
Higher Education Restructuring and Academic Freedom in Hong Kong

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ABSTRACT A former British colony, Hong Kong was reunited with the People's Republic of China in 1997 under the 'one country two systems' model. The Hong Kong Basic Law contains detailed provisions for academic freedom, ensuring that local academics enjoy far greater freedom than their counterparts in mainland China. Hong Kong academics and the broader community have also publicly supported academic freedom when they perceived it to be under threat. The authors argue, however, that the recent restructuring of Hong Kong's universities may ultimately pose a greater threat than any explicit interference from the local or national governments.

Introduction

As Hong Kong was a British colony for more than 150 years, its universities have been influenced by diverse forces, including Western notions of academic freedom, Confucian ideas of the role of the scholar in society, and the inherently undemocratic nature of colonialism. In the past two decades, Hong Kong academics have also had to contend with political tensions arising from reintegration with China, a huge expansion in the student population, and funding cuts following the Asian financial crisis. The local funding body, Hong Kong's University Grants Committee (UGC), has also played a more active role in recent years, sponsoring numerous quality assurance exercises and reviews of higher education (Currie et al, 2005; Mok, 2005). These exercises have empowered the UGC and pushed universities to become more competitive in the global market, as well as to adopt more centralized systems of university governance (Mok & Lee, 2000; Poon & Wong, 2003; Postiglione 2003). Yet Hong Kong is also one of the few jurisdictions in the world that expressly protects academic freedom in its constitutional document (Petersen, 1998, pp. 342-346). This background makes Hong Kong a particularly interesting jurisdiction in which to study the effects of restructuring on academic freedom.

This article begins by reviewing the right to academic freedom in Hong Kong law and the practical difficulties for those who might seek to enforce that right. It goes on to analyse the Robert Chung affair, a case study that demonstrates how transparent university procedures and democratic governance can assist an academic who complains about interference with academic freedom. It then analyses recent changes to university governance and funding mechanisms, which may weaken institutional protections for academic freedom, before going on to discuss the results of interviews and a survey of academics at the University of Hong Kong (HKU) and City University of Hong Kong (CU). These results indicate that academics are generally positive about academic freedom in the territory but concerned about self-censorship and the impact of restructuring and the disappearance of academic tenure.

Legal Protection for Academic Freedom in Hong Kong

The British returned Hong Kong to China under the 'one country, two systems' model described in the Joint Declaration (1984), which provides that Hong Kong will have a 'high degree of autonomy' from China for at least 50 years and contains detailed provisions protecting human rights (Ghai, 1999, pp. 35-80). The treaty states that freedom of speech and academic research will be protected by law and that Hong Kong will have its own educational system (Joint Declaration, para. 5 and Annex X). This language was largely repeated in the Basic Law (Consultative Committee for the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, 1990), Hong Kong's regional constitution, which was enacted by the National People's Congress (NPC) and went into force in 1997. It provides that educational institutions shall 'retain their autonomy and enjoy academic freedom' and 'students shall enjoy freedom of choice of educational institutions', including the freedom to study abroad (Basic Law, Article 137). Individuals 'shall have the freedom to engage in academic research, literary and artistic creation, and other cultural activities' (Basic Law, Article 34). Thus Hong Kong academics enjoy far greater freedoms than their colleagues in mainland China and can publish research that is critical of the local and central governments. Many Hong Kong academics are also active in politics and in the local democracy and human rights movements (Petersen, 1998, pp. 339-341; So, 2002; Currie et al, 2006, pp. 89-106).

The Basic Law also protects the more general freedoms of expression, association and assembly (Basic Law, Article 27). In addition, the International Covenant on Civil and Political Rights has been incorporated into Hong Kong's domestic law, through Article 39 of the Basic Law and the Bill of Rights Ordinance, thus bringing internationally accepted standards of human rights into domestic law (Petersen, 2006, pp. 225-227). While there are concerns about self-censorship, Hong Kong's press has been described as a 'beacon of free expression and a center of Asian media' (Weisenhaus, 2005, p. 280).

