

Access bill faces tough opposition

By Neville De Silva

THE contemplated Private Members' Bill on access to information has merit especially if open and accountable government is to be buttressed by legal means.

Still, the prime movers of this bill, legislators Christine Loh, Simon Ip and Jimmy McGregor will have a fight on their hands to get it on to the statute books.

The opposition will not come from their colleagues, many of whom would like to see greater accessibility to government information for the public and the media.

Ironically, the obstacle will be this administration, which consistently claims that it is an open government. If a criteria of an open administration is the free and expeditious availability of information, then the claims of the Hong Kong government on this score sounds spurious.

For decades the administration has controlled and managed the dissemination of news and information. It is not likely to give up that stranglehold without a fight.

The government has been stonewalling on the issue for years, arguing that it is costly, and will stifle the civil service. Opponents of a freer flow of information such as former Chief Secretary David Ford, have even cited the experience of other countries with freedom of information laws as a reason to deny Hong Kong one.

The fact is that Sir David, like the heroic Nelson, has held the telescope to his blind eye. Empirical evidence suggests the fears expressed by him are largely unfounded. The laws are working well in countries such as the United States, Canada, Sweden, Australia and New Zealand.

What is the bill trying to do? Its aim is to make information from the government and its agencies available to the public through a specifically laid-down procedure. If the government refuses to provide the information sought, then there is recourse to independent arbitration.

The bill does not demand that the government release all information in its hands. It recognises that there are certain categories of information which must remain confidential.

The bill exempts 14 categories that protect interests such as personal privacy, public security, commercial secrecy, judicial integrity and foreign relations.

The government and its agencies also hold personal information about individuals.

How does each individual know that this information is accurate and not misleading or prejudiced? If that information is likely to influence an individual's future and his relations with the state, surely he must have a right to access that information and ensure it is correct and accurate.

Governor Patten seems to lay great emphasis on the additional work involved, if access is allowed.

True, but only initially. There would be an initial cost but then the exercise begins to pay for itself.

Still, these could hardly be reasons for denying a fundamental right which the Hong Kong Bill of Rights contains but does not legally guarantee.

Even if the bill overruns the Patten barricades, will it survive the changeover in 1997?