

## ***A. EXECUTIVE SUMMARY***

### ***A.1 Survey Objectives***

***A.1.1*** The aim of the opinion survey is to evaluate public opinions on the effectiveness of the operation of the Control of Obscene and Indecent Articles Ordinance (COIAO). It also intends to gauge public perception of the level of moral standards generally acceptable to the community; and to collect views on possible areas of improvement.

***A.1.2*** The scope of the survey focuses on areas of (1) the effectiveness of the existing regulatory system; (2) public perception of the classification framework; (3) the standards of morality, decency and propriety generally accepted by the community; (4) the effectiveness of self-regulation of obscene and indecent articles transmitted through the Internet; and (5) the effectiveness of civic education and publicity efforts in protecting young persons from being unduly exposed to, and consequently menaced by, obscene and indecent articles.

### ***A.2 Method and Sampling Design***

***A.2.1*** The opinion survey comprised of two parts: the general survey and focus group survey. All respondents of the general survey were to complete a quantitative questionnaire. The focus group survey consisted of two parts: a quantitative part and qualitative part. For the quantitative part, focus group respondents were to complete the same questionnaire as in the general survey. For the qualitative part, respondents were to complete a separate questionnaire.

***A.2.2*** Data were collected through face-to-face or group interview using structured questionnaires. The questionnaires covered a wide range of aspects under the following five broad categories:

- (a) awareness of the classification system under the COIAO;
- (b) understanding of the work of the Obscene Articles Tribunal (OAT);
- (c) perception of the prevailing moral standards generally accepted by the community;
- (d) effectiveness of the self-regulation of obscene and indecent articles transmitted through the Internet; and
- (e) effectiveness of civic education and publicity efforts on the control of obscene and indecent articles.

***A.2.3*** For the general survey, a sample of 1,107 persons aged 18 or above was successfully interviewed. The sample was generated by 2-stage random sampling method. The response rate was 60.6%.

**A.2.4** For the focus group survey, a sample of 200 persons from eight sectors of the community was chosen and invited for interview.

### **A.3 *An Overview of Key Findings***

#### **A.3.1 Knowledge of classification system under the Control of Obscene and Indecent Articles Ordinance (COIAO)**

- Although respondents are generally aware of the classification system for the articles under the COIAO, a small proportion of the general survey respondents could correctly identify the different classifications. As regards nomenclature, most respondents considered that there was confusion between the classification system under the COIAO and the film classification system under the Film Censorship Ordinance.

#### **A.3.2 Understanding the work of the Obscene Articles Tribunal (OAT)**

- There is general acceptance of the present system of classification of obscene and indecent articles by a judicial body consisting of a presiding magistrate and members of the public.
- There is general acceptance of the present arrangement of classifying obscene and indecent articles according to the moral standards generally accepted by the community.
- There is demand for more adjudicators to sit in the classification sessions to increase the representativeness of the OAT.

#### **A.3.3 Perception of the prevailing standards of morality**

- In respect of obscene articles, the existing classification standards of the OAT are generally in line with the expectation of the community. Standards for the classification of articles in newspapers, magazines and comic books with indecent elements do not appear to match with the more conservative standard of the respondents.
- There is general acceptance of the present arrangement for publication of Class II (indecent) articles in a sealed wrapper with warning notice although the majority of respondents do not find the arrangement effective in preventing youths from getting access to such articles.
- It is generally perceived that civic education and parental guidance are the most effective means to prevent youths from reading indecent articles.

#### **A.3.4 Obscene and indecent articles transmitted through the Internet**

- There is general misconception that there is no legislative provision regulating the transmission of obscene and indecent materials through the Internet. Therefore, not many respondents think it appropriate to rely solely on self-regulation by the Internet Service Providers (ISPs).
- Apart from regulation by the Government, civic education and parental guidance are perceived as effective measures in preventing youths from accessing obscene and indecent materials on the Internet.
- In terms of complaints made by Internet-user respondents against pornographic materials on the Internet, only a small number of respondents have ever lodged complaints. The problem of pornographic content on the Internet does not appear to be serious at the time of the survey period. However, the situation should be closely monitored in the long run.