Since the Basic Law is Hong Kong's highest law, a government policy or local law that violates it must be held invalid if challenged in court. Unlike mainland China, Hong Kong has an independent judiciary that often rules against the local government (Petersen, 2006, pp. 240-242). The local courts have exclusive jurisdiction over criminal and civil matters arising in Hong Kong, including the power of final adjudication (Ghai, 1999, pp. 303-358). Thus, an academic who stays within Hong Kong's borders need not worry about being arrested for publishing research that offends the Chinese central government. Since the Basic Law is a national law, the Standing Committee of the NPC has the power to issue 'legislative interpretations' of the Basic Law (Basic Law, Article 158). While this power has caused considerable concern in Hong Kong, the Standing Committee has thus far issued only a few interpretations and none has related to freedom of expression or academic freedom (Petersen, 2006, p. 229 and pp. 235-238). Public support for freedom of expression is also strong in Hong Kong. In 2003, the Hong Kong government attempted to introduce controversial national security legislation to implement Article 23 of the Basic Law (which requires local legislation against subversion, sedition, secession and theft of state secrets). Many academics believed that the proposals were too broad and actively critiqued the bill, organizing conferences and writing articles for the local press (Currie et al, 2006, pp. 89-106). In July 2003 more than 500,000 people marched against the proposed legislation, forcing the government to withdraw the bill from the legislature (Petersen, 2005, pp. 13-62).

Thus, it seems likely that any blatant restriction on academic freedom would be resisted by academics and by the general community, and could also be successfully challenged in the Hong Kong courts. However, no one actually expects an open attack. The official position of the universities, the UGC, and the local government will almost certainly continue to be one that supports academic freedom. The more serious threat lies in the hidden pressures (and incentives) to curtail research that is critical of the local or central governments or that runs contrary to the interests of Hong Kong's powerful business community. Hong Kong is still a largely undemocratic society, with a legislature that is only partly elected from geographic constituencies and a government that is appointed by Beijing (Lau, 2002; A.B.L. Cheung, 2002; Chan & Harris, 2006). Almost all of the degree-granting institutions depend heavily upon the local government for funding (Postiglione 1997, p. 240) and in the era of budget cuts they are increasingly looking for private sources of funding. Although the Basic Law promises that local universities will enjoy autonomy, Hong Kong universities are generally eager to interact with China and to play a role in

its rapidly expanding higher education sector. This may influence their treatment of individual academics doing research in sensitive fields. Given the lack of transparency in most hiring and promotion decisions, it would be almost impossible for an academic to prove that he or she was penalized for political reasons. Even if he or she could do so, the financial burden and negative publicity would deter most people from commencing a legal action (Petersen, 1998, pp. 346-349).

In addition, Hong Kong academics who do research in China may be tempted to self-censor their publications, either to facilitate connections with mainland institutions or to protect themselves from arrest. Although China's 'counter-revolutionary' offences are gradually being replaced by 'national security' offences, the depoliticization of criminal law in mainland China is far from complete (Fu, 2005) and Hong Kong law provides no protection once an academic crosses the border. Academics and journalists have been arrested in China for actions that they insisted were part of normal research but which the authorities viewed as either spying or theft of state secrets (A.B.L. Cheung, 2002). Cases like that of Dr Li Shoamin, a former academic at the City University of Hong Kong who was detained in China for five months, are well publicized and serve as a warning to local scholars (Lee & Wan, 2001; Forester, 2002). In many ways, Dr Li was fortunate because he holds American citizenship and received assistance from the United States government (C.F. Cheung, 2001). In contrast, most Hong Kong residents are citizens of China and completely vulnerable if arrested in mainland China.

Thus, while Hong Kong has impressive legal protections for academic freedom, the law is only one of many factors affecting universities and academics. The political environment and institutional factors – including funding policies, security of tenure, and approaches to university governance – are equally important. This can be seen in the next section of the article, which explores the relationship between university governance and the response to the Robert Chung affair.

