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News Coverage of Pre-trial Crime Stories in Hong Kong and Taiwan Newspapers

This paper compares the inclusion of prejudicial information in the news coverage of pre-trial crime stories in four Hong Kong and Taiwan dailies. The Standards Relating to Fair Trial and Free Press recommended by the American Bar Association were adapted as the comparison criteria.

While editorial treatment of crime stories in Hong Kong and Taiwan newspapers showed great similarity, reporting of pre-trial crimes in the Taiwan newspapers contained more non-prejudicial and prejudicial information than the Hong Kong newspapers. Breaches of the ABA principles were especially prominent in three areas: suggesting the crime committed, publishing a suspect's criminal record, and disclosing a suspect's confession.

Almost unrestricted release of information to the media by law agencies and loose enforcement of existing laws in Taiwan are suggested as possible reasons for the much higher frequencies of violations observed in the Taiwan dailies.

Balancing the public's right to know with the public's right to fair trial has long been a concern of both the legal and the journalistic professions. In the United States, the Standards Relating to Fair Trial and Free Press recommended by the American Bar Association (ABA) have been the most widely observed guidelines used by the media (Middleton and Chamberlin, 1988).

Outside Mainland China, Hong Kong and Taiwan are the two largest Chinese communities. Both places enjoy a high degree of press freedom and claim to respect a suspect's innocence prior to court conviction. Trial by media is not only condemned in both places, training programmes also actively and systematically inculcate in prospective journalists a sense of responsibility in reporting court and crime stories.

Hong Kong, as a British colony, has adopted a common law system that is fundamentally an extension of the United Kingdom's. In Taiwan, the legal system is much more of the European continental tradition. The two places also differ in that laws are much more rigorously enforced in Hong Kong than are in Taiwan.

This paper intends to compare the reporting of crimes in Hong Kong and Taiwan newspapers with a view to understand how the principle of fair trial is being observed by papers of two Chinese communities with two different legal traditions.

■ Literature Review

Balancing the right to know with the right to fair trial by news media lies mainly in the publication, before or during a trial, of non-prejudicial information essential to understanding a crime and the exclusion of prejudicial information that may affect the decision of a judge or a jury. In the United States, the ABA guidelines are recommendations made by a special ABA committee formed to look into the controversies surrounding fair trial and free press. The guidelines recommend the exclusion of six types of prejudicial information in news media as well as the kind of non-prejudicial information that should be reported to aid the public's understanding of a crime.

Although social science evidence has not established conclusively whether reporting of a suspect's confession, character, criminal record, or results of tests by law enforcement agencies can indeed affect court decisions (Simon, 1977; Padawer-Singer and Barton, 1975), judges tend to assume it can. Furthermore, the fact remains that a suspect's reputation is indeed put at stake socially, if not legally. Observing the ABA guidelines is thus imperative in order that a suspect's reputation be protected. In practice, however, reporting of pre-trial crimes has not always paid due respect to a suspect's right to be assumed innocent before conviction. In a US study of 167 pre-trial crime stories sampled from 29 newspapers, 113 (67.7 per cent) were found to contain information that might prejudice a suspect. Violations were found to be especially prominent in three areas:

1. opinions about an accused's character, guilt or innocence;
2. opinions concerning evidence or arguments in the case, including whether such evidence or argument may be used in trial; and,
3. statements concerning the credibility or testimony of possible witnesses (Tankard et.al., 1979:464).

Referring to the ABA guidelines, Wang (1986) analyzed the news

coverage of crimes in the *Central Daily*, the *United Daily* and the *China Times* from 1981 to 1985. Both the headlines and the news reports in these three major dailies of Taiwan were found to contain prejudicial information that could seriously affect a suspect's right to a fair trial. For the headlines, the most frequent violations of the guidelines included referring to a suspect as the criminal and offering opinions concerning a suspect's character, guilt or innocence. As for the news texts, the most serious violations were publication of a suspect's confession and criminal record as well as offering opinions concerning a suspect's character, guilt or innocence.

