

## PRESS FREEDOM IN HONG KONG: THE TREND IS DOWN

By Francis Moriarty

In the first decade since China's resumption of rule, major changes have occurred in nearly every sphere of life that could not have been foreseen by the architects of Hong Kong's transition from a British Colony to a Special Administrative Region (SAR) of China.

Some changes had begun before the end of colonial governance, but others arrived with sudden and dramatic force. When on the very first day of Chinese sovereignty a parade float sponsored by the Better Hong Kong Foundation ran out of control and struck a British tourist, killing her, reporters—reflecting a society in which luck and fate are considered as palpable as water and stone—frantically rang well-known geomancers and astrologists to seek their verdict: Did this augur badly for Hong Kong?

Those who believe in omens might well consider their faith confirmed by subsequent events.

Within weeks of the new SAR's birth at the midnight ceremony on 1 July 1997, the Thai currency plummeted, triggering an Asia-wide economic collapse. So began a string of crises that have tested Hong Kong's mettle in unimagined ways, sparing no segment of society and severely stressing Hong Kong's capacity to cope.

The news media have been deeply affected by these stories, and at times have been the story. The latter, at least, comes as no surprise for the question of whether freedom of press would survive under Beijing's dominion was a major question prior to 1997, even though China had promised that freedoms would continue. Hong Kong's population includes many mainland refugees who knew firsthand what promises can be worth, and with memories of the 1989 Tiananmen Square massacre still fresh, they wondered if the rulers of the People's Republic could this time be believed. As the 10th anniversary of the handover approaches, it's a convenient time to take stock.

The list of problems faced by the Hong Kong news media includes globalization, growing interdependence with the mainland, financial difficulties, ownership changes, stiff competition, staff retention, government pressure, declining public confidence, self-censorship and an inextricable entwining of journalism with the issues of governance. Then, of course, there is Beijing and its local supporters. Hong Kong's news media exist in a complicated context, and it must be stressed that Hong Kong itself remains very much a work in progress.

Yardsticks

In any discussion regarding the flux of freedoms over time, it is helpful to have benchmarks. Understanding their importance, the last British governor of Hong Kong, Chris Patten, sought to lay out benchmarks for assessing whether the territory was

advancing toward the promises -- including press freedom – contained in the Sino-British Joint Declaration that determined Hong Kong's transfer of sovereignty, and then incorporated into the Basic Law, China's legal instrument that serves as the SAR's constitutional basis. These pledge that Hong Kong people are to administer the territory with a high degree of autonomy, and with existing economic, legal and administrative systems to remain unchanged for 50 years. China took on the obligations of international civil, political and human rights agreements extended to Hong Kong, including protections for press freedom. In addition, the Hong Kong Bill of Rights Ordinance (1991) was retained.

Benchmarking freedoms, like quantifying emotions or aesthetics, is elusive. But as arbitrary as some freedom indices might be, they are useful for trending and Hong Kong's trend is down.

A world-wide survey released last October by Reporters Without Borders ranked Hong Kong at its lowest point since the Paris-based group began its surveys in 2002. Then Hong Kong ranked tops in Asia and 18th in the world. By 2005, it had slipped to 39th, and in 2006 plummeted to 58th, alongside Fiji, Poland and Romania.

But how much of the freedom available is actually being exercised? Put another way, are Hong Kong news media testing the boundaries of liberty? Or merely working safely within what they imagine the invisible frontiers to be? If journalists are playing safe, that suggests self-censorship, and a poll among journalists suggests just that. The Hong Kong Journalists Association's most recent survey shows that 60% of journalists believe that at least some of their colleagues are censoring themselves—a pretty safe bet, it would seem, as 40% admitted practicing it themselves.

Polls in 1990 and 1996 by the Chinese University of Hong Kong showed about 25% of journalists surveyed admitted feeling apprehensive about criticizing China, with more than half suspecting their colleagues of self-censoring. The Journalist Association's poll was of frontline media workers. One wonders what the results might show if management and owners were included.

## Change

Whenever discussion turns to life in Hong Kong since the switch of flags, the first question is nearly always “Have things changed very much?”, meaning “Is China keeping its hands off?” This arises in part from the Basic Law's promise that nothing substantial is supposed to change, as well as from the suspicion that Beijing could not refrain from meddling. If you're a reporter, the first question asked is usually: “Can you still do your job?”