The Robert Chung Affair

In 1999, Robert Chung Ting-yiu was a PhD candidate and researcher at HKU. He was conducting an opinion poll research project that tracked the declining popularity of Tung Chee-hwa, the first Chief Executive of the Hong Kong SAR. In July 2000, Chung published an article alleging that he had been pressured to discontinue the project:

Last year, more than once, I was given a clear message from Mr. Tung via a special channel that my polling activities were not welcomed. Mr. Tung did not like me polling his popularity or the Government's credibility. I was told that he did not like to see universities involved in such activities and that our polls should stop. (Chung, 2000)

Under pressure to name the 'special channel', Chung eventually revealed that it was the Vice-Chancellor of HKU who had sent him the message, via Professor Wong Siu Lun (a Pro-Vice-Chancellor and Robert Chung's PhD supervisor). In response to Chung's allegation, the Vice-Chancellor admitted that an assistant to the Chief Executive, Mr Andrew Lo, had discussed Chung's research with him and that this conversation had made the Vice-Chancellor concerned about the project. He insisted, however, that he had never induced Professor Wong Siu Lun to exert any pressure on Robert Chung (Petersen, 2000, pp. 166-167). As this created a dispute of fact, HKU's Council appointed an Independent Investigation Panel to investigate the incident. The Panel consisted of a former judge of the High Court, a senior barrister, and the Executive Officer of Hong Kong's Consumer Council. It held public hearings, which were televised and widely reported in the press. Tung Chee-hwa was invited to appear but declined to do so. Andrew Lo did testify, as did Dr Chung, the Vice-Chancellor, Professor Wong, and several other members of the university. The proceedings were similar to those of a court hearing and the Vice-Chancellor and Mr Lo were legally represented (Petersen, 2000, p. 168).

After more than two weeks of hearings, held in August 2000, the Panel delivered its Report to HKU's Council. The Panel determined that Professor Wong (acting at the behest of the Vice-Chancellor) had conveyed a message to Robert Chung that was 'calculated to inhibit his right to academic freedom' (University of Hong Kong Independent Investigation Panel, 2000, para. 11). The Panel concluded that this action was taken as a result of the meeting between Mr Lo and the Vice-

Chancellor, and that these two witnesses had given less than full and accurate testimony regarding their conversation about Chung's project (para. 99).

Government lawyers representing Mr Lo initially requested the Council to delay releasing the report, making it clear that the government was unhappy with the findings. Although this request was later withdrawn (and the Council released the Report in early September 2000), academic staff feared that the Council might seek to distance itself from the Panel's findings. A petition was quickly drafted and circulated by email, requesting the Council to accept the report. Within three days, 439 academics, over half of the academic staff of HKU, had signed this petition. Signatories included six of the nine deans of faculties, 14 associate deans, and 26 heads of departments or centres within the university. Although the petition did not call upon the Council to take any particular action beyond adopting the report, it demonstrated that the Vice-Chancellor had lost credibility with the majority of his staff.

The public nature of the proceedings also played an important role, as many HKU alumni either watched the hearings on television or read the report and the extensive press coverage. They sent in comments, generally demanding prompt action to strengthen academic freedom and restore HKU's reputation. Thus, although the Vice-Chancellor continued to enjoy some support (particularly among certain Chair Professors and external members of HKU's Council), he eventually felt compelled to resign. Shortly before the Council meeting resumed on 6 September, the Vice-Chancellor and Pro-Vice-Chancellor Wong both offered their resignations (Petersen, 2000, pp. 169-170).

Interestingly, however, HKU's Council never did formally adopt the Panel's report. After the resignations were announced, the Chairman quickly introduced a series of motions to the effect that the Council would simply 'note' the report rather than formally adopt it. Moreover, the Council's statement only noted the findings with respect to the Vice-Chancellor and Professor Wong, thereby distancing itself from the findings relating to Tung Chee-hwa's assistant. This course of action was taken over the objections of the student members of the Council and the majority of the deans, who at that time were elected and all members of the Council (Petersen, 2000, pp. 170-71). It appears that the external members were at least partly influenced by pressures exerted by the Hong Kong government. The Council Chairman, Mr T.L. Yang, was in a particularly difficult position because he was also a member of Tung Chee-hwa's Executive Council at the time and Mr Tung had publicly disagreed with the Panel's findings (Petersen, 2000, pp. 172-174). By agreeing to resign, the Vice-Chancellor gave T.L. Yang and the external members of Council a way to resolve the crisis without actually having to criticize the Chief Executive or any member of his staff.