#### **A.3.5 Effectiveness of civic education and publicity**

- Publicity on parental guidance and the provisions of the COIAO are generally considered inadequate.

### **A.4 Summary of Key Findings of Quantitative Surveys**

(Abbreviations: GS = general survey; and FG = focus group survey.)

**A.4.1 Awareness of the classification system under the Control of Obscene and Indecent Articles Ordinance (COIAO).** In the survey, respondents were asked their knowledge about the COIAO and the classification system of articles under the Ordinance. The results are detailed below:

- GS(a) 76.4% of the respondents were aware of the existence of a classification system for film and obscene and indecent articles. Among them, 55% were aware of the fact that the classification of film and obscene and indecent articles was under two different classification systems, 34.1% thought that there was one single classification system and the remaining 10.9% had no idea.
- FG(a) In the focus group of 200 respondents, 93.5% were aware of the former, and of these 86.5% of them were aware of there being two classification systems.
- GS(b) 73.8% had heard about the COIAO. Of these, a great majority (88%) heard of the Ordinance from television APIs, 38.9% from newspapers, 26.5% from radio, 11.2% from magazines, 6.3% from publicity leaflets and 3.5% from the Internet.
- FG(b) 97% of the respondents had heard of the COIAO.

- GS(c) 22.6% of the respondents was aware of the classification system of obscene and indecent articles under the COIAO. 38.5% confused the classification system with that for film. The remaining 38.9% was either unable to identify correctly any of the prevailing classification systems under the Film Censorship Ordinance (FCO) and COIAO or had no idea.
- FG(c) 65.7% of the focus group respondents could rightly identify the classification system under the COIAO, 19.7% confused it with that of film, and the rest comprised only 14.6%.
- GS(d) Whilst 28.3% considered that there was no confusion between the two classification systems under the COIAO and the FCO, 67% considered that there was confusion.
- FG(d) Only 27.5% did not admit of confusion, 72.5% admitted of a confusion between the article and film classification systems.
- GS(e) When respondents were asked whether the existing classification system under the COIAO to classify obscene and indecent articles into three classes of Class I, II and III was appropriate, the majority (78.7%) answered in the affirmative.
- FG(e) 50% of the focus group respondents deemed the classification system appropriate, 48.5% considered it not appropriate.

#### **A.4.2 *Understanding of the work of Obscene Articles Tribunal (OAT).***

This part of the survey aimed to find out respondents' understanding of the work of the OAT. The results are detailed below.

- GS(a) Of those who claimed to know the organisation responsible for article classification, 25.2% gave the correct answer of OAT. 26.5% thought that it was the TELA. A few thought that it was the Broadcasting Authority (5.8%), or the Police (2.5%) or the court (1.1%). The remaining 39.2% had no idea.
- FG(a) In the focus Group, 63.5% gave the correct answer, only 20.5% thought it was TELA.
- GS(b) A great majority of the respondents (87.8%) considered that the task of article classification under the COIAO should involve members of the public.
- FG(b) 94% of the focus group supported public involvement.
- GS(c) 75.9% considered that it was appropriate for the OAT which consisted of a presiding magistrate and members of the public to make classification. 21.1% held a different view.
- FG(c) 66.5% of the focus group were supportive of the role and formation of OAT, 32% were not.
- GS(d) Of those who considered that it was not appropriate for the OAT to make classification, 31.8% thought that it should be done by a body comprising publishers, producers and members of the public, 18.5% suggested by TELA, 6% by Broadcasting Authority, 4.7% by courts, 3.9% by the Police and the remaining 32.6% by various minor alternatives.