The answers, respectively, are “yes”, “no” and “well, it depends.”

There is no press freedom without free expression. If people won't talk or provide information, especially that which belongs in the public domain in other advanced societies, it's hard to be an effective reporter. Information must be obtained to be published. Hong Kong has no legislated right to access information beyond some personal data, and no law covering public archives.

Of course, if journalists get information but choose not to report it, the public is denied its right to know -- and that's why self-censorship is perhaps the most corrosive development affecting Hong Kong's media. Self-censorship is hard to prove because it can be so subtle, but every journalist in Hong Kong knows it is real. The evidence may be circumstantial, but as the philosopher Henry David Thoreau once said: "Some circumstantial evidence is very strong, as when you find a trout in the milk."

#### Reference points

One helpful benchmark is Article 19 of the Universal Declaration of Human Rights, which reads:

Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

This right, in nearly identical language is incorporated into, among other places, the European Convention on Human Rights and the United Kingdom Human Rights Act.

Freedom of opinion and expression is also guaranteed in Article 16 of the Hong Kong Bill of Rights Ordinance:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The seeking and imparting of information often receive less popular attention, in part because there is a natural tendency for readers, viewers or listeners to focus on receiving information -- what they're getting or not getting -- and in part because it's the journalist, academic or researcher who traditionally is the first to run into the problem of seeking information and imparting it.

This is a changing picture, and it has changed dramatically over the last decade.

Increasingly, everyone is in the business of seeking, imparting and receiving information, be it through emails, blogs, Web sites, audio files, MP3, iPods, chat forums, text messaging, satellite communications or something as increasingly old-fashioned as a fax.

Even some non-democratic governments are recognizing the importance of transparency and accountability for political legitimacy, which sooner or later means greater information-sharing.

Hong Kong is near the forefront of media convergence and citizen sophistication. But technological innovation creates popular expectations, which in turn puts strains on colonial-era governance systems already resistant to reform. Adaptation is also being artificially constrained by constitutional strictures that Beijing has put in place.

The legal right to receive and impart information across frontiers also raises significant questions in Hong Kong, given the enormous disparity in information availability between it and the mainland.

For example, the SAR promotes the use of the .hk URL, for example, the Hong Kong Government's Web site is [www.info.gov.hk](http://www.info.gov.hk). But what is not widely known is that addresses ending in .hk are uniformly inaccessible from the mainland. A great deal of information freely available in Hong Kong is either highly restricted or banned on the other side of the barbed-wire fences and the electronic Great Firewall that separate the SAR from the mainland. A recent example of the divide in action was an interview with Hong Kong's Chief Executive, Donald Tsang, on CNN's Talk Asia program. When talk turned to how Hong Kong might develop democratically, mainland viewers saw only especially inserted commercials. When the show resumed, Tsang was speaking about his relationship with mainland leaders.

### Identity & Integration

Hong Kong reunification is far short of complete. A deep cleavage runs through its society, politics and media, with advocates of faster integration on one side, and slower integration or as little integration as possible on the other. This helps explain why Beijing officials often refer derogatorily to those who want Hong Kong's "independence," even though absolutely no one in Hong Kong speaks of independence from China. What these officials apparently object to is a spirit that is independent, a mentality that is not subordinate, an attitude that is insufficiently grateful.

On one illustrative occasion, a pro-Beijing member of Hong Kong's legislature asked during a committee meeting whether mainland officials had been thanked for a particular assistance to Hong Kong. Informed that gratitude had indeed been expressed, he replied, "Yes, I know but have we thanked them enough?"

There never was some golden era when Hong Kong media operated free of government influence or commercial pressures. The colonial administration kept a tight grip, but it was loosened both naturally and by design as British influence waned and China's sway increased. For a time prior to 1989, China also opened up and Hong Kong reporters worked there quite freely. The pre-handover years also were a period of economic boom that saw the launch of new newspapers in both English and Chinese, as well as new radio stations and the advent of cable television and satellite technology. Hong Kong's news

media were not entirely free but they were certainly among the least encumbered in Asia. This multitude of emerging media did not, however, produce more diverse opinion. Even before the handover, the opinion spectrum had begun to shrink.