In fact, trial by the press in Taiwan has been noted by lawyers for a long time and it has continued to exist into the late 1980s. Yu Yin-fu, a Taiwan legal expert on journalistic laws, has recorded many breaches (Yu, 1970, 1987). Although such reports may have violated Article 33 on the Publication Law (chubanfa), which forbids publicity of comments on persons and matters relating to a case under investigation or court proceedings as well as that of debates in closed sessions (Yu, 1987: 115-23), Taiwan media have rarely been cited for contempt of court, contributing to further exacerbation of the problem.

Although no systematic analysis of news coverage of crimes in Hong Kong's media could be found, journalists there seem to have taken greater caution than their Taiwan counterparts in avoiding prejudicial information in their reporting of crimes before or during trial. And, when violations did occur, news media would be cited for contempt of court (Shen, 1969).

■ Research Problem

For the present research, news coverage of pre-trial crime stories was defined as news reporting of a specified person or persons involved in crimes. These persons were either accused of such crimes or were under investigation by law enforcement agencies although no formal charges had been laid. Crimes with foreign datelines, civil suits, administrative law suits, cases under court proceeding, cases with no specific persons involved as well as cases in which the involved persons had already died were not included in the analysis.

To compare pre-trial crime coverage in newspapers in Taiwan and Hong Kong, the ABA guidelines are used as the basis. A total of 11 items of information that should be reported and another total of six types of prejudicial information that news reporting should avoid have been developed for the comparison.

- I. Non-prejudicial information that should be included in news reporting:
 1. name of suspect
 2. age of suspect
 3. occupation of suspect
 4. marital status of suspect
 5. cause for suspect's arrest
 6. place of suspect's arrest
 7. time of suspect's arrest
 8. agencies conducting investigation or making arrest
 9. process in arresting the suspect
 10. whether suspect possesses any weapon
 11. whether suspect has used any weapon

- II. Prejudicial information that should be avoided in news reporting:
 1. suggesting crime committed
 2. opinions concerning the character or reputation of a suspect
 3. information about a suspect's criminal record
 4. references to a suspect's confession or statement
 5. opinions concerning credibility of witness or testimony
 6. references to results of tests conducted by law enforcement agencies

Specifically, this research attempts to answer the following three questions:

1. In news coverage of pre-trial crimes, do Hong Kong and Taiwan newspapers differ in the number of news stories, average length of a news story, size of headlines, use of photographs, formats of news reporting, and the kinds of crimes reported?
2. Do Hong Kong and Taiwan newspapers differ in their reporting of non-prejudicial information?
3. Do Hong Kong and Taiwan newspapers differ in their reporting of prejudicial information?

■ Operational Plan

Each pre-trial crime reported in the newspaper was counted as one case even though more than one story of this same crime might have been published in the day's issue. All pre-trial crime cases that appeared in April 1989 of Hong Kong's *Oriental Daily* and *Hong Kong Daily News* and Taiwan's *United Daily* and *China Times* were collected. The four newspapers are the largest circulation dailies in Hong Kong and Taiwan

and they all devote much news space to the reporting of crime stories. No crimes of exceptional dimension or special events occurred during the sampling period.

Crime cases were coded for frequency of prejudicial information, non-prejudicial information, use of photographs (no photo, one photo, two photos, and three and more photos), and reporting formats (news, feature, both news and feature, and others).

Following the Statistical Abstract of the Ministry of Interior (1990) in Taipei and analysis by Chen Shih-min (1988), crimes were coded into the following 13 categories:

1. thefts;
2. robberies;
3. homicides;
4. assault & battery;
5. threats;
6. rapes;
7. indecent behaviour;
8. drugs;
9. smuggling;
10. extortions;
11. public endangerment;
12. gambling; and,
13. others.

Four students in journalism and communication at the Chinese University of Hong Kong served as the coders. A test of inter-coder reliability (Holsti, 1969) was performed by using stories from an eight-day random sample in the four papers. Inter-coder agreements were found to be .825 and the composite reliability, .97.

■ Findings and Analysis

■ *Description of data*

Among the total 242 crime stories collected, *United Daily* and *China Times* had 153, or 63.2 per cent and *Oriental Daily* and *Hong Kong Daily News*, 89, or 36.8 per cent. The number of pre-trial crime stories in the two Taiwan dailies was about 1.72 times that in the two Hong Kong dailies. The average story length in Taiwan papers was greater than that in the Hong Kong papers (661 and 558 characters, respectively). As each issue of Hong Kong newspapers usually contains many more pages than their Taiwan counterparts, at least two things can be observed. First, Taiwan papers pay greater attention to crime stories than Hong Kong

papers. Second, more crime details were included in Taiwan papers. These observations were further substantiated by the fact that headlines of crime news in Taiwan papers averaged 44 square centimeters whereas those in Hong Kong papers averaged only 36 square centimeters.

