

CEHURDES Nepal
<cehurdes@yahoo.com>

2003/05/06 08:29 PM

To: rlam@legco.gov.hk
cc: sbeng@sb.gov.hk
Subject: Concern over the government's national security law

Clerk to Bills Committee on National Security
(Legislative Provisions)
Bill,
Legislative Council Secretariat,
3/F Citibank Tower,
3 Garden Road,
Central,
Hong Kong

Dear Sir,

We are deeply concerned about the enactment of laws in Hong Kong implementing Article 23 of the Basic Law. We believe that such laws may jeopardize freedom of expression in general and freedom of the press in particular. We are disappointed that the National Security (Legislative Provisions) Bill tabled by the Special Administrative Region Government fails to reflect the views of the 26 international freedom of expression organizations submitted to the SAR Government during its consultation exercise late last year. Please note that these groups represent at least half a million media workers and managers.

We urge members of the bills committee, who have the obligation to reflect the desire of society to keep freedom of expression intact, to consider our demands for the following safeguards:

1. The offences of sedition and handling seditious publications should be scrapped. These offences are archaic, unnecessary and easily open to abuse, given the vagueness of related definitions. We also believe the offences will have a serious chilling effect on freedom of expression.
2. At the very least, the concept of "clear and present danger" should be incorporated in the sedition offences to prevent the criminalization of free speech. Principle 6 of the Johannesburg Principles will be a good reference in this regard.
3. The new category of protected information relating to relations between the SAR Government and the Central People's Government in Beijing should be deleted from the Official Secrets Ordinance. The information related to this category is vital for scrutiny of the "one-country two-systems" concept. Maximum transparency is therefore needed. The definition must be clearly defined if the bills committee insists on maintaining this provision. The

definition of this category - any information that "relates to any affairs concerning the Hong Kong SAR which are, under the Basic Law, within the responsibility of the Central Authorities" - is excessively wide and could result in significant self-censorship.

4. Public interest and prior publication defences should be incorporated in the Official Secrets Ordinance to protect the public's right to know. Cases in other countries have shown that governments are more than willing to use the imperatives of national security to hide embarrassing information from the public.

These safeguards are vital for ensuring that freedom of expression and press freedom are afforded adequate protection, as set down in Hong Kong's Basic Law. Equally important, they are vital for ensuring that Hong Kong can become an information hub and a "world city" - the stated aim of the Chief Executive, Mr. Tung Chee-hwa.

I would be grateful if you would pass on our views to every member of the bills committee for consideration.

Yours sincerely,

Shobhakar Budhathoki
General Secretary
CEHURDES
Nepal

c.c. Mrs Regina Ip, Secretary for Security

=====

Shobhakar Budhathoki (peace_sb@yahoo.com)
General Secretary
Center for Human Rights and Democratic Studies (CEHURDES)
GPO Box 21179, New Baneswar, Kathmandu, NEPAL
Tel: 00977 1 4-475283 * Fax: 00977 1 4-466599
E-mail: cehurdes@enet.com.np, cehurdes@yahoo.com
Internet: www.cehurdes.org.np, www.ifex.org/members/cehurdes

Do you Yahoo!?
The New Yahoo! Search - Faster. Easier. Bingo.
<http://search.yahoo.com>