One only has to recall the savage chopper attacks on publisher Leung Tin-wai and radio host Albert Cheng, slashed within centimeters of his life, to recall the tension on both sides of the handover date. Neither case has been solved. Leung was about to release a new publication, *Surprise Weekly*, in May 1996 when two men with knives entered his office and began stabbing him. An 18-hour operation was needed to reattach his left forearm. The publication never appeared. Cheng, who has since become a legislator, had known that being controversial and criticizing the powers-that-be carried risks. Even before being attacked in his radio station's parking lot in August 1998 by two men with butcher knives, he had predicted the vulnerability of those who try to shape public opinion.

In 2004, Cheng received death threats that forced him to leave his radio show, *Teacup in a Storm*. Two other radio hosts, Raymond Wong Yuk-man and Alan Lee Peng-fei, also stepped down amid threats. Lee is a former Executive and Legislative Councilor, and also a member of China's National People's Congress.

## Spectrum

In *The Other Hong Kong Report* of 1997, there is a picture of the *Ta Kung Pao* building and next to it is the building where the *Ta Kung Pao's* evening paper used to be. The image captures two important aspects of the media scene. The first is the role of subvented newspapers. The second is the closure of newspapers. Among the publications considered subvented by China are *Ta Kung Pao*, *Wen Wei Po* and the *Hong Kong Commercial Daily*. Subvention takes different forms, such as being allowed to circulate on the mainland. The Hong Kong government can also assist papers by deciding which ones are allowed to carry legal notices, a reliable income stream.

For years, Taipei and Beijing had rival mouthpieces in Hong Kong. But in the run-up to the handover, even as the mainland was preparing to launch a Hong Kong edition of the English-language *China Daily*, Taiwan's ruling Kuomintang (KMT) pulled the plug on its two money-losing newspapers, the *Hong Kong Times* and *Hong Kong United Daily*. When it did, the benchmarks of Left and Right -- Communists vs. Nationalists -- that had defined the spectrum since 1949 was gone.

This not only reduced competing voices on a crucial subject, it suddenly left publications whose editorial stance had been mildly pro-Taiwan at one extreme of the spectrum. Publishers reflexively retreated to a new center that had shifted overnight toward China. (Some papers, like *Sing Tao*, had been distancing themselves from Taiwan even earlier.) Given the extreme importance Beijing places on the ultimate absorption of Taiwan into the mainland, publishers have become skittish on Taiwan-related stories that might be "sensitive," i.e., to which Beijing might react.

Changes in ownership over the intervening years have also tilted editorial positions toward the mainland.

In politics, the Democratic Party supports Taiwan's unification with the mainland and accordingly has had closer ties with the KMT than with the independence-minded Democratic Progressive Party, with which it might have been expected to share ideological sympathy. Pro-democracy Legislator Emily Lau, on the other hand, has been the target of repeated verbal attacks, as well as vandalism of her office, for having said that, while she favors unification, she also supports the will of the Taiwan people.

Putting pressure on Taiwan via the media, a Chinese official in Hong Kong once warned firms not to put advertising money into papers friendly to Taiwan. The Hong Kong government also rejected the last request by KMT leader Ma Ying-jeoh for a visa, although he had visited previously. Ma was born in Hong Kong.

Taiwan is a topic where Hong Kong news organizations, with rare exceptions, take special care. Reporters sent there are cautious when they write any story that might draw a negative reaction from Beijing, which means second-guessing themselves. If reprimanded for a judgment error, they will be told: "You should have known."

Taiwan, Tibet and the issues of patriotism and separatism arose during the row over Article 23, a section of the Basic Law section mandating enactment of laws against secession, sedition, treason, links with overseas political organizations, and the theft of state secrets. The Hong Kong government's omnibus Article 23 Bill frightened the community and was opposed by journalists as a serious threat to press freedom. The row followed on the SARS crisis, the mishandling of which led eventually to the resignation of the health minister. Some half-million protesters marched through the streets carrying effigies of senior officials.

The Article 23 Bill was ultimately withdrawn, the official responsible for shepherding the legislation resigned and the unpopular Chief Executive, Tung Chee-hwa, ultimately stepped down, citing health reasons. But the Basic Law still mandates those laws and Tung's successor, Donald Tsang, has said he would deal with the matter during his expected next term.

