict freedom of speech even if it is not clearly prohibited by law, like cicada gradually becoming motionless when it gets cold.) He says although on the surface it looks as though the tone of the media’s reporting has not changed in Hong Kong after the enforcement of the security law, if you look closely, you can see that self-regulation has deepened. Sang pointed out that “at present, TVB, i-Cable, Now TV, RTHK and some other conventional media outlets have already bowed before the authorities. Therefore, the role of Stand News, Hong Kong Citizen News and other internet media has become increasingly important.”

At the end of my interview, I asked what he thinks is necessary to improve the media environment in Hong Kong. Sang replied, “courage and wisdom.” He was optimistic and said Hong Kong will take back freedom in the mid-to-long term.

### **Simon Lau Sai-Leung Founder of internet radio station “Singjai”**

**“They can regulate the media, but they can’t win the hearts of Hong Kong people.”**

Lau is a journalist who has worked as the chief editor of a magazine and a program host at the radio station Commercial Radio Hong Kong. In 2012, he became the co-founder of internet

media House News, the predecessor to Stand News. After that, in 2014, he co-founded the internet radio station Singjai.



Photo:  
Provided by Lau himself

What Lau considers problematic of the security law is the part where the law provides on “collusion with a foreign country or with external elements.” He strongly questioned the provision saying to the author as follows: “Being interviewed by you is nothing special in Hong Kong, but I could be penalized for it. A crime should accompany actions, but just talking is an offense?” His view was that China controlling the Hong Kong media with pressure will not boost Hong Kong people’s support of the government. He added that even if Hong Kong people stopped demonstrating on the streets or shouting slogans, China cannot change the hearts of the Hong Kong people. As grounds for his belief, he gave the fact that when the Hong Kong government, with the full cooperation of the Chinese government, carried out polymerase chain reaction (PCR) tests to check infections of the new coronavirus in September, few citizens got tested even though it was free of charge. The main reason seemed to be that the citizens feared their personal data would be sent to China and abused. He said Hong Kong people will not trust the current governments of China and Hong Kong as they have power but not dignity.

Then from which media do citizens who do not trust the government get their information? Lau pointed out that conventional media have been under the influence of the government even before the enforcement of the security law, so the citizens might look at news broadcast by them, but they would look to internet media for the commentary. News and commentary are separate things for them. For example, most political commentators who are not favored by the government now mainly present their claims on YouTube or Facebook. As of November 10, 2020, some 264,000 YouTube subscribers are registered at Lau’s internet radio station Singjai. Journalist and news critic Stephen Shiu Yeuk-Yuen, who left Hong Kong in 2019 considering his own safety and now lives in Taiwan, actively posts his voice on YouTube and Patreon, a pay platform. Lau says Shiu has some 30,000 followers to his posts which are uploaded five times a day. Lau’s opinion was that the Chinese and Hong Kong governments cannot control these posts unless they shut down the internet, and that “trying to do that would cause a massive revolt.”

### **Lee Yee News commentator**

#### **“More young people want to become journalists amid adverse circumstances.”**

Lee founded the magazine the 70s (later renamed the 90s) in 1970. After the publication of the magazine was suspended, he mainly contributed to Apple Daily and also worked as a program host on RTHK. At age 84, he is still a prolific writer. During the time when Leung Chun-Ying was chief executive, he mocked Leung saying that Leung is a “chief executive of administrative deception.” The public applauded his scathing criticism of the government.

Lee thinks what is problematic about the security law is that its provisions are ambiguous and that the scope of interpretation is large. For example, words like “incitement” and “provocation” are connected to the word “intention.” But it is impossible for others to prove that a person





Photo:  
Provided by Lee himself

suspected of incitement or other acts actually had intention. He said the phrase “collusion with a foreign country or with external elements” is also vague and pointed out that “it is unclear what will happen if a news story is reported, so the security law rouses fear among the media.” As Lee sees it, the restrained control of the Hong Kong media by the Chinese government up to now was not a major threat to freedom. But he indicated his fear saying that if journalists’ safety and lives are not guaranteed, freedom will also fade away. He said something like the Apple Daily Incident could occur anytime, and added, “Now we are in an age when we cannot write anything unless we assume that the security law does not exist.” However, Lee said there are still many journalists who are doing their part in reporting the truth, even though they are at risk every time they do so. He said internet media, the international media, and commentators who have escaped Hong Kong are especially raising their voices fearlessly. On the situation of the Hong Kong media, he analyzed as follows: “Before, it was a race between media outlets, but now it’s about competing with the government on what and how much they can report.” Lee said although the breathing space of freedom is narrowing, the number of young people who hope to become journalists is increasing. “Young people are feeling the importance of reporting the truth, when the government hides inconvenient facts. China cannot control the thoughts of Hong Kong people,” concluded Lee.