However, Taiwan newspapers used fewer news photos for their crime news reports than their Hong Kong counterparts. In Taiwan, among the 153 pre-trial crime news stories, 109 (71.2 per cent) used no photo; 23 (15 per cent), one photo; 12 (7.8 per cent), two photos; and nine, three or more photos. On the other hand, among the 89 Hong Kong pre-trial crime news stories, 50 (56.2 per cent) carried no photo; 21, (23.6 per cent), one photo; 11 (12.4 per cent), two photos; seven (7.9 per cent), three or more photos.

With regard to formats of reporting, Hong Kong and Taiwan newspapers have exhibited similar patterns with straight news as the most frequent format. In Hong Kong newspapers, 86 (96.6 per cent) of the 89 pre-trial crimes stories were straight 'news'. In Taiwan newspapers, 143 (94.1 per cent) of the 152 pre-trial crime stories were straight 'news'. There was only one 'feature' story in the Taiwan newspapers. Stories in both news and feature formats accounted for only eight (5.3 per cent) in Taiwan papers and two (2.2 per cent) in Hong Kong papers.

Homicides and robberies were the most frequently reported crimes in Hong Kong and Taiwan newspapers with Taiwan's outnumbering Hong Kong's. As shown in Table 1, in Taiwan, 62 (40.5 per cent) of the 153 pre-trial crime stories were about homicides and robberies whereas there were 27 (31 per cent) of the 87 such stories in the Hong Kong papers. News coverage differed most in indecencies, extortions, and public dangers. In Hong Kong newspapers, news of indecencies and robberies were tied for second ranking, each accounting for 14.9 per cent of the total. In Taiwan, there were only nine (5.9 per cent) 'indecency' stories. Taiwan papers carried more 'extortion' news (21 stories or 13.7 per cent) whereas Hong Kong papers carried more 'public danger' news (10 stories or 11.5 per cent).

■ *Reporting of non-prejudicial information*

1. Reporting of suspect's name

Hong Kong and Taiwan newspapers differ significantly (chi square = 161.67, $p < .001$) in the reporting of the suspect's name. In Hong Kong papers, only four stories (4.5 per cent) reported the full names of the suspect; 40 (44.9 per cent) reported the names partially; and 45 (50.6 per cent) did not mention the suspect's name.

Table 1
Pre-trial Crime Stories in Hong Kong & Taiwan Newspapers

<i>Crimes</i>	<i>Hong Kong Papers</i>		<i>Taiwan Papers</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
thefts	7	8.0	10	6.5
robberies	13	14.9	26	17.0
homicides	14	16.1	36	23.5
threats	3	3.4	11	7.2
rapes	0	0.0	5	3.3
indecenty	13	14.9	9	5.9
drugs	7	8.0	5	3.3
smuggling	4	4.6	5	3.3
corruption	1	1.1	6	3.9
extortions	5	5.7	21	13.7
public dangers	10	11.5	6	3.9
gambling	3	3.4	3	2.0
others	7	8.0	10	6.5
Total	*87	99.6%	153	100.0%

* There are two missing cases.

In Taiwan newspapers, 132 (86.3 per cent) of the 153 stories reported the full names of the suspect; 19 (12.4 per cent) reported the names partially; and only two (1.3 per cent) did not report the names of the suspect.

2. Reporting of suspect's age

Hong Kong and Taiwan newspapers also differ significantly (chi square = 24.34 per cent, $p < .001$) in the reporting of the suspect's age. In Hong Kong papers, 46 stories (51.7 per cent) reported the age of all suspects; 17 (19.1 per cent) reported the age of some suspects; and 26 (29.2 per cent) did not report the age of the suspects.

In Taiwan papers, 124 (81 per cent) reported the age of all suspects; eight (5.2 per cent) reported the age of some suspects; and 21 (13.7 per cent) did not report the age of the suspects.

