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

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

Dear Ms Li,

During the meeting of the Bills Committee on the Broadcasting Bill held on March 31st, the chairperson, Selina Chow, asked me to provide further thoughts on section 35, which gives the court of first instance the power to prohibit certain television programmes.

In particular, Ms Emily Lau was concerned that section 35 might give the government powers of pre-censorship regarding television programmes. On further consideration of the relevant section, I do not believe this to be the case. Sub-section 5 gives the court clear powers to order the production of material, but this power does not appear to apply to the Chief Secretary or any other government official.

If there are further doubts on this, I would advise the Bills Committee to seek legal advice on the matter.

As I stated during the Bills Committee hearing, the Hong Kong Journalists Association would in ideal circumstances prefer that there be no controls at all on programming. This was our position when the matter was discussed in 1993. However, we reluctantly accepted the compromise put forward at that time, in other words that the courts, and not the government, should have the power to order a ban on programmes in limited circumstances.

The aim of our submission to this Bills Committee is to propose a further tightening of the criteria under which such an order may be made.

Yours sincerely,

Cliff Bale

HKJA Executive Committee Member.

Dated: April 4th, 2000

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