### **Allan Au Former reporter at TVB, Now program host at RTHK**

#### **“Now TV and other television stations are affected greatly.”**

Au has worked as a reporter and newsdesk at TVB for 20 years, and a program that he produced received an award from abroad. He resigned from his job at TVB as it turned pro-Beijing, and currently, is the host of a program called “Free Wind, Free Phone” on RTHK. He also contributes to the Hong Kong Economic Journal and Ming Pao Daily News<sup>10</sup>.



Au says the media most clearly affected by the security law are television stations. Of the broadcasting media in Hong Kong, i-Cable, Now TV, and RTHK were considered most reliable by the Hong Kong people. But Au pointed out that all three have been affected. In the past few months, several executives of i-Cable and Now TV’s news divisions were replaced with people who were closely connected with the Chinese government. Au revealed that at Now TV, especially, after a new head of the newsroom took the post, there was a move to push Starry Lee Wai-King, chairperson of the pro-Beijing political party Democratic Alliance for the Betterment and Progress of Hong Kong to be the host of a talk show called “now Forum.” Though this plan was shelved because of strong opposition by the public, Au says such a thing was unheard of before. Some commercial stations advertise the security law as “patronage programs,” and Au thinks the Chinese government is providing the funds for the programs. He said under such circumstances, many commentators and critics have escaped Hong Kong and gone to Taiwan or the United States, and some stopped writing.

Au says in the past year when the Anti-extradition Movement was emboldened, the importance of political positions of many media outlets exceeded that of facts, and Hong Kong’s media and society were divided into two extremes. But although he considers the reporting of some media

problematic, he also thinks highly of the good reporting by Now TV, RTHK and internet media Stand News. On citizen's media, student media and the like, which have moved into the limelight, he commented, "They have little manpower or experience and report many news stories that are not verified, but they have captured many crucial images of news stories and they are our hope in a time when the main media outlets are all giving way, so I hope they will keep on studying and learning."

At the end of my interview, Au talked about the future environment of the Hong Kong media. "It is deteriorating quickly and it won't get better. The only thing we can do is to slow down the decline. We need to speak up on the internet," concluded Au.

### **Chip Tsao Program host at Commercial Radio Hong Kong**

#### **"The media's self-regulation has transformed into self-hypnosis."**

Tsao was born to a family where both parents belonged to a pro-Beijing media outlet. He studied in the United Kingdom and worked for the BBC (British Broadcasting Corporation) for nine years. His desire for press freedom is very strong.



Tsao's view is that in the background of the enactment of the security law is the unprecedented sense of crisis the Chinese Communist Party administration strongly felt in the "new Cold War" with the United States and that the enactment is not directly related to Hong Kong. In his judgement, the priorities of the Chinese government are dealing with the economic crisis and the new coronavirus, and what they want to control in Hong Kong is, first, demonstrations, and second, pro-democratic members of the Legislative Council. The media and commentators only come after them. So for now, the Chinese government is only trying to make the Hong

Kong media self-regulate. On the other hand, Tsao pointed out his apprehensions about the media. Now that the coronavirus infections are spreading, Hong Kong reporters are not allowed to enter mainland China. So, basically, they must rely their stories on the reports of media outlets under the influence of the Communist Party. In such cases, of course, bad news stories are not reported. As coronavirus cases surged in the West, the Hong Kong media went in the direction of praising the method the Chinese government adopted in controlling infections. Tsao said, "They were refraining from criticizing the Chinese government through self-regulation, but by continuing to do so, they started to actually believe in their reporting." He pointed out that they were putting themselves under "self-hypnosis." In such a situation, people would look to internet media which has comparatively a high degree of freedom, but Tsao said, "Though people welcome internet media, they won't pay for it," and explained that internet media outlets are having big trouble maintaining their businesses.

On the future environment of the Hong Kong media, Tsao concluded, "The Chinese mainland must change. But it is unlikely that General Secretary Xi Jinping will be replaced in the 2022 National Congress of the Communist Party. Taiwan, South China Sea and other external elements would have influence on the situation in China, so, for now, I am paying attention to how the US policy on China changes after the presidential election in the United States."

## **Paul Leung Founder of internet media “SocREC”**

### **“The Police General Orders are to shut out internet media.”**

Leung founded SocREC (Social Record Channel), a website of video recordings of social incidents, but his main occupation is a truck driver. At SocREC, he organizes housewives and student volunteers, and uploads images captured by them on the internet for conventional media to use free of charge<sup>11)</sup>.

