

Mr James To,
Chairman,
Bills Committee on the United Nations (Anti-Terrorism Measures)
(Amendment) Bill 2003,
Legislative Council Building,
8 Jackson Road,
Central.

19th May, 2004

Dear Mr To,

The Hong Kong Journalists Association (HKJA) has just been given a copy of amendments that the government is proposing to put forward to the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003.

In October 2003, we expressed concern that measures in the new Part 4A, dealing with investigation powers, could place journalists in a difficult position, if they come across information relating to terrorism or suspected terrorist cases.

While we recognise that the government has gone some way to allay our fears, for example by stipulating that the authorised officer in many cases should be the Secretary for Justice, our concerns that journalists may still be affected have not been met in any substantive manner.

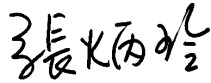
Indeed, we fear that journalists may be forced to reveal confidential sources of information during questioning, which we believe falls outside the scope of protection provided by Part XII of the Interpretation and General Clauses Ordinance, which specifically and only covers the search and seizure of journalistic material.

Indeed, we note that the government pledged in a paper dated November 2003 to consider the need for an additional provision in the amendment bill to put it beyond doubt that all the investigative powers in the bill are subject to Part XII of Cap. 1. This the government has failed to do.

We note also that the government is proposing additional safeguards to protect legal privilege. We believe more should be done to protect journalistic confidentiality.

The HKJA would therefore ask the Bills Committee to ensure that sufficient safeguards are provided in the bill to better protect the interests of journalists.

Yours sincerely,

Handwritten signature in black ink, appearing to be '張平玲' (Cheung Ping-ling).

Cheung Ping-ling
CHAIRPERSON

cc Secretary for Security