

Free Press under Threat in Hong Kong Protest Fallout

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Abstract

A government bill on cross-border transfer of fugitives whipped up a storm of protests in Hong Kong in June 2019. It soon morphed into a social movement against police brutality, authoritarian rule and resistance against the “one country, two systems” constitutional framework. To suppress dissent, the Chinese Central Government and the Hong Kong SAR government have tightened social and political control and undermined checks and balances in the society. Independent and free media is under increasing threat.

Keywords: *press freedom, media, national security, “one country, two systems”, Carrie Lam, police violence, Umbrella Movement, civil disobedience, extradition bill, self-censorship*

1. Introduction

It was first mooted as a political formula aimed to put an end to the decades-long separation of China by luring Taiwan, a breakaway island since 1949, back. The concept of keeping two systems, namely

communist China's socialism with capitalist Hong Kong, in one nation, was turned into a constitutional document, the Basic Law, which comprises a total of 160 articles and three annexes. Promulgated in 1990 and took effect on July 1, 1997, the Basic Law is the constitutional safeguard of Hong Kong's systems and institutions and high-autonomous powers for the city to be run freely without interference by the mainland authorities. Cracks in the framework began to surface after the ascendancy of Chinese President Xi Jinping (习近平) in 2012. A civil disobedience movement aimed to fight for full universal suffrage, known as Umbrella Movement, ended after 79 days of occupation in Admiralty, adjacent to Central, Hong Kong's central business district. The movement failed to prompt the Chinese Government to loosen its control over the electoral system for the Chief Executive. But it succeeded in stimulating a sense of civic awakening in the society, in particular the young generation.

Fast-forward to 2019, a government bill that sought to amend the extradition law to give powers to the Chief Executive to send people in the city wanted in mainland China, Taiwan and Macau to those places for trial accordingly, dubbed "Send-back-to-China bill", stoked fears that the firewall between the two systems across the border under the "one country, two systems" policy will be removed if the bill is passed into law. Large-scale protests erupted after Chief Executive Carrie Lam (林鄭月娥) decided to bulldoze the bill during the legislative year, which was scheduled to end by mid-July. Lam's repeated refusal to formally withdraw the bill, defying the voices of the people, added more oil to the fire. It was too late when she finally did so in November. Protests grew fierce and morphed into a social movement against police brutality and authoritarian rule by the Hong Kong Government and the Chinese Communist Party leadership. It came about the time Covid-19 pandemic, which has also been dubbed Wuhan virus because it is widely

believed to be first found in the Wuhan city of central China, hit the world, whipping up a storm of China-bashing sentiments in Western countries, the United States in particular. Beijing's backing of government suppression of freedoms has given more ammunition to China-critics. Public opinion in support of Hong Kong people in their fight for liberty and freedom has put more pressure on their respective governments for them to toughen their stance towards the Communist authorities.

Obsessed with deep-rooted fears about "colour revolution" masterminded by Western hostile forces to topple their regime, the Chinese Communist Party decided to impose a national security law in Hong Kong with an aim to prohibit acts of secession, subversion and collusion with foreign governments. The imposition of the law, which also covers non-Chinese people overseas, has sparked strong outcry from Western countries. Their strong opposition against the law and moves to impose sanctions on key Mainland and Hong Kong officials in charge of the law have drawn retaliations from the Mainland authorities. Once an envy of the world, Hong Kong has become the unlikely victim of a "cold war" between China and the United States, in which the issue of Hong Kong is one of the flashpoints. At the time of the writing of this article, the pessimists who have put their bet on the death of Hong Kong before its return to Chinese sovereignty in 1997 are looking more likely to be the winner.

