

**Testimony before the U.S.-China Economic and Security Review Commission
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Thank you for inviting me to testify on press freedom in Hong Kong as part of today's hearing. I am a researcher with Freedom House's annual *Freedom on the Net* report, where I focus on internet and digital media freedom in China and the rest of Asia. My comments today draw on three Freedom House resources: the 2013 *Freedom of the Press* report on Hong Kong, which covers the calendar year 2012 and is appended in full at the end of my written testimony; the *China Media Bulletin*, a biweekly news digest; and the upcoming China country chapter for the 2013 *Freedom on the Net* report, of which I am the author.

While freedom of expression is protected by law in Hong Kong, political and economic pressures are threatening the media's ability to sustain their traditionally lively criticism of the local government and the central Communist Party leadership. A poll by the Hong Kong Journalists Association found that 87 percent of journalists believed press freedom had eroded during the seven-year tenure of Chief Executive Donald Tsang, who stepped down in 2012. In particular, Beijing's Liaison Office continues to exert a negative influence on press freedom in the territory. Whereas its past media interventions in Hong Kong generally involved mainland political issues, the office played a uniquely aggressive role in the run-up to the chief executive election last year, effectively ordering news outlets to support the eventual winner, Leung Chun-ying. Local officials, business interests, and criminal groups have also tried to restrict coverage of Hong Kong-specific issues in the past two years.

Reflecting this increasingly difficult environment, Freedom House data show Hong Kong's press freedom in a gradual decline. Our annual *Freedom of the Press* index assesses print, broadcast, and internet freedom in 197 countries and territories, producing numerical scores and an overall rating of Free, Partly Free, or Not Free. While the index rated Hong Kong as Free in 2005, with a score of 29 out of worst-possible 100, it slipped in subsequent years, and has ranked as only Partly Free since the 2009 edition. The score dropped a further two points in the latest report, from 33 to 35.

That decline reflected two main trends. The first is physical and technical attacks against reporters, websites, and media entities. A vocal citizen-journalism platform, In Media, was raided by four masked men who destroyed computers last August; this April, a malicious cyberattack forced the same site temporarily offline, shortly after it reported on a strike by Hong Kong dockworkers. Earlier this month, the owner of *iSun Affairs* magazine was beaten up in the street one day before the anniversary of the 1989 Tiananmen Square massacre. The magazine, known for reporting on issues that are considered politically sensitive in mainland China, said the attack was related to its coverage, although it is not clear whether it was motivated by the sensitive anniversary or by its critical articles on the Hong Kong leadership. Police are investigating these incidents, though some journalists question their commitment.

The second trend behind the score decline involves local government restrictions on access to information. Tightened security surrounding the Legislative Council makes it much harder for journalists to interact with lawmakers than it was in the past. Reporters also note that government press conferences are held less often, replaced by formal statements or ad hoc, off-the-record briefings that minimize journalists' chances of productively engaging officials. The Hong Kong Journalists Association found that more journalists expressed concern about this narrowing access in 2012 than about self-censorship, which had been the primary press freedom concern since China resumed sovereignty. That is not to say that self-censorship is less prevalent. After a former employee of the mainland's state-run *China Daily* newspaper was appointed as editor in chief at Hong Kong's *South China Morning Post* in January 2012, staffers accused him of downplaying stories that might offend Beijing and refusing to renew the contract of a veteran human rights journalist—troubling signs of caution at such an influential outlet.

Despite these developments, journalists and activists in Hong Kong are still free of the overt and systematic censorship found in the rest of China, and they are much better able to withstand pressure than their counterparts on the mainland. In one recent success, they petitioned against a January 2013 legislative proposal to restrict information about corporate directors, the kind of data used by the *New York Times* and Bloomberg to trace the family assets of top Communist Party leaders in high-profile exposés last year. While the Financial Services and Treasury Bureau is still rewriting Hong Kong's Companies Ordinance, it agreed to cut the proposed restriction following the public outcry. Achievements like this one help explain why Freedom House ranks Hong Kong 71st in the world for media freedom, while China is among the worst aggressors in 179th place. Maintaining this critical measure of independence even as political and economic ties with the mainland continue to strengthen is the biggest challenge now facing Hong Kong's press.