Leung said the security law is a dagger hanging over each Hong Kong citizen, indicating his strong sense of crisis of the law. He criticized the amendment of the Police General Orders the police announced on September 22, 2020. The Police General Orders set the code of behavior of policemen. The focal point of the amendment is the change in the definition of the term “media representative.”

In detail the definitions of “media representative” are now as follows:

1. Media outlets registered at the government’s news and media bureau.
2. Internationally recognized or known overseas news agencies, newspapers, magazines, broadcasters.

Media outlets that fall under the above two definitions will be allowed to cover stories on site. Under the above order, reporters with press passes issued by the Hong Kong Journalists’ Association and Hong Kong Press Photographers’ Association, who were allowed to do so before, will not be allowed to do on-site coverage anymore. SocREC, operated by Leung, was registered as a non-profit 10 years ago. But though it has applied for registration as a media outlet to the Office for Film, Newspaper and Article Administration, which is the administrative bureau, two to three years ago, the bureau has not made a decision yet and has not given any explanation. He expressed his sense of crisis that if it stays this way, it will become illegal for media outlets other than conventional news outlets like television stations and newspapers to cover news stories.



Leung says around the 2014 Umbrella Movement the police were much easier on the media covering news stories on site. There was no clear confrontation between the police and media, and the police did not interfere in the cameraman filming on site. Back then, reporters were not detained just because they were not wearing night-light reflecting vests or helmets. But during the anti-extradition demonstrations in 2019, the police started demanding the journalists wear them, and the police even drove off reporters from the site, says Leung.

Leung thinks that in the backdrop was the fact that images captured by the general public and students that undermine the police were uploaded on the internet. Indeed, the image of the police chasing a 12-year-old girl running away from the site of demonstrations and knocking her down, on September 6, 2020, was captured and uploaded on the internet by the internet radio network of the Hong Kong University of Science and Technology. This footage became worldwide news and compounded distrust of the Hong Kong police. Leung strongly criticized the actions of the police, saying, “The police say there are fake reporters or that they can’t trust student reporters. But press freedom is ensured in Hong Kong’s Basic Law, and whether the

media outlets have expertise or not is no concern of the government.” He touched on the fact that RTHK, Stand News and others were shut out from covering the police search of the Apple Daily office (Apple Daily Incident) in August 2020, while TVB, i-Cable, Now TV, HK 01, and Oriental Daily News were allowed to cover the incident within the police blockade line. Leung considers problematic the words of Police Commissioner Chris Tang Ping-Keung: “Trusted media outlets will be allowed inside.”

Leung also talked about the Hong Kong Journalists’ Association, an organization of Hong Kong media outlets. He expressed his frustration, saying, “They have no intention of cooperating with us or training journalists. Right now, it’s a one-way deal and we just provide news videos.”

### **Chris Yeung Hong Kong Journalists’ Association Chairperson**

#### **“We will support student reporters and citizen reporters.”**

Yeung was previously a reporter at South China Morning Post. Currently, he is the chief writer at internet media Hong Kong Citizen News. Yeung expressed his understanding of Leung’s criticism and explained that Hong Kong’s labor union ordinance set the income as the criterion for becoming an official member, and as the government will check the member makeup, it will be difficult for SocREC to join the association because SocREC is composed of volunteers. He clearly stated that some of their work can be considered as journalism and that he will work to secure their right to cover news stories.

He indicated his concern that the definition of the security law covers a wide range and if media outlets report slogans like “Independence of Hong Kong,” “Free Hong Kong,” “Revolution Now,” that may be considered as incitement. For example, on the provisions in Article 9 to control the media, he said, “The open-minded media environment in Hong Kong will change and the psychological impact will be great.” As for Article 43 on secret surveillance, such as interception of communication, he indicated his strong sense of alarm, saying, “Our phone calls can be eavesdropped without permission of the court.” On the amendment of the Police General Orders, he said that up to now there was no objection to the Journalists’ Association issuing reporter credentials, and said that the association’s policy is to support student and citizen reporters.



Photo:  
Provided by Yeung himself

On the media environment in the future, he said that the environment has just begun to deteriorate because of the security law and other factors, and it is very possible that the situation will worsen. He added though it is unlikely the situation will turn for the better in the near future, the association is determined to voice the value and importance of press freedom.