#### Local emphasis

The breakdown of the traditional Cross Straits divide in the press, and the diminishment of Sino-British wrangling, gave more room for Hong Kong stories and helped feed a growing sense of Hong Kong-ness.

Another pre-existing trend that has accelerated is the dumbing-down and increasingly crass sensationalizing of stories, particularly by the mass-circulation broadsheets, irrespective of political leanings. Crime, gore, sex, scandal, gossip is a popular and profitable mix, and aside from the occasional libel writ it's generally safe.

Coverage of the legislature, for example, is as likely to focus on lawmakers' fashion sense, or what kind of cookies they've sent to the pressroom, as on policy debates. Little wonder that opinion polls show media credibility in steady decline. Today, there are fewer "quality" newspapers and magazines of general interest; faced with intense competition and rising costs, more will disappear. They are under pressure from free-distribution papers, the rise in Internet usage, competing technologies and increasing entertainment options, including broadband and cable.

There is also the growing sentiment that China is where smart money should be.

The financial factor cannot be overstated: major media owners in Hong Kong are primarily individuals who've made their money in real estate, hotels or clothing. Their commitment is usually to personal enrichment and shareholder equity. They like the influence and power that being a media owner bestows, but with few exceptions these are not individuals with a sense of public responsibility. They want to protect their China investments and develop more. These individuals are unlikely to criticize one another, nor criticize policies local or national from which they benefit.

Another source of pressure is advertising. The phenomenon is hardly unique to Hong Kong, but few if any communities and governments anywhere are as reliant upon the real estate and construction industries. The major developers also have related interests such as shopping centers, telecommunications, convenience stores, supermarkets and so on. If one of them decides turns against a particular paper, he can do to it enormous damage by withholding ads. Or he can exert just as much influence by placing them in favored publications. If developers act in concert, as in a boycott, it can be a publication's death knell. Apple Daily, the flagship of controversial publisher Jimmy Lai, is widely believed to have been the target of such blacklisting.

## Identity

While there is a keener sense of a Hong Kong people, reflected in story choices, there is at the same time a reorientation back toward China and things Chinese. These two movements can clash. The imposition by the government of upbeat video spots accompanied by the national anthem immediately before the evening news on commercial stations is one of many overt efforts to develop a nationalistic environment; another was the first Chief Executive, Tung Chee-hwa, himself.

Tung constantly strove to emphasize a Chinese identity with strong mainland characteristics. For a variety of reasons, his efforts increasingly distanced him from many of the people he governed, who often were keen to display a self-confident Hong Kong identity -- shaped by television, films and radio -- that had been building for more than 30 years. They were in no hurry to demonstrate Chinese-ness, but were highly impatient to be themselves, to be masters of their own affairs and to have their own tongue (Cantonese) be the language of aspiration. These sentiments are particularly strong among the young and the better-educated.

The cultural assertion coincided with a prolonged post-97 economic downturn. Compelled to economize, many bilingual Hong Kong readers cancelled subscriptions to English-language papers and turned to the Chinese press. These papers had a lower cover price, driven further down by price wars that pushed some out of business. Readers often found that they got the news they wanted in the way they liked. For many Chinese readers, English-language papers ceased to be a necessity.

(The English-language press has survived, and in some cases shown growth, thanks to a growing international community, an influx of overseas Chinese, returning Hong Kong emigrants and a re-invigorated economy. Overall, these papers tend to focus on business and financial news, with the chief exception of the South China Morning Post.)

While the English papers were losing readers to the Chinese papers, the new government's press policy was revealing itself; stories began to be selectively leaked to different publications than before, and the SCMP (English) and Ming Pao (Chinese) could no longer expect the pipeline from Government House to flow as freely. Pro-China papers and those whose editorial lines were critical of pro-democracy politicians seem to have been the main beneficiaries. The government also reviewed its policy on legal ads and redefined papers of "general circulation," opening the spigot to others. It has also been making greater use of the Internet.

