

Email from Hong Kong Journalists Association - hkja@hk.super.net

Clerk to the Bills Committee on Broadcasting Bill,
Legislative Council Secretariat,
8 Jackson Road,
Central,
Hong Kong.

Dear Sir/Madam,

The Hong Kong Journalists Association (HKJA) notes that the government has tabled the new Broadcasting Bill in the Legislative Council. We would like to make a few comments on the bill as it pertains to freedom of expression.

1) Section 35 gives the court of first instance the power to prohibit certain television programmes. We note that this section is almost identical to its equivalent in the Television Ordinance. However, we are not entirely happy with the wording in the Television Ordinance.

We consider the circumstances leading to prohibition to be too broad in two out of three cases, and would ask you to consider prior censorship only where a programme constitutes "incitement to violence or to such hatred against any group of persons that violence is the likely result," or where it is likely to "directly and seriously harm public health or the morals of children under 18 years of age."

These changes would ensure that potential prohibitions only take place in clearly-defined, unambiguous circumstances.

2) We note the provisions related to the grant of a licence (section 10), extension or renewal (11), suspension (30) and revocation (31). We note that the only section which provides for public hearings, albeit in limited circumstances, is the provision on the revocation of a licence.

We would urge you to consider introducing mandatory public hearings in all circumstances concerning the grant, extension, renewal, suspension or revocation of a license, except where commercial secrets are involved

or a licensee goes into compulsory liquidation. We believe this would increase public participation in the process of licence grant, and government accountability for subsequent decisions on such issues.

3) The HKJA notes in section 24 and related provisions that a magistrate may issue a warrant for the search and seizure of material relating to a licensee. We are concerned that journalistic material may be seized in such circumstances. We would therefore like to request an assurance, that if journalistic material is involved, then it should only be seized under the relevant provisions of the Interpretation and General Clauses Ordinance.

We hope you will be able to consider these points with sympathy. For your information, we would be willing to attend a public hearing on the bill.

Yours sincerely,

Mak Yin-ting

CHAIRPERSON

Dated: March 14th, 2000

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