

Ms Doris Chan,
Clerk to the Bills Committee,
United Nations (Anti-Terrorism Measures) Bill,
Legislative Council,
8 Jackson Road,
Central.

24th June, 2002

Dear Ms Chan,

Thank you for your letter dated 18th June, asking us to attend a meeting of the Bills Committee on United Nations (Anti-Terrorism Measures) Bill. I regret to inform you that we will be unable to attend this meeting. However, we list below our concerns about the draft law:

1) The HKJA is concerned about the provisions in schedule 2, which covers the furnishing of information and the search and seizure of such material. We are concerned in particular about the possibility that journalists might be forced to hand over journalistic material which has been obtained in confidence and which might contain the names of sources.

As you know, the release of names of sources cannot be condoned by journalists. Likewise, journalists are loathe to hand over any information that they have obtained in confidence from their sources. Indeed, they may have given their sources specific pledges not to disclose certain information.

We are uncertain, in this regard, whether the special provisions for the search and seizure of journalistic material, as set down in Part XII of the Interpretation and General Clauses Ordinance (Cap 1), apply to the relevant provisions in the United Nations (Anti-Terrorism Measures) Bill. We would, at the very least, argue that these rules should apply to the bill under discussion. We can see no justification for excluding the anti-terrorism bill from such rules, which recognise the special nature of journalistic material.

2) The HKJA is also concerned about the effect that section 10(1) might have on journalists. While we would never condone individuals making false threats of a criminal nature, we are concerned about the loose wording in section 10, as it relates to the provision of false information. If, for example, it is designed to prevent bomb hoaxes of whatever kind, we would assume that other laws cover such offences. We would therefore call for the deletion of section 10(1).

I hope this helps you with your deliberations on the United Nations (Anti-Terrorism Measures) Bill.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Mak Yin-ting', written in a cursive style.

Mak Yin-ting