

立法會
Legislative Council

LC Paper No. CB(1)2060/99-00
(These minutes have been seen
by the Administration and
cleared by the Chairman)

Ref : CB1/PL/ITB/1

Legislative Council
Panel on Information Technology and Broadcasting

Minutes of meeting
held on Tuesday, 20 June 2000, at 2:30 pm
in the Chamber of the Legislative Council Building

- Members present** : Hon MA Fung-kwok (Chairman)
Hon SIN Chung-kai (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon Eric LI Ka-cheung, JP
Hon James TO Kun-sun
Hon CHAN Kwok-keung
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Timothy FOK Tsun-ting, SBS, JP
- Non-Panel Member attending** : Hon Andrew CHENG Kar-foo
- Members absent** : Hon David CHU Yu-lin
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Fred LI Wah-ming, JP
Prof Hon NG Ching-fai
Hon LAW Chi-kwong, JP
- Public officers attending** : Ms Eva CHENG, JP
Acting Secretary for Information Technology and
Broadcasting

Mr Alan SIU
Deputy Secretary for Information Technology &
Broadcasting

Mr Esmond LEE
Acting Commissioner for Television and
Entertainment Licensing

Miss Adeline WONG
Principal Assistant Secretary for Information
Technology & Broadcasting

**Attendance by
invitation**

: Breakthrough

Dr LEUNG Wing-tai
Associate General Secretary

Christian & Missionary Alliance Church Union of
Hong Kong

Mr Jeremiah CHU
Director of Research & Education

Commission on Youth

Hon Eric LI
Chairman

Committee on Home-School Co-operation

Mr TIK Chi-yuen
Chairman

Mr CHIU Wing-tak
Member

Co-operation Scheme of School and Social Work

Mr NGAN Yiu-chung

Hong Kong Caritas - Social Work Division

Mrs Eva Yee-lo LAU WONG
Social Work Supervisor

Mr LUN Chi-wai
Assistant Social Work Officer

Hong Kong Council of Social Service

Ms Jane Pik-shan TSUEI
Division Officer, Children & Youth Division

Hong Kong OAT Adjudicators Association

Mr LIU Kwong-sang, Eric
Council Member & Treasurer

Hong Kong Professional Teachers' Union

Mr WONG Hak-lim
Director of Organization Department

Miss POON Oi-yee, Teresa
Deputy Director of Education Research Department

Hong Kong Sex Education Association

Dr NG Man-lun
Vice-President

Mr LAI Ding-kee
Executive Member

Hong Kong Subsidized Secondary Schools Council

Mrs SUN PONG Tak-ling
Hon Secretary

Mr YING Yu-hing
Hon Treasurer

Subsidized Primary Schools Council

Mr FUNG Man-ching
Chairman
Miss Saelly LEE
Member of Committee

The Association for the Advancement of Feminism

Miss LEE Wai-yee
Chairperson

Miss TANG Lynn
Board Member

The Society for Truth & Light Ltd.

Mr CHOI Chi-sum
General Secretary

Mr KWAN Kai-man
Board Member

反色情暴力資訊運動

Mrs SHU CHUI Siu-yuk

Mr LAM Keung

香港同志社區聯席

Mr Roddy SHAW
Member

Mr YEUNG Ki-man
Member

Hong Kong Comics Federation Ltd.

Mr Tony WONG
President

Mr C P LEUNG
Secretary

Hong Kong Internet Service Providers Association

Mr Charles MOK
Chairman

Mr LEE Kheng Joo
Vice Chairman

Hong Kong Newspaper Hawker Association

Mr CHEUNG Kwok-ting
Chairman

Mr TANG Yup-ming
Secretary

New Territories Newspaper Dealers Association

Mr TANG Tsun-wan
Life Consultant cum Spokesman

Mr Jacky AU
Executive Assistant

The Newspaper Society of Hong Kong

Mr LO Wing-hung
Spokesman

Clerk in attendance : Miss Polly YEUNG
Chief Assistant Secretary (1)3

Staff in attendance : Ms Sarah YUEN
Senior Assistant Secretary (1)4

I Review of the Control of Obscene and Indecent Articles Ordinance

The Chairman welcomed the deputations and explained that the purpose of the meeting was to enable the Panel to receive their views on the Consultation Paper on "Protection of Youth from Obscene and Indecent Materials: The 2000 Review of the Control of Obscene and Indecent Articles Ordinance (COIAO)" issued by the Administration.