2. Free Press as a Benchmark of Hong Kong's Success Withers

There was no lack of warnings of "death of Hong Kong" before the sovereignty changeover. One of which was given in the cover story of the now-disbanded *Fortune* magazine in its edition published on June 26, 1995. The article headlined "The Death of Hong Kong", written by

Louis Kraar, wrote, “Big Brother in China has also pressured Hong Kong’s lively press, which includes 52 daily newspapers, into prudent self-censorship.”¹ The author cited as a case in point the arrest of Hong Kong reporter Xi Yang (席揚) in 1994 when he visited Beijing. He was secretly tried, and sentenced to 12 years’ imprisonment just for disclosing in his Hong Kong newspaper that China planned to meet its debts by selling gold. Kraar forecast the withering of Hong Kong’s lively press as a sign of the city’s demise. Last governor Chris Patten (now Lord Patten) had given the benefit of doubt to the city’s free press and developments as a whole in his swansong Policy Address, the annual policy speech given by the colonial governor at the Legislative Council. In it, Lord Patten had set out a list of benchmarks that could, put together, help make a judgment on the success or failure of the handover of Hong Kong.² The benchmarks were set out in a list of questions he asked:

“Is the Hong Kong press still free, with uninhibited coverage of China or issues on which China has strong views?”

“Are foreign journalists and media organisations in Hong Kong still free to operate without controls?”

Even before the social movement sparked by the now-withdrawn extradition bill in June 2019, media freedoms in Hong Kong were under threat. A major source of threat came from the Chinese Communist Party led by Xi Jinping, who has tightened state control over the media since he took power in 2012. In a series of major speeches given in Hong Kong in 2017 during an official visit to mark the 20th anniversary of the city’s handover, Xi warned Hong Kong people not to cross the “red line”. He was referring to the bottomline of the spectrum of views

on a host of sensitive issues that the central government could accommodate. It did not take long for Hong Kong people to understand what the “red line” meant.³

In June 2018, the Foreign Correspondents Club was to host a lunch talk by Chan Ho-tin (陳浩天), founder and convenor of the Hong Kong National Party (香港民族黨), which was still a lawful body at that time. FCC was vehemently criticised by both the Hong Kong Government and the Central Government for providing a platform for Chan to advocate pro-independence thinking. Defying officials’ warning, FCC held the lunch talk as planned. Victor Mallet, the then *Financial Times* Asia Editor and First Vice-President of FCC, was made the scapegoat for hosting the event. His application for a work visa renewal later that year was rejected by the Government. No reason was given.

The plight of Mallet sent jitters to the local and international media community. They fear the “red line” warning was no mere empty-talk. Fears about media self-censorship grew deeper, posing threats to freedom of expression and press freedom. The Mallet case has also caused concern among foreign correspondents based in Hong Kong about the work visa policy of the Hong Kong Government. Traditionally, the Government has adopted a liberal policy in the issuing of work visas to expatriates. There were no known cases of application of work visas by journalists being turned down because of political reasons. More importantly, the case is a clear sign of China’s growing jitters about what they deem as a pro-independence movement in Hong Kong and the role of media and press bodies such as FCC in shaping public opinion.

3. Extradition Bill Amendment a Political Bombshell

Against the background of growing unease about Beijing's increased assertiveness of its sovereign power over Hong Kong and concerns about political dissent in the city, a move in January 2019 by Chief Executive Carrie Lam to amend its extradition law, or officially Fugitive Offenders Ordinance, that would enable the rendition of alleged criminal suspects to face charges in mainland China has dropped a political bombshell. The bill was met with strong opposition from lawyers, academics, pro-democracy political parties, business community, journalists and some other sectors in the society. They fear the bill, if passed, would effectively remove the firewall between the two different legal systems being practised in Hong Kong and mainland China. No wonder it was ridiculed as a "send-back-to-China" legislation.