### **Comments of the Hong Kong government**

#### **“Press freedom in Hong Kong has not changed.”**

In addition to press freedom, questions submitted to the Hong Kong government included questions on its views on the amendment of the Police General Orders and the Apple Daily

Incident. So, the response came from the spokesperson of the Public Security Bureau which oversees the police department. The outline of the response is as follows:

“Press freedom is guaranteed by the Basic Law of Hong Kong. So the media is allowed to cover news stories freely. But they must follow the laws of Hong Kong. Under the laws of Hong Kong, the police have a legal responsibility to maintain law and order using legal means and assure public safety and order. Since the 2019 anti-extradition demonstrations in Hong Kong, many illegal acts were carried out by citizens during public activities. Many people came dressed like reporters but among them were people with fake journalist credentials or those who admitted they were not reporters. There were cases where people claiming to be journalists carried out illegal acts and were prosecuted. The amendment of the Police General Orders was not aimed at suppressing a specific media outlet, but for the police to distinguish media representatives quickly and allow them to cover news stories more conveniently. After the amendment of the Police General Orders, 205 entities have been recognized as media representatives, as of October 20, 2020. The number includes a wide range of media outlets in Hong Kong and abroad, such as newspapers, magazines, television and radio stations, news agencies, and internet media.

The enforcement of the security law does not affect the freedom of press. The law punishes on a very few unlawful elements who endanger national security, and the majority of Hong Kong people and the media who abide by the law will not be affected. To summarize, press freedom has not changed in Hong Kong. Lawful reporting by those in the media will not be affected at all, and everything will be the same as before.”

## **V. “Pressure” on public broadcaster RTHK**

RTHK, the public broadcaster in Hong Kong, started broadcasting in 1928 as a radio station run by the colonial government when Hong Kong was under British rule. RTHK took its role as a public broadcaster after Dr. J. Hawthorne of the BBC, who was appointed chief editor in 1970 and became the head of RTHK (The government’s director of press bureau was the head of RTHK) in 1972, implanted the BBC’s DNA of editorial independence into RTHK. But there was a contradiction between a public broadcaster calling for editorial independence and the fact that RTHK was an organization of the government.

So in 1989, RTHK drew up a plan to turn RTHK into a corporation, following the BBC model. But back then, the handover of Hong Kong to Chinese rule was already decided and various issues on Hong Kong during the transition period were being negotiated between the United Kingdom and China. In the talks, the Chinese government opposed the corporatization of RTHK, and the approval of the plan proposed by RTHK was postponed repeatedly. And in 1993, the Hong Kong government of the time shelved the proposal<sup>12)</sup>.

As RTHK sometimes criticized the government based on its right of editorial independence, though it was an organization of the government, the pro-Beijing people always thought of it as a “thorn in its flesh,” and treated it as a disturber. On the other hand, after 2004, compared with commercial media outlets in Hong Kong that were coaxed into self-regulation by the Chinese government using economic methods, such as advertisements, RTHK, which operates on government funds did not have to self-regulate that much. For example, in the media confidence survey carried out regularly by the Chinese University of Hong Kong, RTHK ranked number one of the broadcasters in 2009, 2010, 2013, and 2016. Of these, in 2010, 2013 and 2016, RTHK was ranked number one of broadcasters, newspapers and internet media<sup>13)</sup>.

But it seems the more Hong Kong people trust RTHK, the more the Chinese and Hong Kong governments were tempted to bring the broadcaster under their control. In 2007, a panel commissioned by the Hong Kong government studied reforming public broadcasting and submitted a report proposing the establishment of a new public broadcaster. But the citizens strongly opposed<sup>14)</sup> the proposal saying, “It is a plot to smash RTHK which has secured independent editorial rights and replace it with a government broadcaster.” In the end, in September 2009, it was decided the status quo would be maintained. In 2011, Roy Tang Yun-Kwong, a bureaucrat second in line at the Labour and Welfare Bureau, was appointed director of RTHK, a post traditionally assumed by someone from within the company. This appointment incited a fierce opposition of the labor union. Although Tang came up with a plan to end “Legco Review,” a popular program on current affairs, strong opposition from the public and labor union forced him to immediately drop the plan<sup>15)</sup>. In addition, in 2014, RTHK’s plan to relocate its office to a new building in 2018 was stopped, because the draft budget for the transfer was voted down by the subcommittee of the Legislative Council, citing a surge in the construction costs. Since then, no draft revisions of the budget have been proposed to date. People in the media refer to this situation as “drying in the shade.” Which means the government, which is reluctant to submit a budget, is tightening the pressure on the broadcaster and working to gradually starve RTHK by drying it up slowly in the shade, instead of quickly in direct sunlight.

RTHK has somehow withstood the pressure up to now, but the government has now conquered commercial media outlets mainly by using economic measures, and as an extension of that, pressure on RTHK is becoming stronger more than ever. The first of such pressure on RTHK is the advisory committee set up in 2010 to “supervise the operation” of the broadcaster. The members of the advisory committee are appointed by the chief executive, so the majority of the members are pro-Beijing. The advisory committee discuss countermeasures for “complaints (to complain about a specific company or organization that a person or group disapproves of by telephone and other methods).” But it is said that many of the “complaints” are from pro-Beijing social groups, like the Silent Majority for Hong Kong and Public Group<sup>16)</sup>.

