

**立法會**  
**Legislative Council**

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 29 May 2013**

**Amendments to motion on  
“Safeguarding freedom of information, of the press and of the Internet”**

Further to LC Paper No. CB(3) 588/12-13 issued on 14 May 2013, six Members (Dr Hon Kenneth CHAN, Hon Claudia MO, Hon Gary FAN, Hon Emily LAU, Dr Hon Elizabeth QUAT and Hon Cyd HO) have respectively given notices of their intention to move separate amendments to Hon Charles Peter MOK’s motion on “Safeguarding freedom of information, of the press and of the Internet” scheduled for the Council meeting of 29 May 2013. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Charles Peter MOK to speak and move his motion;
- (b) the President proposes the question on Hon Charles Peter MOK’s motion;
- (c) the President calls upon the six Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
  - (i) Dr Hon Kenneth CHAN;

- (ii) Hon Claudia MO;
  - (iii) Hon Gary FAN;
  - (iv) Hon Emily LAU;
  - (v) Dr Hon Elizabeth QUAT; and
  - (vi) Hon Cyd HO;
- (d) the President calls upon the public officer(s) to speak;
  - (e) the President invites other Members to speak;
  - (f) the President gives leave to Hon Charles Peter MOK to speak for the second time on the amendments;
  - (g) the President calls upon the public officer(s) to speak again;
  - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the six Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Dr Hon Kenneth CHAN to move his amendment to the motion, and forthwith proposes and puts to vote the question on Dr Hon Kenneth CHAN's amendment;
  - (i) after Dr Hon Kenneth CHAN's amendment has been voted upon, the President deals with the other five amendments; and
  - (j) after all amendments have been dealt with, the President calls upon Hon Charles Peter MOK to reply. Thereafter, the President puts to vote the question on Hon Charles Peter MOK's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Odelia LEUNG)  
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on  
“Safeguarding freedom of information, of the press and of the Internet”  
to be held at the Council meeting of 29 May 2013**

**1. Hon Charles Peter MOK’s original motion**

That, as the free flow of information is an important cornerstone of Hong Kong’s economic and social development, this Council urges the Government to safeguard freedom of information, freedom of the press and freedom of the Internet, so as to uphold the core values cherished by the public and Hong Kong’s economic development advantages.

**2. Motion as amended by Dr Hon Kenneth CHAN**

That, *this Council expresses grave concern that Hong Kong’s international ranking in freedom of the press has dropped recently*; as the free flow of information is an important cornerstone of Hong Kong’s economic and social development, this Council urges the Government to safeguard freedom of information, freedom of the press and freedom of the Internet, so as to uphold the core values cherished by the public and Hong Kong’s economic development advantages; *specific measures include:*

- (1) *to urge the Law Reform Commission of Hong Kong to expeditiously complete the studies on enacting an archives law and a freedom of information law, make public the relevant reports, and commence the relevant work on public consultation and enactment of legislation; and*
- (2) *to comprehensively review and perfect the Code on Access to Information and its implementation.*

Note: Dr Hon Kenneth CHAN’s amendment is marked in *bold and italic type* or with deletion line.

**3. Motion as amended by Hon Claudia MO**

That, *Hong Kong’s freedom of the press is presently at great risk, and journalists’ reporting has been obstructed from time to time*; as the free flow of information is an important cornerstone of Hong Kong’s economic and social

development, this Council urges the Government to safeguard freedom of information, freedom of the press, *freedom of speech* and freedom of the Internet, so as to uphold the core values cherished by the public and Hong Kong's economic development advantages, *and requests the authority concerned to adopt the following measures:*

- (1) *to set an intention regarding the enactment of a freedom of information law and an archives law within one year; and*
- (2) *to immediately give up the intention of enacting legislation on stalking to protect freedom of the press, and accept the views of the press sector on incorporating provisions on stalking into the Domestic and Cohabitation Relationships Violence Ordinance.*

Note: Hon Claudia MO's amendment is marked in *bold and italic type* or with deletion line.