Meeting with deputations

Concern groups

Meeting with Breakthrough
(LC Paper No.CB(1)1859/99-00(01))

2. Dr LEUNG Wing-tai briefed members on Breakthrough's submission.

Members noted that Breakthrough considered censorship on the ground of decency undesirable. In its view, the media should be allowed to exercise self-regulation instead and there was a need to nurture the young in a diversified and culturally rich environment so that they would be able to distinguish on their own the difference between artistic works and obscene materials. As such, media education and education for parents were important. It was also important to encourage the production of quality media works for the sake of creating an environment conducive to the healthy development of the media.

Meeting with Christian & Missionary Alliance Church Union of Hong Kong (the Church Union)

(LC Paper No.CB(1)1859/99-00(02))

3. Mr Jeremiah CHU informed members the Church Union was of the view that appropriate control of obscene and indecent materials was necessary and highlighted the following salient points -

- (a) To effectively deny persons below 18 years of age access to newspapers with indecent content, such newspapers should carry clear identification such as prominent red markings and their sale should be restricted at designated shops. In addition, copies of these newspapers should be tucked away on shelves well above the eye level of children in such shops and when disposed of, be put into locked newspaper collection boxes.
- (b) Clear guidelines on obscenity and indecency should be provided to ensure effective enforcement.
- (c) Although the Obscene Articles Tribunal (OAT) comprising only one presiding magistrate and two or more members of the public as lay adjudicators could not sufficiently reflect public standards of morality in the classification process, the obscene articles classification board (the Classification Board) proposed to complement OAT's work might not serve any purpose unless it was widely representative and its rulings, covered in surveys to be regularly conducted to gauge generally accepted standards of morality.
- (d) Additional funding should be provided to public and school libraries for the purchase of more books so as to cultivate among youngsters the hobby of reading which would help healthy publications flourish.

Meeting with Commission on Youth (the Commission)
(LC Paper No.CB(1)1859/99-00(03))

4. Speaking on behalf of the Commission, Mr Eric LI reported that according to a survey by the Commission, 77% of youngsters interviewed agreed that control should be strengthened to protect young people against obscene and indecent articles. As such, the Commission supported the proposals to strengthen enforcement and to establish the Classification Board although the latter should be made more representative. However, the Commission was of the view that heavier penalties should be imposed to enhance the deterrent effect, and considered that the proposed identification of indecent newspapers with prominent red markings undesirable as this might lead to the unintended consequence of boosting their sale. Members noted that the Commission was also disappointed with the media's failure to propose an effective mechanism of self-regulation and hoped that through continued dialogue among the Government, the community and trade associations, and through providing greater support to community monitoring bodies, effective self-regulation could be achieved.

Meeting with Committee on Home-School Co-operation (the Committee)

5. Mr TIK Chi-yuen advised that the Committee supported the spirit of the COIAO review but felt that a proper balance should be maintained between press freedom and the control of obscene and indecent materials. It also had the following comments on the Consultation Paper -

- (a) Nominations should be invited from relevant bodies in different sectors of the community for consideration for appointment to the Classification Board.
- (b) Control should basically be in the form of self-regulation by the media with the Government and the community playing a monitoring role. However, public monitoring and legislative measures might need to play a greater role in the face of commercial considerations.
- (c) Although sex education was important and young people should not be denied access to information on sex, the sex content in newspapers very often only presented misleading and distorted information on sex.

Meeting with Co-operation Scheme of School and Social Work (the Scheme)

6. Mr NGAN Yiu-chung said that the Scheme supported the objective of the COIAO review to protect young people from the adverse influence of obscene and indecent materials but opined that the classification system should

be clear and viable. He also gave the following comments on behalf of the Scheme -

- (a) The Scheme supported the proposal on the issue of serial publication orders against serial publications that repeatedly violated the COIAO. The sale of indecent publications should be restricted at designated retail points or shops.
- (b) Efforts should be made to ensure that the actual fines imposed by the court for offences under the COIAO would be sufficiently high to achieve a deterrent effect.
- (c) Members of the Classification Board should be nominated by relevant bodies rather than appointed by the Government.
- (d) More practicable measures should be worked out to control the dissemination of obscene and indecent materials on the Internet having regard that young people might be exposed to substantial indecent materials through the Internet.

