Elections are considered democratic and free when they fulfil four basic attributes: they are inclusive, clean, competitive, and constitute the means of access to public offices through periodic elections. In every democracy, a free press and an independent election observation work side-by-side to gather evidence throughout the electoral cycle and to
gauge the level of electoral integrity. A free press is instrumental for maintaining a level-playing field wherein all stakeholders, candidates and voters are entitled to equal access to the media and to information that matter.

For their part, election observers gather evidence on how well the media environment fulfils a range of standards including, but not limited to, providing balanced and accurate reports on the performance of incumbents and their challengers, a platform for debate, and fair access to political broadcasts and advertising. They allow candidates to communicate with the electorate, report on the campaigns, inform voters on how to exercise their rights, monitor the process and expose wrongdoings, including election-day proceedings, and report the results to the public.

The Electoral Integrity Project (EIP) has discovered that “the greater the degree of media independence... the higher the level of electoral integrity. In contrast, suppression of independent journalism... is associated with worse quality elections.” Specifically, “claims of misconduct and fraud, or calls for electoral reform put forward by political parties, minority groups, or civil society observers, will come to the attention of larger audiences only if news media play the role in a fair and balanced way.” Founded in 2012 as an independent academic project, the EIP has compared elections worldwide to explain how elections meet international standards of electoral integrity, and what can be done when they fail.

In Hong Kong where media independence and professional journalism have laid the foundations of the Fourth Estate over decades, the crackdown on the anti-government protests throughout 2019 and the subsequent introduction of the National Security Law (NSL) by Beijing in July 2020 have resulted in an increasingly precarious environment.

Nowadays, police operations constitute the major threat to press freedom. As many as 65% of the journalists said they experienced verbal and/or physical abuses when covering public events. The worst incident concerned an Indonesian journalist whose right eye was blinded by a police projectile. Meanwhile, Covid-19 has presented new challenges to press freedom as the government has imposed strict lockdowns and used emergency powers to restrict the exercise of free speech and peaceful assembly.

According to Reporters without Borders Press Freedom Index, Hong Kong ranked 80th out of 180 countries or regions in 2020 that experienced a sharp fall from 58th since 2013. The local press freedom indices mirror the worrying trend. The Hong Kong Journalist Association’s (HKJA) Press Freedom Index has shown that local journalists’ assessments about press freedom have been more negative than the general public, highlighting that the decline was “the sharpest since the survey was launched in 2013.”

One may question whether the survey findings can offer a reliable and accurate reading of the state of press freedom and media independence. In our view, the data do matter in a city where the people

3  https://www.electoralintegrityproject.com/
are accustomed to the media as watchdogs guarding public interest, highlighting problems of common concern, ensuring citizens’ right to full and impartial information, and giving a plurality of viewpoints to be heard through fair reporting and investigative journalism. By extension, perceptions of electoral integrity are formed in the public domain thanks to the work of mass media and scholarly research.

In contrast, what the NSL represents is something quite alien to the fundamental way of life in the city. The law was imposed on Hong Kong by Beijing, effectively bypassing the local legislative procedures. Resembling the Chinese socialist legal doctrines, formerly legal and permissible acts and speeches are criminalized in the name of national security. Hefty sentences, with maximum penalty being life imprisonment, is only the tip of the iceberg of this draconian set of laws.

In August 2020, Irish journalist Aaron McNicholas was denied a visa to Hong Kong to take up the editorship of Hong Kong Free Press. It is no coincidence for the New York Times to relocate a portion of its staff two weeks after the enactment of NSL.

One cannot help but think that national security authorities in Hong Kong are keen on making an example of the arrest of Jimmy Lai, a renowned pro-democracy media entrepreneur, for violating the NSL.

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Source: HKJA Survey Report 2020

Table 1. Hong Kong Journalist Association Press Freedom Index, 2013-2019

Press freedom’s swan song?

Hong Kong officials used to say a “free press has always been one of our core values.” Nowadays, the same officials’ line becomes “journalists cannot ask for privileges” or “there is no such thing as unfettered freedom.” As Hong Kong has entered the NSL era, conspicuous actions have been employed to effectuate chilling effects, such as the denial of working visas for foreign correspondents and freelance journalists whose work are regarded by authorities as “hostile,” “unfriendly” or “biased.”

