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## INFORMATION NOTE

### Measuring Press Freedom

#### 1. Defining Press Freedom

1.1 The United Nations (UN) have endorsed and promoted the philosophy of free press for the past decades, although the definition of free press may well be less than universal. In the Universal Declaration of Human Rights, the UN asserts the rights of each individual in the world “to know, to impart, and to discuss”. Each of these is an element in a doctrine of free expression, but each is also capable of being interpreted in many ways.

1.2 The spirit of free expression is contained in Article 19 of the UN Universal Declaration of Human Rights, extracted as follows:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

1.3 In the United States, press freedom is often defined as the right to speak, print, or broadcast with no prior restraint and minimum legal accountability afterward. This definition can be extended to include certain elements of public access, such as freedom of information laws, open public meetings, and records accessibility statutes.

1.4 In fact, even among the Western democracies, there is no agreement about the fine points of press freedom. Professor Robert L. STEVENSON, an acknowledged expert in the field, has defined “freedom of the press” which is common to market-based systems (i.e. Western democracies) as follows:

Freedom of the press is the right to speak, broadcast, or publish without prior restraint by or permission of the government, but with limited legal accountability after publication for violations of law. It may also encompass legal guarantees of (i) reasonable access to information about government, business, and people; (ii) a right of reply or correction; (iii) a limited right of access to the media; and (iv) some special protections for journalists.

Source: Robert L. STEVENSON, *Global Communication in the Twenty-first Century*, Longman, 1994, Page 120-121.

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1.5 The use of words such as “limited”, “reasonable”, and “some” is a reminder of the differences within even the Western democracies. In all countries, press freedom is balanced against other social values, such as the citizen’s right to privacy and justice and the nation’s security.

1.6 In sum, the UN’s definition of press freedom is commonly accepted. Journalists and researchers in Hong Kong also take Article 19 as the principle of press freedom.

## **2. Approaches of Measuring Press Freedom**

2.1 There are three major approaches to measure press freedom. These approaches are not mutually exclusive. The first two approaches opinion surveys and content analysis. The first approach covers the public and journalists separately.

2.2 It should be noted that subjective indicator measurement always poses problems. The change in question wording and measurement scale, for example, may change the results. Without an equivalent indicator, it becomes very difficult to analyze the degree of press freedom over a certain time period.

2.3 A third approach is to gauge press freedom amongst a set of factors which form a “freedom index”. These factors are mainly political and civil rights, amongst which “freedom of expression” and “freedom of the press” are taken as one significant factor.

### Public Opinion Survey

2.4 One approach to measure press freedom is to conduct telephone interviews to ask the opinion of the public. By using this method, the researchers can gauge directly the feelings of the public (i.e. end-users).

### *Two Latest Case Studies of Hong Kong: June and December 1994*

2.5 The Hong Kong Journalists Association (HKJA) and Radio Television Hong Kong (RTHK) sponsored public opinion surveys in 1994 to monitor media performance and freedom of speech in Hong Kong. The target population was those of age 18 and above. The method used was public opinion programme telephone sampling (i.e. telephone numbers selected randomly from telephone directories plus additional numbers generated by computers).

2.6 The first survey was conducted in June 1994. Of the 538 respondents surveyed, 46% felt that press freedom had increased over the past three years, while 31% felt it had decreased. Their views on the future were bleak. Some 60% thought there would be a decline in press freedom in the coming three years while only 11% thought there would be an increase.

2.7 The second survey was conducted in December 1994. The result was similar to that of the previous survey. However, it should be noted that only about 6% of the 521 respondents thought press freedom would increase in the coming three years. This represents a decrease of 45%.

2.8 The results of these two surveys are proprietary and are kept by the HKJA.

### Survey of Journalists

2.9 Another application to measure press freedom is by conducting survey of journalists. Journalists surveyed may include reporters, editors, correspondents of the international media, and news translators working in television, radio, newspapers and news magazines. This application is best used for assessing issues such as interference from the government and outside parties, as well as self-censorship.