In this past year, especially, “complaints” on a specific content of a program have surged. In February 2020, a protest note was sent from the police to the head of RTHK when RTHK’s popular program, “Headliner,” which mocks current affairs, teased the police for stocking up a large number of facemasks and other such medical supplies needed to prevent coronavirus infections. And RTHK eventually apologized and stopped broadcasts of the program “Headliner.” In an English language program, “The Pulse,” aired in March, a reporter asked about the possibility of Taiwan joining the World Health Organization (WHO) in a telephone interview with an executive of the WHO. The Hong Kong government strongly criticized the program saying the interview “went against the principle of One China.” Furthermore, in April, news program “Pentaprism II,” was inundated with “complaints” from some 300 citizens disapproving a statement in the program broadcast in November 2019 made by a professor at the Education University of Hong Kong criticizing the police raiding the Chinese University of Hong Kong. The “complaints” claimed the professor’s words incited hatred of the police. The Office of the Communications Authority (CA), the regulatory authority, issued a strict warning to RTHK and so RTHK suspended broadcasts of the program “Pentaprism II.” In addition, in September 2020, Nabela Qoser, a reporter and a Hong Kong citizen of Pakistan descent, who became famous for showering tough questions on Chief Executive Carrie Lam Cheng Yuet-

Ngor and was in her probation period at RTHK, was told from the top management that her trial period would be extended by four months, just before her employment as a regular staff member was to begin. I asked the representative of the labor union the current situation at RTHK.

### **Gladys Chiu Chairperson of RTHK's Program Staff Union**

#### **“Restrictions on free program production are intensifying.”**

Chiu has been the head of the union since 2016. First, I asked her about the incident of Nabela Qoser, which was the talk of town then. According to Chiu, Qoser was working at RTHK on a three-year probation. Up to then, no problems were pointed out in her performance appraisals held every six months. So it was expected that she would be employed as a regular staff member on October 2, 2020, when her probation period ends. The fact that she was suddenly told her probation period would be extended, brought to my mind an incident: At the news conference held after the violence on demonstrators in July 2019, Qoser pressed Chief Executive Carrie Lam Cheng Yuet-Ngor with tough questions, and in addition, said in Cantonese, “Can you say people’s words?” which means to follow your conscience and speak the truth. The phrase became a buzzword among the people. Chiu says pro-Beijing people sent in “complaints” against Qoser, but in her June 2020 performance appraisal, no problem was found of Qoser. Chiu expressed her dissatisfaction saying that Qoser thinks the management is unfair, bringing up past incidents.



On the “Headliner” incident, she said the program is a special program that sarcastically presents major social incidents to the public. When the new coronavirus began to spread in Hong Kong, the police stocked up a huge number of medical gowns and facemasks. So the program joked that “the police have more stock than healthcare workers” and got a laugh. Chiu stressed that viewers laughed at the joke, because to begin with, many people were outraged by the violence inflicted on the anti-extradition demonstrators by the police. But the police had already lost their calm and couldn’t take the joke as a joke. So the CA, the regulatory authority, which had received the “complaints,” issued a strict warning to RTHK in May. Chiu seemed perplexed, saying, “This had never happened before.” On the incident about the English language program, “The Pulse,” she said, “The reporter referred to Taiwan as a ‘region,’ and when asking the question, the reporter did not say she was for Taiwan joining the WHO. Considering a question on Taiwan joining the WHO as violating the ‘One Country, Two System’ policy or the Hong Kong Basic Law is like screening the ideology behind the question and is unacceptable.” On repeating the question becoming an issue, she protested strongly saying, “At first the reporter thought there were some technical problems when the WHO officer suddenly cut off the connection. So the reporter asked the same question when they were reconnected. If repeating a question is considered harassment, professionalism of the media cannot hold up.”

On “Pentaprism II,” Chiu explained that the program is a platform where citizens talk about politics and daily life, and the guests are bureaucrats, people from non-profit groups and other such organizations. An example of the “complaints” sent in was that the program should introduce the opinion of the police within the same broadcasting time. Chiu explained that in the program in question, the police’s say was introduced once and then the program participants gave their counterarguments. She said, “The CA issued warnings to the program twice in

September. We thought that it would be sufficient if the opinions were introduced in a balance with other programs. But the CA's demand was tough and required the program to introduce completely the same amount of each opinion in one program." On both "Pentaprisism II" and "Headliner" not being back on air as of the beginning of November, Chiu said that in the beginning she thought "Headline" would be back, but now she is not sure. She indicated her sense of crisis that restrictions on making programs freely is growing tighter.