The development of the Hong Kong identity was aided by a colonial government that did not want people identifying strongly with China, and thus encouraged a focus on local cultural issues. In addition, many Hong Kong people were refugees relieved to be insulated from the turmoil and hardship of the mainland, and were happy to be left alone to work and prosper. They view Hong Kong's subsequent success as the direct result of their labor, ingenuity and self-sufficiency, breeding a strong and sometimes lofty self-image reinforced by the media. It was also strengthened in the colony's last years by Chris Patten, who lost no opportunity to give credit to efforts of the Hong Kong people when provided the British legacy -- rule of law, a relatively corruption-free environment and a decently administered civil service.

## RTHK

Probably no effort to promote this local identity has ever rivaled *Under The Lion Rock*, produced by the government broadcaster, Radio Television Hong Kong (RTHK). That TV drama focused on the community's shared tribulations and collective strength during hard times. It is legend, and so integral to collective memory that its theme song sometimes still brings tears.

Once a government mouthpiece, RTHK has developed an identity of its own as a government-funded broadcaster producing high-quality current affairs and entertainment programs, along with news that is fair, credible and independent from -- and often critical of -- the government. It has several radio channels, but no TV station, and its productions for television are carried on local terrestrial channels and distributed to Chinese-speaking communities elsewhere. RTHK's top officers are all civil servants.

Since the handover, RTHK has been under increasing pressure and even attack, primarily from supporters of Beijing who feel that the problems that undid Tung Chee-hwa stemmed from his administration's inability to sell its policies to the public. They continue to feel that the government needs a mouthpiece, and it should be RTHK.

The pressures have taken many forms, some of them direct, some not. The popular and long-serving Director of Broadcasting, Cheung Man-ye, was transferred to a post in Japan. The budget has been cut. The powerful Independent Commission Against Corruption (ICAC) has prosecuted several employees for financial offences sometimes dating back several years. While these cases have tended to be for small amounts and on at least one occasion no personal gain was shown, the broadcaster has been damaged by a public perception that it has mismanaged the taxpayer's money. A government accountant has been placed in the station to audit its work, and the current Director of Broadcasting, Chu Pui-hing, was obliged to appear before legislators to explain.

Chief Executive Tsang criticized the station for carrying horse racing, something it had done for nearly 30 years to popular acclaim, on the grounds this belonged in the private sector. This politicized a consideration of racing programs already underway within RTHK and, when the show was dropped, created a popular perception that he had prevailed over the station's management. When a high-level RTHK officer retired, Tsang also decided to break the tradition of in-house succession and appointed an outside administrator to the post. This has heightened concern about what the government will do when the current director retires next year.

Tsang has also appointed a review commission to look into the future of RTHK and whether it might be spun off from the government and corporatized. While RTHK has long favored this, much depends on what model is chosen and how the government will exercise oversight. The commission has some individuals with journalism backgrounds but none has public broadcasting experience; it has issued an interim report and final recommendations are awaited.

What happens to RTHK matters because in terms of press freedom it is in many ways the proverbial canary in a mine shaft. Overall morale within the station is not good and there have been allegations of possible self-censorship within the Chinese-language service.

Ching Cheong

The threats to Hong Kong's press freedom from within and without discussed here are but a partial account; many others could be added. But no list is complete without including the case of Ching Cheong, a Hong Kong journalist working as China correspondent for the Straits Times of Singapore, who is now jailed in China on charges of spying for money on behalf of Taiwan.

Ching was once a journalist for Wen Wei Po; by every account he has been a patriot

since his student days. His nationalistic bona fides are such that a leading pro-China political figure who has known him for years told this writer that “even if Ching confessed, I would never believe it.”

Despite support from every quarter, Ching was held without trial for 16 months, in violation of the mainland’s own procedures, before being sentenced to a five-year prison term during a closed-door proceeding in August 2006. He now sits in reportedly declining health in a Guangdong prison not far from Hong Kong -- a concession apparently gained by the SAR government on behalf of his family.

Ching is a cause celebre within Hong Kong and his case has been taken up by journalists’ groups world-wide. What his real offence was no one can say, but it appears that his efforts to obtain drafts of memoirs by the late party leader Zhao Ziyang, who was held in house arrest from 1989 until his recent death, played a role. The espionage charges are widely disbelieved, and his poor treatment despite his strong pro-China background has had a chilling effect on every reporter who works on the mainland.

If Ching Cheong can end up in a mainland prison, no Hong Kong reporter is safe.

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