

BOOK REVIEW

Michael Ng, *Political Censorship in British Hong Kong: Freedom of Expression and the Law (1842–1997)*

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In his 1997 address to the handover ceremony which marked the end of British rule in Hong Kong, Governor Chris Patten reflected that Britain’s “contribution here was to provide the scaffolding that enabled the people of Hong Kong to ascend: the rule of law; clean and light-handed government; the values of a free society; the beginnings of representative government; and democratic accountability.” Two decades after the handover, protesters in Hong Kong appeared to share Patten’s vision of a colony committed to the rule of law and free speech when they raised the colonial flag in protest against reforms imposed on them by the Standing Committee of the National People’s Congress in Beijing. As Michael Ng points out in this fine history, Patten’s statement was misleading and the protestors’ nostalgia misplaced: for the liberal and institutional infrastructure they celebrated was only constructed in the final decade of colonial rule through the “dismantling of the iron-like legal scaffold that caged their freedoms until very late in the day” (189). When the British eventually dismantled the system of press censorship and control of speech which had been built up in Hong Kong for over a century, Ng argues, it was not out of any commitment to the rule of law in general. Instead, British policy was dictated by global geopolitical concerns, the most important of which were concerns about Britain and Hong Kong’s relationship with China.

In tracing the development of political censorship in Hong Kong, Ng shows that although nineteenth-century governors relied on libel laws to prosecute journalists who accused officials of corruption, by the early twentieth century a new regulatory system was being put in place. This system expanded radically after an Emergency Regulations Ordinance was passed in 1922 in response to a

wave of strikes. Regulations issued under this Ordinance required Chinese language newspapers to submit articles to a Press Censorship Office for approval before publication and gave the government the power to suppress any newspaper for as long as it thought fit. The day-to-day operation of this system of vetting is laid out in the second chapter in fascinating detail, with striking illustrations of the censored press. The regulations remained in place long after the emergency had passed, but judges in the 1930s could not be persuaded that they were no longer valid and legislators could not be persuaded that they should be repealed.

Throughout the period of British rule, colonial governors were concerned to control not only publications which criticized the colonial government, but also those which jeopardized the British Empire's geopolitical interests in East Asia. Britain's relations with China were central to those concerns. As Ng shows, British policy continued to be dominated by the ambition to maintain a policy of non-interference in the political affairs of China, while keeping a vigilant eye to prevent Chinese influences unsettling the colony. After the Chinese Communist Party took power in Beijing in 1949, there were particular concerns about potential communist infiltration of the press and schools in Hong Kong. In response, emergency regulations were consolidated and expanded, and, in 1951, a Control of Publications Consolidation Ordinance passed making press control a part of ordinary law. Control over the content of education also increased, with the government obtaining considerable power to close schools and dismiss teachers who were believed to indoctrinate students with communist, anti-imperial, or nationalist ideas. A specialist counter-communist unit was established within the education department to monitor schools for "systematic infiltration." There was also censorship of the broadcast media. The government's Information Services Department had a monopoly over news supplied to Hong Kong's radio stations. Light entertainment broadcasts aimed at a Chinese audience were also censored, as were films and theatrical performances. Such censorship was in part motivated by local concerns, to prevent the infiltration of communist or anti-imperial propaganda, and to instill a feeling of pride and belonging in those living in the British colony. There was also a geopolitical dimension to such censorship as the Hong Kong authorities did not want the colony to become a site where the ideological Cold War battles of East Asia could be fought out. Material (deriving from Taiwan) which was critical of mainland China was therefore as likely to be censored as pro-communist material.

By the 1970s, the government of Hong Kong had a range of discretionary powers to control freedom of expression and assembly and to detain and deport—the kind of which could only be introduced in other colonies by the declaration of a state of emergency. However, with the expiry of Britain's lease on Hong Kong beginning to approach, the UK government began to rethink its policy. In order to strengthen Britain's bargaining position over Hong Kong's future, Governor Murray MacLehose developed a strategy to improve living conditions in Hong Kong to make life in the colony "so superior in every way" (132) to that on the mainland as to make China hesitate before seeking to absorbing the colony. He enacted socio-economic reforms which

initiated a “golden era,” and also began to relax restrictions on the press. As Ng shows, MacLehose was highly sensitive to the government’s public image, and stressed the need for a free press as part of his plan to show that Hong Kong was a much more liberal society than communist China. However, while the press was now encouraged to voice opposition to government policies, the legal framework of press control remained in place. The limits of reform were seen in the fact that although the UK ratified the International Convention of Civil and Political Rights on 1976, it did not pass legislation in Hong Kong to give effect to the rights and freedoms the treaty protected—again leaving the old restrictive laws in place. Foreign journalists who drew attention to this were expelled.

It was only after it became clear—after Deng Xiao-ping’s meeting with Mrs Thatcher in 1982—that Britain would not be able to retain any kind of control over Hong Kong after 1997 that rapid steps were taken—accelerated by the Major government—to dismantle the legal infrastructure of control built up over a century. These steps included political reforms, with the first elections to the Legislative Council being held in 1985, and judicial reforms, with legislation passed in 1987 aimed at securing the independence of the judiciary from the executive. In the aftermath of the suppression of the Tiananmen Square protests in 1989, the British government announced that a Bill of Rights would be implemented in Hong Kong, and an Ordinance followed in 1991. As Ng explains, the last five years of the colonial era saw “the hurried legislative cleansing of long-standing draconian restrictions on freedom of the press” (185). It was only when it was apparent that Hong Kong’s return to China would be non-negotiable that the “executive powers to tamper with the media and freedom of expression” were removed.

One of the striking points made by Ng is that when officials in London and Hong Kong discussed the laws relating to censorship analyzed in this book, they never raised concerns about whether and how these policies might violate the rule of law. Instead, policy was shaped by particular political concerns, whether local or geopolitical. Carefully researched and well argued, this book addresses and provokes important questions of the nature of colonial rule, and how far notion of the rule of law could be marginalized in a colonial context. It will be of great interest not only to historians of Hong Kong, but also to those interested in the nature of colonial rule throughout the British Empire.