

商務及經濟發展局
通訊及創意產業科

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By email

24 December 2015

Mr Daniel SIN
Clerk to LegCo Panel on Information Technology and Broadcasting
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr Sin,

**Legislative Council Panel on
Information Technology and Broadcasting**

**Follow-up to Meeting on 9 March 2015
Review of the Control of Obscene and Indecent Articles Ordinance**

At the abovementioned Panel meeting, Members requested the Government to take the following actions regarding the captioned subject -

- (a) relay to the Judiciary Members' enquiry about the details of the future adjudicator system after the proposed increase in the minimum number of adjudicators at each Obscene Articles Tribunal ("OAT") hearing from two to four, including how the OAT would resolve possible difference in opinions amongst the four adjudicators at future OAT hearings, with a view to providing supplementary information in this respect; and*

(b) relay Members' request for information (such as age, gender, education and occupation) of the profiles of the OAT adjudicators to the Judiciary and ascertain if such information was available.

Having consolidated the inputs from the Judiciary, our response on the abovementioned follow-up actions are set out below.

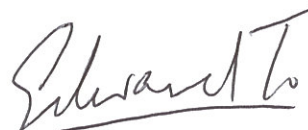
How the Obscene Articles Tribunal ("OAT") arrives at a decision when there is a difference in opinion among its members

Section 7 of the Control of Obscene and Indecent Articles Ordinance (Cap 390) provides that in the event of any difference between the members of an OAT, the decision of that OAT shall be that of the majority of them or, in the event that they are equally divided, that of the presiding magistrate. Any point of law arising during any proceedings before an OAT shall be determined by the presiding magistrate who shall give reasons therefor in writing. When the minimum number of adjudicators at each OAT hearing is increased from two to four in the future, there is no need to change the existing arrangement for resolving differences in opinion among OAT adjudicators.

Personal profiles of the OAT adjudicators

The personal profiles of the OAT adjudicators are provided at Annex for Members' reference.

Yours sincerely,



(Edward To)

for Secretary for Commerce and
Economic Development

Encl.

c.c. Judiciary Administration (Attn: Ms Wendy Cheung)

Table 1: Personal Profiles of Adjudicators of the Obscene Articles Tribunal Appointed under Section 5(2) of the Control of Obscene and Indecent Articles Ordinance (Cap 390) (as at 6 November 2015)

Personal Profiles		Adjudicators
Gender	Male	353 (69%)
	Female	162 (31%)
Education Level	Primary	2 (<1%)
	Secondary	126 (24%)
	Tertiary or above	387 (75%)
Age Group	21-30	110 (21%)
	31-40	165 (32%)
	41-50	107 (21%)
	51-60	90 (17%)
	60+	43 (9%)
Occupation	Professionals ¹	159 (31%)
	Managers & Administrators	93 (18%)
	Clerical Support Workers	83 (16%)
	Service & Sales Workers	86 (17%)
	Others ²	94 (18%)
Total number of adjudicators		515

Remarks:

- (1) Include lawyers, doctors, accountants, engineers, surveyors and teachers, etc.
- (2) Include housewives, students and retirees.

Table 2: Personal Profiles of Adjudicators Selected to Take Part in the Hearings of the Obscene Articles Tribunal from 2010 to 2014

Personal Profiles		2010	2011	2012	2013	2014	2010-2014
Gender	Male	160 (73%)	194 (77%)	208 (78%)	178 (71%)	108 (65%)	848 (74%)
	Female	58 (27%)	58 (23%)	58 (22%)	71 (29%)	58 (35%)	303 (26%)
Education Level	Primary	1 (<1%)	1 (<1%)	2 (<1%)	1 (<1%)	2 (1%)	7 (<1%)
	Secondary	73 (34%)	76 (30%)	81 (30%)	81 (33%)	42 (25%)	353 (31%)
	Tertiary or above	144 (66%)	175 (70%)	183 (69%)	167 (67%)	122 (74%)	791 (69%)
Age Group	21-30	19 (9%)	32 (13%)	42 (16%)	37 (15%)	27 (16%)	157 (14%)
	31-40	32 (15%)	51 (20%)	61 (23%)	69 (28%)	53 (32%)	266 (23%)
	41-50	75 (34%)	72 (29%)	61 (23%)	55 (22%)	36 (22%)	299 (26%)
	51-60	77 (35%)	77 (30%)	79 (30%)	61 (24%)	36 (22%)	330 (29%)
	60+	15 (7%)	20 (8%)	23 (8%)	27 (11%)	14 (8%)	99 (8%)
Occupation	Professionals ³	107 (49%)	113 (45%)	110 (41%)	93 (37%)	49 (30%)	472 (41%)
	Managers & Administrators	52 (24%)	44 (17%)	47 (18%)	34 (13%)	23 (14%)	200 (18%)
	Clerical Support Workers	30 (14%)	36 (14%)	32 (12%)	44 (18%)	29 (17%)	171 (15%)
	Service & Sales Workers	12 (5%)	35 (14%)	38 (14%)	44 (18%)	36 (22%)	165 (14%)
	Others ⁴	17 (8%)	24 (10%)	39 (15%)	34 (14%)	29 (17%)	143 (12%)
Total number of adjudicators		218	252	266	249	166	1,151

Remarks:

(3) Include lawyers, doctors, accountants, engineers, surveyors and teachers, etc.

(4) Include housewives, students and retirees.