

# AG speaks on press gag law guidelines

By VICKY WONG

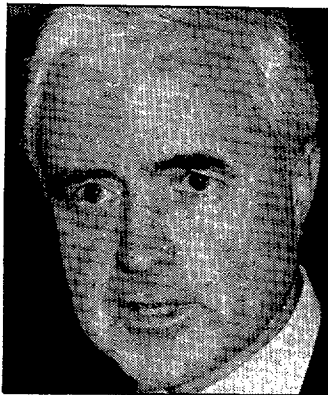
HONGKONG would have to wait and see whether future attorney generals adhere to guidelines limiting how prosecutions could be brought under the controversial Public Order Ordinance, the present Attorney General Mr Michael Thomas said yesterday.

"You will have to see what future attorney generals do," Mr Thomas said at Kai Tak after a trip to England where he argued the Government's case at a Privy Council hearing on a separate matter.

"I hope all the attorney generals would be as sensitive to the interests of the press and the needs of the community as the present one has shown himself to be by the way the guidelines were written."

These guidelines, which had been prepared by Mr Thomas to stem wide public criticism of the controversial amendment, have no status in law and concern has arisen that future attorney generals might choose to ignore or amend them to make it easier to restrict dissenting voices.

Mr Thomas, at his first appearance in Hongkong since the guidelines were issued, defended them and said that their issue did



□ Michael Thomas

not imply any defect in the Public Order Ordinance.

Nor did he acknowledge that criticisms of the law since the guidelines were issued indicate continuing dissatisfaction with the law.

"The guidelines really show how the law is likely to be interpreted," he said.

"The advice we give to those in my chambers as to how we intend to handle possible prosecutions in the future is one thing. The actual text of the law is something different."

Mr Thomas also declined to be drawn on whether the contro-

versial amendment could be amended or repealed in future, saying that Hongkong should wait until things have settled down.

He noted, however, that any decision to review the law would not be up to him but would be for the Government to make.

Mr Thomas acknowledged that issuing the guidelines was "unusual" but qualified that by saying that they related to a fairly new area of prosecution.

"In most areas of crime, there's a lot of case law, a lot of previous cases where the methods of working out the law have been well established," he said.

"You don't need guidelines on rape and murder.

"But when there's something relatively new which creates a lot of interest in the community it is helpful for us to clear our minds as to what sort of advice we should give to the police in future," he said.

Mr Thomas, who was in England to represent the Commissioner for Deposit-Taking Companies before a Privy Council hearing, said that the results of this case would not be known for some weeks.

The case concerned clients of a defunct deposit-taking company who claimed that the commissioner had been negligent in his supervisory role of the company and was therefore liable to reimburse their lost deposits.

However, their claims for damages were dismissed in the High Court and later in the Court of Appeal last year.

"It was an important case for Hongkong and an important case for the law," Mr Thomas said.

"I'm reasonably optimistic that we shall succeed but we'll have to wait and see."