3. Reporting of suspect's occupation

Hong Kong and Taiwan newspapers did not show any significant difference (chi square = 4.63, $p > .05$) in reporting the occupation of a

suspect. Among the 89 stories in Hong Kong papers, 19 (23.5 per cent) reported the occupation of all suspects; eight (9.9 per cent) reported the occupation of some suspects; and 54 (66.7 per cent) did not report the occupation of the suspects.

In Taiwan newspapers, 44 (29.9 per cent) of the 147 stories reported the occupation of all the suspects; five (3.4 per cent) reported the occupation of some of the suspects; and 98 (66.7 per cent) did not report the occupation of the suspects.

4. Reporting of suspect's marital status

Hong Kong and Taiwan newspapers showed no difference (chi square = 1.27, $p > .05$) in their reporting of the marital status of a suspect. Such information was not included in more than 90 per cent of the stories. In Hong Kong papers, only two (2.5 per cent) of the 81 stories reported the marital status of the suspects; one (1.2 per cent) reported the marital status of some suspects; and 78 (96.3 per cent) did not report it at all.

In Taiwan papers, of the 147 stories eight (5.4 per cent) reported the marital status of the suspects; one (0.7 per cent) reported the marital status of some suspects; and 138 (93.9 per cent) did not report it.

5. Reporting of cause for arrest

Almost all of the Hong Kong and Taiwan stories reported the cause for arrest of suspects. In Taiwan papers, all the 153 stories reported the cause for arrest and in Hong Kong papers, 86 (96.6 per cent) of the 89 stories reported it. Only three Hong Kong stories (3.4 per cent) did not report it.

6. Reporting of place of suspect's arrest

In reporting the place of arrest, Hong Kong and Taiwan newspapers did not differ much although such difference was statistically significant (chi square = 14.50, $p < .001$). Hong Kong papers contained more stories that gave unspecified place of arrest whereas in Taiwan papers more stories specified the places of arrest.

In Hong Kong newspapers, among the 89 stories 54 (60.7 per cent) gave specified places of arrest; 30 (33.7 per cent) gave unspecified places of arrest; and five (5.6 per cent) did not give places of arrest. In Taiwan papers, 103 (68.2 per cent) of the 151 stories gave specified places of arrest; 23 (15.2 per cent) gave unspecified places of arrest; and 25 (16.6 per cent) did not.

7. Reporting of time of arrest

There was no significant difference (chi square = .10, $p > .05$) in reporting of time of arrest in Hong Kong and Taiwan newspapers. In Hong Kong papers, 81 (92 per cent) of the 88 stories contained time of arrest; seven (8 per cent) did not. In Taiwan papers, 134 (89.9 per cent) of the 149 stories contained time of arrest; 15 (10.1 per cent) did not.

8. Reporting of investigation or arresting agencies

Hong Kong and Taiwan newspapers showed distinctive differences in reporting the agencies that conducted the investigation or arrest. A greater proportion of stories in Taiwan newspapers reported the investigating or arresting agencies whereas a greater proportion of Hong Kong stories did not report them.

Of the 89 Hong Kong stories, 42 (47.2 per cent) explicitly reported the investigating or arresting agencies; 45 (50.6 per cent) reported them implicitly; only two (2.2 per cent) did not report them. In Taiwan papers, 125 (82.2 per cent) of the 153 stories explicitly reported the investigating or arresting agencies, 27 (17.8 per cent) reported them implicitly; and no story did not report them.

9. Reporting of process of arrest

There was no significant difference (chi square = .46, $p > .05$) in reporting of the arresting process. In Hong Kong papers, 60 (68.5 per cent) reported it; 28 (31.5 per cent) did not. In Taiwan papers, 111 (73.5 per cent) of the 151 stories did and 40 (26.5 per cent) did not.

10. Reporting of possession of weapons

There was a significant difference (chi square = 5.82, $p > .05$) in reporting the possession of weapons by the suspect. A greater proportion of Taiwan stories did.

Of the 80 Hong Kong stories analysed, 29 (36.3 per cent) indicated whether the suspect was in possession of any weapon and 51 (63.8 per cent) did not. In Taiwan papers, of the 107 stories 59 (55.1 per cent) reported whether the suspect was armed and 48 (44.9 per cent) did not.

