

Paper No. CB(2)2391/01-02(04)

Submission to the Legislative Council

United Nations (Anti-Terrorism Measures) Bill

1. Hong Kong News Executives' Association, whose members comprise senior journalists who play a management role in the news operations of media organizations, would like to express its reservations over Section 10 of the captioned bill.

2. Specifically, the association is concerned that Sub-section 10.1, which provides that "a person shall not communicate or make available by any means any information which he knows or believes to be false to another person with the intention of inducing in him or any other person a false belief that a terrorist act has been, is being or will be carried out," will put an onerous burden on the media.

3. The media have the responsibility to report events of public interest. During the news gathering process, the media may not have full knowledge of the intention of an individual's act. Commonsense would tell us most "terrorist threats" in Hong Kong are false. When the media report such events, will they be regarded as "knowingly communicating false terrorist threats"? If the media are required to confirm these threats are genuine before any reports can be made, it will impose part of the investigation responsibility on the media. That will impact normal news reporting. At present, most responsible news organizations do not report bomb hoaxes. But how they should be reported should be subject to the editorial decision of each news organization and its editors. The matter should be an issue of ethics and taste, not legislation.

4. If a media organization becomes part of the communication loop of a "terrorist act," the risk of violating the law will be even higher. For example, if a media organization receives letters, videotapes or phone calls informing of a "terrorist act," such as contaminating the water supply or soft drinks in supermarkets, the media have a responsibility to check that information. Although reporters are "quite sure" these threats are hoaxes, during the checking process reporters will have to talk to officials, shop owners, chemists and even shoppers. Will that constitute

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“communicating” information which one believes to be false to another person?

5. Moreover, who is to have the final say on whether a piece of information about a terrorist act is a “false threat”? A “false threat” may actually be true. However, in order not to alarm the public, police may choose not to confirm that the threat is genuine or that they have foiled the terrorist act concerned. Will a media organization which reports information about the terrorist threat or act be accused of reporting a “false threat of terrorist acts”?

6. We do not dispute the need to penalize terrorist acts, but are concerned that Sub-section 10.1 seeks to criminalize attempts by media organizations to clarify information relating to an alleged terrorist threat. Rumours stop on reaching the wise. While we appreciate the administration’s desire to stop terrorists from disturbing public order by disseminating false threats of terrorist acts, we believe the best method of quashing rumours is for the authorities to refute them by concrete action. If sub-section 10.1 becomes law as it is, it will impact the free flow of information and the media will have practical difficulties abiding by it.

7. We call on the Bills Committee to take our views into consideration to ensure the bill will not unwittingly hamper the operation of the media.

Hong Kong News Executives’ Association

June 24, 2002

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