Freedom of the Press 2013 **Hong Kong**

Status: Partly Free

Legal Environment: 11

Political Environment: 15

Economic Environment: 9

Total Score: 35

Survey Edition	2008	2009	2010	2011	2012
Total Score	30	33	33	32	33
Status	Free	Partly Free	Partly Free	Partly Free	Partly Free

Freedom of expression is protected by law, and Hong Kong media remain lively in their criticism of the territory's government and to a lesser extent the Chinese central government. However, political and economic pressures have narrowed the space for free expression. According to a poll published in June 2012 by the Hong Kong Journalists Association (HKJA), 87 percent of the

journalists surveyed believed that press freedom had eroded during the seven-year tenure of Chief Executive Donald Tsang, who stepped down in July. Over the course of the year, growing government restrictions on access to information, violent attacks on the offices of two media entities, and heightened intrusiveness by Beijing's Liaison Office further threatened press freedom in the territory.

Under Article 27 of the Basic Law, Hong Kong residents enjoy freedoms of speech, press, and publication, and these rights are generally upheld by the territory's independent courts. However, they risk being undermined by the power of the National People's Congress (NPC), China's rubber-stamp parliament, to make final interpretations of the Basic Law; Chinese surveillance in the territory; and the mainland economic interests of local media owners. Hong Kong has no freedom of information law. An administrative code is intended to ensure open access to government information, but official adherence is inconsistent, prompting local journalists and watchdog groups to urge the government to give freedom of information requirements the force of law. A number of legislative items proposed by the Hong Kong government during 2012 could threaten free expression, though none had passed by year's end. The HKJA expressed concern that proposed antistalking legislation could be used to limit reporters' movements by classifying legitimate journalistic activity as stalking. Critics also argued that draft amendments to the Copyright Ordinance could be used to penalize political parodies, including those circulated online.

Press freedom advocates continue to question the selective application of the Broadcasting Ordinance and the constitutionality of existing procedures for granting licenses to new media outlets. Decisions to grant or refuse licenses are made by the executive branch rather than an independent body. 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 and unfair advantages in attracting advertising. In early 2012, the government appeared ready to issue more free-to-air television licenses. No new licenses had been issued by year's end, although three prospective broadcasters had received initial approval from the Broadcasting Authority. Some observers speculated that the delay stemmed from the Chinese central government's hesitation to expand public access to new stations beyond its control. The prodemocracy station Citizens' Radio, having operated for years without a license, has faced repeated raids and prosecutions on charges of illegal broadcasting. The activists who run the outlet argue that the prosecutions are illegitimate because the licensing procedure is unconstitutional. A magistrate dismissed charges against the station on those grounds in January, but an appellate court reversed the ruling in April. The activists planned a final appeal, and the station continued broadcasting during the year. Separately, in November, five lawmakers from Hong Kong's Democratic Party won a final 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. In a case that raised questions about Chinese journalists' ability to work in the territory, the Hong Kong immigration department continued to delay a 2011 work visa application by outspoken mainland journalist Zhang Ping (pen name Chang Ping), who had been hired as editor of the online magazine *iSun Affairs*. Observers reported that replies are typically obtained within four weeks.

In recent years, Beijing's efforts to influence the news, publishing, and film industries have increased. This trend intensified in 2012, particularly in the run-up to the chief executive election in March, during which the central government shifted its support from candidate Henry

Tang to the eventual winner, Leung Chun-ying, prompting an unusual split in the pro-China camp. Press freedom groups reported that staff from the Liaison Office of the Central People's Government, mainland China's representative agency in Hong Kong, contacted newspaper publishers, owners, and even editors by telephone or in person to castigate them for articles that were critical of Leung or pressure them to report favorably on the office itself. In most cases, the targeted outlets appeared to stave off the pressure, at least in the immediate term. However, in what was perceived as a serious infringement on press freedom, *Sing Pao* altered an opinion column by commentator Johnny Lau that had rejected both Tang and Leung, reframing it as a virtual endorsement of Leung. Although the paper's chief editor initially apologized, it later discontinued Lau's column after he submitted a piece about the death of prominent U.S.-based Chinese democracy advocate Fang Lizhi. These incidents represented a change from the past, when the targets of Chinese pressure were primarily voices and topics perceived as politically sensitive on the mainland, rather than related to internal Hong Kong politics. In April and May 2012, the newly elected Leung sent four letters to the *Hong Kong Economic Journal* and *Apple Daily*, complaining about their critical reporting. In a positive development, however, he signed a pledge presented to him by the HKJA, promising to defend press freedom and not enact laws banning treason, sedition, and other such offenses—as called for in Article 23 of the Basic Law—without first reaching public consensus.