11. Reporting of use of weapons

There was a significant difference (chi square = 5.84, $p < .05$) in reporting the use of weapons by the suspect. A greater proportion of Taiwan stories did.

Of the 80 Hong Kong stories analysed, 25 (31.3 per cent) contained information about whether a weapon was used and 55 (68.8 per cent) did not. In Taiwan papers, the 106 stories were equally divided in reporting or not reporting the use of weapons.

■ *Reporting of prejudicial information in news*

1. Suggestion of crime committed

A very high percentage of both Hong Kong and Taiwan stories suggested the crime a suspect was accused with a significantly higher percentage (chi square= 12.60, $p < .001$) of Taiwan stories than Hong Kong stories committing the violation.

In Hong Kong papers, 76 (85.4 per cent) of the 89 stories suggested the crime of which a suspect was accused and 13 (14.6 per cent) did not. In Taiwan papers, of the 153 stories 150 (98 per cent) did and only three (2 per cent) did not.

2. Opinions concerning a suspect's character

Both Hong Kong and Taiwan newspapers showed restraint in publishing opinions about the character or reputation of a suspect. No significant difference (chi square= 1.05, $p > .05$) was found.

Among the 89 stories in Hong Kong papers, 10 (11.2 per cent) contained opinions of this kind and 79 (88.8 per cent) did not. In Taiwan papers, of the 153 stories 26 (17 per cent) did and 127 (83 per cent) did not.

3. Information about a suspect's criminal record

A significantly greater percentage (chi square= 9.24, $p < .01$) of Taiwan stories (24 or 15.7 per cent) contained statements concerning a suspect's criminal record than Hong Kong stories (two or 2.2 per cent). However, most stories, 129 (84.3 per cent) in Taiwan papers and 87 (97.8 per cent) in Hong Kong papers, did not.

4. References to a suspect's confession or statement

In reporting information concerning a suspect's confession or statement, Hong Kong and Taiwan newspapers differed significantly (chi square= 39.65, $p < .001$). A much greater percentage of Taiwan stories, 74 (48.4 per cent) out of 153, did, whereas only seven (7.9 per cent) of the Hong Kong stories did.

Table 2
Non-prejudicial Information in Hong Kong and Taiwan Newspapers
(by percentage)

		<i>Hong Kong Papers</i>			<i>Taiwan Papers</i>			
		<i>full</i>	<i>partial</i>	<i>none</i>				
		<i>full</i>	<i>partial</i>	<i>none</i>	<i>full</i>	<i>partial</i>	<i>none</i>	
names	n = 89	4.5	44.9	50.6	n = 154	86.3	12.4	1.3
age	n = 89	51.7	19.1	29.2	n = 153	81.0	5.2	13.7
occup.	n = 81	23.5	9.9	66.7	n = 147	29.9	3.4	66.7
mari.	n = 81	2.5	1.2	96.3	n = 147	5.4	0.7	93.9
		<i>explicit</i>	<i>implicit</i>	<i>none</i>				
cause	n = 89	96.6	3.4	0	n = 152	100.0	0	0
place	n = 89	60.7	33.7	5.6	n = 151	68.2	15.2	16.6
agency	n = 89	47.2	50.6	2.2	n = 152	82.2	17.8	0
		<i>presence</i>	<i>absence</i>		<i>presence</i>	<i>absence</i>	<i>chi sq</i>	
arrest time	n = 89	92	8	n = 149	89.9	10.1	.10	
arrest proc	n = 89	68.5	31.5	n = 151	73.5	26.5	.46	
with weapons	n = 80	36.3	63.8	n = 107	55.1	44.9	5.82*	
used weapons	n = 80	31.3	68.8	n = 106	50	50	5.84*	

Chi squares for the first seven rows are 161.67***, 24.3***, 4.63, 1.27, ---, 14.5***, and ---.

*** p<.001, ** p<.01, * p<.05, --- Chi square test was not performed because more than 20 per cent of the cells have expected values less than 5.

5. *Opinions concerning credibility of witness and testimony*

Great caution was taken by both Hong Kong and Taiwan newspapers in reporting information concerning the credibility of witness or testimony. Only four (2.6 per cent) of the 153 Taiwan stories and two (2.2 per cent) of the 87 Hong Kong stories carried such information.

