

**Review of the Control of Obscene and Indecent Articles Ordinance
Meeting with a group of parents organised by Family Heartware**

Summary Report

Date: 7 January 2008 (Wednesday)
Time: 9:30 p.m. – 11:30 p.m.
Venue: Flat A, 18/F, Nathan Commercial Building, 430-436 Nathan Road, Yau Ma Tei, Kowloon

Attendees:

Commerce and Economic Development Bureau

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

Television and Entertainment Licensing Authority

Miss Angela Luk, Assistant Commissioner for Television and Entertainment Licensing (Entertainment)

Family Heartware

Ms Shirley Loo

Parents

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| 1. Hazel Wong | 7. Joey So | 13. Helen Chan |
| 2. Amy Hung | 8. Beatrice Van | 14. Katy Chin |
| 3. Mr Wong | 9. Matthew Yan | 15. Granda Cheung |
| 4. Maria Cheung | 10. Moses Lui | 16. Henie Chui |
| 5. Patsy Ho | 11. Terry Chan | 17. Emma Chan |
| 6. Shirley Tam | 12. Mrs. Chan | 18. Esther Wu |

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- 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:
- It is suggested that the scope of control of the COIAO is very

controversial. Members also expressed that the responsibility of the Government is to ensure that the “safety catch” is effective and protect the younger generation from any harmful materials. Members considered the current regulatory regime insufficient as it is remedial in nature instead of preventive. As a result, the problematic articles are often widely published before they are classified.

- One member considered that the Government tends not to touch on human rights and moral issues. However, the member suggested that the Government should tackle the issue directly by strengthening protection of the youth as rights and freedom are neither “absolute” nor “unlimited”.
- Parents expressed concern on how to choose materials for their children to read. One suggested that a grading system (classifying articles into, say, PG13, PG15) would help parents to choose the appropriate materials for their children and to teach and reason with them.
- One member pointed out that adults and young people have different moral standards; thus, materials that are suitable for adults may not be suitable for young people. It is also pointed out that children are often too young to know what is right or wrong as they lack critical thinking skills and therefore they have to be protected. As the objective of the COIAO is to protect young people from harmful materials, the review should focus on how to draw a line to differentiate materials that are suitable for adults only and materials that are also suitable for young people. Another member considered the current COIAO tends to protect publishers from violating the law as it provides a mechanism for publishers to know the classification and make adjustment accordingly. However, the member suggested that the COIAO should focus on protection of the youth.
- One member mentioned that the views expressed in the newspapers do not necessarily reflect the understanding of the public. It should only be counted as a part of the public. The

Government should not only follow the media blindly and neglect the views of parents.

- Parents find that the legislative proposals are very difficult to comment. They also questioned that parents, as one of the stakeholders, have no access to the focus group.
- A member suggested that from the psychological point of view, primary school children are not equipped with critical thinking skills. They would not be able to understand justice or democracy until they reach higher secondary school age. Therefore, the law would help provide guidance for parents and children.

Major comments and/or suggestions are summarised as follows:

1. Definitions

- One commented on the definitions of obscenity and indecency and found the current definitions insufficient. It is suggested that the Government should look into the definitions of obscenity and indecency in foreign countries. The Government may enrich the definitions by providing more concrete substances, such as demeaning human dignity, sexual assault, violence, etc.
- One member suggested that obscenity and indecency are not relative concepts and thus they will not change with time and space. The member suggested the Government take a strong position as parents have put their trust in the Government that the Government would protect the majority.

2. Adjudication System

- Some members suggested that the Obscene Articles Tribunal (OAT) should be made more transparent. The panel of adjudicators should change from time to time so as to bring in new blood. They suggested that the current system needs to be improved but there is no reason to scrap

the entire system.

3. Publicity and Public Education

- It is agreed that education is important and family education is equally important. Members considered that nowadays the harmful materials can be seen everywhere; therefore, moral standards of the adults and in particular the youngsters could be easily affected by their surroundings. It is pointed out that in view of the above, parents need clearer guidelines on what to teach and how to teach their children.
- It is agreed that parents are responsible for educating the next generation; nevertheless, parents pointed out that legislation is a must. Otherwise, it would be very difficult for parents to reason with their children to abide with the law and to differentiate right from wrong.
- Sex education should be improved and the Government should allocate more resources to formulate a better sex education curriculum.