Following the Robert Chung affair, HKU established a Senate Task Force on Academic Freedom, which sought submissions from students and staff (University of Hong Kong Senate Task Force, 2002, para. 19). The Task Force received 'a number of communications to the effect that problems exist' and found that 'there is a great deal of worry over such matters' (para. 20). The Task Force concluded: 'Regretfully, there is evidence to suggest that a number of members of this university have felt that their academic freedoms have been infringed in a variety of ways' (para. 81). It recommended that HKU formally adopt a working definition of academic freedom and a list of freedoms enjoyed by members of the university, including the freedom to put forward controversial opinions, to question the governance and conduct of university affairs, to discuss university affairs in appropriate media, to select one's areas of research, and to offer expert advice in both academic and non-academic contexts. The Task Force also noted that members of the university have an obligation to support the academic freedom of others and to 'avoid simply using rank or positions as a means of imposing opinions or values' (para. 10). HKU's Council and Senate later adopted the Task Force's definition of academic freedom, as well as the suggested list of freedoms and responsibilities. These now appear on HKU's website (under Policies) and are said to be the 'policy framework' for assuring academic freedom at HKU (University of Hong Kong, 2006a). While this is a positive development, it appears that HKU has examined academic freedom primarily as a matter of internal university policy. There has been little serious discussion of the external forces that may interfere with academic freedom. Given Hong Kong's political environment and the HKU's reliance upon government funding, it may be that the Vice-Chancellor

honestly (and quite reasonably) believed that he was acting in the best interests of HKU when he tried to curtail Robert Chung's research.

Robert Chung's opinion poll research project continues at HKU and his complaint raised awareness within the academic community. Yet the saga also demonstrates how easily government officials can intimidate university administrators and councils (particularly external members of councils, who are generally well connected to the government and want to stay that way). The next section considers how the recent restructuring of Hong Kong's universities may exacerbate that problem.

Higher Education Restructuring and Academic Freedom

University governance has changed significantly at HKU since the Robert Chung affair. This is largely due to recommendations in a report entitled *Higher Education in Hong Kong: report of the University Grants Committee*, more commonly known as the 'Sutherland Report' (Sutherland, 2002). The report, based upon a review by Lord Sutherland for the UGC, concluded that the system of governance used in Hong Kong's traditional universities – including elected deans and the practice of distributing governance among several bodies, such as a Council, Senate, and Faculty Boards – was old-fashioned and inappropriate for building world-class universities. Emphasizing that universities have evolved into 'large, multi-million dollar businesses using substantial public monies' (Sutherland, Appendix D, pp. 58-59), Lord Sutherland endorsed the more centralized systems used at leading universities in the USA, the United Kingdom, and Australia. He also expressed a clear preference for appointed deans, noting that this is consistent with international practice.

Lord Sutherland did not acknowledge that Hong Kong academics might legitimately prefer to be less centralized than universities in democratic societies, whose governments are not appointed by the Chinese Communist Party. Indeed, the Sutherland Report reflects some impatience with those who might argue that a special threat to academic freedom exists in Hong Kong. It states:

No individual or institution anywhere in the world has such an unrestrained freedom to act without consideration for the consequences or costs. There are only negotiated freedoms. Such freedoms are agreed between funders, whether public or private, and funded institutions. (Sutherland, 2002, para. 6.25)