6. *References to results of tests conducted by law enforcement agencies*

Both Hong Kong and Taiwan newspapers showed restraint in reporting tests conducted by the law enforcement agencies. Very few stories contained information about test results. Only one (1.1 per cent) of the 89 Hong Kong stories and four (2.6 per cent) of the 153 Taiwan stories did.

Table 3
Prejudicial Information in News and Headlines in Hong Kong and Taiwan Newspapers (by percentage)

	<i>Hong Kong Papers</i> <i>n=89</i>		<i>Taiwan Papers</i> <i>n=153</i>		<i>chi square</i>
	<i>Presence</i>	<i>Absence</i>	<i>Presence</i>	<i>Absence</i>	
<i>A. News</i>					
crimes committed	85.4	14.6	98	2	12.60 ***
character doubt	11.2	88.8	17	83	2.05
criminal record	2.2	97.8	15.7	84.3	9.24 **
confessions	7.9	92.1	48.4	51.6	39.65 **
credible witness	2.2	97.8	2.6	97.4	—
test results	1.1	98.9	2.6	97.4	—
<i>B. Headlines</i>					
crimes committed	78.7	21.3	98	2	23.30 ***
character doubt	2.2	97.8	7.8	92.2	2.29
criminal record	0	100	2.6	97.4	—
confessions	5.6	94.4	5.9	94.1	.00
credible witness	2.2	97.8	0	100	—
test results	0	100	0.7	99.3	—

*** $p < .001$, ** $p < .01$, * $p < .05$, — Chi square test was not performed because more than 20 per cent of the cells have expected values less than 5.

■ *Inclusion of prejudicial information in headlines*

1. *Suggestion of crime committed*

News headlines in both Hong Kong and Taiwan newspapers showed a high percentage in this regard with Taiwan's percentage much greater than Hong Kong's (chi square = 23.30, $p < .001$). Seventy (78.7 per cent) of the 89 Hong Kong and 150 (98 per cent) of the 153 Taiwan headlines made such suggestion.

2. *Opinions concerning a suspect's character*

There was no significant difference (chi square = 2.29, $p > .05$) in Hong Kong and Taiwan news headlines in suggesting whether a suspect's character or reputation was in doubt. Both showed great caution. Only two (2.2 per cent) of the 89 Hong Kong and 12 (7.8 per cent) of the Taiwan news headlines contained such opinions.

3. *Information about a suspect's criminal record*

No Hong Kong news headlines and only four (2.6 per cent) of Taiwan news headlines reported suspect's criminal record. No significant difference was observed.

4. *References to a suspect's confession*

Again, both Hong Kong and Taiwan news headlines showed great caution and there was no significant difference (chi square = 0, $p > .05$). Only five (5.6 per cent) of the 89 Hong Kong and nine (5.9 per cent) of the Taiwan news headlines made such references.

5. *Opinions concerning credibility of witness or testimony*

Both Hong Kong and Taiwan news headlines were not significantly different in reporting such information. Both showed great caution. Only two (2.2 per cent) of the Hong Kong and none of the Taiwan news headlines contained such opinions.

6. *References to results of tests conducted by law enforcement agencies*

There was no significant difference in Hong Kong and Taiwan news headlines. Both exhibited great caution. Only one Taiwan and no Hong

Kong news headline referred to results of tests conducted by law enforcement agencies.

■ Discussion and Recommendations

The present study seems to suggest that Taiwan newspapers pay greater attention to reporting of pre-trial crimes. The number of stories reported, the average length of news stories, and the size of headlines in Taiwan newspapers were all greater than those in Hong Kong newspapers. Hong Kong newspapers surpassed Taiwan newspapers only in the number of photos used.

Both Hong Kong and Taiwan newspapers used news as the major format although Taiwan newspapers tended to use both news and feature formats more frequently than Hong Kong newspapers. This may be one reason why there were more violations of the principles by Taiwan newspapers.

Both Hong Kong and Taiwan newspapers focused their reporting on robberies, homicides and assault and battery cases. In addition, Taiwan newspapers reported more extortion cases and Hong Kong newspapers, more indecency cases.

Overall, reporting of pre-trial crimes in Taiwan newspapers contained much more non-prejudicial and prejudicial information than their Hong Kong counterparts. With respect to non-prejudicial information, Taiwan newspapers reported more frequently the name and age of a suspect as well as whether a suspect was armed or had actually used a weapon. Hong Kong newspapers reported the place of arrest more frequently than Taiwan newspapers.