#### **4. Motion as amended by Hon Gary FAN**

That, *in recent years, freedom of information in Hong Kong has shown a regressive trend, with Reporters without Borders' survey even indicating Hong Kong's global ranking in freedom of the press dropping from the 18th in 2002 to the 58th in 2013;* as the free flow of information is an important cornerstone of Hong Kong's economic and social development, this Council urges the Government to safeguard freedom of information, freedom of the press and freedom of the Internet, so as to uphold the core values cherished by the public and Hong Kong's economic development advantages; *the relevant measures should include:*

- (1) *to give up any idea for enacting legislation undermining freedom of information, freedom of speech and freedom of the Internet, and ensure Hong Kong people's right to create derivative works;*
- (2) *to give up any act of covert surveillance and controlling online public opinions;*
- (3) *to expeditiously issue additional free television licences, so as to foster benign competition among free television broadcasters, prevent individual television broadcasters from monopolizing the airwaves and the right to disseminate information, and enhance people's right to choose;*
- (4) *to ensure the editorial independence and autonomy of Radio Television Hong Kong and its freedom from any political influence;*

- (5) *to expeditiously enact legislation on freedom of information to protect the media's right to obtain news information; and*
- (6) *to protect journalists' right of reporting and ensure that their lawful reporting is not hindered by any means.*

Note: Hon Gary FAN's amendment is marked in *bold and italic type* or with deletion line.

## **5. Motion as amended by Hon Emily LAU**

That, *LEUNG Chun-ying, when standing for the Chief Executive Election in March 2012, signed a charter on freedom of the press promising to put into practice his respect for and safeguarding of freedom of the press; in recent years, freedom of the press has shown signs of deterioration; in the 2013 World Press Freedom Index recently released by Reporters without Borders, Hong Kong ranks the 58th, representing a drop of four places against 2012 and a sharp fall of 40 places against 2002, and the ranking also reflects its press freedom situation worse than those in Taiwan, South Korea and Japan;* as the free flow of information is an important cornerstone of Hong Kong's economic and social development, this Council urges the ~~Government~~ *authorities* to safeguard freedom of information, freedom of the press and freedom of the Internet, so as to uphold the core values cherished by the public and Hong Kong's economic development advantages, *and also urges the Chief Executive to abide by the charter on freedom of the press he signed in 2012, ensure freedom of the press being respected and safeguarded under the authorities' policies and in the operation of various departments, and strive to facilitate journalists' reporting.*

Note: Hon Emily LAU's amendment is marked in *bold and italic type* or with deletion line.

## **6. Motion as amended by Dr Hon Elizabeth QUAT**

That, ~~as the free flow of information is an important cornerstone of Hong Kong's economic and social development,~~ *which brings benefits to society, but also leads to a glut of information of varying quality plainly, with young people with immature minds easily affected by unhealthy information and their well-being harmed; in this connection,* this Council urges the Government to *continue to* safeguard freedom of information, freedom of the press and freedom of the Internet, ~~so as to,~~ *and at the same time strengthen the education for young people on the proper use of various media such as the*

*Internet, etc. and on discerning the nature and uses of information to enable young people free from the harmful effects of unhealthy information, with a view to not only continuing to uphold the core values cherished by the public and Hong Kong's economic development advantages but also reducing the harms of unhealthy information to society.*

Note: Dr Hon Elizabeth QUAT's amendment is marked in *bold and italic type* or with deletion line.

## **7. Motion as amended by Hon Cyd HO**

That, as *the existing Code on Access to Information is not helpful to the media and the public in obtaining sufficient information to monitor the Government and public organizations, nor is there any legislation protecting whistleblowers from retaliation, and* the free flow of information is an important cornerstone of Hong Kong's economic and social development, ~~this Council urges the Government to~~ *should* safeguard freedom of information, freedom of the press and freedom of the Internet, so as to uphold the core values cherished by the public and Hong Kong's economic development advantages; *this Council urges the Government to:*

- (1) *enact an Access to Information Law to replace the existing Code on Access to Information to ensure people's right to know and the Executive Authorities' fulfillment of the legal responsibility of disclosing information to the public;*
- (2) *enact an Archives Law, requiring the Executive Authorities and public organizations to record and preserve the information on decision-making and policy implementation processes, so as to establish a system facilitating public inspection of records; and*
- (3) *study the enactment of a Whistleblower Protection Law to protect people from retaliation for uncovering malpractices of the Executive Authorities or public organizations in the public interest.*

Note: Hon Cyd HO's amendment is marked in *bold and italic type* or with deletion line.