

# AG stands firm on Li Hou's remarks

By BERNARD FONG

THE Attorney General, Mr Michael Thomas, has reiterated that he will not prosecute the mainland *Outlook Weekly* magazine for publishing a remark attributed to and later denied by the Deputy Director of the State Council's Hongkong and Macau Affairs Office, Mr Li Hou, last month.

Mr Thomas — who has received a legal brief enjoining him to charge the magazine under Section 27 of the Public Order Ordinance that proscribes the dissemination of "false news" — replied in a letter to the Hongkong Observers group that he would not investigate or "alter my view in the matter".

The letter, addressed to Miss Teresa Ma, secretary of the Hongkong Observers, read:

"Thank you for your letters of July 7 and 8 in which you call upon me to institute criminal proceedings under Section 27 of the Public Order Ordinance against certain parties in respect of a statement contained in a report in the June 22 issue of the overseas edition of *Outlook Weekly*.

"As I informed the Legislative Council yesterday (July 8), in answer to a question by Mr Martin Lee QC, no investigation has been or is being instituted into this matter, nor do I see any prospect of a prosecution under Section 27.

"I have examined the documents enclosed with your letter and the supporting press cuttings, but there is nothing in them to make me alter my view of the matter.

"My main reason for adopting this view is given in

my answer to Mr Lee's question ..."

A member of the Observers, Mr Frank Ching, speaking on a television talk show on which Mr Thomas declined to appear, said he was astonished by the Attorney General's refusal to review the published remark retracted by Mr Li that direct elections in 1988 would contravene the spirit of the Joint Declaration, a statement which received extensive local and foreign press coverage.

Mr Ching contended that the remark — never properly corrected by the magazine despite the correction Mr Li had made to the China News Agency (CNA) five days after the New China News Agency (NCNA) had released it — was false and had caused public alarm, two conditions required under the controversial Public Order Ordinance passed in March for prosecution.

But Mr Thomas, answering questions from Mr Martin Lee at the Legislative Council on Wednesday, said the Li remark was clearly an opinion which, under the Attorney General's guidelines published in May, did not constitute news.

This assessment was challenged by Mr Lee who claimed that the reporting of such an opinion was news as he pressed the Attorney General to explain why he would not enforce the law when a prima facie case so clearly existed.

Mr Lee asked: "Does the Attorney General not think that instead of trying to defend the offenders of Section 27 of the Public Order Ordinance, he should instead defend the public of Hongkong

by removing Section 27 from our statute book?"

Visibly vexed by the question, Mr Thomas said he was astonished that Mr Lee, a lawyer, should "impute criminality" by calling the accused "the offenders" even before charges had been laid against the publishers and reporter of *Outlook Weekly*, as requested by the Observers' legal brief.

During the strident exchange between Mr Lee and Mr Thomas — in which the Attorney General said at one point "that I am doing my best that I can" — the Legislative Councillor also asked that the Legal Department file charges under Section 27 against the *Hongkong Standard* for printing a "false" story about the British Foreign Office warning China against interference in Hongkong affairs.

Mr Ching said on the Radio Television Hongkong program *News Plus* that the Attorney General might be "out of touch" with the terri-

tory by not carefully reading the newspapers.

The Observers' legal brief said it was important for the law to be applied to the *Outlook Weekly*, because during this delicate time in Hongkong's history, the public should be guarded against canards and rumours.

The brief stressed: "It is in the interest of all, that is the Chinese Government, the British Government and, in particular, the people of Hongkong, that statements of a politically sensitive nature should be not falsely attributed to persons holding official rank within the Chinese, the British or the Hongkong Government and who would therefore be regarded as expressing the view of their respective Government."

Mr Ching said it was apparent that the Attorney General had declined to apply the law to *Outlook Weekly* because it was a mainland Chinese publication.