Meeting with Hong Kong Caritas - Social Work Division (Caritas)
(LC Paper No.CB(1)1887/99-00(01))

7. Mrs Eva WONG and Mr LUN Chi-wai took members through Caritas's submission. Mr LUN supplemented that the experience of front-line youth workers had shown that the adverse influence of obscene and indecent materials could mainly be reflected in young people's acceptance of the buying of sex as something normal and the growing number of people treating the female gender as purely an object of sex.

Meeting with Hong Kong Council of Social Service (HKCSS)
(LC Paper No.CB(1)1887/99-00(03))

8. Miss Jane TSUEI highlighted the following salient points of HKCSS's submission -

- (a) Apart from legislative measures, a comprehensive policy should be in place to protect young people from the adverse influence of indecent materials. In this regard, media education and sex education should be promoted to equip young people with a correct attitude towards sex and the ability to analyze information from the newspaper critically.
- (b) The proposals in the Consultation Paper only aimed at restricting access to obscene and indecent materials and hence, would not affect press freedom. By requiring newspapers with indecent

content to carry clear identification, the public could be alerted to their indecent content and hence, the need to handle them carefully.

- (c) The administrative guidelines to be issued by the Secretary for Information Technology and Broadcasting to the Classification Board from time to time should be updated according to the results of regular surveys and be published to the public and endorsed by the Classification Board to ensure they could reflect changing community standards and concerns. Members of the Classification Board should also be nominated by relevant community organizations instead of being appointed by the Government alone.
- (d) To address concerns about publishers distributing with their publications gifts that were potentially offensive or harmful, HKCSS supported the proposal to revise the definition of the term "article" in the COIAO to bring such gifts under the control of the COIAO.

Meeting with Hong Kong OAT Adjudicators Association (the OAT Association)
(LC Paper No.CB(1)1887/99-00(02))

9. Mr LIU Kwong-sang briefed members on the OAT Association's submission. Members noted that the OAT Association supported the establishment of the Classification Board and objected to the proposal for OAT to adopt the jury system by selecting adjudicators from the list of jurors to attend OAT hearings. This was because OAT decisions were final and as such, only experienced adjudicators should participate in making the decisions. In addition, the OAT Association had also proposed that pages of newspapers containing indecent materials should be published in the form of supplements and be sold separately in sealed bags. Moreover, instead of classifying articles into those for people over and below 18 years of age only, Class II should be sub-classified into IIa and IIb to cater for articles which, though not suitable for children, might be read by teenagers below 18.

10. In reply to Mr Andrew CHENG on the OAT Association's position regarding the proposed establishment of the Classification Board, Mr LIU Kwong-sang advised that the OAT Association supported the proposal because it considered the OAT's current dual role of classifying articles while at the same time considering appeals against its classification decisions undesirable. The OAT, which was a judicial body, should focus on legal issues. The classification of publications, on the other hand, involved fewer legal considerations and was essentially administrative. The OAT Association nevertheless considered that the Classification Board should be widely representative of public moral standards.

11. Commenting on Mr Andrew CHENG's suggestion to maintain the existing structure but to involve jurors when handling appeals, Mr LIU Kwong-sang reiterated that appeal hearings would be more efficiently conducted by experienced OAT adjudicators instead of by inexperienced adjudicators selected from the list of jurors.

Meeting with Hong Kong Professional Teachers' Union (HKPTU)

12. Mr WONG Hak-lim expressed HKPTU's disappointment at the proliferation of obscene and indecent materials in the media and endorsed the need for Government to take measures to protect young people against the adverse influence of such materials. He then highlighted HKPTU's comments on the Consultation Paper as follows -

- (a) The nomenclature for classification of films should be adopted in classifying publications. HKPTU did not support the proposed requirement of newspapers with indecent content to carry stigmatizing identification such as prominent red markings and felt that a simpler method of identification should be adopted.
- (b) HKPTU supported the proposed issue of serial publication orders against serial publications if a specified number of issues of the publications published within a certain period had been classified as obscene or had not been published in accordance with the statutory requirements for publication of indecent articles.
- (c) HKPTU considered the maximum penalties prescribed in the COIAO sufficiently high but the actual level of fines imposed by the court was too low to achieve a deterrent effect. Suitable efforts should be made to bring about the imposition of higher fines by the court. In imposing fines, differentiation should also be made between large publishers and newspaper vendors.
- (d) HKPTU felt that the proposals put forward in the Consultation Paper would not affect press freedom since they only dealt with classification. However, to allay concerns in this regard, members of the Classification Board should be nominated by different community bodies and trade organizations instead of appointed by the Government alone. Moreover, the media should be allowed to invoke public interest or creativeness as a possible defence for publishing materials deemed to be pornographic.
- (e) Media education for both students and the public was important and should receive greater support from the Government.
- (f) Apart from the dissemination of obscene and indecent materials,

the Government should also introduce measures to guard against other abuses of the Internet involving libel, swindling, spread of rumours, etc. As such, measures against the abuse of the Internet should be worked out at a later stage after ascertaining the range of the abuse problem.

