

**For discussion
on 14 January 2008**

**LEGISLATIVE COUNCIL
PANEL ON INFORMATION TECHNOLOGY
AND BROADCASTING**

**Public Opinion Survey on the Operation of
the Control of Obscene and Indecent Articles Ordinance**

PURPOSE

This paper briefs Members on the findings of the latest public opinion survey commissioned by the Television and Entertainment Licensing Authority (TELA) on the operation of the Control of Obscene and Indecent Articles Ordinance (COIAO).

BACKGROUND

2. TELA conducts public opinion survey from time to time with a view to gauging public views on the COIAO in order to improve its operation and effectiveness. In September 2006, TELA commissioned Consumer Search Hong Kong Limited to conduct a public opinion survey covering the following four areas –

- (a) public knowledge of the COIAO;
- (b) enforcement of the COIAO;
- (c) publicity and public education activities for the COIAO; and
- (d) public views on standards of morality, decency and propriety.

METHODOLOGY OF THE SURVEY

3. The main fieldwork was conducted from 4 November 2006 to 7 January 2007 employing a two-stage stratified sampling design basing on

the Frame of Quarters¹ as maintained by the Census and Statistics Department covering representative households from the land-based non-institutional population of Hong Kong. The survey was conducted among Hong Kong residents aged 15 to 65, involving questionnaire-guided face-to-face interviews. A total of 1 501 interviews were successfully completed and the response rate achieved was 73.1%. For the part on public views on standards of morality, decency and propriety, only respondents aged between 18 and 65 were invited for their views on the articles sampled for the survey.

4. We are not able to directly compare the findings of this survey with the previous COIAO surveys as this is the first time TELA commissioned an independent research company to conduct a COIAO survey covering representative households from the entire Hong Kong population. Previous surveys conducted were carried out by two local universities, using Register of Quarters as the basis of sampling. We changed the methodology so as to reach out to a wider sample which more comprehensively represents the views of the community.

SURVEY FINDINGS

5. The major findings of the public opinion survey are elaborated in paragraphs 6 to 15 below.

(a) Knowledge of the COIAO

6. A large proportion of the respondents had general understanding of the COIAO. Some 82.1% of the respondents were aware that there is an ordinance governing the control of obscene and indecent articles in Hong Kong. 36.2% of them knew that there were

¹ The *Frame of Quarters* is divided into two parts, namely, the Register of Quarters and the Register of Segments.

- The *Register of Quarters* is a list of addresses of permanent quarters in built-up areas (including urban areas, new towns, etc). Each unit of quarters is identified by a unique address with details on the house number, street name, building name, floor number and flat number.
- The *Register of Segments* is a list of area segments in non-built-up areas. Each area segment is a small piece of land delineated by some physical or easily identifiable boundaries such as streams, footpaths, lanes and ditches and each segment contains around ten quarters. The use of area segments in non-built-up areas is necessary because the quarters in these areas may not have clear addresses and hence cannot be easily identified. The area segments can be identified through location maps.

three categories for classifying articles including newspapers, magazines, DVDs/VCDs and Internet contents. 8.6% of these 36.2% of respondents had more in-depth knowledge of the COIAO such as they understood that Class II articles were restricted to those aged 18 or above.

(b) Enforcement of the COIAO

7. The respondents possessed a reasonable level of knowledge of the Obscene Articles Tribunal (OAT). 77.8% of the respondents were aware of the OAT and 76.6% of these respondents knew its main duty. A majority (88.3%) of the respondents considered that the composition of the OAT, with a presiding magistrate and a few members of the public as adjudicators, was appropriate. Those of the view that the composition was not appropriate (11.5%) expressed concerns about the potential differences between individuals such as the differences in moral standards, knowledge of the COIAO classification and cultural background.

8. While 67.6% of the respondents had heard of the convictions under COIAO, a relatively smaller proportion of the respondents (40.8%) were aware what the penalties were for conviction. Those who had the knowledge had diverse views on the appropriateness of the penalties meted out for breaches of the COIAO (43.8% of them considered the penalties imposed appropriate, while 45.8% considered them too lenient).

9. Views of the respondents were sought on the appropriateness of the factors considered by OAT in classifying an article under the COIAO. 81.3% of them agreed that the OAT should classify articles on the basis of standards of morality, decency and propriety that were generally accepted by reasonable members of the community. A majority of the respondents considered other factors taken into account by the OAT under the legislation as important. These included “the persons to whom the article is published” (69.2%), “whether the publication of the article is related to science or art, or it is published purely as pornography” (63.9%) and “the dominant effect of an article as a whole” (60.8%). Only 1.5% of the respondents opined that classification was not necessary.

(c) Publicity and Public Education Activities

10. In general, TV (83.8%) and newspapers (71.1%) were the major sources from which the respondents who had heard of the COIAO learned about it. For persons aged 15-17, a higher proportion learned about the COIAO from school events (31.9%) and the Internet (23.9%).