In a statement issued on May 29, 2019, the Hong Kong Journalists Association, the city's largest journalist trade union, called on the city's government to shelve changes to its extradition law. The statement cited statements from high-ranking ruling Chinese Communist Party officials who have opposed any separation of powers in China, leaving the country's court system open to political control. It said journalists in particular have already been targeted for political reasons in China, using "baseless allegations ... including possession of drugs, smuggling, bribery and fraud." Under the planned amendments to the Fugitive Offenders Ordinance, China would be able to request the extradition of an alleged suspect based on the standards of evidence that currently apply in its own courts, the HKJA said. "We understand that Hong Kong courts have no ways to question the fairness and impartiality of the mainland's public prosecution," the group said, adding that Hong Kong chief executive Carrie Lam, who would approve any requests under the amendments, would herself be under irresistible political pressure to approve any requests made by Beijing. "We know it is very difficult for

the chief executive to say no to the central government,” the HKJA said.⁴

Opposition against the extradition bill snowballed as the legislative process neared its final stage. Attempts by the pro-democracy opposition to thwart the process failed. With support from the pro-establishment camp, who held the majority in the legislature, the Lam administration was determined to press ahead with its plan to put the bill to a vote at the legislature before its annual session ended by mid-July. On June 9, more than one million people (Hong Kong has a total population of 7.5 million people) took to the streets. They called on the Government to withdraw the bill. But even before the protest ended in the late evening, the Government had already issued a statement, insisting they would go ahead with the legislative work as planned on June 12. Beginning late June 11, civilians began to converge outside the Legco building. They attempted to block legislators from entering the building to attend the meeting. Riot police officers fired teargas canisters and rubber bullets against protesters outside the Legco building. There were several reports of reporters being targeted. One driver from a radio news crew was hit by a rubber bullet on his head. On June 15, Mrs Lam announced that the bill would be suspended, but refrained from saying it would be withdrawn as protesters had demanded. The June 12 Admiralty clash has also emerged as a curtain-raiser to the problem of police violence towards journalists and, more importantly, moves to tighten the grip on the media.

4. Media under Threat

The failure of Mrs Lam to put a full stop to the public outcry over the extradition bill by withdrawing it from the legislative agenda had fueled public anger. Protests had sprouted across the city and, on most

occasions, ended with violent clashes between police officers and protesters. The protests soon morphed into a social movement. Mrs Lam had failed to resolve the political dispute through negotiation and quiet persuasion. Instead, she put her bet on the 30,000-strong Police Force to suppress opposition voices. Clashes escalated. So did violence. Without effective checks and balances, frontline officers were not able to hold their nerves. The problem of police breaches of laws and regulations in their operation had turned from bad to worse.

Freedom of the press is guaranteed under the Basic Law. Government officials have reckoned the media functions as the Fourth Power; they say they respect the reporting work of journalists. Under Section 39 of the Police General Orders, the police should coordinate the work of journalists. Police officers should not obstruct the taking of photos and videos by journalists. The opposite is true during the protest. When the anti-extradition bill protest began to heat up in late May 2019, police officers have already started adopting different tactics to obstruct reporters' work such as the use of strong lights to disturb their taking of photos and videos. During the June 12 clearance operation in Admiralty, HKJA has received a total of 27 complaints from journalists against the misbehaviour of police officers. The scale of severity of the alleged police violence and number of complaints against police are unprecedented. Still, many would not have anticipated that the police threat and attack against reporters, both verbal and physical, is just the beginning. As violence escalated, police's deliberate attack on journalists has also turned more serious.

Between June 12, 2019, and the end of April in 2020, HKJA has received a total of 55 complaints from reporters against police officers, including 27 cases relating to the clashes in Admiralty on June 12. It is only the tip of an iceberg. The actual number of cases is much much higher. The reasons are multi-folded. They include the lack of an

effective police complaint mechanism. Many reporters do not want to waste their time on the lengthy process of police complaints. Some media organisations preferred to handle their cases on their own. In November, Cable TV (有線電視), a pay TV network, lodged a batch of complaints from 23 reporting staff against unreasonable and brutal treatment by police officers. There are reasons to believe other media organisations faced similar problems.

