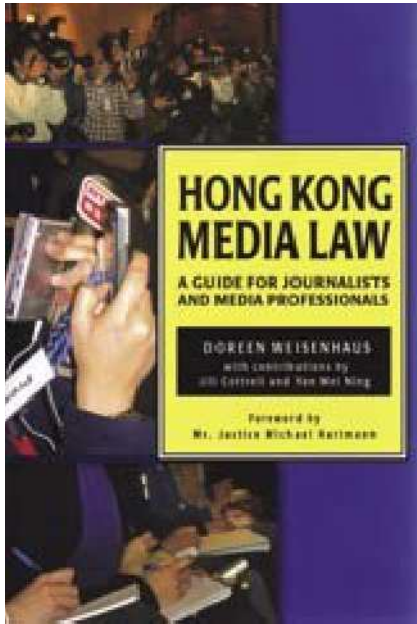


Hong Kong Media Law EXPLAINED

BY CHRIS DILLON



As director of the Media Law Project at the Journalism and Media Studies Centre at the University of Hong Kong, a former prosecutor and former city editor of *The New York Times*, Doreen Weisenhaus knows something about courtrooms and newsrooms. With contributors Jill Cottrell of HKU and Yan Mei Ning of Baptist University, Weisenhaus has used that expertise to write an accessible guide to media law in Hong Kong and China.

Hong Kong Media Law begins with an introduction to fundamental concepts such as common law and then outlines Hong Kong's Basic Law and describes the structure and operation of the courts. This is followed by chapters on defamation, court reporting, access to information, privacy, official secrets, restrictions on news gathering, reporting on the mainland, copyright, print and online regulation and broadcast regulations. Several chapters include checklists for journalists and the book ends with excerpts from key Hong Kong statutes and other useful reference materials. There is also a website, <http://hong-kongmedialaw.net>, which includes regular updates to the cases described in the book.

In addition to addressing contemporary legal issues such as digital broadcasting, Weisenhaus explains how our current media laws evolved, pointing out, for example, that the first freedom of information (FOI) law was

passed in Sweden in 1766. She contrasts Hong Kong's Code on Access to Information with more effective FOI laws in other jurisdictions, noting that journalists can't use a judicial review to force the Hong Kong government to reveal information. Weisenhaus also observes that our lack of FOI laws often forces journalists to rely on anonymous sources, resulting in stories that are distorted or incomplete.

The Hong Kong government plays a central role in *Hong Kong Media Law*, both as a source of information for journalists and because of its fondness for closed-door proceedings. Weisenhaus and her contributors devote considerable space to explaining the structure and operations of government bodies and departments. They don't sugarcoat the government's weaknesses and shortcomings.

On the other side of the coin, the account of stories published in December 1997 and January 1998 in the *Oriental Daily News* — in which Hong Kong judges and members of the Obscene Articles Tribunal were described as suffering from syphilis, scabies and congenital mental retardation — make for interesting reading. This episode and others in the book highlight the need for laws that protect the rights of both journalists and society as a whole.

Perhaps *Hong Kong Media Law's* most interesting chapter is about China's media laws and the pitfalls facing journalists

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working on the mainland. Weisenhaus points out that information that has been published in newspapers inside China can be classified as a state secret. She also notes that it can be difficult to accurately determine when data is sensitive, because the authorities can retroactively have documents classified as secret. *Hong Kong Media Law* includes guidelines to help journalists who have been arrested on the mainland make sense of their predicament.

While *Hong Kong Media Law* is subtitled *A Guide for Journalists and Media Professionals*, there is a lot here that will be of interest to non-journalists, whether they are citizens trying to understand the peculiarities of Hong Kong's copyright laws, public figures confronting paparazzi or just people who are curious about the mechanics of Hong Kong's broadcast regulations.

Hong Kong Media Law will be particularly useful for correspondents who have recently arrived in Hong Kong or China and are trying to get their bearings. It will also be a useful "before you call the solicitor" reference for anyone involved with the media here or on the mainland.

Hong Kong Media Law - A Guide for Journalists and Media Professionals

By Doreen Weisenhaus, with contributions by Jill Cottrell and Yan Mei Ning

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How well do you know the law?

1. If Hong Kong's Obscene Articles Tribunal classifies an item as obscene, that item "is not suitable to be published to any person." (page 210)
True False
2. China's divorce statistics have been classified as a state secret. (p. 178)
True False
3. In China, a grandmother can bring a defamation action on behalf of her deceased grandson. (p. 185)
True False
4. In Hong Kong, the copyright for a film made after 1997 is owned by the film's producer. (p. 193)
True False
5. Scandalizing the court is no longer an offence in Hong Kong. (p. 76-8)
True False

Key

1: True; 2: True; 3: True; 4: False; 5: False.