The University of Hong Kong's Task Force on Academic Freedom disagreed with this comment, maintaining that academic autonomy is 'not negotiable with a funding agency for political reasons' (Senate Task Force, para. 40). Nonetheless, the recommendations of the Sutherland Report were largely endorsed by a subsequent review at HKU, known as the 'Fit For Purpose Report', which concluded that the 'globalization of higher education and an increasingly competitive environment' require more 'robust' and 'streamlined' systems of governance (University of Hong Kong, 2003, Executive Summary). As a direct result of this review, HKU abolished the tradition of electing deans from within the faculties. It now advertises for and appoints full-time 'executive' deans who do not teach and who have far greater powers (in terms of budget and human resource decisions) than the elected deans traditionally wielded. Although the faculty can elect some representatives onto the relevant search committee, the Vice-Chancellor makes the ultimate appointment and has no obligation to follow the recommendation of these faculty representatives. Thus the deans at HKU are now a part of the Vice-Chancellor's team and are not accountable to their faculties. The appointed deans, in turn, now appoint HKU's heads of departments. Had this been the case during the Robert Chung affair it is unlikely that so many deans and heads of departments would have signed the petition that led to the Vice-Chancellor's resignation. HKU also now has a smaller Council, which is even more dominated by non-university members (University of Hong Kong, 2006b).

Other universities in Hong Kong have also conducted their own management reviews, reflecting the influence of the Sutherland Report (Poon & Wong, 2003, p. 21). Although in theory each institution was left to make its own decisions, in practice the UGC sought to identify 'good management practices' that could be adopted by all universities so as to make them more efficient in a time of growing financial constraints. These management reviews have become a vehicle for

the UGC to impose its own ethos of managerial governance, which some academics view as a direct challenge to university autonomy and academic freedom (Mok, 2005).

In addition to changes in university governance, the Sutherland Report recommended that 'a small number of institutions be strategically identified as the focus of public and private sector support with the explicit intention of creating institutions capable of competing at the highest international levels' (Sutherland, 2002, pp. 6-7). This has generated speculation about which institutions will be the 'chosen few' and may eventually lead to mergers of some of the existing universities (Postiglione, 2003; Wong, 2004, pp. 158-160). The recommendation also led to changes in the remuneration systems of UGC-funded institutions, which had been linked to the civil service pay system for more than 30 years. The Sutherland Report recommended that universities be given more freedom and flexibility in order to recruit leading international scholars and enhance their competitiveness. As a result, the government deregulated university salaries in 2003 (Education and Manpower Bureau, Hong Kong Government, 2004) and universities have been gradually designing and implementing their own systems (Hong Kong Legislative Council Secretariat, 2006).

Deregulating salaries would appear to decentralize higher education and to give universities greater autonomy from government. However, this must be viewed in the context of the pressure placed on the universities through UGC-sponsored reviews and demands for managerial efficiency. Mok (2005) describes the effect as 'centralized decentralization' because the universities are allowed to diversify but become more strictly regulated through quality assurance and accountability exercises. It is clear that the universities themselves view de-linking as a mixed blessing, perhaps because they know that it may make it easier for the government to reduce funding. The brochure produced by Baptist University (BU) to explain its new remuneration system, known as the New Pay and Reward Structure (NPRS), reflects this concern. It states that the NPRS was adopted to cope with an era of 'increasing competition in the tertiary sector and shrinking public support' and to prepare for the 'uncertain funding situation ahead' (Hong Kong Baptist University, undated, pp. 3 and 5). The implementation of this new system created controversy because BU members of staff were compelled to accept what amounted to changes in their contractual terms. Two administrators were dismissed for refusing to accept the new terms and six academics were threatened with dismissal, leading the BU Faculty and Staff Union to accuse the administration of undermining academic freedom (Heron, 2006a, b).

The dispute at BU attracted the attention of the Legislative Council's Panel on Education, which discussed it and the larger issue of university restructuring at a special meeting in January 2006 (Hong Kong Legislative Council Panel on Education, 2006). The Panel heard testimony from representatives of the UGC, BU, and several academic and human rights organizations (Polytechnic University Staff Association, 2006; Hong Kong Human Rights Monitor, 2006). The Panel passed a motion calling upon BU to allow staff the option of switching back to the old scheme but BU rejected this recommendation, stating that 99% of existing staff had already joined the new system and that the old system had 'ceased to exist' as of January 2006 (Hong Kong Baptist University Council, 2006).