Meeting with Hong Kong Sex Education Association (HKSEA)
(Submission tabled at the meeting and circulated thereafter vide LC Paper No.CB(1)1909/99-00)

13. Dr NG Man-lun briefed members on HKSEA's submission tabled at the meeting. In gist, HKSEA opined that young people should not be denied access to obscene and indecent articles according to an imposed set of moral standards when the adverse influence of such articles was assumed rather than proved. Instead, sex education should be promoted to enable young people to make informed choices in relation to their sex preferences. In this connection, having regard that the age for lawful sexual intercourse was 16, HKSEA was of the view that the lawful age for access to indecent materials should also be lowered to 16 to enable young people to learn more about sex before they engaged in actual sex activities.

Meeting with Hong Kong Subsidized Secondary Schools Council (HKSSSC)

14. On behalf of HKSSSC, Mr YING Yu-hing supported the protection of young people from obscene and indecent articles in consideration of their proliferation and adverse influence. In fact, HKSSSC would like to see more stringent control measures such as the requirement to declare one's age when making purchase of such materials, and restricting the sale of such materials at designated shops. Members noted that although HKSSSC was appreciative of the media's concern about press freedom, it still hoped that the Government would not waver in going ahead with its proposals.

Meeting with Subsidized Primary Schools Council (SPSC)

15. Mr FUNG Man-ching stated SPSC's support for the spirit of the Consultation Paper, in particular the proposed adoption of a new nomenclature for classification of articles under the COIAO, the requirement of publications classified as indecent to carry identification, and the establishment of the Classification Board whose membership should be nominated by relevant bodies instead of solely appointed by the Government as proposed. Moreover, more resources should be put into sex education and parent education. SPSC also urged for early control on the proliferation of indecent information on the Internet, and the differentiation between publishers and newspaper vendors when imposing penalties for non-compliance with the COIAO.

Meeting with the Association for the Advancement of Feminism (AAF)
(LC Paper No.CB(1)1897/99-00(01))

16. Miss LEE Wai-yee briefed members on AAF's submission. Members noted that 25 women organizations and a group of art workers had expressed objection to the Consultation Paper. Miss LEE pointed out that the classification of publications according to a given set of moral standards would stifle the free flow of ideas, prevent young people and women from understanding sex, and aggravate prejudice against people whose sex preferences differed from mainstream practices. Miss TANG Lynn further pointed out that in the absence of an environment conducive to the free flow of ideas, mainstream ideas would dominate and minority publications could hardly survive. In her view, instead of imposing one group's beliefs on other groups, the Government should allow the public a free hand to monitor the media. Moreover, sex education should be geared up to enable young people to form their own viewpoint on sex.

Meeting with the Society for Truth & Light Ltd. (STL)
(LC Paper No.CB(1)1859/99-00(04))

17. Mr CHOI Chi-sum stated that STL was urging for the classification of publications for identification purposes and was not seeking to ban indecent materials altogether. STL considered that legislative control measures and media and sex education should be undertaken in parallel. He refuted claims that indecent and obscene materials had no adverse influence on young people by referring to survey results and the experience of youth workers. Casting doubt on the viability of self-regulation by the media in the face of commercial considerations, he also emphasized that legislative measures were necessary although such measures should be implemented prudently with due regard to press freedom and freedom of expression.

18. Mr KWAN Kai-man echoed Mr CHOI's point on the adverse impact of obscene and indecent materials on young people. He also disagreed with comments that such influence was assumed rather than proved and stressed that the experience of youth workers, actual cases and the results of various surveys and experiments could prove the harmfulness of such influence on young people.

Meeting with 反色情暴力資訊運動 (the Movement)
(LC Paper No.CB(1)1897/99-00(02))

19. Mr LAM Keung and Mrs SHU CHUI Siu-yuk took members through the Movement's submission. Members noted the Movement had proposed, inter alia, that the level of penalties for non-compliance with the COIAO should be pegged to the circulation volume of the publications concerned.

