

Review of the Control of Obscene and Indecent Articles Ordinance

Town Hall Discussion Sessions Report – Public Forum, Kowloon

Date: 16th January 2008 (Friday)
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- I. A power-point presentation on the consultation documents of the Review of the Control of Obscene and Indecent Articles Ordinance (COIAO) by Mr. Gregory So, Under Secretary for Commerce & Economic Development of HKSAR. He also invited all attendants to express their opinions.
- II. Attendants shared general comments towards COIAO:

Opinions on the social atmosphere

- Parents wish to protect their children and hope that the next generation can live in a healthy information environment. The society should change as time changes; parents have the rights to protect their children so that they can grow up healthily. Yet children would be influenced by external information and attempt to break rules and misbehave;
- The government always said that citizens have the rights not to look at or get in touch with those articles, yet it is inevitable in reality. Chinese are from the Orient and object blind westernization. Cases of incest occur frequently in the West, thus parents should no longer be silent. The harmony we want in Hong Kong does not equal to intemperance;
- Attendants hoped that government officials would feel the pain suffered by the citizens, even tourists are aware that they can find prostitution guide in newspaper of Hong Kong. The officials should no longer be silent;
- The media has the ability to guide the society. If they operate according to their own consciousness or certain principles, the situation will be relieved temporarily. Attendants believed that the media should not just follow the

Western culture in their operation and should reach a consensus among themselves;

- As the society develops, information circulation should be allowed, yet over indulgence will only lead to corruption. Attendants agreed that the government cannot discipline the children on behalf of their parents, but the two parties should work together as both parents and the government have their own responsibilities;
- Parents should discipline their own children, while the government and the internet service providers should coordinate and assist in certain aspects. The government should protect those who are unwilling to get in touch with these articles, a balance is needed on this issue;
- Publicity and education are essential, but the social atmosphere and environment is just as important. Each individual should grow up in a responsible way, and there should be mechanism which helps them grow in a healthy way;
- The objective of the ordinance is to protect the youth and those who are immature, yet it also rules out some obscene articles, assuming that even adults need to be educated. Isn't it contradicting?
- The COIAO should be preserved. The media do not exercise self-discipline even under the existing system, they would report news in such ways in an even more public way if the ordinance is abolished. There won't be squares anymore on those pictures in the future.
- Apart from a comprehensive consultation, the government may also draw lessons from some Western countries. For example, the government can learn from Singapore in their approach of protecting children and youth by information regulation, approaches of Britain and the States are also models that worth referring;
- The ordinance should be tightened instead of loosened. The existence of demand for drugs does not justify the taking of drugs. People have their own moral standards and attendants hoped the government would respect the values and morals of the general public;
- Why should 300 people alone set the moral standard of the population of 7 million in Hong Kong? Hong Kong is an international city and there are Pakistani and Indians dwelling in this place. In Indian movies, the actor can't even kiss the actress. There are not only Chinese in Hong Kong, but also Nepalese, Israelites, and Africans etc. We should also consider their

- opinions and should not limit the consultation to a small circle only;
- There's absolute freedom for information circulation, youth below 18 are still mentally immature and they should be protected;
 - Some radical groups or people were involved at the early stage of consultation, they dominated the whole discussion and altered the direction of consultation. Attendants suggested the government to extend the consultation period for another two to three months so that more people can raise concrete opinions on the seven aspects;
 - News of sex abuse are often reported by the media. Although it is something common in our society today, we still can't treat it as pornography;
 - Obscene media is just another form of drugs, which impact people in a slow and subtle way. The media, society, government, organizations and parents should all shoulder their own responsibility. The government should take the initiative to tighten the system which monitors the way editors handle publications, it should not be loosened;
 - The ordinance should not be called as 'Control of Obscene and Indecent Articles Ordinance'. According to the ordinance, it also covers articles that are violent and repulsive. The name of the ordinance should reflect the different elements that are being defined in it.

III. Suggestions for the review raised by the attendants are summarized as follows:

1 Definition

- 1.1 The acceptability and range of people differ, yet appropriate guidance is still needed and such guidelines require comprehensive consideration and consultation;
- 1.2 Census can be done biannually on the moral standards of the general public. The morality of the 30's and 40's is different from today. To what class should the photo belong? How should the photos which expose/do not expose the sex organs of a person be classified? Census should be done on parents who with children below 18, as they are the one who feel the pain firsthand;
- 1.3 The government should provide examples in the definition section. Indecent objects might include articles that are annoying, with addiction to unhealthy

habits like gambling, intentional exposure of sex organ, sexual intercourse or related descriptions to the public etc. As for obscene articles, they should cite the examples of other countries and include items that are repulsive and offensive, articles and information that allures people to abuse the others with sex and violence, child pornography, animal sex, abusive to human or animals, massacre, dismemberment, rape, sodomy, necromania, animal sex, SM and behavior which induces miscarriage etc. The above examples should be listed explicitly so that there are rules for people to follow.