11. When asked about channels which were considered as effective for publicizing the COIAO, a predominant majority of the respondents (91.2%) chose TV and radio, followed by newspapers and magazines (48.7%), and then the Internet (20.2%). The Internet was considered by a significantly higher proportion of individuals aged 15-24 (35.7% of the age bracket of 15-17, and 28.0% of the bracket 18-24) as an effective channel other than TV/ radio and newspapers/magazines.

(d) Public Views on Standards of Morality, Decency and Propriety

12. To compare the respondents' views on moral standards with the prevailing standards of OAT classification, respondents were asked to sort the sample articles selected for the survey into three groups : suitable for people of all ages (i.e. Class I articles); not suitable for people under the age of 18 (i.e. Class II articles) and not suitable for publication (i.e. Class III articles). The survey findings show that 14 out of the 22 articles already classified by the OAT were sorted by the respondents with the same class as that of the OAT. Details are as follows :

- (a) in respect of the four sample articles classified by the OAT as Class III, the prevailing standards of OAT classification were generally in line with those of the respondents;
- (b) nine out of 12 sample articles classified by the OAT as Class II were sorted by more respondents with the same class as that of the OAT. The rest three were sorted by more respondents as Class III; and
- (c) five out of the six sample articles classified by the OAT as Class I were sorted by more respondents as Class II. This shows that the respondents in general had adopted stricter standards with regard to sorting materials suitable for people of all ages.

13. With regard to the respondents' views on moral standards, there were differences in terms of gender and education attainment. The female respondents were found to have a higher tendency to apply stricter standards than the male. Out of the 22 articles, the female respondents sorted only one as Class I while the male sorted three as Class I. The female respondents sorted nine articles as Class III whereas the male sorted only four as Class III. As for education attainment, respondents

with degree or above education were more lenient, in particular towards classification of Class III articles.

14. There was widespread support for the need to protect juveniles from exposure to indecent articles. The majority of respondents (83.3%) noted that they sorted sample articles as Class II instead of Class I in order “to protect the under-aged”. Other reasons included “the articles may induce under-aged persons to commit crime” (73.2%), “the articles are against moral standards of the community” (71.6%) and “the articles are sickening and disturbing” (67.5%). When asked why they sorted some sample articles as Class III instead of Class II, 82.7% of the respondents considered that “the articles are severely against moral standards of the community”, 79.5% noted that “the articles are extremely sickening and disturbing” and 73.2% considered that the articles are “extremely likely to induce readers/viewers to commit crime”.

General Observations

15. The survey findings have revealed the following –
- (a) members of the public are generally aware of the COIAO but know little about the details of the legislation. They possess a reasonable level of knowledge about the OAT;
 - (b) less than half of the respondents were aware of the penalties meted out for breaches under the COIAO and those with the awareness held diverse views on the appropriateness of such penalties. Slightly more people regarded the penalties inappropriate and among whom the majority considered the penalties too lenient;
 - (c) members of the public generally regarded the current composition of the OAT appropriate. A majority of them accept the factors which have to be considered by the OAT in classifying articles under the COIAO;
 - (d) the public and the OAT do not always hold the same views in classifying articles. For Class I articles, the respondents generally adopted stricter standards than the OAT. While there were some discrepancies between the respondents and the OAT in classifying Class II articles in which the respondents tended to be stricter, the OAT’s prevailing standards were

generally in line with those of the respondents in classifying Class III articles; and

- (e) TV and newspaper were the most effective channels for publicizing the COIAO for persons of all ages, while the Internet was another effective channel for students or persons aged 15-24.

16. We will send the full survey report to the OAT for the adjudicators' reference. We will also upload the Executive Summary of the survey findings onto TELA's website (www.tela.gov.hk) for public information.

THE WAY FORWARD

17. We note that public views on the operation of the COIAO may vary from time to time depending on the prevailing public moral standard and general perception and acceptance towards sensitive content published in different types of media. The findings of the public opinion survey on the operation of the COIAO help TELA and the OAT keep abreast of public views on the issue. TELA will continue to conduct such public opinion survey on a regular basis to keep track of community views.

18. The findings of the survey show that members of the public do not have a full understanding about the provisions of the COIAO and its operation. We will step up promotional efforts to enhance public understanding.

19. Arising from a number of COIAO related cases in 2007, we note that some sectors in the community had expressed concern about various aspects of the operation of the COIAO. We will conduct a review of the provisions in the COIAO and the current classification mechanism. We will then seek the community's views to ascertain whether and what improvements to the COIAO and its operation are considered necessary. A detailed analysis of the effectiveness of the existing regulatory regime under the COIAO is set out in a separate paper submitted to Members.