

Newsgathering Practices: Hong Kong Journalists' Views and Use of Controversial Techniques

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Abstract

There has been a dramatic rise worldwide in concern over journalistic practices. These issues are considered particularly relevant in Asia as the media play increasingly important roles in fledgling democracies such as Hong Kong, emerging market-oriented systems such as mainland China and more established but politically volatile democracies such as Thailand. This study examines the views and actual use of some of these controversial newsroom practices in Hong Kong through the results of a survey of more than 400 journalists and considers some of the implications of these practices.

Introduction

While journalists have long been under public scrutiny for their newsgathering practices, the past 10 to 15 years have seen a dramatic rise worldwide in community concern over what many view as an unethical and unrestrained press in an increasingly competitive marketplace. Many publicized incidents since the 1990s have given rise to a perception that the professional standards of journalists have declined. From the United States to Europe and Asia, controversies ranging from the misuse of anonymous sources to overzealous paparazzi have led to intensive public criticisms of the press. Since 2003 alone, revelations have surfaced at The New York Times and USA Today of reporters fabricating stories, at CBS of paying for a news interview with entertainer Michael Jackson and at BBC for allowing one of its journalists to overstate information from a confidential source.

U.S. media scholars David H. Weaver and G. Cleveland Wilhoit have observed that nothing is more central to news ethics than specific reporting practices. (Weaver and Wilhoit, 1996) A particular technique or practice generally undergoes scrutiny after a scandal or news event has drawn attention to it. After a jury found against a major American television network for its use of hidden cameras and deception in a 1992 investigation of the Food Lion grocery chain, the media began reevaluating such techniques. (Paterno, 1997) In the wake of the death of Princess Diana in 1997 in a car crash linked at the time to her driver's efforts to evade paparazzi, the news values and practices of photojournalists came under fire. (Cooper-Chen, 2001) After the Monica Lewinsky/Bill Clinton scandal dominated U.S. headlines for much of 1998, a review of those stories found the media had greatly increased their reliance on anonymous sources. (Kovach and Rosenstiel, 1999) More recently, a study in 2004 by the University of Maryland examined, among other issues, the media's continued use of anonymous sources before and during the Iraqi war. The study's author, Susan D. Moeller, concluded that the over-reliance on anonymous sources, particularly of government sources, contributed to inaccurate and faulty reporting on weapons of mass destruction. (Moeller, 2004) And in 2005, Newsweek magazine joined several other major U.S. news organizations announcing a curtailment of the use of anonymous sources. Newsweek did so after retracting a story – based on a single, unidentified source -- about U.S. military personnel allegedly desecrating copies of the Koran; deadly riots broke out in Afghanistan after the story appeared.

Some examination of similar issues of journalistic newsgathering has occurred in Asia with pioneering work in Hong Kong done by Joseph Man Chan, Paul Lee, and Chin-Chuan Lee. (Chan, Lee, Lee, 1996) The issues in general, however, have been explored and researched to a much lesser degree in Asia than in the West. That fact notwithstanding, the issues are equally important in this region and some argue even more so in Asia today as the media play increasingly critical roles in fledgling democracies such as Hong Kong and Taiwan, emerging market-oriented systems such as mainland China and more established but politically volatile democracies such as Thailand and the Philippines.

In many Asian countries, the public, policy makers and legislators have called for increased regulation

and additional laws to rein in what they consider to be excessive and irresponsible journalistic newsgathering practices, while many in the journalism profession itself have urged more self-regulation. These practices and debates have resulted, for example in Hong Kong, in calls for the creation of a statutory press council with the power to fine newspapers and other far-reaching legislation to curb privacy intrusion related to the use of hidden cameras, deception and other means. Also in Hong Kong, a former British colony that reverted to Chinese sovereignty in 1997, China's intense concerns over national security and state secrets raise additional questions about the way information and news are gathered and disseminated and the risks journalists may encounter while using confidential documents and anonymous sources to cover government-related actions.