- FG(d) Of the 32% in FG(c), 43.8% supported the body comprising publishers, producers and members of the public. 7.8% supported TELA, as many as 46.9% had other opinions.
- GS(e) The great majority (80.4%) agreed that classification of articles by the OAT should be based on standards of morality generally accepted by the community at large. Of these, 65.5% agreed that the present composition of the OAT consisting of a presiding magistrate and members of the public could reflect standards. The remaining either did not agree (32.3%), or had no idea (2.3%).
- FG(e) 67.5% of the focus group accepted classification based on standards of morality generally accepted by the community. However, only 45.8% as opposed to 52.7% considered that the composition of OAT can reflect the public standards.
- GS(f) Of those (32.3%) who did not consider the present composition of the OAT could reflect the standards of morality generally accepted by the community, 59.4% favoured participation of more members of the public, followed by regular opinion surveys (46.6%), standards to be set by the Government (11.3%) and some other options (9.5%).
- FG(f) Of the 52.7% in FG(e), 88.4% desired more involvement of the public, and 78.3% desired regular surveys.

**A.4.3**        *Perception of the prevailing standards of morality.* With the aid of either written description of sexual acts or sample pictures, respondents' views were sought on whether articles likely to be classifiable as Class III could be published, whether articles likely to be classifiable as Class II/III should be published to persons over the age of 18, whether articles likely to be classifiable as Class II should be published in newspapers, and whether articles of violent or repulsive nature should be published with or without restrictions to persons aged 18 and above. The results are summarized below.

- GS(a) Respondents were generally against the publication of articles likely to be classified as Class III. For articles depicting sexual intercourse, 38.2% objected to their publication and 48.8% agreed to their publication for adults only. However, there were more respondents objecting the publication of articles depicting incest (58% disagreed and 29.2% agreed for adults), child pornography (62.7% disagreed and 25% agreed for adults), S/M sexual activities (59.5% disagreed and 29.5% agreed for adults), or close-up of sex organs (45.2% disagreed and 39.9% agreed for adults).
- FG(a) Strong opposition to the publication of materials about incest (59.6), child pornography (77.4) and S/M sexual activities (52.5%) was observed. A majority wanted to see sexual intercourse (64.8%) and close-up of sex-organs (68.3%) confined within Class II.

- GS(b) Those who did not object to the publication of one or more of the articles mentioned in GS(a) above, 35.2% were for the protection of freedom of publication, 48.4% for freedom of access to information and 29.3% for satisfying one's psychological needs. For those who were against, 51.7% were on the ground of social morality, 45.1% said that they might be conducive to sex crimes and 46.4% on the ground of repulsiveness.
- FG(b) Allowing publication of certain materials in FG(Q10a-e) was based on freedom of access to information 68.5%, and then freedom of publication. Objection to publication was based on their being conducive to sexual crimes (66.7%), against social morality (64.7%) and repulsive and irritating (64.0%).
- GS(c) About half of respondents (ranged from 51.6% to 59.2%) considered articles (likely to be classified as Class II) depicting male or female sex organs, nudity and sexual behaviour between man and female were acceptable to persons over the age of 18. They found it less acceptable in respect of articles depicting homosexual activity (ranged from 32.4% to 33.4%) and rape (31.4%). Conversely 58.2% and 59.1% considered that it was too lenient to allow publication of articles depicting homosexual activity and rape respectively to persons over the age of 18, and 38.3%-43.1% in respect of articles depicting male or female sex organs, nudity and sexual behaviour between male and female.
- FG(c) There were 49.7% of the focus group respondents who considered materials about rape in class II as too lenient. For male and female homosexuality, there were 37.2% (45.2% for acceptable) and 34.3% (48.0% for acceptable) respectively, who considered class II too lenient. For the rest, the majority considered class II appropriate (male sex organ 64.8%, female sex organ 64.3%, female breast 59.8%, and sexual act between men and women 62.8%).
- GS(d) 28.9% of respondents who considered it too harsh to restrict materials described in GS(c) above to persons over the age of 18 was based on the ground of freedom of publication, 42.1% on freedom of access to information, and 42.1% on satisfying one's psychological needs. Of those who thought that it was too lenient to publish such articles for adults, 50.7% were on the ground of social morality, 47.4% thought that they were conducive to sex crimes and 45.6% on the ground of repulsiveness.
- FG(d) 42.2% of respondents in the focus group who considered it too harsh to restrict materials described in FG(c) above to persons over the age of 18 was based on the ground of freedom of publication, 55.9% on freedom of access to information, and 32.2% on satisfying one's psychological needs. Of those who thought that it was too lenient to publish such articles for adults, 58.5% were on the ground of social morality, 67.8% thought that they were conducive to sex crimes and 61.0% on the ground of repulsiveness.

