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Submission from Mr Wong Kwok Wah

The LRC report on Stalking has drawn comments that the proposed crime thereof would impede investigative journalism in Hong Kong. I think that is one of the most attractive, but at the same time most uneducated comment. Very likely, those who cling on to that comment have no practical experience of investigative journalism at all. They might not have seriously considered what investigative journalism means.

What is investigative journalism?

I would like to refer to definitions made by Hugo de Burgh, a veteran journalist with BBC and Channel 4 of Britain and now a senior lecturer in television journalism at Nottingham Trent University. He has the necessary qualification that renders his opinions knowledgeable. The following are excerpted from his edited work "Investigative Journalism, Context and Practice", published by Routledge of London and new York in year 2000.

> An investigative journalist is a man or woman whose profession it is to discover the truth and to identify lapses from it in whatever media may be available. The act of doing this generally is called investigative journalism. (p 9)

> [Investigative stories] involve a subject that the journalist has to insist is something we should know about, in effect, by saying 'look at this, isn't it shocking!'; the basis of the insistence is a moral one. (p 13)

> Investigative journalism comes in so many shapes and sizes that it is not easy to generalise. That stories affect many is the criterion of one journalist; another is content to reveal what has been done to only one victim. There is though, always a victim and, even if it is a collective, always a villain to blame. Usually there is a failure of system, whether

> that of the administration of justice, or of bureaucratic management, or of the regulatory bodies of this or that sphere. (p14)

In short, investigative journalism is something solemn. Speaking from my part as a practising journalist who has also pursued investigative journalism in most of my career, I would even say it is something sacred. It is very unfortunate that there has recently been a trend to vulgarise the sacred matter to whatever a journalist wants to investigate or assigned by an editor to investigate, no matter whether it is merely to satisfy the curiosity of one journalist or editor - and always in the name of the readers. Under this vulgarised concept, investigative journalism is nothing more than a camouflage for a peeping tom.

If the above is not enough to distinguish investigative journalism from gossipmongering, let us listen to another veteran journalist whose life of career is almost pegged to investigative journalism.

Alan Rusbridger whose editorship of the *Guardian* of London made the paper better known for its investigative journalism, had this to say, "What's the public interest in a cricketer having a love romp in a hotel room or a rugby player having smoked cannabis twenty years ago? But if elected representatives are arguing a case in parliament but not revealing that are being paid to do so, then that strikes at the heart of democracy. That's public interest; this is an easy distinction."

Investigative Journalism Ends When Stalking Begins

Investigative journalism bears an aim to reveal something somebody who owes the public an account wants to hide. Speaking from my personal experience, more than 90% of investigative journalism stories are done by scrutinising available information and appealing to the conscience of people other than the "villain". It is not ruled out a close watch on the "villain" physically may be employed. However, to watch successfully, even a simplest mind will know it is imperative not to alert the watched person.

Stalking, by its definition, begins with alerting the stalked person. When a journalist resorts to stalking means in a hope to extract information from the stalked subject, there is no longer any hope to carry out investigation on the subject, as the subject is alerted. When stalking begins, investigation ends and is replaced by other appeals, such as public pressure or coercion.

It therefore cannot be more unknowledgeable to suggest that stalking means make a good tool for investigative journalists. The argument for investigative journalism is relevant on other topics within the scope of the privacy sub-committee, such as surveillance and other means of media intrusion, but never on stalking.

Puppy Teams

Puppy teams (quite inaccurately equated with paparazzi) is the sector of Hong Kong's media most relevant in the discussion of the effect of the LRC Stalking Report to the press. I do not have any direct knowledge on their mode of operation, but I have been keenly observing their practice.

Missions of puppy teams are mostly to dog (that's why they are called) well-known figures in order to reveal what they behave when away from the eyes of the public. Exactly cases described by Rusbridger as love romps of a cricketer in a hotel room. Results of puppy teams' works usually appear on the entertainment pages, but sometimes also on the general news pages. In the latter case, it usually reflects the downgrade of taste of the general news of paper rather than the social significance of the achieved results.

Puppy teams dog their subjects. But even in doing that, they seldom resort to stalking. They consciously hide themselves from the attention of the subject persons and take pictures with a long lens camera.

There have been nevertheless occasions of stalking by puppy teams. It so occurs when subject persons detect themselves being dogged and puppy teams have to emerge from where they are hiding. Sometimes the puppy team reporters just go away. Sometimes they insist on following and turn the surveillance act into open, which means, stalking. Strictly speaking, that is not even stalking, as it constitutes only one-time action instead of a series. Still, some subject persons may have a case to complain that they are stalked as they find themselves being followed by the same puppy team more than a couple of times and every time the puppy team are so tactless that they are detected.

Other reporters also may have employed stalking means with a hope to extract information from their targets. That happens when someone being the focus of a piece of current news shows up in public, such as appearing outside the court,

several times. Reporters follow closely, for fear of missing any word from the lips of the subject person anytime. Maybe some reporters do believe that with the presence of a crowd, the subject person might feel the pressure and yield by releasing some vital information.

In either of the above case, it is very unlikely acts of the puppy teams or reporters fall within the scope of the criminal offence proposed by the LRC report. The subject persons, on knowing that they are facing reporters, have no reason to feel alarmed. They may feel annoyed, but not to the level of distress, until and unless reporters not only follow, but also employ intimidating words or gestures. But that should not be encouraged at all. A civilised society would not even allow the police to employ intimidating words or gestures to suspects, not to say reporters to their targets.

I have carefully examined the best selling Chinese papers in Hong Kong over the past couple of years. I do recognise from time to time stories on both the general news page and the entertainment page obviously done with some stalking tactics. I however fail to find any case where the stalking means have amounted to causing alarm or distress. To suffice, let me point out that in the stories done through stalking means so far, the news substance in most of the cases is the stalking itself, instead of any information got after a subject person is stalked. That is a matter of taste, not of law, of course.

Wong Kwok Wah
Member
LRC Privacy Sub-committee

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