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Strong competition among more than a dozen of media outlets in Hong Kong is more apparent than real because only a few of them are not controlled by pro-government, pro-Beijing business elites.\[^{13,14}\] The relations between the state and the capital have subtle implications for the media’s day-to-day operations. Acquisition of ownership and co-optation of media have arguably weakened the foundations of media independence; changes of directors/management have become especially evident after the social movements in 2014 and 2019. That said, in contrast to mainland China where state-sanctioned censorship is the order the day, the level of press freedom in Hong Kong is decided by the interplay of the display of professionalism and the necessary evil of self-censorship at both corporate and individual levels.\[^{15,16}\]

In August 2020, the staff of i-Cable TV Channel resigned in protest against the management’s decision to replace several executives and the news director with persons perceived as more willing to work with the authorities.\[^{17,18}\] A young journalist who chose to remain anonymous has revealed to us the internal dynamics of the newsroom after a change of ownership:


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and the raid of his Apple Daily for evidence of subversion, collusion with foreign powers, as well as his financial and political influence over what the regime regards as subversive or separatist groupings.\[^{11}\] Police has cited Lai’s use of Facebook and Twitter as circumstantial evidence in the decision to charge him with collusion with foreign powers under the NSL.\[^{11}\] It should be noted that while Apple Daily has long been one of the most successful newspapers in circulation and subscription, it has generated lesser income through advertisements by clients of the private sector fearful of offending the authorities.
‘We didn’t feel much of the political pressure after the change of ownership. Our editors were able to provide a shield or a buffer zone for us. They employed a set of principles on which professional judgements on what can/can’t be done were made accordingly. Open discussion in our team was commonplace, we were reassured that the supervisors would fight on our behalf when the news values of our work justified its publication, while the management would usually respect our editors. However, we increasingly felt the constraints due to the shortage of staff and financial support. We barely managed the basic news coverage on a daily basis and there was simply no time to explore new subjects or to carry out in-depth investigation for stories of higher quality. The lack of communication between the management and the editors/frontline reporters resulted in the erosion of trust and disagreement over time.’

The Hong Kong government has made a number of moves to bring the public broadcasting service Radio Television Hong Kong (RTHK) under control. Producers and reporters of RTHK have long withstood politically motivated pressures stemming from complaints from pro-government groups. One of those targeted is Nabela Qoser, a RTHK broadcast reporter. She was given two short-term extensions of employment pending a protracted investigation, which has been widely interpreted as a retaliation for her tough questioning of the Commissioner of Police and the Chief Executive Carrie Lam during the 2019 protests.

RTHK has been the most trusted and internationally acclaimed broadcasting service, but staff morale has reached its nadir with the arrival of Patrick Li, a career bureaucrat with no media experience, as Director of Broadcasting. Li has defended his controversial decisions to axe programs that are “unfair” to the government or feature guests whose views are not acceptable by the government as usual practice according to RTHK’s editorial guidelines. The head of Qoser’s section, as well as two senior executive producers, have resigned recently. Notably, the Chief Executive has openly praised Li’s performance, saying, “He is meeting my expectations.”

Supporters of Choy Yuk-ling defending journalists’ right to access public records before her trial - 24 March, 2021. Photo by Apple Daily

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19 Interview with a journalist who wishes to remain anonymous, January 2021.
Another devastating development concerns the arrest of a freelance news documentary producer Choy Yuk Ling in November 2020. She was involved in the making of a documentary for RTHK that highlighted the police’s inaction (some would say involvement) during a mob attack targeting pro-democracy demonstrators in the district of Yuen Long. The police accused her of making false statements while retrieving publicly available information for the documentary. The arrest has raised concerns among scholars and the press because her research into public records of car registrations is also a commonly used method of investigative journalism. Choy pleaded not guilty, a guilty verdict would land her behind bars for up to six months and a HK$5,000 fine under the Road Traffic Ordinance.

Inspections of public records had, in the past, uncovered vote rigging, corruption and other scandals. During the 2019 District Council elections, the courts upheld the suspension of public access to the register of voters through injunction orders filed by the Junior Police Officers Association (JPOA), which claimed the ban was to prevent abuse and doxing by protesters targeting police officers. While the court granted the injunction, the personal information of 132 staff members of Apple Daily was published online anonymously.

Press freedom has seen better days. We should expect to see not capitulation or instant collapse of professional journalism but widespread pessimism about media independence and electoral integrity in an increasingly hostile environment. For that, a panel survey was jointly conducted by the Election Observation Project with the Hong Kong Public Opinion Research Institute (HKPORI) to gauge public perceptions on the prospects of press freedom and electoral integrity. Moreover, in order to gain further insights and to shed light on the data obtained, we carried out semi-structured interviews with four local journalists and academics.