- GS(e) Respondents were generally against (ranged from 45.5% in respect of articles depicting female nipples without mask (Q.12b) to 68.3% (Q.12h) in respect of newspaper column depicting web sites of obscene material) the publication of articles (although likely to be classifiable as Class I) containing some degree of nudity, vulgar language, feature articles of indecency, violence or repulsiveness in nature in newspapers. Respondents seemed to be more tolerable in respect of articles of violence in nature (37.7% objected to their publication).
- FG(e) Respondents of the focus group were generally against (ranged from 39.7% in respect of articles depicting female nipples without mask (Q.12b) to 64.3% (also Q.12h) in respect of newspaper column depicting web sites of obscene material) the publication of articles (although likely to be classifiable as Class I) containing some degree of nudity, vulgar language, feature articles of indecency, violence or repulsiveness in nature in newspapers. Respondents seemed to be more tolerable in respect of articles of violence in nature (20.6% objected to their publication).
- GS(f) Those who accepted that articles described in GS(e) above could appear in newspapers, 40.9% were on the ground of freedom of publication, 48% on freedom of information and 18.7% on satisfying one's psychological needs. Those who against, 33.8% were on the ground of social morality, 31.6% on their conducive to sex crimes, 49.4% on violence or repulsiveness and 52.8% on the protection of youths.
- FG(f) Allowing publication of the materials in newspaper is based 57.1% on the ground of freedom of publication, 60.0% on freedom of information and 22.3% on satisfying one's psychological needs.
- GS(g) Of the eight specimen articles of violence or repulsiveness in nature shown to the respondents, there were less objections against articles depicting torture or decapitation (14.8% against, 37.0% accepted for persons over the age of 18 and 42.1% accepted without restriction). There were strong objections to repulsive articles depicting, such as, playing with human wastes (68.2% against, 25% acceptable to persons over the age of 18 and 2.9% accepted without restriction). More than half of the respondents considered that comic books depicting bloody fighting (57.5%) and horror/ghost (55.6%) should be published to persons aged 18 and above only. In other cases, respondents found them generally acceptable to persons over the age of 18.
- FG(g) Of the eight specimen articles of violence or repulsiveness in nature shown to the respondents, there were less objections in the focus group against articles depicting torture or decapitation (6.5% against, 37.7% accepted for persons over the age of 18 and 50.3% accepted without restriction). There were strong objections to repulsive articles depicting, such as, playing with human wastes (68.8% against, 26.6% acceptable to persons over the age of 18 and 4.0% accepted without restriction). More than half of the respondents considered that comic books depicting bloody fighting (65.3%) and horror/ghost (60.8%) should be published to persons aged 18 and above only. In other cases, respondents found them also generally acceptable to persons over the age of 18.

- GS(h) The majority of respondents (68.5%) considered the present penalty for breach of the COIAO relating to the publication of Class II articles appropriate. The penalty for Class III offences was also considered appropriate by the majority of respondents (67.1%).
- FG(h) From the focus group, 61.3% deemed the present penalty appropriate for Class II offences, and 66% for Class III offences.
- GS(i) 85.2% of the respondents considered that it was appropriate to prohibit the publication of Class III articles in Hong Kong.
- FG(i) 69.0% agreed to the prohibition of Class III materials in Hong Kong.
- GS(j) 84.3% considered the present packaging conditions restricting the publication of Class II articles to persons over the age of 18 acceptable. However, when asked about the effectiveness, the majority did not consider that the conditions were effective in preventing retailers from selling or preventing young persons from buying such articles (70.1% and 79.3% respectively).
- FG(j) 85.5% of the focus group respondents considered the present packaging conditions restricting the publication of Class II articles to persons over the age of 18 acceptable. However, when asked about the effectiveness, the majority did not consider that the conditions were effective in preventing retailers from selling or preventing young persons from buying such articles (70.0% and 87.0% respectively).
- GS(k) 55.9% considered civic education to be the most effective means to prevent young persons from having accessing to Class II articles, followed by parental guidance (52.5%), heavy penalty against sellers (49.1%), self-regulation by publishers (36.7%), publicity (31.1%), and levying tax on sellers (19.5%).
- FG(k) 72.5% of the focus group respondents considered civic education to be the most effective means to prevent young persons from having accessing to Class II articles, followed by heavy penalty against sellers (67%), parental guidance (58.5%), self-regulation by publishers (48.0%), publicity (45.0%), and levying tax on sellers (30.5%).