2.10 Interference from the government may take many forms, such as the imprisonment of journalists who make reports which are unfavourable to the government. Self-censorship may be a result of direct or indirect commercial pressures, such as withdrawal by large corporations of advertisements in a newspaper. For details in the Hong Kong context, please refer to the report published by the HKJA and ARTICLE 19 entitled "The Die is Cast: Freedom of Expression in Hong Kong on the Eve of the Handover to China", a copy of which is available in the Provisional Legislative Council (PLC) Library.

### *Latest Case Study of Hong Kong: 1996*

2.11 A survey of journalists was conducted in the summer of 1996 by researchers at the Department of Journalism and Communication, The Chinese University of Hong Kong. Self-administered questionnaires were distributed to randomly selected journalists from 22 news organizations. A total of 553 questionnaires were returned, representing a response rate of 62%.

2.12 This survey shows that over 80% of the respondents object to the statement that "To maintain stability and prosperity during the transition, journalists should not expose too much darkside of society." Only 5% agree with this view.

2.13 "While some respondents are worried about the future of Hong Kong and press freedom, many of them insist that they will observe journalistic principles in carrying out their duties."

2.14 More than half (52%) of them worry that press freedom in Hong Kong will be affected after 1997. About 7% expect press freedom would not be affected, and one-third of them have no definite views.

2.15 With regard to the future of Hong Kong and feasibility of “one country, two systems”, about half of the journalists take a wait-and-see attitude. About 15% of them feel positive and 20% are pessimistic.

2.16 On self-censorship, survey results show that only 5% of the journalists agree to the statement that “Nowadays most journalists hesitate to criticize the Hong Kong Government.” About one-third agree that journalists “hesitate to criticize large corporations in Hong Kong”, and half of them agree that journalists “hesitate to criticize the Chinese government.” In comparison, journalists are more hesitant in criticizing the Chinese government and large corporations in Hong Kong than in criticizing the Hong Kong Government.

### Content Analysis

2.17 Content analysis is used to monitor the volume and content of press reports. Researchers choose several newspapers for a long period of time (in general a minimum of several years) to monitor the contents, especially the editorials. The selection of newspapers under study is based on their readership and political stand. This method enables the researchers to find out the topics which are or are allowed to be reported in the press. It also indicates the way of reporting which is accepted or allowed to differ from the government line. By the same token, content analysis of editorials shows the degree of freedom which is allowed or exercised by the press in commenting on topical issues. Content analysis of editorials may also shed light on the change in standpoint adopted or allowed to be adopted by the press on various social and political issues.

2.18 The measurement of content involves the interpretation of meanings which is vulnerable to subjective assessment. Hence, controversy may arise. Commercial researchers seldom undertake this type of study because of the time and manpower resources involved. Comparatively speaking, academic researchers are more willing to devote their resources in conducting content analysis.

### *Case Study of Hong Kong: 1993*

2.19 In 1993, Dr. Siu Nam LEE, an Associate Professor in the Department of Journalism and Communication of The Chinese University of Hong Kong published a research report entitled “Press Response to Rapid Social Change in Hong Kong” in the Asian Journal of Communication. The study investigates the response of Hong Kong newspapers to social change in the past two decades. (A copy of this report is available in the PLC Library.)

2.20 The research sampled the editorials of five newspapers in Hong Kong. They were the South China Morning Post, Wah Kiu Yat Po, Wen Wei Po, Ming Po, and Hong Kong Times. The selection of these newspapers was based on their readership and their political stand. The researchers took the editorials of the newspapers every five years starting from 1967 i.e. 1967, 1972, 1977, 1982, 1987.

2.21 The study found that the local press “has not utilized fully the press freedom available in Hong Kong. The editorial stand of the major newspapers in Hong Kong is conservative, reconciliatory and non-critical.” In addition, “newspapers in Hong Kong seldom criticize the Hong Kong or Chinese governments in editorials, with the exception of the Hong Kong Times whose attitudes varied with time and political stand.”

