

Introduction

Hong Kong is a free and open society. We enjoy freedom of speech, of the press and of publication as guaranteed under Article 27 of the Basic Law and the relevant provisions of the Hong Kong Bill of Rights Ordinance.

In respect of the regulation of publication of articles, Government's long-standing policy is to reflect standards of public decency as they should apply particularly to articles intended for young and impressionable people while at the same time preserving the free flow of information and safeguarding the freedom of expression. There is no compulsory pre-censorship before the publication of an article, but the publisher has the responsibility to ensure that any publication is in compliance with the law. The Control of Obscene and Indecent Articles Ordinance (COIAO) reflects this policy.

We conduct reviews on the operation of the COIAO from time to time to ensure that the regulatory regime is able to meet the changing needs and mores of the community. In the last few years, newspapers and entertainment magazines have time and again published articles and photos that have subsequently been ruled to be indecent or worse. Members of the public are also increasingly concerned about the dissemination of obscene and indecent materials on the Internet. We therefore undertook in early 2008 to conduct a comprehensive review of the Ordinance.

We propose to conduct two rounds of public consultation on the review. In the first round, we will consult extensively in the

form of town hall meetings and focus group discussions. The town hall meetings will be open to District Council Members and members of the public. The focus group discussions aim to engage representatives from various sectors, including women, youth, information technology, education, press and publication, culture and arts, civic rights, social moral, etc. We will also conduct a public opinion survey. We will aim to draw together the public views and, as far as possible, come up with proposals for the second round of public consultation.

This booklet has set out the main issues relating to the operation of the COIAO and discusses a wide range of possible improvement measures. It is by its very nature an elementary introduction to a very complex set of issues. This is the first phase of a general consultation exercise on a comprehensive review. To initiate public discussion, this booklet is intended to be user-friendly and easy to digest. Further detailed information is available from www.coiao.gov.hk. The Government wishes to hear from the community to help shape measures to improve the regulation of obscene and indecent articles. Please send your comments to the following addresses and websites by **31 January 2009**.

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