**A.4.4 Use of the Internet and effectiveness of self-regulation.** In the survey, respondents were asked about knowledge of self-regulation of the obscene and indecent articles transmitted on the Internet and its effectiveness.

- GS(a) 47.2% of the respondents had computers at home. Of these, slightly less than half (46.7%) had subscribed to the Internet and about half of them (52.6%) had children under the age of 18 who were Internet users at home.
- FG(a) As high as 80.5% of the focus group respondents had computers at home. Of these, (75.8%) had subscribed to the Internet and (57.6%) of them had children under the age of 18 who were Internet users at home.
- GS(b) Of those who used the Internet at home, 40.6% had the experience of inadvertently coming across obscene or indecent web sites. 11.4% of the respondents indicated that their children had also come across such web sites.

- FG(b) Of those focus group respondents who used the Internet at home, 67.7% had the experience of inadvertently coming across obscene or indecent web sites. 12.1% of the respondents indicated that their children had also come across such web sites.
- GS(c) 63.9% were aware of the filtering tools and their functions but only 6.2% had installed such software on their computers.
- FG(c) 71.8% of the focus group respondents were aware of the filtering tools and their functions but only 1.6% had installed such software on their computers.
- GS(d) Only two complaints (0.8%) had been made by respondents. One was made to TELA and the other one to the ISP concerned.
- FG(d) Only three complaints (2.4%) had been made by respondents of the focus group. One was made to TELA and the other two to the ISPs concerned.
- GS(e) 10.3% of parents interviewed were often surfing the Internet with their children. 21.3% sometimes, 19.9% seldom, 8.1% rarely and 40.4% had never done it before.
- FG(e) In the focus group, 5.9% of parents interviewed were often surfing the Internet with their children. 23.5% sometimes, 26.5% seldom, 11.8% rarely and 32.4% had never done it before.
- GS(f) 29.4% had heard of the Practice Statement adopted by the HKISPA. The majority had never heard it before.
- FG(f) 20.6% had heard of the Practice Statement adopted by the HKISPA. The majority had never heard it before.
- GS(g) When asked how obscene and indecent articles on the Internet were regulated, only 21.2% answered correctly that they were regulated by both the Government and ISPs through a self-regulatory system. 20.1% said they were regulated by the Government, 11.5% said by the ISPs, and 26.1% said there was no regulation.
- FG(g) In the focus group, 51% gave the right answer. 4.5% said they were regulated by the Government, 21.7% said by the ISPs, and 11.1% said there was no regulation.
- GS(h) However when asked whether it was appropriate to rely on self-regulation by ISPs, only 22.5% answered in the affirmative. The remaining 73.2% answered in the negative.
- FG(h) Only 23.6% thought that self-regulation by the ISPs was appropriate. 75.9% answered in the negative.
- GS(i) 86.5% considered that government control was an effective measure to prevent youths from gaining access to obscene and indecent materials on the Internet, followed by civic education (85.7%), parental guidance (75%) and self-regulation of the ISPs (58.3%).
- FS(i) 82.9% of the respondents of the focus group considered that government control was an effective measure to prevent youths from gaining access to obscene and indecent materials on the Internet, followed by civic education (75.3%), parental guidance (67.3%) and self-regulation of the ISPs (49.2%).