Table 2 shows that public perceptions on press freedom in the post-NSL era have noticeably deteriorated; 61% of the respondents opined that press freedom has changed for the worse. Notably, such pessimistic outlooks were shared not only expectedly by the majority of the supporters of the pro-democracy camp (92%), but also by 43% of their counterparts in the non-pro-democracy camp. Results of our panel survey on the free access to public records are shown in Table 3, showing 57% of the respondents supported free access for the purposes of journalism or research, twice as much as those who thought otherwise. Unfortunately, as indicated above, the current protocols on registrar inspection are less friendly for academic or journalistic research, to say the least.
and will likely be tightened up further if Choy is to be convicted, setting precedent for the criminalization of justifiable actions, weakening public access to public records.

Turning to the electoral arena, the NSL has led to mass arrests of no less than 100 pro-democracy leaders and activists, whose right to participate in elections and the policy-making process have in recent years already suffered from increasingly restrictive vetting procedures.28,29 From disqualifying candidates to disqualifying duly elect-

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Media Reporting of Elections in Asia: Issues, Challenges and Lessons

would like us to believe that there will still to be room for different shades of opinions, especially for what they call “a loyal opposition,” the majority of Hong Kong people have concluded that the prospects for the pro-democracy camp to continue to take part in future elections are bleak.

Table 4 shows that 57% of the respondents of our panel survey concurred that the upcoming elections for the legislature will become very unfair or somewhat unfair, 87% of pro-democracy camp supporters and 39% of non-pro-democracy camp supporters shared this view. In contrast, 25% considered the coming elections to be somewhat fair or very fair, but only 7% of pro-democracy citizens and 36% of those would like us to believe that there will still to be room for different shades of opinions, especially for what they call “a loyal opposition,” the majority of Hong Kong people have concluded that the prospects for the pro-democracy camp to continue to take part in future elections are bleak.

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who do not support the pro-democracy camp thought there would be a fair election after all.

When asked to comment on the prospects of press freedom at the wake of the NSL, all four interviewees were acutely aware of the increasingly uncertain situation. Chris Yeung, a veteran journalist, founding member of Citizen News, and currently HKJA Chairman, said:

"After the promulgation of NSL, the difficult political climate has incontrovertibly put journalists under immense psychological pressure. This is particularly evident for those who work on political or more 'sensitive' news desks. The main concern for them is the uncertainty of when their work would be determined as problematic in the eyes of the authorities. Media outlets, as a result, impose varying degrees of self-censorship – some opting for a more cautious and conservative stance. This won’t be happening overnight. It’s rather a gradual process. However, the trend is obvious, as it relates to the waning situation of the wider political environment. Although the NSL is not black and white when it comes to censoring the press, the outlook for a free press in Hong Kong won’t be an optimistic one." 37

Yeung said that the less democratic and liberal Hong Kong becomes, the more important the roles of independent media will be. It is imperative to further consolidate the moral basis of press freedom—an obligation to provide an authentic portrayal of the vox populi—the people’s voice—and to continue to act as a watchdog in defense of public interest. "We shall carry on until the risk becomes unbearable." 38 However, turning to the relations between the HKJA and the authorities, Yeung sounded less hopeful, describing the ties as "really bad" in a politicized atmosphere, and the government showed no interest in talking with HKJA, not to mention reaching any agreement at all. "As the communication has broken down, the only thing we can still do is to present our views through the media and the government may then decide how much public outcry they could afford to ignore, and for how long." 39

Bruce Lui, a veteran journalist specializing in Chinese affairs, a university lecturer and a founding member of an association of independent commentators, mentioned during the interview that it is not uncommon for pro-government people and Beijing to surmise that the government’s shortcomings and failures have been aggravated by the vocal media and their "negative, unfair reporting." 40 Expectedly, Beijing is determined to launch an all-encompassing campaign to re-define the roles of the agents of socialization, which include schools and the media:

"Following the current wave of political retribution, there will come a time of long-lasting re-education for younger generations and civil servants. With the objectives of imbuing a particular form of patriotism, national consciousness, as well as a comprehensive and politically correct historical perspective and understanding about the Chinese Constitution and Basic Law in Hong Kong, the education system as well as the media will be primed for their new roles." 41

But what does it all mean to journalists? Lui said journalists must not think they are not targeted under the new order. When the "red lines" and "no-go areas" are deliberately vague, each reporter must decide how much risk he/she can take for unearthing a story that the rich and the powerful may easily take offense. Though investigative journalism will always be teamwork, when the crunch comes, however, "someone has to take all the responsibilities so as to spare the others." 42