The mechanism which allows such attacks on programs, Chiu explained, is that all 13 members of the advisory committee are appointed by the government and they regard the sent in "complaints" as the only important voice and ignore the letters and text messages sent in by the citizens that support the programs which are much greater in number. She complained that the committee members are pressuring the RTHK management.

Furthermore, Chiu explained that the government has been consigning educational programs to RTHK up to now, but the government did not appropriate any funds for the programs in the fiscal 2020 budget. She added that in May the government demanded RTHK to evacuate the Educational Program Center building which is owned by the government's education bureau. "No funds were allocated for the relocation. This is nothing other than a disciplinary act. Before, they were 'drying the adversary in the shade' but now they are 'dry it in sunlight,'" said Chiu and complained about the unfairness.

At the end of my interview, I asked what she thinks is necessary to improve the media environment in the future. Chiu concluded, saying, "Hoping for improvement is being too optimistic. To stop the acceleration of extinction, it is crucial that the managements of both RTHK and commercial media outlets respect the facts and professionalism in running the outlet."

At the beginning of this report, I touched on the fact that I learned that after my interview, on November 3, Dora Choi Yuk-Ling, the producer of RTHK's documentary program "Hong Kong Connection" and former chairperson of the Program Staff Union, was arrested on suspicion of violating the Road Traffic Ordinance when she tried to find out the owners of vehicles from their license numbers when making a program. Choi was released late in the night on the same day. But if she is found guilty, she would be fined a maximum of 5,000 Hong Kong dollars (some 650 dollars) and sentenced to six months or less in jail. Choi was making a documentary that tried to verify an incident by using investigative measures. The incident took place in July 2019, when an armed group of people wearing white shirts attacked anti-extradition demonstrators at Yuen Long station in Hong Kong, and over 45 people were injured. The police were harshly criticized for not doing anything and just watching the group of people dressed in white-shirts attack the demonstrators. Choi is suspected of hiding that the purpose of trying to look at the registered data of the vehicle owners from the license numbers of the vehicle used by the armed group was to research the incident for the program. The program revealed that an owner of a vehicle was a powerful person close to the Chinese government and also that the policemen who were patrolling the area just before the violence occurred did nothing about the attack by the armed group. RTHK's Program Staff Union and the Hong Kong Journalists Association made a joint statement on the arrest and harshly criticized it, saying, "We must point out that the media has moral and social obligations to track down the truth. Many incidents involving major public interests such as illegal constructions of homes by high government



officials and election frauds have been reported through this type of investigative reporting, including license plate searches, which is a method routinely used by reporters. The police's abuse of the Road Traffic Ordinance, this time, to suppress normal journalistic pursuits will have a chilling effect and in turn undermine freedom of the press."

## **VI. Conclusion**

We have been taking a look at the impact of the security law on the Hong Kong media. It is a fact that the Chinese government has been strengthening its control on the Hong Kong media since at least around 2004, so the impression is that the enactment of the security law was the Chinese government's finishing blow to fully control the Hong Kong media. To my question on the future of the Hong Kong media, most of the people involved in the media answered in about the same way and said they see no light at the end of the tunnel in the short term unless China changes. Then, what is the situation in China? News commentator Johnny Lau Yui-Siu pointed out that in the backdrop of the enactment of the security law is the to-some-extent volatile political situation in the Chinese mainland. He said General Secretary Xi Jinping picturing himself in power after the 2022 National Congress of the Communist Party is afraid of his adversaries leaking information unfavorable to his election to the Hong Kong media and using the Hong Kong media in their fight for power. On the security law stipulating the possibility of foreigners living in other countries being exposed of a crime, Lau pointed out the incident where Sabrina Meng, the vice-chairman of Huawei, a major Chinese IT firm, was arrested while she was in Canada<sup>17)</sup> as a reason for the provision. He said the provision indicates China will take retaliatory actions against countries that lopsidedly take the side of the United States. As Chip Tsao also pointed out, Johnny Lau said that the security law is not purely a Hong Kong problem, but in the backdrop is the current international relations, and in this case, there is nothing much Hong Kong can do. In spite, what is attracting the media people is the function of the internet media. Willy Wo-Lap Lam, who won fame for his scoop stories working as a reporter for South China Morning Post and is now a visiting professor at the Chinese University of Hong Kong, explained it doesn't cost much to operate an internet media outlet, so it is not affected very much by pressure from advertisers. He gave his view, saying, "Internet media is most vibrant of all media types. Stand News and Hong Kong Citizen News have great influence on the people. And internet media is the only kind of mass media that can develop in the future, but the Chinese government is working to control it, too."