The greatest difference between Taiwan and Hong Kong newspapers occurred in their reporting of the name of the suspect. In Taiwan papers, 86.3 per cent of the pre-trial crime news stories reported the full names of the suspect, whereas only 4.5 per cent of Hong Kong stories did so. In fact, only when reporting crimes involving minors did Taiwan newspapers give the names of the suspect in part. In Hong Kong, the newspapers reported the full names of the suspect only after formal charges had been made. Thus, only 45 per cent of the pre-trial crime news in Hong Kong papers gave the names in part and 51 per cent did not give the names at all.

Furthermore, in Taiwan newspapers more than 80 per cent of the stories contained information about the suspect's age and the agencies conducting the investigation or arrest. In Hong Kong newspapers, only 51.7 per cent of the stories contained information about a suspect's age

and only 47.2 per cent clearly indicated the agencies conducting the investigation or arrest. In more than half of the Hong Kong stories, only such unspecified references to the investigating or arresting agencies as 'the police' or 'police officers in Tunmun' were used.

In the publication of 'prejudicial information', a higher percentage of Taiwan stories contain such information than Hong Kong stories. Breaches in the Taiwan papers were especially prominent in three areas: suggesting the crimes a suspect committed, publishing a suspect's criminal record, and disclosing a suspect's confessions. The greatest difference was observed in references to a suspect's confession. A total of 48.4 per cent of Taiwan stories carried such information. In contrast, only 7.9 per cent of the Hong Kong stories did. Information about a suspect's criminal record was also rarely carried in the Hong Kong stories. Only two (2.2 per cent) of the 89 Hong Kong stories were found to have done it whereas 15.7 per cent of the Taiwan stories did.

In 'suggesting the crime a suspect has committed', a high percentage (greater than 80 per cent) of both Taiwan and Hong Kong stories and headlines did. In fact, only a very small percentage of news headlines of Taiwan and Hong Kong newspapers violated five of the six principles with the exception of suggesting the crime a suspect has committed, where the percentages were as high as 98 per cent in Taiwan papers and 78.7 per cent in Hong Kong papers.

It should also be noted that since only 4.4 per cent of Hong Kong stories contained the full names of the suspect, suggestions of having committed a crime would have less impact on a suspect's right to fair trial and good repute. On the other hand, crime reporting by Taiwan newspapers performed badly in this aspect, posing great potential damage to a suspect's rights. Not only were the full names of a suspect given, there were also detailed and vivid reconstructions of the crimes as if the reporters in person had witnessed the whole process. One typical pre-trial crime story in Taiwan newspapers reads as follows:

. . . two days before the incident in November last year, suspect Lin went to Xie's home with intention to commit some unlawful activities. As Xie Muyuan happened to be home, no entry was made. On 26 November knowing Xie's absence he sneaked into the home. When quarrelling with Xie's wife, Lin Suyue, he pulled out a knife hidden for such occasion and stabbed Lin violently. Wounded, Lin rushed to hide in the bedroom. Suspect Lin chased into the bedroom to kill Lin Suyue. When she stopped breathing, he used the bedsheet to tie her two arms behind and left her on the bed.

Then, after ransacking the closets and bureaus, he made away with several gold rings and gold necklaces.

This year, on 23 January, because he had been paid only NT\$100,000 of the NT\$300,000 owed him by the younger sister of Mrs Liu Zhou Yuee, he went to Mrs Liu's residence at 2nd floor of No.55 Mushan Road Sec. 1 to collect his debt. A quarrel with Mrs Liu ensued. Outraged, he chopped her eight times by knife until she died. After wrapping her corpse in a bedsheet, he ran away. . .

A closer examination of crime stories in Taiwan newspapers reveals that Taiwan law enforcement agencies are the principal sources of such information. The criminal record, confession or statement of a suspect published in Taiwan's newspapers are all supplied by the authorities. If such information was withheld from the media, the degree of damage to the rights of the suspect would be greatly reduced. On the other hand, such information is rarely, if ever, released by Hong Kong law enforcement agencies. As a result, such information can hardly be found in Hong Kong's newspapers.