### **3. Hong Kong and International Studies**

#### Freedom Index in Hong Kong

3.1 A public opinion poll, aimed at establishing a “freedom index” in Hong Kong, was jointly conducted in September 1993 and September 1994 by RTHK, the Department of Communication of Hong Kong Baptist College (now Baptist University), the Faculty of Humanities and Social Sciences of City Polytechnic of Hong Kong (now City University) and the Hong Kong Polling and Business Research Consultants Co. The design of the questionnaire and the results of the two surveys are proprietary to the researchers.

#### *1993 Study*

3.2 In September 1993, of the 587 respondents aged 15 or above, 94.7% considered Hong Kong to be a free society but did not think the current degree of freedom would last, while 34.2% expected that Hong Kong would have less freedom in the next three to four years, and as many as 56.5% expected less freedom in Hong Kong after 1997.

3.3 Regarding freedom of speech and of the press, 81.8% of the respondents saw no constraints on the discussion about society, politics and current affairs and felt they were free to speak; nearly 65% said generally speaking the local newspapers, television and broadcasting stations could report and comment on various issues without restraint.

3.4 Looking forward, 70% expected less freedom of the press in Hong Kong after 1997 while 7.2% believed there would be more freedom after 1997.

#### *1994 Study*

3.5 An update survey was conducted in September 1994. The 1994 survey result was similar to that of the first survey.

3.6 It is understood that conducting the above studies was quite costly. Due to financial constraint, the freedom index survey could not be conducted in the subsequent years.

*Observations*

3.7 Unless a society experiences a violent political change in which the press is immediately shut down, the trend in the change in press freedom can only be established after a long period of observation. As such, it would be too early to analyze whether the degree of press freedom in Hong Kong has been affected after 1 July. This analysis is confirmed by interviews with the academic researchers and the HKJA.

3.8 Since only few studies have been made in Hong Kong in the past few years, one still needs time to work out a set of well-defined indicator or index for independent researchers to continue to study the issue of press freedom in Hong Kong.

3.9 Furthermore, in order to establish a trend for comparison, it is necessary to conduct the study on a regular basis, with continued professional expertise and sustained financial resources. According to the HKJA, sustained funding is a major constraint.

International Comparisons: Freedom House's Freedom Rating

3.10 Freedom House<sup>1</sup> is a leading authority in measuring and comparing the extent of freedom enjoyed by different countries and their related territories. Each year, Freedom House evaluates the level of political rights and civil liberties in each country and the related territory of the world.

3.11 The Survey of freedom encompasses two sets of characteristics grouped under "political rights" and "civil liberties". Political rights are those rights that enable the people to participate freely in the political process. Civil liberties are those freedoms for the people to develop views, institutions and personal autonomy apart from the government.

3.12 The Survey employs a checklist to measure these rights and liberties so as to help determine the degree of freedom existing in each country and its related territory, and to help assign them to comparative categories. Please refer to Appendix I for the details of the checklists.

3.13 The Survey rates political rights and civil liberties separately on a seven-category scale, 1 representing the most free and 7 the least free. A country or its related territory is assigned to a particular category based on responses to the checklist and the judgments of the survey team at Freedom House.

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<sup>1</sup> Freedom House, established in 1941, is a nonprofit organization based in New York that monitors political rights and civil liberties around the world. Freedom House first began to evaluate political rights and civil liberties during the 1950s. The first review of freedom was completed in 1955. By the late 1960s, the Freedom House created a single standard to measure and record the development of freedom around the world.

3.14 Freedom House also assigns an overall “freedom rating” to each country and its related territory:

- Free -- where the combined grade for political and civil freedom is 1 or 2;
- Partly free -- where the combined grade for political and civil freedom is 3 or 4 or 5;
- Not free -- where the combined grade for political and civil freedom is 6 or 7.

3.15 In 1995-1996, 76 countries and 44 of the related territories were classified as “free”; 62 countries and 6 of the related territories “partly free”; and 53 countries and 8 of the related territories “not free” Data for 1995-96 for selected countries and territories are shown in Table 1.

