

**Review of the Control of Obscene and Indecent Articles Ordinance
Meeting with Committee on Home-School Co-operation**

Summary Report

Date: 15 January 2009 (Thursday)
Time: 6:00 p.m. – 8:00 p.m.
Venue: Room 229, Commerce and Economic Development Bureau, Murray Building

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)

Committee on Home-School Co-operation

Professor WONG Po-choi, Chairperson, Committee on Home-School Co-operation
Mrs Lauren LAU WU Kwai-king, Member, Committee on Home-School Co-operation

Representatives of parents and schools

Mr JAO Ming, Chairperson, Federation of Parent Teacher Associations of Hong Kong Eastern District
Ms Gilky WAN, Vice-chairperson, Federation of Parent Teacher Associations of Hong Kong Eastern District
Ms Sabrina HSIUNG Suk-kwan, Secretary, Federation of Parent Teacher Associations of Hong Kong Eastern District
Mr FOK Ming-fuk, Chairperson, Bonham Road Government Primary School Parent-Teacher Association
Ms YEUNG Ngan-ping, Chairperson, CNEC Lau Wing Sang Secondary School Parent-Teacher Association
Ms LAU Muk-lan, Vice-chairperson, CNEC Lau Wing Sang Secondary School Parent-Teacher Association
Mr CHAN Kam-pang, Member, CNEC Lau Wing Sang Secondary School Parent-Teacher Association
Ms LAM Lai-kwan, Chairperson, Ying Wa Girls' School Parent Teacher Association
Ms CHAN Lai-ying, Vice-chairperson, Ying Wa Girls' School Parent Teacher Association
Ms LAM Yee-wah, Principal, The Church of Christ in China Heep Woh College Parents-Teachers' Association
Ms WONG Lai-wah, The Church of Christ in China Heep Woh College Parents-Teachers' Association
Ms FUNG Wei-see, The Church of Christ in China Heep Woh College Parents-Teachers' Association
Mr KOO Yeung-pong, Chairperson, Tsuen Wan District Parent Teacher Association Federation Limited
Mr IP Tin-yau, Principal, The Church of Christ in China Kwei Wah Shan College

- 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:
 - A member considered that although the protection of ‘freedom of speech’ may tie the hands of the Government in the review of the COIAO and that some groups may have suggested the Government scrap the entire system, parents and the education sector would not accept scrapping of the COIAO.
 - One suggested that the Government could consider tightening the legislation, but leaving the enforcement loose.
 - One member pointed out parents appear to be relatively silent at the first two months of this consultation because enforcement of the COIAO is not directly related to them; however, family education is directly related to them. Also, one member raised that parents have very limited access to the information on COIAO and the review and suggested that the Government should distribute more consultation booklets to all schools in Hong Kong and the schools may distribute the booklets to parents. This would help parents understand the issue. In addition, a member suggested parents should be consulted more extensively as they are the major stakeholders.
 - It is suggested that more concrete questions should be set out in the consultation booklet so as to make it easier for parents to comment. Parents may experience difficulty in discussing the current framework.
 - A member suggested that the Government should have a set of guidelines on moral values.
 - One member criticized that the education sector has not been fully consulted and did not have enough opportunity to express their opinions on this issue. They suggested that the consultation period should be extended due to the school and public holidays in these four months.

- Magazines such as Next Magazine, and newspapers, such as Apple Daily, together with sex websites on the Internet have spread a distorted attitude towards sex to the younger generation. Members agreed that such harmful materials would affect the mental development of children.

Major comments and/or suggestions are summarised as follows:

1. Classifications

- One pointed out that the public often confuses the COIAO with the Film Censorship Ordinance.
- One member expressed concern that some articles, such as magazines, which can be seen everywhere, are clearly Category III under the Film Censorship Ordinance, however, under the current mechanism, no action would be taken if the enforcement agencies received no complaint.
- One suggested that even with mosaic effect, some articles have very provocative text descriptions and should not be easily accessed by young people.

2. Adjudication System

- One member was appointed as an adjudicator and shared experience in the meeting. The member pointed out that due to the unelaborated definitions, adjudicators often seek the magistrate guidance in classifying articles and the magistrate would provide detailed explanation on what should be classified as which category.
- One member opined that the current mechanism is not undesirable and pointed out that the controversial cases are only exceptions produced by magazines which are trying to test the baseline of the COIAO. It is also pointed out that the discrepancy between the interim and the final classification is normal as in all appeal cases.
- One member considered the current Obscene Articles Tribunal (OAT) arrangement is fine. One pointed out that the OAT adjudicators would accumulate experience in classifying articles and they will eventually build up some consensus on the moral standard and values of the public.

3. New Forms of Media

- Members suggested that the problem is that the new media, such as the Internet and mobile phones, generate new enforcement problems. The COIAO itself is not problematic.

- One member opined that filtering software is not effective as the younger generation can easily circumvent such software when it is installed at the user-end. Thus, it is considered that a filtering service offered by Internet Service Providers (ISPs) at the server-end would be best in respect of screening out harmful websites. ISPs may have a disclaimer clearly stating that the filtering services cannot filter out every single problematic site. Filtering services offered by ISPs would be less easily circumvented. Subscribers would have two accounts: one account would be able to access all websites whereas the other would have no access to problematic sites. Such filtering services will screen out specific keywords and websites which are on a blacklist. A whitelist can be created to re-establish access to sites that are over-blocked. Free flow of information and freedom of speech will not be affected as parents have a choice on whether to use such filtering services.
- One suggested that the Government should set up a licensing system with ISPs and that the filtering option should be made mandatory.
- One member raised the problem of Internet Café and uploading, which can hardly be regulated. Another member mentioned that Facebook is very popular nowadays and all ‘friends’ would be able to see photos posted on this platform. The Government should give some thoughts on how to regulate such platforms.
- One member suggested that as filtering is feasible in the mainland, filtering must be feasible in Hong Kong. However, one member rejected the idea to draw reference to the mainland so as to avoid criticism.
- One member considered that the credit card age verification system as proposed in the consultation booklet is useful in ensuring that the user is aged above 18.

4. Enforcement

- OAT adjudicators and the Police do not have a common understanding on what ‘obscene’ and ‘indecent’ are. The Police often have their own definition. Thus, it is suggested that the Government should improve cooperation and communication among enforcement agencies.
- Some members considered that the complaint-oriented approach is very passive.

5. Publicity and Public Education

- It is pointed out that the majority of the public is not aware that OAT is a judicial body. Public education is insufficient.

- It is suggested that current sex education is too conservative. It should be taught in a more liberal approach. Nevertheless, one member pointed out that sex education should not be too early as this would incite children's fantasy on sex.
- Members pointed out that parents might not have time, or more importantly, ability to teach their children. Thus, if the Government does not maintain a healthy environment, the situation and the atmosphere in the society would only become worse. It is suggested that the Government has the responsibility to maintain healthy environment.
- Communication between parents and the Government should be strengthened.
- It is suggested that the Government should publicise the repository so that more people can draw reference to past classification and to understand the standard of classification.