Likewise, in Taiwan, where the lifting of press bans in the late 1980s resulted in many new newspapers and other publications, increasing calls for examination of press practices have been made. In Thailand, anonymous and unconfirmed sources have long been important sources of "facts" in the Thai media, which remain deeply distrustful of official sources. (Hirano, 1999) In mainland China, so-called "red packets" of "taxi money" are routinely handed out to reporters at press conferences by officials of companies who want coverage of new products and services. (Guan, 1989; Gu, 2004) And while the Philippine press is known as hard-hitting and effective, it is rife with "sensationalism, sloppy reporting and breaches of professional and ethical standards." (Coronel, 1994)

Across the region, some of these practices may derive from a more relaxed ethical environment, but others may be the result of political, cultural or legal conditions under which journalists perform their jobs. Whatever the factors for these practices, the legal and policy responses they provoke can be significant. Those who have called for more regulation – whether it is by the industry itself or by the government – often speak without actual and system-wide information about journalistic practices. Research into journalistic practices is more likely to be anecdotal or only inquiries into journalists' views. This research attempts to assess the existence and use of actual practices in one locality – Hong Kong – through a survey this author undertook of more than 400 working journalists. The goal was to identify and quantify the techniques at the center of many debates over ethics and analyze some of the implications of their use. By asking journalists to record their use and frequency of these practices and detail the types of stories and circumstances for which they were invoked, we can begin to sort out whether such techniques are used for competitive commercial reasons or as a result of government practices and laws, or a combination, all of which raise both ethical and public concerns. While the study recorded the use of a number of controversial practices, this paper focuses on those news activities that involve some of the greatest public policy implications – the use of confidential government documents, anonymous sources, hidden cameras and deception to obtain information.

What are the stakes for Hong Kong and for those interested in the development of media and democratic processes in Asia? A perceived ethical decline raises critical issues about the role and reliability of the media in helping shape Hong Kong's post-handover identity and efforts to implement democratic changes under Chinese sovereignty. The media's traditional government-watchdog role is even more important in Hong Kong, which was granted only a partial Democracy under a system devised for Hong Kong by British and Chinese negotiators before the handover. At this point, only one-half of its legislators are elected by universal suffrage and its chief executive is selected and endorsed by a pro-government committee, with Beijing's approval. Historically, in Hong Kong, "the press has served as a sort of surrogate 'parliament-in-print,' " observed legal scholar Richard Cullen. "The underpinnings of the rule of law thus rely more heavily than is normal on a free press and an independent judiciary." (Cullen, 2001)

Background of Hong Kong and its Media

In the 1980s when Britain and the People's Republic of China negotiated the return of Hong Kong to Chinese sovereignty, they agreed to a unique "one country, two systems" formula. The agreement permitted the former British colony to keep its freedoms, capitalistic economy and Western-style legal system for 50 years after the 1997 handover to the socialist PRC. One of the biggest beneficiaries of these freedoms has been Hong Kong's exceptionally large and rambunctious press. Imagine a city with a population of under 7 million, less than New York City's, with more than a dozen daily newspapers covering general news; hundreds of magazines, and six domestic broadcasting companies with news

departments. This highly competitive media market, not uncommon in much of Asia, is considered one of the region's freest, particularly when compared with mainland China, Malaysia, Singapore, Cambodia, Vietnam and Indonesia. As a result of these freedoms, a transparent rule of law and its central location in Asia, Hong Kong also became a hub for international media operations as both an Asian base and a gateway.

Hong Kong's media has a long tradition of a partisan press, often reflecting political developments in China. (Chan, Lee and Lee, 1996, 17-18) During the 1970s and 1980s, more commercial, less politically connected newspapers began to proliferate. Today, while several Beijing government-funded newspapers exist in Hong Kong, most of the Chinese-language print market is dominated by privately owned media companies in a community now more than 95 percent Chinese. In particular, Next magazine and the Apple Daily newspaper, founded in the 1990s by pro-democracy entrepreneur Jimmy Lai, brought to Hong Kong a splashier, more flamboyant kind of journalism, with big, colorful pictures and graphics, soon copied by many other news organizations. As Apple Daily quickly became Hong Kong's second most popular newspaper with its stories of celebrities, scandals, car crashes and deaths, this type of coverage became much more prevalent in the other newspapers and set the agenda for news organizations there. [1]

A turning point for public concern over media conduct occurred in 1998 when Hong Kong media reported the suicide of a woman who allegedly pushed her two young children out a window from a high-rise building and then jumped herself. The husband, Chan Kin Hong, was widely reported to have shown little remorse for the death of his wife and children. In particular, Apple Daily published a front-page photograph showing Chan with two prostitutes soon after his family's deaths. It was later revealed that the newspaper had paid Chan to pose for the photograph, and after public outcry the newspaper subsequently published a front-page apology. The government fined the city's two terrestrial television stations for what it deemed to be excessive coverage of the case. The incident and other concerns over increasingly aggressive news coverage and paparazzi in the intensive media battles for readers and viewers began widespread public discussions regarding press practices and accompanying ethical concerns that continue to this day over issues of privacy, responsible reporting and journalistic standards.