**Table 1: Comparative Measures of Freedom for Selected Countries and Territories in 1995-1996**

	<b>Political Rights Index</b>	<b>Civil Liberties Index</b>	<b>Freedom Rating</b>
Hong Kong	4*	2	Partly Free
Australia	1	1	Free
Canada	1	1	Free
China	7	7	Not Free
France	1	2	Free
Germany	1	2	Free
India	4	4	Partly Free
Japan	1	2	Free
Korea, South	2	2	Free
New Zealand	1	1	Free
Philippines	2	4	Partly Free
Taiwan	3	3	Partly Free
Thailand	3	4	Partly Free
United Kingdom	1	2	Free
United States	1	1	Free

Note 1: For political rights index and civil liberties index, 1 represents the most free and 7 the least free.

Note 2: \* Hong Kong's political rights index changed from 5 (before 1995) to 4 because of expanded democratic elections for the Legislative Council and local bodies.

Source: Freedom House, Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 1995-1996.

Web Site Address: <http://www.freedomhouse.org/library/freedom96/toc.htm>

3.16 In 1995-1996, Hong Kong's overall freedom rating was "partly free", with 4 for political rights index and 2 for civil liberties index. Hong Kong's political rights index changed from 5 (before 1995) to 4 because of expanded democratic elections for the Legislative Council (LegCo) and local bodies. The full report on Hong Kong published by the Freedom House is provided in Appendix II.

3.17 It should be noted that the report on Hong Kong has inaccurate descriptions. For details, please refer to the notes of Appendix II.

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#### 4. Summary of Findings

4.1 There is no universal definition of press freedom. The UN's definition of press freedom, contained in Article 19 of the Universal Declaration of Human Rights, is commonly accepted. Journalists and researchers in Hong Kong take Article 19 as the principle of press freedom.

4.2 There are three major approaches to measure press freedom. These approaches are not mutually exclusive. The first two approaches are opinion surveys (of public and journalists) and content analysis. A third approach is to gauge press freedom amongst a set of factors which form a "freedom index".

4.3 One approach to measure press freedom is to conduct telephone interviews to ask the opinion of the public. By using this method, the researchers can gauge directly the feelings of the public (i.e. end-users). Another application is to conduct survey of journalists. This application is best used for assessing issues such as interference from the government and outside parties, as well as self-censorship.

4.4 Two public opinion surveys conducted in 1994 showed that 60% of the sample considered there would be a decline in press freedom in 1994-97, with a decreasing number (11% to 6%) who believed press freedom would increase in the these years.

4.5 A survey of journalists conducted in 1996 showed that 52% worried about press freedom in Hong Kong after 1997; half hesitated to criticize the Chinese government and one-third hesitated to criticize large corporations in Hong Kong.

4.6 The second approach is to conduct content analysis of press reports. Changes in content reflect the topics which are allowed to be reported and the degree of freedom which is allowed in public discussion. Researchers choose several newspapers for a long period of time to monitor the contents, especially the editorials. The selection of newspapers under study is based on readership and political stand.

4.7 A study using content analysis was made 1993. Its results showed that during 1967-1987, the local press "has not utilized fully the press freedom available in Hong Kong. The editorial stand of the major newspapers in Hong Kong is conservative, reconciliatory and non-critical."

4.8 Public opinion surveys were conducted in September of 1993 and 1994, with an aim to establish a "freedom index" in Hong Kong. Survey showed that 70% of the interviewees expected less freedom of the press in Hong Kong after 1997. It is understood that such a study was quite costly. Due to financial constraint, the freedom index survey could not be conducted in the subsequent years.

4.9 In 1995-1996, Freedom House, an international authority on the subject, rated Hong Kong's overall freedom rating as "partly free", with 4 for political rights index and 2 for civil liberties index. However, it should be noted that the report on Hong Kong published by the Freedom House contained inaccurate descriptions.

4.10 Unless a society experiences a violent political change in which the press is immediately shut down, the trend in the change in press freedom can only be established after a long period of observation. As such, it would be too early to analyze whether the degree of press freedom in Hong Kong has been affected after 1 July.

