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Review

Reviewed Work(s): Political Censorship in British Hong Kong: Freedom of Expression and the Law (1842–1997) by Michael Ng

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BOOK REVIEWS

Political Censorship in British Hong Kong: Freedom of Expression and the Law (1842–1997), by Michael Ng. Cambridge: Cambridge University Press, 2022. 228 pp. US\$39.99 (Hardcover). ISBN: 9781108830027.

Democratization (or lack thereof) has been one of the most contested issues in Hong Kong since the 1980s and particularly after 1997. Scholars debating about why Hong Kong had no democracy prior to the 1980s or even later have three main explanations: that the majority of Hong Kong people were politically apathetic due to their refugee mentality or what Lau Siu-kai calls “utilitarianistic familism”; that China opposed democratization, which was seen as a prelude to Hong Kong’s independence; and that the British colonizers were able to maintain economic prosperity and the rule of law in an undemocratic polity. A key aspect of the English rule of law was freedom of expression, which, unlike the notion of “democracy” (i.e. direct elections), seemed to be taken for granted by Hong Kong people. But in his deeply researched and insightful book, Michael Ng reveals that Hong Kong did not actually enjoy freedom of speech and assembly as well as judicial independence until the last decade of colonial rule. Instead, for the sake of “the public interest” and good relations with China, the colonial authorities exercised tight political censorship on the press, education, and the film industry.

In Chapter 1, Ng looks at the emergence of an “imperial silencing regime” in Hong Kong from the early colonial period to the turn of the nineteenth century. Through “punitive censorship,” the colonial governor used criminal prosecutions under libel law to prevent newspapers from criticizing officials or government policies. During the First World War, the government passed censorship regulations not only for prosecuting newspapers that published seditious articles or reported sensitive war information, but also for mandatory submission of pre-publication materials by the press for censorship. All these took place against the backdrop of the revolutionary movement in China that toppled the Qing dynasty in 1911 (and thus threatened Britain’s colonial and economic interests) and the rise of Japan as a regional power (with which Britain formed an alliance in 1902). To prevent the publication of anti-colonial and anti-Japanese materials, Hong Kong’s “punitive censorship” regime was transformed into one of “pre-emptive censorship” since the 1920s, the subject

of Chapter 2. It required the mandatory daily vetting of newspaper proofs by government censors before their publication. As a result of political vetting, as the images in this chapter illustrate, newspaper articles were peppered with weird dots and crosses that concealed censored information. By highlighting the British control of information in the context of China's chaotic situation and shifting geopolitics in East Asia, Ng dismisses the existing scholarship's view that "the extensive powers granted under the colony's press regulations and censorship laws were used only sparingly by the colonial government" (p. 51).

The bulk of the book is about the period from 1945 to 1997. In Chapter 3, Ng outlines how the Chinese Civil War in the late 1940s, and then the Cold War between Communist China and the United States, necessitated restrictions on freedoms in Hong Kong in the name of the "Free World." A June 1949 report by the police's Special Branch revealed the extent of Chinese communist infiltration into schools, labor, and the press. In 1952, the Education Ordinance and Regulations were tightened so that syllabuses and instructional matters were subject to the approval of the director of education, and that school inspection would be made without prior notice. That year saw the Hong Kong government taking on the leftist press in response to the March First Riots. With the Control of Publications Consolidation Ordinance taking effect in the previous year, Governor Alexander Grantham charged *Ta Kung Po* (and two other leftist newspapers) for publishing "seditious material" relating to the riots. By stressing the apolitical rhetoric of "freedom of speech" rather than anti-communism as such (p. 80), Ng asserts, the government won the trial, suspending the paper for six months. Yet the defense counsel similarly played the "freedom" card in the court room by revealing, for example, the police's secret tactic of deporting political dissidents at midnight hours in order to escape public attention—an embarrassing revelation that propelled the Hong Kong government to drop the charges against the other two communist papers for fear of left-wing propaganda.