- 1.4 Owners of newspaper and magazines are aware that it is obscene to expose sex organs, thus they will cover those sections with squares. Even if there is a clear definition of obscenity, the effects remain unsatisfactory.

2 Adjudication System

OAT

- 2.1 The transparency of the adjudication system is insufficient. The existing mechanism of merely 300 adjudicators also raises problems of representation.
- 2.2 An appointment system similar to the functional constituency would be in violation to democracy.

Magistrate

- 2.3 The judiciary, decent lawyers and representatives from the public shall be involved in the administrative classification, people can appeal to the courts if they are not satisfied with the results;
- 2.4 The OAT should identify the magazines that are going to publish pornographic photos, classify it and prevent them from publishing it. It is way better than the fines system.

3 Classification

- 3.1 Attendants agreed to reserve the classification system, countries like Britain and the States have their own system to classify each website. The feasibility of such practice should be investigate in the second round of consultation;

- 3.2 Warning messages are printed on 50% of the cover of cigarettes package, e.g. smoking may lead to cancer etc. Similar warning can be shown on the website as means of monitoring, e.g. viewing obscene articles may lead to inability to erection;
- 3.3 The Consumers' Council will issue trademarks for stores to prove authenticity, the government can also create a logo for healthy websites, magazines or organizations, citizens can select organizations and websites that are not obscene.

4 New Forms of Media

- 4.1 How shouldn't there be classification for online games and violent articles while there is one for films and TV programs? There are also classifications for restaurants and websites in Hong Kong, those that score poorly will be sanctioned or boycotted. By doing so, people will have the option to choose what they want;
- 4.2 Hong Kong has entered a digital generation; more and more information is penetrating into the world of adults and children - some are healthy while the others should be banned altogether. Would filtering alone be effective? There are numerous problems with filtering software, e.g. the filtering has to be really strict in order to block certain messages or to block in bulk. It will in turn harm those who need social protection, e.g. the children. It becomes a dilemma for the society, as they will be unable to receive the information that they should have obtained.
- 4.3 Universities in Hong Kong should research about the filtering software. Which actions will be considered violence? How would the computer system classify articles like the sculpture of David?
- 4.4 Information circulation is essential to a developed society, attendant objected sanctioning the internet.
- 4.5 The government cannot discipline the children about their boundary in replacement of their parents. The society is like a free market, in which people may receive both good and bad information. We can be more lenient towards it as long as it poses no harm to the others, the internet needs not to be treated with one rule only;
- 4.6 Many people think that it is difficult to fight against the internet. However, the more corruption, the more necessary is the ICAC. If there's an online

game which abuse children, who's going to stand up and fight for the human rights of the children?

4.7 It is good for the parents to choose whether they need a filtering software or not;

4.8 Should internet cops be introduced? The society cannot always react in a passive way. By suggesting police on the internet is not to suppress freedom of speech, the society needs to be supervised by the police and deter people from breaking laws.

5 Enforcement

5.1 Attendants hoped that the government would reinforce execution and decide the penalty of repeated offenders according to its history.

6 Penalty

6.1 Magazines always avoid punishment. Fines are ineffective to regulate them. The court should order them to do social service.

7 Publicity and Public Education

7.1 Parents, educators and adults as a whole are responsible for teaching children. When they have sufficient knowledge, they will naturally be critical enough to distinguish between good and bad, we should not panic;

7.2 Education system of Hong Kong should be reviewed, moral subjects like sex education is rarely taught and ineffective;

7.3 Sex education in Hong Kong is insufficient. Lots of children will ask parents about underwear and the parents often fail to answer them. It'll be much better if parents can educate them about sex, not the magazines;

7.4 It seems that the media is doing a better job than the schools in terms of sex education. Students are always interested in knowing more about sex from the media, than from teachers at schools. The Education Bureau should assess its teaching methods and citizens wish to see a bureau which is in line with the society;

7.5 Magazine as a media is very influential. If pornographic photos are found in certain issue of a magazine, instead of only fining them, the government

should request them to publish about healthy sex education or related information in the following 3 issues. It is a positive way to penalize the magazine.