4.11 Since only few studies have been made in Hong Kong in the past few years, one still needs time to work out a set of well-defined indicator or index for independent researchers to continue to study the issue of press freedom in Hong Kong.

4.12 Furthermore, in order to establish a trend for comparison, it is necessary to conduct the study on a regular basis, with professional expertise and financial resources. According to the HKJA, funding is a major constraint.

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## Appendix I

### **Extracts from “Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 1995-1996” Published by the Freedom House**

#### **Checklists to Measure Political Rights and Civil Liberties**

##### Political Rights Checklist

1. Is the head of state and/or head of government or other chief authority elected through free and fair elections?
2. Are the legislative representatives elected through free and fair elections?
3. Are there fair electoral laws, equal campaigning opportunities, fair polling and honest tabulation of ballots?
4. Are the voters able to endow their freely elected representatives with real power?
5. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?
6. Is there a significant opposition vote, de facto opposition power, and a realistic possibility for the opposition to increase its support or gain power through elections?
7. Are the people free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies or any other powerful grouping?
8. Do cultural, ethnic, religious and other minority groups have reasonable self-determination, self-government, autonomy or participation through informal consensus in the decision-making process?

##### Civil Liberties Checklist

1. Are there free and independent media, literature and other cultural expressions?
2. Is there open public discussion and free private discussion?
3. Is there freedom of assembly and demonstration?
4. Is there freedom of political or quasi-political organization?

5. Are citizens equal under the law, with access to an independent, nondiscriminatory judiciary, and are they respected by the security forces?
6. Is there protection from political terror, and from unjustified imprisonment, exile or torture, whether by groups that support or oppose the system, and freedom from war or insurgency situations?
7. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining?
8. Are there free professional and other private organizations?
9. Are there free businesses or cooperatives?
10. Are there free religious institutions and free private and public religious expressions?
11. Are there personal social freedoms, which include such aspects as gender equality, property rights, freedom of movement, choice of residence, and choice of marriage and size of family?
12. Is there equality of opportunity, which includes freedom from exploitation by or dependency on landlords, employers, union leaders, bureaucrats or any other type of denigrating obstacle to a share of legitimate economic gains?
13. Is there freedom from extreme government indifference and corruption?

Source: Freedom House, *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 1995-1996*.

Web Site Address: <http://www.freedomhouse.org/library/freedom96/method.htm>

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**Appendix II**

**Extracts from “Freedom in the World:  
The Annual Survey of Political Rights and Civil Liberties 1995-1996”  
Published by the Freedom House**

**Annual Report on Hong Kong 1995-1996**

Political Rights Index	Civil Liberties Index	Freedom Rating
4*	2	Partly Free

Note 1: For political rights index and civil liberties index, 1 represents the most free and 7 the least free.

Note 2: \* Hong Kong's political rights index changed from 5 to 4 because of expanded democratic elections for the Legislative Council and local bodies.

### Overview

Prodemocracy candidates took a majority of the directly elected seats in Hong Kong's September 1995 Legislative Council elections, but China repeated its pledge to scrap all democratic institutions once the colony reverts to Chinese authority in 1997.

Located on the southern coast of China, the Crown Colony of Hong Kong consists of Hong Kong Island and Kowloon Peninsula, both ceded in perpetuity by China to Britain in the mid-1800s, and the mainland New Territories, leased for ninety-nine years in 1898. Executive power rests with a British-appointed governor who approves laws and presides over an advisory Executive Council. A sixty-seat Legislative Council (LegCo) can propose, amend or reject legislation.

In 1984 Britain and China signed the Joint Declaration, which gives China sovereignty over Hong Kong on 1 July 1997. China agreed to maintain the colony's laissez-faire economy and judicial and political autonomy for fifty years. In 1990 Britain and China agreed that for the first time, eighteen LegCo seats would be directly elected in 1991, twenty in 1995, twenty-four in 1999 and thirty in 2003. These plans were incorporated into the Basic Law, Hong Kong's post-1997 constitution. In 1991 the colony held its first-ever direct LegCo elections for eighteen seats. Prodemocracy liberals won sixteen seats, led by Martin Lee's Democratic Party<sup>1</sup> with twelve, with the remainder going to conservative and pro-China candidates.