HKJA has commissioned the Hong Kong Public Opinion Research Institute to conduct a survey on the violent treatment they were given during their reporting of the social events since June last year.⁵ A total of 222 journalists responded to the questionnaire survey between January and March in 2020. Of them, about 65 percent, or 145, said they encountered violence by the police and people with different political views during their reporting work. Only 28 said they had not received such treatment. The rest said they either did not remember well or had not reported on the protests. Threats from the police include the use of strong lights, verbal abuses, pushing, blocking and snatching of cameras, pepper spray attack and firing of teargas canisters from a short distance. Journalists reported a list of injuries and harm to their bodies. They include side-effects of teargas such as skin allergy, diarrhea, and respiratory system problems. Some have suffered bruises and have to be hospitalised for treatment including stitching. The violence from protesters when covering protests journalists have suffered mainly came from supporters of the police, the pro-establishment camp and the Government, accounting for 72 percent. Only 22 percent said they were violently treated by anti-extradition bill protesters. The list of violence includes verbal insult, pushing, blocking and snatching of cameras, and attack with hard objects or corrosive materials.

Judging from the massive volume of videos and personal accounts given by reporters, the problem of abuses of power and breaches of law

and regulations is not isolated, but systematic and common. It shows an attitude of suspicion and distrust among many police officers towards reporters. With the violence in the social movement escalating, such attitudes worsened into hostilities and hatred towards reporters. Some even showed a feeling of scorn towards the watchdog role of the media as the Fourth Power. It was clearly manifested in the verbal violence expressed by police officers towards reporters on many occasions. One common reference to reporters was “triad reporter”. On one occasion, a reporter identified himself as “reporter” when asked by a police officer. The officer replied by turning the Chinese word “reporter” into a foul language. On another occasion, a police officer ridiculed a reporter, asking “do you really think you have the ‘fourth power’?” The lack of respect among the police towards reporters is one of the deep-rooted factors that has pushed police-media relations to a freezing point.

Police, meanwhile, have repeatedly claimed there were “fake reporters” at the protest scenes. They said those “fake reporters” wearing press vests had deliberately obstructed their operation in order to help the arrestees flee. Police had so far failed to provide any case with substance and proof. Despite that, police have repeatedly cited the problem of “fake reporters” as a reason for their call for new identification arrangements to differentiate “genuine reporters” and “fake reporters” in public places with group gatherings. Journalists fear that it is a step aimed to pave the way for an official press accreditation system akin to those being practised in undemocratic societies including China.

Journalists’ fears have been proven as not without ground in a new initiative adopted by the police to give favours to media outlets that they deem as more “friendly”, “trustworthy” and “cooperative” towards them and more “balanced” in their reports about the police. On August 10, police raided the building of Next Digital (壹傳媒), founded by media

mogul Jimmy Lai (黎智英), who was arrested in accordance with the Beijing-imposed national security law shortly before the raid. Police cited limitation of space as a reason for denying entry of all reporters there into a restricted area outside the building. Only 15 journalists were given the permission to report at the cordoned-off area. Police said they selected those who were more cooperative and trustworthy to have access to the restricted area. Police Commissioner Chris Tang (鄧炳強) said it is a trial scheme aimed to facilitate journalists who are more “trustworthy”.

Under the existing long-standing press reporting arrangements, media organisations who are registered under the Government’s Information Services Department and those who hold press cards issued by media outlets, HKJA and the Hong Kong Press Photographers Association are allowed to cover official press events. There is no such extra criteria as “trustworthiness” and “balanced” reporting. The imposition of a selection process based on “trustworthiness” is seen by journalists as a move in the direction of greater control over the media as practised in mainland China.

The increased use of force, violence on some occasions, and imposition of restrictions such as cordoned-off areas over the work of journalists by the police are clear attempts to make it more difficult for reporters to tell the truth. Top police officials have made frequent complaints that journalists only filmed the acts of police officers, but not what they claimed as violent and sabotage acts of the protesters. Accusing the media of being biased towards them, frontline officers have adopted various tactics to hinder the photo-taking and filming by reporters. They include the use of strong lights towards cameramen and photographers and giving orders to reporters to stop filming of police operations.

