

LCQ6: Public safety and press freedom

Following is a question by the Hon Claudia Mo and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 4):

Question:

Hong Kong's ranking in the World Press Freedom Index has dropped from the 48th in 2009 to the 73rd this year, reflecting that the degree of press freedom in Hong Kong has declined significantly. In this connection, will the Government inform this Council:

(1) given that since June this year, quite a number of journalists have complained that police officers blocked their cameras, shined strong light at them, insulted and intimidated them, jostled them, tore off their gas masks, inflicted injuries on them with weapons such as batons, pepper spray and rubber bullets (even resulting in a journalist's loss of vision in her right eye), and that the situation has not improved despite repeated complaints by various journalism organisations, of the measures put in place by the Government to ensure that journalists, when covering news at the scenes of public events, will not be subject to police officers' unreasonable treatment directed against them, interference, arrests, attacks and obstruction to their work;

(2) given that in recent months, the Government has, on the grounds of protecting the privacy of police officers, suspended the public inspection of the Final Registers of Electors/Voters, stopped showing the names of some police officers on the Government Telephone Directory, and required persons who wish to search another person's marriage and birth records to produce the written consent of the data subject, whether the Government will abolish such measures and undertake that it will not implement again any measure that will undermine the right of public access to information; and

(3) given the inadequacies of the Code on Access to Information (including government departments determining on their own whether or not information should be kept confidential, untenable justifications given for refusal to disclose information, and public organisations not being covered by the Code), of the improvement measures put in place; given that the public consultation conducted by the authorities on the introduction of an archives law and an access to information regime was completed in March this year, of the consultation outcome, follow-up recommendations and legislative timetable?

Reply:

President,

Hong Kong enjoys freedom of the press, and government departments will

also endeavour to facilitate media reporting.

My reply to Hon Claudia Mo's question is as follows:

(1) Since early June this year, there have been over 900 demonstrations staged in Hong Kong, many of which ended up with illegal acts of serious violence, including criminal damage, arson, hurling of petrol bombs, etc. There had also been a case of a person embedding himself among reporters and the crowds to slit the neck of a police officer at close proximity, seriously injuring the officer. The personal safety of police officers on duty are under serious threat. During their operations, the Police have from time to time encountered instances of reporter "impersonations", including seizing fake reporter identification, self-proclaiming reporters not employed by the claimed media organisations, and cases of immediately departing upon being questioned about reporter credentials.

The Police have formulated guidelines for police officers to ascertain the identity of media practitioners with the credentials issued by media organisations. Media practitioners bringing along relevant credentials or wearing easily recognisable clothing or armbands would facilitate police officers in ascertaining their identity. The Police will deploy the Force Media Liaison Cadre to the scene to provide facilitation and assistance as needed. The Police will also disseminate timely messages to the public through media. Persons at the scene (including media practitioners) should pay attention to and follow the instructions given by police officers, and maintain appropriate distance. This will prevent obstruction of police enforcement operations, as well as avoid personal injury.

Complaints lodged by dissatisfied media practitioners will be handled by the Complaints Against Police Office and the Independent Police Complaints Council in a fair and just manner.

(2) Since this June, the personal information of police officers and their family members has been unlawfully disclosed and widely published online. They have been harassed and intimidated, even receiving letters threatening to hurt them brutally, causing them grievous mental distress. Up to November 20, the Office of the Privacy Commissioner for Personal Data had received 4 200 cases of "doxing" from police officers, Legislative Council Members and citizens holding various political views.

In view of this, the Junior Police Officers' Association of the Hong Kong Police Force has applied for an injunction order. The court granted in October an injunction order restraining the Registration and Electoral Office from arranging for public inspection of the 2019 Final Registers of Electors/Voters, which show the electors' names with their respective principal residential addresses, and from providing extracts of the Final Registers of Electors/Voters or relevant information to members of the public, until the disposal of the judicial proceedings.

Furthermore, the court granted in October and November an injunction order restraining any person from unlawfully and wilfully, while intending or

likely to intimidate, harass, threaten, or pester the relevant persons under the circumstances, using or disclosing the personal data of any police officer or their family members, to intimidate or harass any police officer or their family members; or from assisting or inciting others to commit any of these acts. The injunction order as varied by the court on November 8 does not prohibit any lawful act(s) done solely for the purpose of a "news activity".

Due to the harassing acts mentioned above, the Police have suspended displaying the information of some officers on the Government Telephone Directory. This arrangement will not affect citizens from communicating with or seeking assistance from the Police through existing channels, including the use of 999 or contacting police stations.

Regarding the search of marriage and birth record of a third party, pursuant to the Personal Data (Privacy) Ordinance, unless with the consent of the data subject, personal data could only be used for the purpose for which the data was originally collected or directly related purposes. To this end, applicants would have to explain to the Immigration Department the purpose and intended use of the requested information, as well as their relationship with the data subject, for consideration.

The Government will continue to monitor the situation on "doxing" and take appropriate measures, while balancing the public's access to information, the protection of personal information, and the needs of maintaining public safety.

(3) According to the Code on Access to Information, Government departments should work on the basis that information requested will be released when handling requests for information. In the past three years, over 97 per cent of the requests for information were met in full (94.4 per cent) or in part (2.9 per cent), and only about 2.7 per cent of the requests were refused. Unless there are valid reasons to withhold the disclosure of information under the Code (e.g. the information concerned relates to defence and security, law enforcement, legal proceedings and public safety, etc), bureaux and departments should provide the requested information. If requests are refused, the reasons for refusal must be provided quoting the relevant paragraph(s) in the Code, with appropriate elaboration. If any member of the public does not agree, they may ask for a review. The review should be considered by a directorate officer at least one rank senior. If the requestor is not satisfied with the subsequent response, they may lodge a complaint to the independent Ombudsman.

Concerning the consultation on the access to information regime, the Access to Information Sub-committee of the Law Reform Commission (LRC) had published a consultation paper on the access to information regime. The consultation period ended in March this year. The Sub-committee is analysing the views collected to finalise the reform proposals. After the LRC publishes its final report, the Government will deliberate in detail the recommendations put forward by the LRC, and consider how to improve the access to information regime. As to the archives law, the LRC had completed

the public consultation on archives law in March this year, and is analysing the responses received. The Government will actively follow-up on the matter after the LRC submits its report.

Thank you, President.