Newsgathering practices: Public interest and journalistic concern

This author's survey of Hong Kong journalists and their newsgathering practices draws on earlier work by other academics. Following up on a 1971 survey by sociologist John Johnstone, Weaver and Wilhoit conducted a series of decennial surveys beginning in 1982 that constructed a portrait of the American journalist. One aspect of those surveys included questions that asked journalists' views on several specific newsgathering practices that most often raise public and journalistic concerns. Journalists were asked whether certain practices were "justified" on occasion for an "important story," such as paying for information and the use of false identification, business or government confidential documents without authorization and hidden microphones or cameras. [2] In 1990, Chan et al (1996) conducted the first comprehensive survey of Hong Kong journalists and included similar questions on their views about these newsgathering practices.[3]

This author's 2003 survey [4] reexamines some of the same practices to determine if views had changed over the past decade and added several other practices relevant for Hong Kong such as the use of anonymous sources, pseudonyms and composite characters (not a real person but one made up based on facts from several real persons).[5] But equally significant, in addition to asking their views, the survey also asked the respondents about their actual practices, the frequencies of their use of these practices and the kinds of stories for which they were used.

In actual practice, most Hong Kong journalists were willing to use confidential government sources, followed closely by the use of deception in obtaining a story, badgering sources, and using hidden cameras and microphones. Some practices were not widely advocated or used, such as paying sources or citing personal documents without authorization. In general, journalists were willing to favorably consider these practices when the story involved the "public interest," but not for the sake of convenience, except in the case of anonymous sources. While there appeared to be no controversial practices the

journalists completely avoided, most objected to paying informants or accepting something of value from sources.

Anonymous Sources/Confidential Government information

Journalists worldwide and in particular in Hong Kong long have depended on anonymous sources and confidential government information in their reporting. This survey found that an overwhelming majority of Hong Kong journalists (74%) have used anonymous sources in their stories, involving mainly local government news (47%), crime news (35 %), social problems (37 %) and financial or economic news (33%). Most of them used such sources one to five times in the previous month. About one in 10 used them more than 10 times in the previous month, with some using more than 20 times. Seven in 10 say that journalists can use them whenever sources request anonymity – and about one-third believe anonymous sources should be used when the story involves “public interest.” Beliefs roughly followed the current practice as only 4% believed journalists should never use anonymous sources in their stories.

One third of the respondents reported that they have used confidential government documents in the previous year. Only one in 12 said that journalists should never use confidential government documents in their stories. This is a decrease from the 1990 Hong Kong survey that showed that one in five journalists said it would be wrong to use confidential government documents. (Chan, Lee and Lee, 1996: 99-100) This endorsement of using confidential government documents is not just a Hong Kong phenomenon. In the United States , as Weaver and Wilhoit found, increasing difficulties over government secrecy are continuing problems for many journalists. In the 1982 survey, more than half of U.S. journalists said using confidential government or business documents would be justified. Ten years later, the percentage jumped to more than 80. (Weaver, Wilhoit, 1992: 163) After the September 11, 2001 bombing of the World Trade Center in New York , governments around the world have redoubled their efforts to restrict government information. The 2002 survey by Weaver et al showed that 78 percent of journalists still approved using confidential documents.(Weaver et al, 2003)

Leaked confidential government information is a fact of almost daily life in Hong Kong journalism and much of its use stems from the less than transparent local government. When still a British colony, Hong Kong inherited harsh official secrets laws imported from the U.K. , which strictly regulate the unlawful disclosure of protected government information.[6] At the same time, Hong Kong does not have a Freedom of Information law, common in many countries with a free press, which allows for more consistent release of government held information.[7] Much information, from pollution studies to consultation reports on major public works projects, is routinely withheld from public release.

“In Hong Kong , you don’t expect to be able to force the government to release internal documents,” said Cliff Buddle, a veteran journalist with the South China Morning Post, Hong Kong ’s largest English-language newspaper. “You need to get them by other means. Only after you get them, then you can get official confirmation.”