To use the ABA Standards as guidelines, a balance between the right to fair trial and the right to know would call for Taiwan newspapers to improve their reporting of a suspect's occupation, marital status, place of arrest, and whether suspect is armed or had used a weapon. On the other hand, Hong Kong newspapers need to improve their reporting of a suspect's names, age, marital status, place of arrest, investigating or arresting law enforcement agencies, and whether suspect is armed or had used a weapon.

As far as prejudicial information is concerned, both Hong Kong and Taiwan newspapers should avoid suggesting, in both their news texts and headlines, that a suspect has committed a certain crime. Taiwan newspapers also need to show much greater restraint in publishing information about a suspect's character or reputation, criminal record, confession or statement so as to better protect one's right to fair trial.

However, reasons for the inclusion or exclusion of certain information, whether prejudicial or not, are not all clear. It appears that three major factors may be in operation. They are: availability of information, the information's degree of relevance to the crime, and conscious consideration of legal implications. It should be of both social and scholarly value to conduct interviews with crime reporters to see how these factors operate or interact to influence crime reporting.

Although intensive competition among Chinese language newspapers has made self-restraint much more difficult, it is no excuse for

infringing upon one's right to fair trial and repute. In Taiwan, one feasible measure is to forbid law enforcement agencies from disclosing prejudicial information to the media. Only when Article 245 of the Criminal Procedures Law, which stipulates that 'investigation is not to be disclosed', is observed to its every letter will the right to fair trial be protected in Taiwan.

The *Oriental Daily* and the *Hong Kong Daily News* are two 'popular' dailies in Hong Kong whereas the *United Daily* and the *China Times* are two 'quality' dailies in Taiwan. This fact suggests that media's lack of respect for fair trial in Taiwan could be far more serious than in Hong Kong. Differences between newspapers of the same type from the two places and differences between different types of newspapers in each place can be areas for further research.

■ References

- Chen, S.M. (1988). *Shehui xinwen di quxiang: xinwen xianshi yu shehui xianshi zhijian* (Trends of Social News: Between News Reality and Social Reality). *Xinwenxue yanjiu* (Mass Communication Research), 40: 141-65.
- Legal Advisory Committee on Fair Trial and Free Press, American Bar Association (1974). *Fair Trial/Free Press: Voluntary Agreements*. Chicago: American Bar Association.
- Holsti, O.R. (1969). *Content Analysis for the Social Sciences and Humanities*. Reading, Mass.: Addison-Wesley.
- Middleton, K.R. and B.F. Chamberlain (1988). *The Law of Public Communication*. New York: Longman.
- Ministry of Interior (1990). *zhongguamninguo neizheng tongji tiyao* (Statistical Abstract of Interior of the Republic of China). Taipei: Ministry of Interior.
- Overbeck, W. and R.D. Pullen (1982). *Major Principles of Media Law*. New York: Holt, Rinehart and Wilson.
- Padawer-Signer, A. and A.H. Barton (1975). 'The Impact of Pretrial Publicity on Jurors' Verdicts.' in Simon, R.J. (Ed.) *The Jury System in America: A Critical Overview*. Beverly Hills, Ca.: Sage, 125-39.
- Shen, J.C.Y. (1969). *Laws of Mass Media in Hong Kong*. Hong Kong: Mass Communication Center, The Chinese University of Hong Kong.
- Simon, R.J. (1977). 'Does Court's Decision in Nebraska Press Association Fit the Research Evidence on the Impact on Jurors of News Coverage?' *Stanford Law Review*. 29:515, 526-28.
- Tankard, J.W. Jr., K. Middleton, and T. Rimmer (1979). 'Compliance with American Bar Association Fair Trial-Free Press Guidelines.' *Journalism Quarterly* 56(3):464-68.
- Wang, W.L. (1986). 'Baizi falu xinwen baodao di yanjiu' (A Study of Legal News Reporting in Newspapers). Unpublished MA Thesis. Taipei: Graduate School of Journalism, National Chengchi University.

- Yu, Y.F. (1970). '*Baozi shenpan zhi yanjiu*' (A Study of Trial by the Press). Taipei: Graduate School of Journalism, National Chengchi University.
- (1987). *Xinwenfa lun* (Treaties on Journalistic Laws), Vol. 1. Taipei: Shenghuo Magazine Press.

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