Meeting with 香港同志社區聯席 (the Coalition)
(LC Paper No.CB(1)1887/99-00(04))

20. Mr YEUNG Ki-man elaborated on the Coalition's objection to the proposed tightening of the control of obscene and indecent articles as stated in its submission, which represented the views of 16 organizations providing service to homosexuals. He then made three suggestions. Firstly, the existing control mechanism should be maintained with increased representation from minority sex culture groups. Secondly, an inter-departmental working group should be set up to promote media education and sex education. Thirdly, Government should take the initiative to solicit young people's views on its proposals and ensure that their interest would be properly represented in the control mechanism.

21. Mr Roddy SHAW supplemented that sex activities different from mainstream practices had always been discriminated against and suppressed. However, the principles according to which sex activities were ruled acceptable or not had never been discussed in the community. In his view, dissemination of information on sex should be allowed as long as such was distributed in a fair, mutually respectful, safe and voluntary manner. He further pointed out that legislative measures could result in the suppression of information. As such, the Coalition was against further tightening of the existing control mechanism. Instead, education and public debate should be promoted to nurture a correct attitude towards sex and to enable young people to analyze information received critically.

General discussion

22. Miss Emily LAU and the Deputy Chairman invited deputations' comments on HKSEA's claim that the adverse impact of indecent and obscene materials on young people lacked scientific proof. Dr LEUNG Wing-tai of Breakthrough agreed that there was no concrete proof in this regard, especially proof on the immediate effect of such materials. Although recently, there had been some reports on the long-term impact in individual cases, there was no conclusive evidence. Dr LEUNG added that over the last ten years or so, the focus of media studies had already shifted to studies of the influence of the media on young people's outlook on the world, equality and human rights, and their problem solving skills, etc.

23. Miss LEE Wai-ye of AAF concurred that there was no scientific proof on the adverse influence of indecent and obscene materials on young people. She further pointed out that contrary to the observations of youth workers and parents, many young people felt they could differentiate between right and wrong and did not see any need to deny them access to obscene and indecent materials for protective reasons. More resources should therefore be allocated to promote sex education to provide proper counselling to young people.

Parents should also play a more active role in guiding their children rather than relying on the Government to ban indecent and obscene materials.

24. Mr KWAN Kai-man of STL, Mr WONG Hak-lim of HKPTU, Mr Jeremiah CHU of the Church Union and Mr LAM Keung of the Movement nonetheless put forward the following points in support of the need to impose control on obscene and indecent materials -

- (a) Experimental evidence was not necessarily the only scientific proof of the adverse influence of indecent materials on young people. The experience of youth workers and parents, case studies and correlation studies had provided useful information. In fact, some young people had also admitted such influence. It might not be necessary to justify all social policies with scientific proof before implementation. For example, sex education was implemented without the need to prove its effectiveness in a scientific manner.
- (b) As sex was a form of relationship, the unhealthy image of sex presented in indecent materials might affect the personal relationships of young people in the context of marriage and their attitude towards the opposite gender and minority groups.
- (c) Many surveys had shown that over 80% of teachers and social workers and over 70% of students considered the proliferation of obscene and indecent materials serious. This alone warranted attention and action.

25. In this connection, Dr NG Man-lun of HKSEA argued that there was also a need to prove the effectiveness of sex education. However, as sex education did not involve the imposition of control, its need for proof was not as great as the justification required for denying young people access to obscene and indecent materials. He also maintained that the claimed adverse influence of indecent and obscene materials was merely a long-held myth similar to that about ghosts or spiritual objects, Dr NG stressed that no control should be imposed on such materials before its influence was proved in consideration of the high social price to be paid therefor.

26. Miss Emily LAU and the Deputy Chairman referred to Dr NG Man-lun of HKSEA's comment that the minimum age for access to indecent materials should be lowered to 16 to tie in with that for lawful sexual intercourse and sought the views of other deputations. Mr WONG Hak-lim of HKPTU opined that the two different age levels needed not tally because indecent materials seldom contained educational information on sex. On the contrary, most of them conveyed wrong concepts of sex which might mislead young people.

27. Mr Jeremiah CHU of the Church Union also pointed out that young people below 18 could have access to necessary information to learn about sex and the crux of the matter was to prevent them from the bad influence of obscene and indecent materials. Mr LAM Keung of the Movement further argued that the Crimes Ordinance only stipulated that sexual intercourse with girls under 16 was illegal. He did not take it to mean that 16 was the age for lawful sexual intercourse.