In Chapter 4, Ng details how Governors Robert Black and David Trench sought to suppress expressions of "patriotism" by tightening political censorship without first declaring a state of emergency, which was deemed "normal" now. In 1958, Black enacted the Education (Amendment) Ordinance and Education (Amendment) Regulations, which expanded his power to close schools and to remove school principals and teachers in "the public interest." Consequently, Pui Kiu Middle School, a leading communist school headed by Parker Tu (杜伯奎), was

punished for stocking communist books and employing two teachers from China, with Tu being deported to the mainland. Likewise, Chung Hwa Middle School was forced to close on the grounds of “unsafe” roof structure under the new building regulations of the Education Ordinance. The outbreak of large-scale leftist riots in 1967 illustrates how far the British were willing to sacrifice individual freedom for the sake of state security. Governor Trench quickly brought numerous emergency regulations into effect, greatly expanding the police’s powers to arrest and detain leftist rioters and raid their premises. His government prosecuted the publishers and printers of three “fringe” communist papers for disseminating inflammatory materials. While the trial judge argued that “freedom of the press is limited,” the defense lawyer, along with the leftists attending the court proceedings, protested against denial of press freedom and “political persecution” by the colonial authorities (p. 119).

Chapter 5 examines how, in response to the 1967 riots and Anglo-Chinese diplomatic normalization in the early 1970s, Governor Murray MacLehose brought about the “overt loosening,” but “covert control,” of the media, schools, and entertainment. Building on the revisionist works on the “golden era” of Hong Kong, Ng argues that MacLehose’s socio-economic reforms were motivated by the strategic objective of preparing Hong Kong for Anglo-Chinese negotiation over its future. By making Hong Kong a prosperous city and cultivating a “civic pride” among its residents, MacLehose hoped to widen the materialistic gap between Hong Kong and China, thereby increasing Britain’s bargaining power in future talks with the Chinese. More importantly, MacLehose was eager to “create a public image of Hong Kong as a much more liberal society than the communist mainland” (p. 135). Although MacLehose stressed the importance of free speech in public, the government secretly monitored and controlled the content of radio and TV programs as well as the publications and activities of university students particularly the “New Left.” MacLehose, moreover, did nothing to give legal effect to the International Covenant on Civil and Political Rights (ICCPR), which was ratified by the British government and extended to Hong Kong in May 1976.

The awakening of human rights in Hong Kong, Ng convincingly shows in Chapter 6, only came during the 1980s, when Britain and China started negotiation and finally signed the Joint Declaration on Hong Kong’s retrocession to China in July 1997. The Joint Declaration stipulated that the rights and freedoms under the ICCPR, as they applied to Hong Kong, would remain in force after 1997, even though most of those

rights were not in Hong Kong's statute book at the time of the agreement's signing in 1984. If, in the 1970s, MacLehose had pursued the overt liberalization of political censorship in order to maximize the chance of Britain's retention of Hong Kong, his successors, Edward Youde and David Wilson respectively, intensified the process with a view to making Hong Kong a truly free society under Chinese sovereignty after 1997. Still, the Hong Kong government hoped to preserve some control over freedom of expression on national security grounds—for example, the “damage good relations” clause under the Film Censorship Ordinance. It reflected the close relationship between Britain and China after 1984, as manifested in the former's contribution to the drafting of the Basic Law through “behind the scenes” diplomacy (p. 172). Nevertheless, the Tiananmen Square crackdown on June 4, 1989 changed London's attitude and approach. The Margaret Thatcher government quickly announced the enactment of a Bill of Rights, which in June 1991 became the first statute in Hong Kong's legal history that explicitly protected freedom of expression. The replacement of Thatcher by John Major as prime minister in November 1990 further contributed to the liberalization of Hong Kong's political censorship. Not only did Major adopt a tougher approach towards China for the sake of Hong Kong in the aftermath of Tiananmen, but he also appointed Chris Patten as the last governor, who then accelerated the process of democratization in the countdown to 1997. For the British, it was imperative to build a “colonial legacy” by erasing the “marks of colonialism” in Hong Kong (p. 186)—the draconian censorship laws and the undemocratic political system.

Ng's comprehensive and thought-provoking book makes a major contribution to Hong Kong's legal history and colonial history. By drawing on a wide range of archival sources, he enables readers to understand the true nature of British colonialism in Hong Kong through the lens of political censorship rather than “read history backwards” out of post-2019 nostalgic feelings about the colonial past.

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