

Review of the Control of Obscene and Indecent Articles Ordinance

Focus Group Summary Report –District Councils Chairmen and Vice-chairmen

Date: 16 October 2008 (Thu)
Time: 11:15 a.m. – 12:30 p.m.
Venue: Conference Room, 30/F, Southorn Centre, Wan Chai

- I. Under Secretary for Commerce and Economic Development (USCED), Mr Gregory So Kam-leung presented the consultation document of the Review of the Control of Obscene and Indecent Articles Ordinance (COIAO) and invited views from the floor.

- II. 9 members of the focus group shared their views on the review of COIAO, some general views were received as the following:
 - Many members agreed the need of a thorough review of COIAO as the ordinance is out-of-date. One member commented that the first stage of review is to generate an overall direction and principle for the review with consensuses from different sectors.
 - One member also agreed that the objectives of the review should be set to protect the youth and teenagers as they are prone to be easily affected by the obscene and indecent materials on the new media.
 - Keeping the above in mind, member also showed concern over the protection of freedom of speech and personal privacy.
 - Apart from consulting the District Councilors, members also suggested engaging representatives from the social work, education and cultural sector, as they understand the youth group better.
 - Legco member, Mr Ip Kwok Him would also want to explore how likely it is to include the District Councilors in the Obscene Articles Tribunal (OAT) system.
 - One member proposed the USCED to go to different District Council meetings for presentation and solicit the councilors' views.

III. Members' specific suggestions on the review were classified and summarized as the following:

Concerns/ Comments raised
<p>1. <u>Definitions</u></p> <ul style="list-style-type: none">• Some members considered the public standards in respect of “obscenity” and “indecentcy” is all about collective culture and therefore it is hard to achieve consistency and draw a conclusion.• One member said it is particularly hard to define “obscenity” and “indecentcy” especially when these materials appeared on family magazines, unlike in the past where these materials were normally restricted to adults’ magazines. It might be good to define the materials into 2 categories: (1) not suitable to be disseminated to the youth and (2) not suitable to be disseminated to all members of the public.
<p>2. <u>Adjudication System</u></p> <ul style="list-style-type: none">• Some views agreed the need to increase the number of adjudicators at each hearing, which is stated in the consultation booklet, but the overall number of adjudicators in the pool should be limited that all of the adjudicators could get a good grasp of the COIAO, and ensure consistency in each hearing given adjudicators’ increasing exposure to the COIAO.• There were views saying the OAT is not representative enough, and therefore some members supported expanding the existing panel of adjudicators, like drawing adjudicators from the list of jurors, and introducing specified sectors into the adjudicators pool. One member mentioned to include the ‘women’ sector into the adjudicators’ pool, as it is not mentioned now in the consultation booklet.• However, there were also spilt views suggesting Government to avoid complicating the matter and the system, as expanding the OAT does not serve any good but taking up Government resources only.• Most members agreed that adjudicators with a variety of backgrounds are preferred. One member mentioned the news agencies and the press have sent representatives to join the adjudicators’ panel with an

Concerns/ Comments raised

aim to influence the OAT's decision and thus raise concern about the quality of adjudicators. Some views agreed that applicants to OAT should be carefully screened in avoiding any abuse of the system.

3. Classification System

- Views were spilt on whether to introduce the sub-classes of the classification system into 4 categories
- For the one against this suggestion, it was mentioned that refining the “definitions” and “adjudication system” should be the priorities instead of reviewing the “classification system”.

4. New Forms of Media

- Most members agreed that there is a need to think about regulating obscene and indecent materials on the new media but admitted there are many difficulties.
- Views solicited were generally against the use of credit card identification in view of the possible security and privacy issues.
- Most of the members supported to provide the filtering software for free.
- One member suggested joint-department and targeted initiatives to tackle the dissemination of obscene and indecent materials on new media systems
- One member commented that if resolving Edison Chan's scandal was the Government's purpose of the whole review, it would be a waste resources as this is about the moral aspect of Edison Chan's life, and it is not about how the Internet should be regulated.

5. Enforcement

- There are views saying that additional resources are needed to do the enforcement work and conducting inspections in sales outlets

6. Penalty

- Two members supported an increase in penalty as the newspapers/

Concerns/ Comments raised

magazine has already built in the penalty as part of their operating costs and the original amount of penalty has lost its deterrent effect.

7. Publicity and Public education

- All members recognized the importance of stepping up publicity and public education and thought it is the first priority as to combat the harmful effect of indecent and obscene.
- One member suggested cooperating with the different parent teacher associations in holding seminars for parents in responding to the impact of new media on their children.
- Members were also of the views that District Councils could play a crucial role in organizing community campaigns and publicity work. It is important that resources should be allocated efficiently and make sure there is not duplicated efforts.
- Families, parents and schools should get involved in the education programme.