5. National Security Law Brings Sweeping Changes

Unlike the Umbrella Movement in 2014 that was ended after 79 days of occupation, the 2019 protest movement has arguably not yet become history. At the time of the writing of this article, it is still history in the making, albeit in a slower pace because of the pandemic. True, the scale of protests has sharply reduced following the outbreak of Covid-19 pandemic beginning from February. Police also banned almost all applications for rallies and demonstrations on grounds of threats to public order, citing the frequent violent clashes between police and protesters in previous mass gatherings. Given the fact that the protesters' demands, in particular an independent inquiry into police brutality, are not yet heeded, mass protests looked certain to return as soon as the health crisis ends.

With hindsight, the ruling Chinese Communist Party had acted to find ways to put an end to the protests. Their anxiety grew as they became more sceptical of the nature of the protest movement. Conspiracy theory gained more credence. Like the 2014 movement, it was branded as another "colour revolution" launched by pro-independence activists with the backing of foreign forces behind. The Party convened its fourth central committee plenum in Beijing, which ended on October 30. In a communiqué issued at the end of the meeting, it has set out a list of system-building of the nation. They include the establishment of a legal system and enforcement system for safeguarding national security. It is the first time such policy direction was made by the ruling party. Under Basic Law Article 23, Hong Kong shall enact on its own a law to prohibit acts including secession and subversion. But the article has not yet been enforced through local legislation since 1997. The then Tung Chee-hwa (董建華) administration had made a legislative attempt in 2003, but the bill was shelved after more than 500,000 people took to the streets to oppose the

bill on July 1, 2003. The SAR administration since then had never resumed the legislative work.

As no details were given, the party resolution on national security had not been given a lot of attention. Meanwhile, the Covid-19 pandemic had caused a delay of an annual plenary session of the Chinese National People's Congress, which was originally scheduled for early March. It was deferred to be held in late May. Days before the May plenum was to be convened, local media reported that the NPC would discuss and approve a resolution on the enactment of a national security law for Hong Kong during the plenum. As expected, the resolution was approved. The NPC Standing Committee held two meetings on the draft legislation in June. It was approved at the second meeting. On June 30, the legislation was published. On July 1, it took effect.

HKJA said in a statement: "Article 4 and 5 of the new law stipulate that the SAR Government should respect and protect human rights, including rights to the freedoms of speech, the press, publication, association, assembly, demonstration and rallies. But the fact the Hong Kong national security law has overriding powers over other laws makes human rights protection under the Basic Law, the Bill of Rights Ordinance and laws that give effect to international human rights covenants meaningless." The journalists' body also expressed fears about the vague meaning of wordings in the law, such as "whether or not by force or threat of force, "A person who incites, aiding or abetting" and "A person who advocates terrorism or incites the commission of a terrorist activity". Those wordings were found in articles relating to "Secession", "Subversion" and "Terrorist Activities". Journalists fear that the press would be incriminated by reasons of "inciting, aiding and abetting".⁶

Another provision with profound implications on media freedom is Article 9, which states that the HKSAR Government shall take necessary

measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, including those relating to schools, universities, social organisations, the media and the Internet. It is a clear sign that news media will be subjected to more restrictions and greater control.

Protection of reporters' source of information and news material is vitally important to press freedom and the functioning of the media as the Fourth Estate. But such protection is lacking in the new law. Article 43 states that Police can require "a person, who is suspected, on reasonable grounds, of having in possession information and material relevant to investigation, to answer questions and furnish such information or produce such material". The article also says that "upon approval of the Chief Executive, carrying out interception of communications and conducting covert surveillance on a person who is suspected, on reasonable grounds, of having been involved in the commission of an offence endangering national security". The article stokes fears that law enforcement departments can freely intercept the dialogue between journalists and interviewees, thus increasing the difficulties of news reporting and scaring people from talking to reporters.

