

LCQ3: Issues related to news coverage work

Following is a question by the Hon Elizabeth Quat and a reply by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, in the Legislative Council today (May 27):

Question:

It has been reported that some people wearing press cards or reflective press vests committed improper or illegal acts (e.g. insulting police officers with coarse and sexual harassment languages during live broadcasts, obstructing police officers in law enforcement, and even attempting to rescue persons who were being arrested) at the scenes of public events. Moreover, a junior secondary school student aged only 12 covered news in the capacity of a student journalist for an online media at the scene of an unforeseen incident. In this connection, will the Government inform this Council:

(1) whether it will enact legislation to regulate online media by expressly specifying the qualifications and minimum ages required for, and the professional conduct to be observed by, their editors and reporters, and set up a monitoring body to monitor the operation of online media;

(2) given that press cards are currently issued by various media organisations or associations on their own, making it difficult for law enforcement officers to ascertain the identity of the cardholder as a journalist, whether the Government will comprehensively review the existing system for issuing press cards (including whether there is a need to designate an authorised organisation to issue such cards, the criteria for issuance and the mechanism to prevent abuse), and consider afresh setting up an official organisation to centralise the issuance of press cards; and

(3) whether it will draw up a code of practice and guidelines on news covering to specify that at the scenes of crimes and large-scale public events, journalists are not allowed to cross the cordon lines set up by the Police, and they should cover news in the press areas set up by the Police, etc.?

Reply:

Acting President,

After consulting the Security Bureau, the Home Affairs Bureau and the Commerce and Economic Development Bureau, our consolidated reply to the Hon Elizabeth Quat's question is as follows:

(1) and (2) Freedom of the press, as expressly guaranteed under Article 27 of the Basic Law of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China, is a core value of Hong Kong. Under existing legislations, the operation of different media in Hong Kong is subject to

some forms of regulation. For example, television and sound broadcasters are subject to licensing under the Broadcasting Ordinance (Cap. 562) and the Telecommunications Ordinance (Cap. 106) respectively. Printed media, be they newspapers or magazines, are required to be registered under the Registration of Local Newspapers Ordinance (Cap. 268). Besides, they are also subject to the general law such as in respect of publication of obscene or indecent articles, copyright protection, defamation, etc. The HKSAR Government is committed to maintaining a facilitative environment in which the media industry can develop under appropriate regulation, allowing reporters to cover and report news, and fully enabling it to exert its function as the fourth estate. To facilitate media reporting work, the Government currently does not have any plan to conduct central registration of journalists and does not intend to regulate and vet media practitioners' qualifications for reporting. However, as major providers of news and information for the community, media organisations should act responsibly and observe the law in the dissemination of news, irrespective of whether it is through the electronic mode or printed platform.

(3) The HKSAR Government respects the work of reporting by media practitioners, and believes that professional and bona fide journalists would not participate in illegal acts or intentionally obstruct police enforcement while covering events. The Police have a duty to safeguard public safety and public order. This duty is a statutory one which the Police must discharge. During operations and where circumstances permit, the Police will endeavour to facilitate the work of the media on the basis of mutual understanding and respect so that both sides can perform their respective functions. Indeed every possible effort has been made for reporters' convenience provided that police operations will not be affected. The Police have also kept reminding reporters that they should pay attention to police instructions and maintain appropriate distance from the police officers to ensure the safety of both sides.

To enhance communication and explore how to foster the mutual understanding and respect between policing and reporting work, the Commissioner of Police met with representatives of four media associations (Hong Kong Journalists Association, Hong Kong Press Photographers Association, Hong Kong News Executives' Association and Hong Kong Federation of Journalists) on May 21. Concerns of both sides were discussed, including the recent observations about difficulty for law enforcement officers to ascertain the identity of journalists in respect of persons carrying press cards.

Among the 52 recommendations made by the Independent Police Complaints Council (IPCC) in its thematic study released on May 15, two of them cover relevant matters, i.e. (1) to review how to facilitate the work of reporters in major operations without causing undue hindrance to the Police's enforcement actions; and (2) to review the need for engaging media representatives to draw up a Code of Practice allowing the Police and media to fulfill their respective duties and for ensuring the safety of all concerned. The Security Bureau has already set up a task force to follow up with the IPCC's recommendation. The Secretary for Security will personally

supervise the task force.