Media self-censorship continues to pose a serious threat to free expression. Among the respondents to the June 2012 HKJA survey, nearly 36 percent admitted to self-censorship, citing the following practices in order of most to least common: downplaying information unfavorable to conglomerates that wield strong influence over advertising, downplaying information unfavorable to the central government, downplaying information detrimental to the media owners or their interests, slanting news in favor of a chief executive candidate, and downplaying information unfavorable to the Hong Kong government or slanting news in its favor. Some self-censorship stems from the close relationship between local 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 China's ruling Communist Party to co-opt powerful members of society. A number of Hong Kong media owners are also current or former members of the NPC, and many have significant business interests in mainland China. The appointment of editors with ties to China has also prompted accusations of self-censorship, even in otherwise well-respected outlets. In January 2012, Wang Xiangwei, a mainlander who had once worked for the state-run *China Daily*, was hired as chief editor of the influential English-language *South China Morning Post*. Controversy surrounded Wang after he reportedly downplayed an article on the suspicious death of mainland activist Li Wangyang, prompting a backlash from senior staff, and discontinued the contract of award-winning journalist Paul Mooney, who had been responsible for many of the paper's hardest-hitting stories on human rights violations in China.

The Hong Kong government has tightened control over journalists' access to information in recent years. Indeed, in the HKJA survey, an overwhelming majority of journalists said this had contributed to a decline in press freedom. Over the past two years, officials have increasingly shifted to off-the-record briefings to announce policies and released official footage for news events rather than opening them to the press. In addition, the police and fire departments have released less detailed and timely information about newsworthy incidents. One example of withheld information that provoked particular criticism in 2012 was the government's concealment of a trip to Beijing by the education minister at the height of a

controversy over a proposed national education curriculum. 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; these regulations remained in place throughout 2012.

Violence against journalists is rare in Hong Kong. However, several attacks against journalists and their property occurred in 2012. In August, four masked men entered the offices of the citizen journalism and commentary website In-Media, destroying computers and other equipment. The Sing Tao media group suffered two attacks: a stolen car rammed into its headquarters in Shau Kei Wan in August, and in September men wielding axes attacked the company's offices in southern Kowloon. The motives remained unclear, though organized crime involvement was suspected in the Sing Tao attacks. On December 30, at a pro-Hong Kong government rally, several participants attacked two journalists, leading to minor injuries. One of the perpetrators was arrested and later fined based on video footage of the assault. During a visit by Chinese president Hu Jintao in June, a journalist from *Apple Daily* was briefly detained after yelling out a question regarding the 1989 Tiananmen Square massacre. Although restrictions on media access were more stringent than during past visits by Hu, they were not as heavy-handed as those imposed during Vice Premier Li Keqiang's trip in 2011, which had sparked a large public outcry.

Online media are sometimes disrupted by attackers with apparent political motives. Two days before the chief executive election in March 2012, administrators of an online election poll organized by Hong Kong University reported that the website was brought down by a massive denial-of-service attack. The poll aimed to gauge the general public's opinion of the candidates, as only the 1,200 members of an elite electoral committee are able to participate in the official vote.

Hong Kong journalists face restrictions and intimidation when covering events on the mainland, limiting their ability to provide national news to the local population. Chinese authorities require journalists to obtain temporary press cards from the Liaison Office in Hong Kong prior to each reporting visit to the mainland, and to obtain the prior consent of interviewees. Even with accreditation, journalists from the territory have repeatedly been subjected to surveillance, threats, beatings, and occasional jailing when reporting on the mainland. In September 2012, Felix Wong Chi-keung of the *South China Morning Post* sustained severe bruises to his face and legs after police in Shenzhen beat him as he tried to photograph anti-Japanese protesters, despite the fact that he identified himself as a journalist.

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. Radio Television Hong Kong (RTHK) operates as an independent department in the government and earns high public-approval ratings for its critical coverage of the authorities. After rejecting proposals to turn RTHK into an independent public broadcaster in 2009, the government issued a new charter in 2011 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. Also that year, Roy Tang Yun-kwong, previously the deputy secretary of the Labour and Welfare Bureau, was appointed as the new director of broadcasting. The choice marked the first time since the 1930s that an outside civil servant was "parachuted in" to lead RTHK; directors were typically appointed from within the station. Some feared this could threaten the station's editorial independence. RTHK was also criticized in November 2011

for discontinuing the contracts of two popular current affairs talk-show hosts. Such criticism eased somewhat in 2012 after the station introduced a new television program, *Face to Face*, featuring a young host who aggressively questioned government representatives. Publications known for their criticism of the Chinese 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.

There are no restrictions on internet access in Hong Kong. The territory has one of the highest internet usage rates in Asia, with nearly 75 percent of the population accessing the medium during 2012.