While coercing any employee to accept a change in the terms of a contract would be wrong, the issue that is particularly relevant to academic freedom is BU's position on the tenure system. When the six academics refused to accept the new terms, BU established a committee to determine whether this amounted to 'good cause' for dismissal of a substantiated employee. The administration apparently believed that 'good cause' could include operational inconvenience, a highly dubious proposition (Ghai, 2006). Although BU ultimately backed down from this position (Tong, 2006), its Vice-President was quoted in the press as claiming that tenure did not exist at BU and that substantiation was not the same as academic tenure (Heron, 2006b, c). A BU professor responded by stating that he had worked at BU 'more than 40 times longer' than the Vice-President and had 'heard countless conversations' over the years in which teachers or administrators had referred to substantiation as the equivalent of tenure (Lo, 2006, quoting Palmquist, 2006).

BU's Council eventually decided to pass a special resolution regarding the six academics who had defied the university and to 'adjourn the committee which was set up to consider conclusion of the appointment of those six staff members' (Lee, 2006). BU maintained that this was done in the interest of harmony and that there was never any connection between the dispute and academic freedom, since academic staff could retain their substantiated status if they agreed to switch to the

new system. However, individual academics, legislators, and human rights organizations clearly did see such a connection (Ghai, 2006; Heron, 2006b; Hong Kong Human Rights Monitor, 2006; Hong Kong Baptist University NPRS and University Policy Concern Group, 2006; Hong Kong Legislative Council Panel on Education, 2006). The motion passed by the Education Panel in January 2006 was not confined to the contractual dispute at BU but rather called upon the government to 'expeditiously conduct an independent review of the governance of universities, and to formulate a policy which aims to enhance transparency of university governance and safeguard academic freedom' (Hong Kong Legislative Council Panel on Education, 2006, para. 118). Although the motion has no legal effect it demonstrates that there is genuine concern in the community regarding the fast pace of change in Hong Kong's higher education sector.

In a somewhat ironic twist, the heads of the eight universities condemned the legislators' motion, claiming that it amounted to government intervention in university autonomy, 'which is essential to the protection of academic freedom' (Clem, 2006; see also Hong Kong Baptist University Council, 2006). However, Law (1997) suggests that in the political context of Hong Kong absolute autonomy for university administrators may well threaten academic freedom because these senior administrators can be co-opted by the local and central governments. This is particularly true in the light of the more activist role now played by the UGC in restructuring universities and setting their agendas, albeit through the indirect methods of quality assurance exercises and repeated reviews of education (Currie et al, 2006). Although originally envisioned as a buffer between government and the universities, the UGC members are appointed by the Chief Executive (who is appointed by Beijing) and are increasingly viewed as 'a tool of control' over higher education (Kennedy, 2004, p. 614, citing the views of the Professional Teachers' Union). In contrast, the Legislative Council is a more representative body, with one-half of its members directly elected from geographic constituencies, and it includes some genuine critics of government policies. Thus, individual academics might rationally welcome the legislature's oversight and intervention into university governance.

Interview and Survey Results

To gauge the effects of the developments discussed in this article, Currie undertook 40 face-to-face and telephone interviews at the University of Hong Kong (HKU) and City University of Hong Kong (CU). In addition, 56 academics responded to an online survey which asked about the importance of academic freedom in post-1997 Hong Kong and the impact of certain globalizing practices, such as increased accountability, managerialism and restructuring. The majority of the respondents were optimistic about the current state of academic freedom within their universities and about freedom of expression generally in Hong Kong. Although many interviewees expressed concerns regarding a less open atmosphere (both at their institutions and in Hong Kong generally), they also said that they were generally free to conduct research without interference. Some interviewees contrasted their high degree of freedom with the restrictions applied to their colleagues in other parts of Asia, such as mainland China and Singapore. In response to the survey questions, most respondents said that only minor changes had occurred since 1997. It is noteworthy, however, that respondents with experience teaching in overseas universities were more likely to report some deterioration in academic freedom. In contrast, academics who had not worked outside Hong Kong were more likely to say that there had been little or no change since the handover.

