

**Review of the Control of Obscene and Indecent Articles Ordinance
Meeting with Communications Association of Hong Kong**

Summary Report

Date: 17 October 2008 (Friday)
Time: 5:00 p.m.
Venue: Rm 229, Murray Building, Garden Road, Central, Hong Kong
Attendees:

Commerce and Economic Development Bureau

Mr Gregory So, Under Secretary for Commerce and Economic Development

Mr Alan Siu, Deputy Secretary for Commerce and Economic Development (Communications and Technology)

Mr Kevin Choi, Principal Assistant Secretary for Commerce and Economic Development (Communications and Technology) A

Miss Amy Wong, Assistant Secretary for Commerce and Economic Development (Communications and Technology) A2

Television and Entertainment Licensing Authority

Ms Maisie Cheng, Commissioner for Television and Entertainment Licensing

Communications Association of Hong Kong

Mr Hubert Chan, Chairman, Communications Association of Hong Kong

Mr Gilbert Chan, President of the Internet Service and Content Provider Group, Communications Association of Hong Kong

Mr Stephen Ho, President of the Internet Service and Content Provider Group, Communications Association of Hong Kong

Mr Dominic Leung, Managing Director, Television & Content of PCCW

Mr Andrew Lee, Commercial Director, Wholesales & Business Market of Hutchison

Mr Benjamin Tong, Executive Director, iCable

Mr Ricky Wong, Chairman, Hong Kong Broadband / City Telecom

Ms Kathlin Liao, Manager, Communications Association of Hong Kong

- I. Mr Gregory So, Under Secretary for Commerce and Economic Development introduced the consultation booklet of the Review of the Control of Obscene and Indecent Articles Ordinance (COIAO) and invited the attendees for their comments.
- II. Members expressed their overall comments on the Review of the COIAO:
 - Given the transient nature of the Internet and the rapid technological advancement, members consider it impossible to regulate the information transmitted on the Internet.
 - Due to different moral standards and values between cultures, members opine that it would be difficult to reach global consensus as in what materials should be restricted. Thus, there is limited room for international cooperation in respect of control of obscene and indecent articles.

Major comments and/or suggestions are summarised as follows:

<p>1. <u>Definitions</u></p> <ul style="list-style-type: none">• Members are of the opinion that, if the ISPs were to provide filtering services, be it mandatory or voluntary, a clearer definition of indecency and obscenity would be necessary so as to define what is to be filtered.
<p>2. <u>New Forms of Media</u></p> <p>Filtering option</p> <ul style="list-style-type: none">• Members prefer the market-driven approach to the mandatory approach. Such option is already provided by two key operators, namely, PCCW and Hutchison. However, some ISPs suggested that such option is rather unpopular at this moment and the current demand for such filtering services is limited in the market.• Many of the members have reservation on the cost-effectiveness in providing filtering option. They

pointed out that the development and provision of the filtering option requires considerable investment by the ISPs. Also, according to one of the members, the cost of setting up filtering options would include the licence fee of the filtering product and the operating cost, which are subject to the level of filtering, i.e. at the gate level or the hub level. Noting that the filtering services can be easily circumvented by the end-user, in particular, the younger generation with high computer literacy, such services may only be helpful in protection of children from harmful materials on the Internet.

- Members pointed out that filtering services might to a certain extent affect the performance of the computer and/or the speed of the Internet, which would be undesirable for the users as well as the ISPs.
- Some of the members did not agree to use internationally recognised filtering software as the Hong Kong society may have its own set of values and moral standards.

Blacklist/cyber monitoring

- Based on earlier media allegations, ISPs will definitely not take up any responsibility in cyber monitoring. They would cooperate if Government comes out with such a blacklist of obscene/indecent websites for them to ban access. However, this is never the Government's intention to ask ISPs to take up this responsibility as the 'cyber cop'.

Credit card verification

- ISPs considered credit card verification a no-go, quoting that this is easy to contravene. ISPs also brought up the security issue.

Others

- Some ISPs suggested including mobile operators into future discussions as many of the younger generation could log on to the Internet by their mobile phones. It would not be useful to provide filtering services only at home computers.

3. Publicity and Public Education

- ISPs are of the opinion that parents should not rely on filtering services to protect their children from harmful materials on the Internet as filtering services would never be perfectly reliable. Also, as the younger generation is of higher computer literacy, it may be risky for parents to rely on technological products to protect their children because these products could be easily circumvented.
- One of the ISPs pointed out that the responsibility to protect our impressionable next generation should be shared among the Government, parents, schools, teachers and the ISPs, instead of placing the full responsibility to the ISPs.
- ISPs suggested the Government produce APIs to promote the use of filtering services and arouse public awareness on this issue.