6. Arrest of Jimmy Lai and Raid at Next Digital

The local and international media community were shocked on August 10 when the Hong Kong Police's national security team arrested Jimmy Lai, Chairman of the Next Digital, parent company of the Chinese-language *Apple Daily* (蘋果日報). He was alleged to have breached the national security law and two other ordinances. On the same day, more than 200 police officers raid the company's headquarter. They collected more than 25 boxes of evidence from the office. Some police officers

had inspected some desks in the newsroom, according to live coverage by the *Apple Daily*, sparking an outcry from HKJA and journalists against Police's trampling of media freedom.

The raid of such scale is the first of its kind in Hong Kong. The Government had been extremely cautious not to interfere with the operation of the news media. Although details of the arrest of Lai and the charges he may face are still unclear, the high-profile operation by the Police's newly-set up national security team has sent more chilly wind across the media landscape. Founded by Lai in 1995, *Apple Daily* is known for its pro-democracy and anti-communist stance. Reporters from the newspapers have been banned from reporting in mainland China. Both the Chinese central government and Hong Kong government have stepped up their attack against the newspaper in recent years. On August 27, the official *People's Daily* (人民日報) website carried an article that lambasted *Apple Daily*, saying it was more toxic than Covid-19. The article also claimed that the media group is more a "political organisation" now, accusing it of smearing the central government's support for the Government's anti-virus work and fanning divisiveness in the society.⁷

The fact that Jimmy Lai and the Next Digital has become the first media and media-related target after the national security law took effect is not surprising. Still, it came much earlier than expected and its scale of operation was bigger than envisaged. It has given a clear warning to the media, both local and international, that they are one of the key targets in the nation's attempt to plug the loophole of national security through the new law.

7. Fears of Control Loom

Aside from the Next Digital case, a string of developments related to the media in July and August has added more anxieties to the jittery media community.

In August, *Hong Kong Free Press*, an independent online news platform, was denied a work visa for an established journalist following an almost 6-month wait. The Immigration Department's rejection for *HKFP*'s incoming editor Aaron Mc Nicholas was handed down without any official reason on August 22. It raises further concerns for the business community and the city's press freedom in light of the new security law. Local media reported earlier in August that visas for foreign journalists were being vetted by a new national security unit within the Immigration Department. Some international media organisations have expressed similar complaints against long delays in visa application.⁸

Also in August, Radio Television Hong Kong (香港電台), the city's government-run public broadcaster, removed an interview with pro-democracy Nathan Law (羅冠聰) who is reportedly wanted by the police. Law left Hong Kong ahead of the enactment of the law and has since resided in London. Last month, RTHK produced a programme about the legislative election postponement – in which Law was featured and interviewed – following Chief Executive Carrie Lam's announcement. The programme was aired on July 31 on RTHK's television channel, but it was no longer available on the RTHK website as of mid-August. The case sparks concerns about worsened self-censorship after the national security law took effect.

There are growing signs since the new law became effective that the Lam administration will double its efforts to tighten control over the media in line with the provisions in the law regarding greater regulation and supervision over local and foreign media.

In an interview with state-run *Ta Kung Pao* (大公報) on July 30, Secretary for Security John Lee Ka-chiu (李家超) said legislation could be introduced to regulate the press and punish media outlets that advocate independence. Lee sits on the Government's Committee for Safeguarding National Security.⁹ According to a report by the English-language *The Standard*, Lee said he would not rule out the option of using legislation to regulate the press. "Most media outlets [in Hong Kong] are indeed doing journalism work. [But], of course, some have publicly advocated independence. We will collect evidence and crack down on them," he said. HKJA has demanded an explanation from Lee on who were the media outlets that have advocated independence. Lee had not responded.

Speaking in an interview with the mainland-based Phoenix Television (鳳凰衛視) on August 27, Mrs Lam also singled out media she hoped to "rectify their wrongs" in the next one or two years. She said while there is room for their coverage to be more balanced and fair, it would not be easy to "rectify their mistakes" as Hong Kong is an open society and the Basic Law promises freedom of the press. She called on media firms to take it upon themselves to maintain impartiality.