The interview results and survey responses demonstrate that academic freedom is highly cherished by Hong Kong academics. Most regarded academic freedom as a key legitimizing concept of universities and said that they would expect Hong Kong academics to support one another to resist interference. Many interviewees pointed to the Robert Chung affair as an example of the importance of standing up for colleagues. The incident was also viewed, by some interviewees, as an important 'wake-up' call for people who might have been complacent about potential threats to academic freedom after 1997. Almost without exception, those interviewed expressed confidence that the academic community would take action again if there were further attempts to interfere with a colleague's freedom to conduct research. Their confidence may arise in part from the fact that a significant number of Hong Kong academics have been openly involved in

social movements. This strong feeling of social conscience, linked with activism, was explained by one of the interviewees as follows:

It seems to me that there is an even greater tradition in Hong Kong than in Australia of academics getting involved in social criticism. They are very much involved in social movements as well. They're involved in the democracy movement. There's a history to this. If you look at the backgrounds of many academics in Hong Kong, they come from the student movements in the 1970s, and the growth of civil society in the 1970s in Hong Kong. Civil society is quite strong and has been so vociferous over the years. (HK21)[1]

Interestingly, however, the same interviewee went on to express concern regarding the local government's commitment to academic freedom, stating that 'I'm not sure that I would trust the government on this issue. I think the government would like to clamp down on some of these academics' (HK21). This concern was echoed by other respondents. The interviews indicate that there is unease within Hong Kong's academic community, particularly regarding the freedom to discuss sensitive issues, such as human rights in mainland China and demands for independence by Tibet or Taiwan. One interviewee expressed this tension in rather stark terms, stating that

Academic freedom in Hong Kong is a political game. You have to sense the extent to which your university authorities grant you freedom and then you have to exercise your discretion. You have to sense the changing environment in Hong Kong, which is deteriorating politically and you have to struggle. It is difficult. (HK03)

It is also noteworthy that most of our respondents viewed academic freedom as a predominantly British, or at least Western, concept. Since the influence of Western academic traditions may decrease in the post-colonial era, the concept of academic freedom may increasingly be tempered by how it is socially constructed in Hong Kong. For example, some of the interviewees commented on the fact that traditional Chinese culture is less tolerant than Western culture of open conflict. When probed about the freedom to criticize their own institutions, respondents indicated that there are some constraints and that this particular freedom may not be viewed by everyone in the university as an important element of academic freedom. As one interviewee commented:

I haven't thought about it in that way to be honest. I've looked at the issue in terms of academic research and I've not linked it to my own institution. There may possibly be some constraints on the freedom to criticize your own institution, either those implied or clear restrictions. (CU11)

In explaining what some of these implied constraints might be, another City University respondent stressed the importance of self-censorship and tact, particularly when critiquing those in superior positions:

If you want to make comments about your colleagues ... you have to think about how this person will feel. I think we all subconsciously do our own censorship. Sometimes this is referred to as politeness. Being tactful. Even if you wanted to criticize the head of the department, you probably would try to think of a way to do it tactfully. (CU12)

Both Chinese and non-Chinese respondents also mentioned the conservative nature of Hong Kong society and the need to preserve social harmony. These collectivistic notions are suggestive of a Confucian moralistic tone and may generate a concept of academic freedom that emphasizes the academic's duty to the institution and society more than one's individual freedoms. A Hong Kong scholar may thus feel a duty to avoid social conflict by voluntarily curbing controversial research or critique of university policies. They may also decide not to complain about political interference unless they think that the incident is important to society generally. Many of our respondents noted an increase in self-censorship, and this was the chief concern of those who reported that academic freedom had deteriorated since 1997. A professor at City University described 'an eagerness for self-censorship, an eagerness not to antagonize China or the authorities' and noted that there are 'a few academics who are eager to please the authorities and very eager to please China' (CU04).

The interesting question, for this article, is whether the perceived increase in self-censorship is primarily attributable to Hong Kong's reintegration with China or whether it can also be attributed to the restructuring of universities and the management 'reforms' that have been effectively

required by the UGC. Many of our interviewees expressed the view that these changes, combined with the lack of academic tenure, pose a greater threat to academic freedom than the explicit legal changes that accompanied the resumption of Chinese sovereignty. Respondents observed that academics without tenure are naturally anxious and that centralized systems of university governance give the head of department or dean significant power regarding renewal of contracts. An interviewee from City University observed that academics on contract are generally reluctant to challenge senior colleagues and stated that 'this is my biggest concern about academic freedom ... that's the biggest constraint' (CU10).