Emily Lau Wai-Hing, who was a reporter at South Morning China Post and TVB and worked actively after being elected as a democratic member of the Legislative Council, said compared with television and newspapers that have quieted down, internet media is in some ways "Great!" "But the problem is people cannot distinguish whether their reports are true or false. Coverages are often broadcast live online but we don't have the time to see them all. It is best for a media that has expertise to cover the story properly and report the news selecting what should be reported or not," she pointed out. As one measure that should be taken, she said, "People's inclination of expecting to watch internet media free of charge is not good. To maintain a high level of journalism, the readers and viewers should pay for information."

Prof. Francis Lee of the Chinese University of Hong Kong, who specializes in media research, said that it doesn't cost much to operate an internet media outlet, so it is easy to start one. He added although it is difficult for the government to control internet media, internet media cannot

employ a lot of reporters, so from the point of maintaining the quality of journalism, the fall of conventional media is a big problem.

On the other hand, Mak Yin-Ting, co-founder of internet news outlet Hong Kong Citizen News, explained that Citizen News is having financial problems like other internet media outlets. She expressed her worry about the coming of pro-Beijing internet media, such as kinliu.hk, OrangeNews.hk and Dot Dot News, as rivals. These media outlets are not only larger in size but have adopted methods to appeal to young people, such as having an online idol named Wang Hong speak their say on YouTube.

As I have explained, the risk of reporters and executives of media outlets being detained by authorities is increasing with the security law in force. And with television, newspapers and other conventional media further inclining to self-regulation, the Hong Kong media, mainly the internet media, is fighting for and narrowly achieving survival. But the Chinese government is now moving in to taking control of the internet media as well, and it seems we cannot take our eyes off Hong Kong's press freedom that is standing on the brink.

(Yamada Ken-ichi)

Notes:

- 1) The movement which forced the Hong Kong government to withdraw the extradition bill planned by the Chinese government to revise the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation so that suspects of criminal offences may be repatriated from Hong Kong to the Chinese mainland or Taiwan. Human rights and other such groups in Hong Kong objected to the revision, claiming people who voiced their criticism of the Chinese government may be subjected to repatriation, and called on people to protest, leading to the June 2019 demonstrations by some 2 million people. What triggered the revision was an incident in 2018, in which a couple from Hong Kong travelling in Taiwan started to quarrel, and the fight ended in the man killing his girlfriend and fleeing to Hong Kong. There was no agreement between Hong Kong and Taiwan on the extradition of criminal offenders. So the Hong Kong government submitted an amendment to the Legislative Council to allow criminal offenders to be sent back to Taiwan and the Chinese mainland to legally process the incident. But the Hong Kong people strongly feared that the revision would make it possible for the Chinese government to demand the extradition of political offenders as criminal offenders. So after the revision was announced, many Hong Kong people, mostly on Sundays, took to the streets and voiced their opposition. Even after the Hong Kong government shelved its draft amendment, the demonstrators continued their protest putting up five demands, such as setting up an independent investigation committee to look into police violence against demonstrators during the protest and free elections for the chief executive and Legislative Council members. In the demonstrations, some students known as "the valiant" even resorted to violence throwing firebombs at the police. In response, the police took firm steps and raided the university where the student protesters were holding up. Then the new coronavirus pandemic came and the protests died down.