Mrs Lam did not elaborate. But during the anti-extradition bill protests, both the police and the Government have blasted some media for sending alleged misinformation and fake news. Police have launched numerous complaints, for instance, against the *Apple Daily* for their alleged misinformation. They have also claimed that some reporters were "fake reporters" and that they had obstructed the police's operation. But the police had not provided any evidence to substantiate their claim. Both the Chinese Central Government and the Hong Kong Government have repeatedly claimed that people with malicious motives have deliberately spread misinformation and rumours to smear the Government and cause confusion in the society. The spreading of

rumours has been further elevated to the high political plane. On July 1, Zhang Xiaoming (張曉明), deputy director of the Hong Kong and Macau Affairs Office (HKMAO) under the State Council, cited rumours about alleged police brutality inside the Prince Edward MTR station that resulted in unreported cases of deaths of civilians as an example. Zhang said that such rumours have fuelled public discontent over the police and even the Central People's Government, thus causing bad consequences. He said such spreading of rumours may breach the national security law because it could sow public hatred towards the Hong Kong Government and Central Government.¹⁰

8. The End of Media Freedom?

Hong Kong has boasted to have a vibrant, free press and to be a regional hub of journalism, which is vitally important to the city's strategic development. Former chief executive Tung Chee-hwa has envisioned Hong Kong as Asia's world city in his 1999 Policy Address, an annual policy blueprint for the city. He has vowed to build on Hong Kong's existing strengths in a wide range of areas, including free flow of information, openness and diversity. In its 2000 report, the Commission on Strategic Development that he chaired said: "Hong Kong needs to promote its unique position as one of the most cosmopolitan and vibrant cities in Asia to a wide range of international audiences."¹¹ Without a vibrant and free press, the flow of information will be adversely affected, causing negative chained effects in many areas, in particular business and finance.

Against the background of a decline of press freedom in Hong Kong since the ascendancy of Xi Jinping in 2012, the threat of violence and obstruction by the police to reporters in their reporting during the social movement that erupted in 2019 have been unprecedented in terms of

their severity and frequency.¹² Police violence has posed a direct threat to journalists' right to freedom of reporting and, thus, people's right to know. The social movement saw the emergence of citizen journalists, student journalists and online media, self-media at sites of protests and demonstrations. It mirrors the drastic changes in the media similar to other places in the world. Also importantly, it reflects a growing feeling of mistrust in some quarters of the society, in particular the younger generation, towards the traditional mainstream media. They feel adamant that the mainstream press has become biased in favour of the Government and Beijing because most of their proprietors have close ties with the mainland government. The emergence of a new fleet of journalists has given a boost to the overall coverage of the media. The fact that the media have given extensive coverage of the police brutality and problems in their operation has sharpened conflicts between the police and the media. Police have put the blame on the media for their worsened public image, claiming that media reports were loaded with biases and misinformation. They started moving to put more restrictions on the reporting activities of student journalists and citizen journalists in public places. Taken together, they are keen to weaken the power of the media in telling the truth on occasions like protests when the whole truth of police's law-enforcement is more important than ever.

At a broader level, remarks made by Mrs Lam and provisions regarding media supervision in the national security law are clear signals of a further tightening of control over the media. They could include the setting up of an official press accreditation system similar to those in mainland China, a ban on journalists (student journalists, citizen journalists) who are not government-registered bodies in reporting in protests. There have been vocal calls by the pro-establishment political parties for the Government to emulate places like Singapore to legislate on fake news.

Access to information and preservation of official archives are important in enhancing open, transparent and accountable government. But there have been no legislations for that purpose. Mrs Lam has promised to speed up the legislative work in her election campaign in 2017. No progress has been made since she took up the top post in 2017. Worse still, the Government has backpedalled in the dissemination of news and press arrangements in the past three years. For instance, there have been more official activities of Mrs Lam with no press invitation for reporting. They were often made public through the Government's Information Services Department.