**A.4.5 Effectiveness of education and publicity.** In this part of the survey, respondents were asked their knowledge about the education and publicity activities undertaken by the Government in protecting youths from the obscene and indecent articles. Their views were also sought on the effectiveness of such activities.

- GS(a) The majority of respondents (79.2%) knew about the publicity activities from television APIs, 29.2% from radio announcements, 25.3% from advertisements in newspapers, 14.9% from posters, 11.1% from publicity leaflets and 6.9% from talks/seminars.
- FG(a) The majority of respondents in the focus group (92.5%) knew about the publicity activities from television APIs, 56.0% from radio announcements, 41.7% from posters, 31.5% from advertisements in newspapers, 28.1% from publicity leaflets and 19.0% from talks/seminars.
- GS(b) It was generally considered that the publicity activities undertaken by the Government were inadequate. (Ranged from 69.5% for publicity on the provisions of the COIAO to 70.3% on parental guidance and 69.9% on encouraging youth to choose suitable reading materials.)
- FG(b) Again, in the focus group, it was also generally considered that the publicity activities undertaken by the Government were inadequate. (Ranged from 77.5% for publicity on the provisions of the COIAO to 83.0% on parental guidance and 81.4% on encouraging youth to choose suitable reading materials.)
- GS(c) 25.2% of respondents who had children said that they often chose suitable reading materials for their children, 33.2% did this sometimes, 15.5% seldom, 4.4% rarely and the remaining 21.7% had never done it.
- FG(c) 56.9% of respondents of the focus group respondents who had children said that they often chose suitable reading materials for their children, 32.8% did this sometimes, 5.2% seldom, 0% rarely and the remaining 5.2% had never done it.
- GS(d) 80.0% considered that parents played an important role in protecting youths from obscene and indecent articles, followed by media (76.6%), schools (74.6%), Government (71.0%) and publishers (67.5%).
- FG(d) Among the focus group respondents, 75.0% considered that media played an important role in protecting youths from obscene and indecent articles, followed by parents (74.4%), publishers (68.5%), schools (54.8%), and Government (54.5%).

## **A.5 Summary of Findings of Qualitative Focus Group Survey**

### **Q.1**

Still 58% of the focus group respondents considered the classification systems between article and film confusing, after briefing was made.

### **Q.2**

Remedial measures for confusion included, among many, combination of the two systems and stepping up publicity.

### **Q.3**

Ideal composition consisted of the inclusion of more professionals, general public and people of different background.

### **Q.4**

Selection process of adjudicators included open recruitment, appointment by the Government or the Judiciary.

### **Q.5**

56.8% of the focus group respondents at this stage still supported the standards of morality generally accepted by the community.

### **Q.6 and Q.7**

The focus group supported enlargement of the OAT adjudication panel size for both interim and full hearing.

### **Q.8**

Art objects with nudity were given high tolerance. A wide range of materials (likely to be classified as Class II materials) ranging from depiction sex act to violence and bloodshed in photos as well as in the form of comics was accepted as Class II. Intercourse between men met with 48.2% of prohibition, and only 46.7% as Class II.

Regarding the reasons for publication, articles of art took lead (88.3%), followed by freedom of access to information (61.9), freedom of publication 57.4%), freedom of press (51.8%) and satisfaction of psychological needs (33.0%).

Regarding the reasons for prohibition, being repulsive and irritating (81.2%) took lead, followed by protection of youth (69.2%), conducive to sex crimes (59.4%), against social morality (54.1%), and depraving the sexes (45.1).

### **Q.9**

The effective ways to deal with obscene and indecent information on the Internet other than legislation were “parental guidance” (76.9%), “self-regulation by ISPs” (72.4%) and “civic education” (71.9%).

### **Q.10**

For the promotion of awareness of the COAIO through publicity, respondents suggested “TV advertisement” (92%), followed by “more advertisements in the press” (67.8%).

**Q.11**

For the enhancement of public awareness of the COIAO through education, the respondents considered that all of the listed ways below are effective: to step up sex education in primary schools (81.0%), to step up sex education in secondary schools (91.5%), special TV programmes (74.0%) and to encourage parental guidance (80.0%).