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The following footnotes are added by the Research and Library Services Division of the PLC Secretariat for factual correction. They are not part of the Extracts from Freedom House's report.

<sup>1</sup> This Party should be the United Democrats of Hong Kong.

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In 1992 newly appointed colonial governor Christopher Patten outlined plans to broaden the franchise for the forty indirectly elected seats in the 1995 LegCo elections. For thirty of these seats, elected by "functional constituencies" representing business and other interest groups, Patten proposed allowing more rank-and-file members of these constituencies to vote, and creating nine new broadly drawn constituencies. For the ten remaining indirectly elected seats, Patten proposed forming an electoral college<sup>2</sup> drawn from the colony's district board seats. In December China announced that it would eliminate all existing elected bodies in 1997.

In June 1994 the LegCo approved Patten's electoral plans. At local elections in September and in March 1995 prodemocracy candidates soundly defeated conservative and pro-Beijing candidates. In September 1995 LegCo elections the Democratic Party won twelve directly elected seats and nineteen overall; prodemocracy candidates took a total of sixteen of the twenty directly elected seats. The main pro-China party, the Democratic Alliance for the Betterment of Hong Kong, won just two directly elected seats and five<sup>3</sup> overall.

In October the Preliminary Working Committee (PWC), an advisory group appointed by Beijing, recommended that China water down or scrap Hong Kong's Bill of Rights after 1997. The PWC also recommended reversing six recent amendments to colonial laws that had given the governor sweeping, though rarely used, powers to declare martial law<sup>4</sup>, impose censorship and restrict freedoms of assembly and association.

### Political Rights and Civil Liberties

Hong Kong residents cannot change their government democratically. The British premier appoints the governor, and most Legislative Council seats are appointed or indirectly elected. Residents had no voice in the 1984 Sino-British agreement transferring sovereignty to China in July 1997. In 1991 London agreed to give British passports to some 220,000-250,000<sup>5</sup> heads of household and family members, but has refused to extend the right of abode to the 3.4 million residents who only have British Dependent Territory Citizen (BDTC) Status and not full British citizenship.

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<sup>2</sup> Patten proposed forming an Election Committee.

<sup>3</sup> The total should be six.

<sup>4</sup> The Ordinance should be cited as the Emergency Regulations Ordinance.

<sup>5</sup> The scheme covered up to 50,000 families.

The colony has an independent judiciary, and defendants receive fair trials. In June 1995 London and Beijing finalized arrangements for the colony's post-1997 Court of Final Appeal, which will replace the Privy Council in London as the court of last resort. No more than one foreign judge will sit on the five-member court, although liberals had pushed for greater flexibility; the court will be prohibited from hearing cases involving "acts of state such as defense and foreign affairs," and many fear China will use this vaguely worded clause to restrict the court's jurisdiction further; the post-1997, Beijing-appointed chief executive, and not the court, will define "acts of state;" and the court will not be set up until after 1997, preventing it from establishing precedents before the handover.

As 1997 approaches there has been chilling effect on the media and other institutions. The colony has a vigorous press but many journalists practice self-censorship to avoid antagonizing China. In January 1995 two television stations refused to run a BBC documentary about the sale of organs from executed prisoners in China. Chinese officials frequently warn Hong Kong journalists against being outspoken and claim they keep dossiers on journalists. Beijing also frequently advises civil servants to be loyal to China. In May rioting broke out as authorities prepared to repatriate some 1,500 refugees to Vietnam involuntarily. Police responded with tear gas and batons, injuring seventy-eight refugees, and in June similarly dispersed a smaller incident.

In the New Territories husbands or male relatives frequently cast electoral ballots for women according to local tradition. The lack of antidiscrimination legislation has contributed to discrimination against women in the workplace. Workers are free to join independent trade unions.

Source: Freedom House, *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 1995-1996*.

Web Site Address: <http://www.freedomhouse.org/library/freedom96/toc.htm>

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