At the time of the writing of this article, a fresh round of row over whether Hong Kong's political system has a system of "separation of powers" erupted following a move by the Education Bureau to order deletion of such references in schools' liberal studies' textbooks. On September 1, Mrs Lam stressed that the Basic Law, the city's post-1997 constitution, stated that the chief executive was both the leader of the city and its government. Her remarks ran opposite to statements made by the city's top judge Geoffrey Ma (馬道立) and his predecessor Andrew Li (李國能) that there is separation of powers.

On its face, the argument is academic and unrelated to the media. It is not. It goes to the heart of the most critical problem facing Hong Kong purportedly under the "one country, two systems" policy, namely power. Under the political framework, Hong Kong enjoys a high degree of autonomy with the preservation of a separation of powers system governed by checks and balances. Media is not a power organ under the Basic Law. But like other open and free societies, the media functions as the Fourth Power exercising checks in the interest of the public against any wrongdoings of the three powers and society at large.

HKMAO's Zhang Xiaoming said in 2015 that Hong Kong did not practise a system of "separation of powers". He said that the Chief Executive "is above" the three branches of power because of its role as the leader of the city being accountable to the central government. Mrs Lam's remarks on "separation of powers" toed the line of the central government.

With the backing of the central government, Mrs Lam has moved to assert her superior status and overriding powers in running the city, raising serious questions about the power of the judiciary and the legislature – and the media – in exercising any meaningful checks and balances. The social protests that broke out in summer 2019 have not yet come to an end when this article went to publication. Likened to a perfect storm, it is indeed a catastrophic earthquake that has brought about seismic changes in Hong Kong. A free media has been an integral part of a free Hong Kong. The shock and after-shock of the 2019-2020 protests have rocked the city's free media.

Notes

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1. *Fortune*'s "The Death of Hong Kong" article can be found at: <https://archive.fortune.com/magazines/fortune/fortune_archive/1995/06/26/203948/index.htm>.
2. Lord Patten's 1996 Policy Address can be downloaded from the archives of the then Legislative Council at: <https://www.legco.gov.hk/yr96-97/english/lc_sitg/hansard/han0210.htm>.
3. See "President Xi Jinping marks 'red line' in warning to Hong Kong on national sovereignty", *South China Morning Post* (Hong Kong), 2nd July 2017. <<https://www.scmp.com/news/hong-kong/politics/article/2100895/president-xi-jinping-marks-red-line-warning-hong-kong>>
4. Press statements issued by the Hong Kong Journalists Association can be found at: <<http://www.hkja.org.hk>>.
5. Full details of the HKJA survey can be found at: <<https://www.hkja.org.hk/en/press-release/hong-kong-press-freedom-index-hits-record-low-police-obstruct-news-activities-using-violence-viewed-as-the-major-reason-in-decline/#more-7817>>.
6. Press statement on national security law issued by the HKJA can be found at: <<https://www.hkja.org.hk/en/statements/statement-issued-by-the-hong-kong-journalists-association-the-hong-kong-national-security-law/>>.
7. *Ta Kung Pao* report on the *People's Daily*'s article can be found at: <<http://www.takungpao.com/news/232109/2020/0827/491023.html>>.
8. Article about the visa delay can be found at: <<https://hongkongfp.com/2020/08/27/visas-weaponised-govt-denies-hong-kong-free-press-editor-a-work-visa-without-explanation-after-6-month-wait/>>.
9. Remarks made by Lee Ka-chiu can be found in *The Standard*, July 31, 2020: <<https://www.thestandard.com.hk/sections-news-print/221467/Lee-sends-'chilling-message'-to-media>>.
10. Remarks made by Zhang Xiaoming can be found in *Passion Times* (熱血時報), July 2, 2020: <<https://www.passiontimes.hk/article/07-01-2020/64066>>.

11. Tung Chee-hwa's 1999 Policy Address can be found at: <<https://www.info.gov.hk/gia/general/199910/06/address1j>>.
12. See HKJA's 2019 Annual Report *Freedom in Danger*: <<https://www.hkja.org.hk/en/hkjas-news/publications/annual-report/>>.