In 1995, to head off attempts to introduce a Freedom of Information law, the local government introduced a less generous law, a Code of Access to Information, which required agencies to publish or make available government records and to respond to requests for information in 21 working days. As implemented, the law has proven practically useless for journalists. Unlike most FOI laws, this Code of Access has no provision for judicial review nor does it apply to courts or administrative tribunals. It has 16 categories of exemptions that greatly limit its scope. Those exemptions include the obvious ones of defense and security, but they also include law enforcement, economy management, public service management, individual privacy, third-party commercial interests, public employment, immigration and nationality, research/statistics/analysis, damage to environment, business affairs, external affairs, premature requests and any disclosure under legal restrictions. In 1999, the Hong Kong Journalists Association tested the Code on Access to Information and found that only one-third of the requested documents was available.

Further hindering journalists is a lack of so-called sunshine laws requiring government meetings to be open to the public and the media. Just a handful of the hundreds of government advisory boards and

committees have open meetings or hold press briefings. Despite repeated calls for a Freedom of Information law in Hong Kong, the government has not acted on it. In the case of Hong Kong's media, the continued use of confidential government documents and anonymous sources, many of whom are government officials, are endemic to a system of secrecy.

Hidden Cameras/Deception

Other newsgathering practices popular with Hong Kong journalists are more controversial and have prompted considerably more community debate. These include the use of hidden cameras or microphones and deception to get information for stories. Two thirds of the journalists surveyed said that journalists should use a hidden camera or microphone when stories involved the public interest while 31% approved their use whenever they helped the story. Only one in 10 said such practices should never be used.

Slightly less than half of the respondents (46%) said they had used, or if they were editors, had worked on stories that used hidden cameras or microphone. These practices were used most often for stories involving social problems (60%), followed by crime news (47%) accident-and-disaster stories (31%), consumer news (25%) and stories involving China (25%).

In interviews, several respondents said that hidden cameras or microphones were a necessity for investigative journalism, particularly for stories from mainland China. There, the media are usually restricted to covering approved stories or permitted only officially posed press photographs; thus, journalists say hidden cameras and microphones enable more true-to-life reporting.[8] In the U.S., Weaver et al also found much journalistic support for hidden cameras and microphones. In both 1992 and 2002, six out of 10 journalists favored their use.

Less popular in the U.S. was claiming to be someone else to obtain a story. There, only 14.2% in 2002 said the practice may be justified, down from 22% ten years earlier. But in Hong Kong, the use of deception has been growing in popularity, with half of the journalists (50.4%) saying they have concealed their identity or used another identity to get information. The three major categories of stories for which such practices were employed were social problems (52%), crime news (29%) and consumer-related issues (26%). Half endorsed these practices for stories involving the public interest and one-third said journalists should use deception whenever it helped the story. This is a marked change from the 1990 Hong Kong survey in which only 12% said it would be proper to use false identification. (Chan et al 1996, 100-101)

Some use of deception as well as hidden cameras and microphones can be explained in part by Hong Kong's intensely competitive media market as journalists strive for more dramatic stories. The reporters are mostly young (only 7% of the respondents were over 40) bearing heavy workloads (with nearly 40% having to produce more than 10 stories a week), and these techniques are easy to invoke and deploy. But, again, journalists also seem to rely on these practices because Hong Kong can seem like a closed society when it comes to dispensing official information. Police information about crimes, for example, has become more limited. Regularly, police do not release many details about crimes, including victim names and crime locations. In addition, journalists can no longer monitor police radios to learn about major crime stories because the government recently digitized its communications system and blocked outsider access. Some journalists defended the need for deception in response to reader complaints about consumer-related stories. They said that if they did not conceal their identity, interviews with key witnesses would result in distortion of information if the witnesses knew they were dealing with a reporter.

Concern over the use of deception, hidden cameras and other aspects of a more aggressive media, particularly those involving issues of privacy intrusion and Hong Kong's notorious "puppy packs" of paparazzi, has resulted in repeated calls for more regulation. In December 2004, a government think tank recommended legislation to implement new controls over the media and their paparazzi that, if approved, would give Hong Kong some of the strictest privacy laws among common law jurisdictions, including the U.K., U.S., Australia, Canada and New Zealand.

One proposal would establish a statutory press commission to oversee all print media, which would be bound by a newly created press privacy code. Any publication deemed by the commission to have violated the code would be required to publish corrections and other findings or face possible court sanctions. A voluntary press council already exists in Hong Kong and was established in 2000 to forestall government action at that time. In 1999, the same government think tank first proposed a statutory press council but one with the power to impose hefty fines. Critics have charged that the current press council is ineffective because its membership does not include the city's three largest newspapers, which reach about 70 percent of Hong Kong readers. A second proposal recommends the creation of new civil torts for media intrusion and publication of private facts. Hong Kong journalists argue that privacy complaints today are not as frequent and can be handled through existing remedies. The think tank's proposals are under review by government officials and a legislative committee.