- 2) Protests mainly by students demanding a true free election of the chief executive that lasted 79 days from the end of September 2014. At the end of August 2014, the Standing Committee of the National People's Congress decided that candidates for the office of the chief executive require the support of the majority of the nominating committee and the number of candidates would be limited to two or three. Student groups in Hong Kong protested this decision, saying, "The majority of the nominating committee is pro-Beijing, which means people who go against the Chinese government's wishes will be eliminated." So they began protests demanding true free elections. In this movement the protesters occupied busy shopping streets in Hong Kong and it is said that the movement attracted some 200,000 demonstrators at its peak. As the Chinese government showed no signs of concession, the prolonged occupancy of the streets began to greatly affect the daily lives of the citizens, and some citizens began criticizing the protesters. So two months after the start of demonstrations, the police started to remove the protesters sitting in, and the demonstrations ended without any major bloodshed.
- 3) For details refer to "'Hundreds of Flowers Blossoming' in the Internet Media Services in Hong Kong and Taiwan (Part 1)" September 2015 issue ([https://www.nhk.or.jp/bunken/research/oversea/pdf/20150901\\_7.pdf](https://www.nhk.or.jp/bunken/research/oversea/pdf/20150901_7.pdf)) and "Heightening Sense of Crisis over Press Freedom in Hong Kong" December 2017 issue ([https://www.nhk.or.jp/bunken/research/oversea/pdf/20171201\\_7.pdf](https://www.nhk.or.jp/bunken/research/oversea/pdf/20171201_7.pdf)), both by Yamada Ken-ichi, The NHK Monthly Report on Broadcast Research, NHK Broadcasting Culture Research Institute.
- 4) For detail refer to "返還後、香港の言論の自由は変化したか-「RTHK」(ラジオテレビ香港)批判を巡る問題を検証する(Has press freedom in Hong Kong changed after the handover? A verification of criticisms surrounding RTHK (Radio Television Hong Kong))" by Takahashi Shigeo, Monthly Journal of Chinese Affairs, January 1999 issue, p21-22, Institute of Chinese Affairs.
- 5) For details refer to "Growing 'Consideration' for China among the Media in Taiwan and Hong Kong (Part II) by Yamada Ken-ichi, The NHK Monthly Report on Broadcast Research June 2013 issue. ([https://www.nhk.or.jp/bunken/summary/research/report/2013\\_06/20130605.pdf](https://www.nhk.or.jp/bunken/summary/research/report/2013_06/20130605.pdf))
- 6) For details refer to 3) September 2015 issue.
- 7) The Hong Kong Legislative Council has 70 seats. Of which only one half, or 35 seats, are directly elected by citizens. The remaining 35 seats are reserved according to "occupational functions," and voting rights are given only to representatives of business sectors such as financial, real estate, tourism, and legal sectors. And therefore, many pro-Beijing members are elected to the Legislative Council. Furthermore, on grounds that the oaths of office taken by six radical Democratic members of the Legislative Council in 2016 were problematic, it was decided that they would be stripped of their qualifications as members by the following year. So the influence of the Democratic camp within the Legislative Council is declining.
- 8) Hong Kong is frequented by social movements such as the pro-democratic Umbrella Movement and Anti-extradition Movement. As people are frustrated with conventional media imposing self-regulation in their reporting in consideration of China, student media, where students cover these movements on site and upload the results on the internet, are becoming more active. A typical student media is the City Broadcasting Channel run by students at the City University of Hong Kong. On October 1, 2019, the police shot the chest of a student demonstrator and injured the student badly. A student of the City University of

Hong Kong filmed this incident and uploaded it on the internet, and the incident turned into a sensational news story around the world.

- 9) At the Court of Final Appeal, the supreme court of Hong Kong, foreign nationals may be appointed as justices except for the chief justice. Actually, most of the justices are currently foreign nationals. But after the enforcement of the security law, James Spigelman, an Australian national, resigned because of his dissatisfaction over the law, and concern about maintaining the independence of the judiciary is rising.
- 10) For details on Allan Au refer to 3) December 2017 issue.
- 11) For details on Paul Leung refer to 3) September 2015 issue.
- 12) For details refer to “The Hot Debate on the Reform of Public Broadcasting in Hong Kong” by Yamada Ken-ichi, The NHK Monthly Report on Broadcast Research, October 2007 issue. ([https://www.nhk.or.jp/bunken/summary/research/report/2007\\_10/071002.pdf](https://www.nhk.or.jp/bunken/summary/research/report/2007_10/071002.pdf))
- 13) Refer to <https://www.hk01.com/%E7%A4%BE%E6%9C%83%E6%96%B0%E8%81%9E/41937/%E5%82%B3%E5%AA%92%E5%85%AC%E4%BF%A1%E5%8A%9B%E6%96%B0%E4%BD%8E-%E4%B8%AD%E5%A4%A7%E6%B0%91%E8%AA%BF-tvb%E6%8E%92%E5%90%8D-%E5%8C%85%E5%B0%BE-%E7%B6%B2%E5%AA%92%E4%BD%8E%E5%88%86>
- 14) For details refer to 12).
- 15) For details refer to “Interview Series II: Public Broadcasting Update (Part IV) Hong Kong: Secure the Political Independence of Struggling RTHK” ([http://www.nhk.or.jp/bunken/research/oversea/pdf/20151201\\_8.pdf](http://www.nhk.or.jp/bunken/research/oversea/pdf/20151201_8.pdf))
- 16) For details refer to 3) December 2017 issue.
- 17) In December 2018, Sabrina Meng, the vice-chairperson and chief financial officer (CFO) of Huawei Technologies Company and the eldest daughter of Ren Zheng Fei, the founder of the company, was arrested at the request of the United States while she was in Canada. She was arrested on suspicion of reporting false facts to an US financial institution to evade economic sanctions placed on Iran when doing business with the country, which would be a breach of the sanctions. She was released on bail, and the case is pending.