The interview and survey results also indicate that institutional pressures and the encroaching market culture of university campuses may gradually change the role of Hong Kong academics. As noted earlier, many academics have been involved in Hong Kong's social movements or have served as critics of governmental policies and proposals (Currie et al, 2006, pp. 89-106). Their contributions have been particularly important given Hong Kong's lack of democracy and the limited development of its political parties. However, in recent years, Hong Kong universities have followed British universities in introducing a 'performativity' culture, which is more extreme than in most countries in judging individuals by their productivity output. This has pushed academics to write more for international journals and it is likely that it will reduce the time that they can devote to local issues and publications. In addition to affecting academics' approach to research, these pressures may also change the way that Hong Kong academics teach and the examples that they set for their students. As one interviewee remarked:

I'm really, really worried. Our universities have become more like administrative machines, producing efficient, competent, non-critical graduates. We are no longer producing critical citizens. The virtue of a critical voice is being lost. The universities no longer have cultures in which critical thinking thrives, (CU21)

Conclusion

The effects of restructuring and the corporatization of universities have been observed in many countries but are particularly important in Hong Kong, given its status as a Special Administrative Region of China. Academic freedom is a component of the broader concept of freedom of expression, which is one of the chief measuring sticks by which people assess the success or failure of the 'one country, two systems' model. Bold promises were made in the Joint Declaration in 1984, most of which were then closely replicated in the Basic Law. The extent to which the Hong Kong and Chinese governments can keep those promises is being continually monitored – not only by the people of Hong Kong, but also by foreign governments, United Nations treaty monitoring bodies, the foreign press, and companies that invest in Hong Kong.

It is clear that Hong Kong scholars perceive academic freedom as a key legitimating concept of universities. They are also aware that there may be times when they will have to protest against government proposals or stand up for colleagues in order to maintain their freedoms. However, the interview and survey results also reveal unease regarding the political environment and an increase in the degree of self-censorship. Self-censorship may be viewed as a pragmatic response to subtle political pressures and may also reflect a desire to preserve societal harmony. Although Hong Kong universities inherited the tradition of academic freedom from British universities, it is inevitable that Confucian traditions and the new relationship with China will exert some influence on current conceptions of academic freedom.

Since 1997, university administrators in Hong Kong have a stronger incentive to cooperate with the local and central governments. This is not because they fear explicit controls but because they want their institutions to be welcomed in mainland China as partners in academic exchanges and in joint research programmes. University leaders are also aware that the local government and the UGC may soon decide to groom a few institutions as top international universities, leaving the others with far less generous funding. In that atmosphere, administrators will not want their institutions to be viewed as thorns in the side of the local government. This is almost certainly what motivated the former Vice-Chancellor of HKU when he attempted to stop Robert Chung's research project. From his perspective, stopping a research project that had political overtones and

presented China's handpicked leader of Hong Kong in a bad light was simply good public relations for his institution.

These factors argue in favour of giving academic freedom the strongest possible protection, not only through Hong Kong's legal system but also through institutional mechanisms, such as tenure and democratic governance within universities. Unfortunately, these mechanisms have been weakened in recent years. Many of our interviewees expressed the view that these changes pose a greater threat to academic freedom than any governmental policy or law. Supporters of the management 'reforms' would argue that the changes are consistent with developments in other countries and that they are necessary to make Hong Kong's universities more efficient, competitive, and accountable. The problem is that a management system that works in Boston, London, or Sydney may be disastrous in Hong Kong, due to the lack of democracy and the influence of China. Although the experts that proposed these reforms express support for academic freedom as a concept, they have generally shied away from discussing the practical threats that Hong Kong academics face. Their reports consistently fail to consider how an academic is supposed to resist the subtle political pressures that are inevitable in a territory with an unelected government appointed by the Chinese Communist Party. Had they done so, the experts who wrote these reports might have come to the conclusion that less-centralized systems of university management and governance should be pursued in Hong Kong.

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