Conclusion

As with any community, Hong Kong has its own unique set of circumstances and history, which contribute to how its journalists operate. While there may be worldwide discussions of how to address common ethical issues, every journalistic community needs to examine its own views and uses of newsroom practices to evaluate the context in which they are performed and to formulate transparent newsroom policies that govern them. In today's environment, the public is becoming more vocal in its criticisms of the media and more likely to recommend or take action against them. News organizations need to assess the newsgathering practices used in their own newsrooms and provide guidance to their staffs for ethical decision-making. One major way is for every news organization to have an ethics code. Few Hong Kong newsrooms, with the exception of broadcast media, have such codes. The codes can also serve to remind management that there are boundaries for them as well. Many reporters are told to get the story using any means. Codes can hold management accountable as well.

In addition to creating codes of conduct, newsrooms can provide greater in-house training that explains newsroom policies and examines their context within international standards of best practices. Management should also seek to lower journalist workloads to reduce the incentives for engaging in questionable behavior. Through these and other methods of self-regulation, Hong Kong's media – and media elsewhere in Asia -- could stem rising public concern while producing quality journalism.

Notes

1. More recently, Jimmy Lai has imported this style of journalism to Taiwan with the creation of Taiwan Next magazine in 2001 and Taiwan Apple Daily in 2003. Both became big-selling publications and have sparked change in their competitors' coverage.

2. In the 1992 and 2002 surveys, Weaver and Wilhoit asked U.S. journalists their views on: payment for confidential information, the unauthorized use of confidential business or government documents, the use of false identity, breaking promises of confidentiality, the badgering of unwilling informants, the unauthorized use of personal documents and employment in a firm for information. They also asked about the use of hidden microphones or cameras, the use of recreated dramatizations of news and the disclosure of rape victim names.

3. Chan et al surveyed Hong Kong journalists about their views on: breaking promises of confidentiality; unauthorized use of personal documents, unauthorized use of confidential government and business documents, employment in a firm for information, false identity, the badgering of unwilling informants and payment for confidential information. They also asked about the exchange of information with other journalists and plagiarism.

4. This author's Hong Kong newsroom practices survey was conducted in the late spring and summer of 2003, with 773 questionnaires distributed to news organizations between early-May and mid-June. By early July of 2003, 422 responses were received (representing a response rate of 55%). Journalists surveyed included reporters, editors, news translators and photographers working in television, radio, newspapers, news magazines and news agencies. Twenty-five news organizations participated in the survey, including Apple Daily, Associated Press, Asia Television Limited (ATV), Cable Television, Central News Agency, Commercial Radio, Express magazine, Hong Kong Commercial Daily, Hong Kong Daily

News, Hong Kong Economic Journal, Hong Kong Economic Times, Metro Radio, Ming Pao Daily, Next Magazine, Oriental Daily News, Radio-Television Hong Kong (RTHK), South China Morning Post, Sing Tao Daily, Sing Pao, The Standard, The Sun, Ta Kung Pao, Television Broadcasts Limited (TVB), Wen Wei Po and Yazhou Zhoukan.

5. The 11 practices surveyed included the use of confidential government documents; the use of personal documents such as letters or photographs without permission; the use of deception to obtain information; the use of anonymous sources; paying a source or giving something of value for information or an interview; accepting something of value from a source; the use of a composite character in a story (not a real person but one made up based on facts from several real persons); badgering unwilling informants; the exchange of stories/shared information with other reporters; the copying of other media; and the use of a pseudonym.

6. In 2002, the government proposed expanding its Official Secrets Ordinance as part of a larger legislative scheme to enhance national security laws, but it withdrew its proposals after more than 500,000 Hong Kongers marched in protest.

7. The U.K., from which Hong Kong's official secrets laws are based, recently adopted a Freedom of Information Act, that went into effect in 2005. More than 50 countries have enacted FOI laws, including the United States (1966), Australia (1982), New Zealand (1982), Canada (1985), Thailand (1997), South Korea (1998) and Japan (2001).

8. The 1990 Hong Kong survey did not include a question on hidden cameras or microphones.

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