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37 Interview with Chris Yeung, February 2021.
38 Ibid.
39 Ibid.
40 Interview with Bruce Lui, February 2021.
41 Ibid.
42 Ibid.
Notwithstanding the emergence of social media and alternative online media platforms in Hong Kong in response to the aforementioned deficiencies, the cyberspace may provide limited relief only, not least because it is closely monitored and increasingly meddled with by the authorities and the pro-government groupings. Allan Au, who is a veteran political journalist, a university lecturer and an independent commentator, shared what he anticipates will happen to Hong Kong:

“The Chinese Communist Party seeks to adopt strategies that suppress discussions online while at the same time exploit digital channels of communication to its favor. This tactic has been employed for over a decade. The goals are two-fold – surveillance and distraction. The latter is achieved through entertainment – the more fun people are having; the more important messages/news are diluted. This is a very evident trend. The former, on the other hand, is blatant crackdown against political dissents. This is often carried out through organizational manipulation. The ruling class in Hong Kong has not acquired the ability nor the vision to implement the similar tactics, which are now common in China, though we should be able to observe when and how such mechanism is adopted in Hong Kong, and this will become more systematic and mature. I think the Hong Kong government would only have to copy and paste what has been working well in China.”

43 Au has a strong interest in how online media, including self-media, have emerged rapidly to fill the void left by the traditional media outlets. Admittedly, the speed and the flexibility of the new media have served not only to inform but also to mold continuously public opinions towards the government. However, Au is aware of the inherent constraints of resources that prevent most of the new media operators from carrying out in-depth, thorough investigation and fact checks before publishing the stories. At the end of the day, Au thinks that journalists and those who care about electoral integrity could continue to look critically at the imposed changes to both governance and the electoral systems. “The shared values of our society should never be discarded, they should be preserved in a system of collective memory—a memory of freedom.”

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Walking on a tightrope

Autocratic regimes have a penchant for silencing critics and masquerading media repression behind a veil of legality. Strictly impartial and nonpartisan practice of journalism is rendered a high-risk undertaking in the age of the repression, marginalization and co-optation. In the worst-case scenario, the media and journalists cannot play any role other than that of the mouthpiece and spin doctors for the powers that be.
Moving beyond the conventional dichotomy of "watchdogs" and "lapdogs" with respect to the traditional roles of the media, Hong Kong has entered a new epoch in which journalists and their professionalism are put to test. This chapter seeks to uncover the roles of press freedom in upholding electoral integrity and the core values of Hong Kong. As an ideal-typical model, the Fourth Estate performs such functions as the provider of full and unbiased information, a guardian of public interest, as well as a gatekeeper. During the 2019 protests, journalists endured months of tear gas, rubber bullets, water cannons and police obstructions. At the wake of the NSL, however, the liberal foundations of free press have become more precarious; journalists have to learn to face new forms of uncertainty: pervasive self-censorship, raids and arrests. As we have found, given the intimidation of journalists, the structure of media ownership, and restrictive access to information, the quality of election coverage is now in doubt.

At the time of writing, the Hong Kong government has made it a top priority to legislate against disseminating “doxing,” “fake news” and “hate speech.” In fact, as we have seen above, existing laws and administrative procedures can easily be used to stifle reports and research that the authorities do not approve of. Journalists, researchers and election observers are subject to restrictive regulations in inspecting the electoral roll, company registrar and other pertinent public records. For example, a person who reproduces or imparts to any other person any information from the register of voters for the purpose other than those related to an election is liable to imprisonment for six months.

While the media environment is endangered, there remains a strong and ingrained consensus among our four interviewees that plenty of Hongkongers are willing to tell their stories. Depending on the issues, the press is still bound to study and report. All four journalists recognize the growing importance of alternative and online media. Such was the case with the 2020 pan-democratic primary election as a core component of the camp’s strategy to win no less than half of the seats in the legislature.

Notably, most traditional media outlets were lukewarm towards the primary initially, and the organizers were worried that the level of participation would be low as a result. But when more than 600,000 voters turned out to vote in the poll to pick the candidates for the camp, it proved to be impossible for the media (and the government) to neglect its political ramifications, albeit most media outlets have expectedly taken the stance against the primary election. On February 28, 2021, 47 organizers and participants of the primary were officially charged with conspiracy to commit subversion under the NSL. They were denied bail and remain in detention before trial.

Beijing asserts its control over the electoral processes with newly created vetting and electoral methods to ensure that “patriots” will become the mainstay of appointed and elected office holders. The resultant level of electoral integrity is expected to decline sharply in the coming years. As the Hong Kong that we have known to is on trial under the NSL, so are press freedom and electoral integrity. True, there is pervasive apprehension among Hongkongers that this is the beginning of the end for the Fourth Estate, but insofar as the worst is yet to come, it is also agreed by our respondents to keep calm and carry on—there is a big story to cover.