28. Dr NG Man-lun of HKSEA nevertheless reiterated that young people under the age of 18 could have access to only very limited amount of information on sex, and were denied access to images of the actual process of sexual intercourse.

29. The Chairman thanked the concern groups for attending the meeting and invited them to submit further views, if any, to the Panel in writing.

Trade associations

Meeting with Hong Kong Comics Federation Ltd. (HKCF)
(LC Paper No.CB(1)1897/99-00(03))

30. Mr Tony WONG briefed members on HKCF's submission and highlighted the following three principles which the Administration should observe when reviewing the present control mechanism -

- (a) A clear definition and guidelines on indecency should be provided to facilitate compliance. Only articles that involved a substantial degree of violence, repulsiveness, depravity and pornographic contents should be denied to young people below 18.
- (b) To provide clear guidelines, a four-tier classification system similar to that for films should be adopted for publications to minimize confusion and to tie in with technological developments which made viewing of films on the Internet more and more popular.
- (c) To strengthen the protection of young people against the adverse influence of "adults only" publications, such publications should be sold at designated shops only.

Meeting with the Newspaper Society of Hong Kong (NSHK)
(LC Paper No.CB(1)1859/99-00(07))

31. Mr LO Wing-hung expressed NSHK's support for the proposed establishment of the Classification Board and highlighted to the Panel its comments on the responsibility of newspaper vendors in denying young people access to indecent materials, how newspapers with indecent content should be identified, the implications of the proposals in the Consultation Paper on news reporting, and how enforcement could be strengthened.

32. As the Chairman had to leave the meeting for another engagement, the Deputy Chairman took over the chair of the meeting at this juncture.

Meeting with Hong Kong Internet Service Providers Association (HKISPA)
(LC Paper No.CB(1)1859/99-00(05))

33. Mr Charles MOK informed members that since 1996, HKISPA had been working closely with the Administration to develop and enforce a Code of Practice relating to the transmission of obscene and indecent materials over the Internet. HKISPA believed that self-regulation by the industry should continue because such efforts had proved effective. Mr MOK also highlighted the following principles that should be adhered to when conducting the current review exercise -

- (a) The Internet should be treated according to the same broad principles for regulating mainstream media and no measure should be specially targeted at the Internet because of its purported "special nature".
- (b) The Internet industry was complex and involved many different parties apart from ISPs, such as Internet content providers, e-commerce service providers, application service providers, etc. The Administration should give due regard to all relevant parties when devising proposed control measures.
- (c) HKISPA should not be asked to block access to obscene articles hosted overseas because technically, ISPs could not block such access in any meaningfully efficient manner without causing significant degradation of the level of service provided. Moreover, blocking and filtering certain access would significantly increase costs and slow down access to the Internet. The additional cost so incurred might be passed on to subscribers and make Internet services more expensive. These consequences would affect Hong Kong's positioning as the regional hub of Internet traffic and content.

Meeting with Hong Kong Newspaper Hawker Association (HKNHA)
(LC Paper No.CB(1)1859/99-00(06))

34. Mr TANG Yup-ming briefed members on HKNHA's submission. In gist, HKNHA considered it unfair that newspaper vendors should be made responsible for denying young people under 18 access to indecent materials, because there was practical difficulty for vendors to ascertain customers' age. HKNHA was also keen to ensure that adequate statutory defences should be available to newspaper vendors in the event of inadvertent failure to enforce the aforesaid requirement.

Meeting with New Territories Newspaper Dealers Association (NTNDA)

35. Mr TANG Tsun-wan stated NTNDA's support for the Administration's efforts to strengthen protection of young people against obscene and indecent materials. NTNDA however considered that there should be a comprehensive policy and expressed the following comments -

- (a) Sex was a part of culture and life. Since the control on films had been relaxed in keeping with changes in prevailing moral standards, it was unfair to tighten control on publications.
- (b) NTNDA was opposed to the proposal to seal indecent publications in plastic or paper bags because of its ineffectiveness, environmental considerations and the additional workload so incurred. It was also opposed to the proposal to restrict the sale of such at designated shops or retail points because while this measure might have little effect, newspaper vendors' income would be adversely affected.
- (c) The under-cover enforcement actions of the Television and Entertainment Licensing Authority against newspaper vendors selling indecent publications to young people under 18 was already a nuisance to newspaper vendors. NTNDA was opposed to the requirement on newspaper vendors to ascertain the age of customers before selling them "adults only" publications because newspaper vendors did not have the statutory powers to do so. Enforcing such a requirement would lead to more conflicts with customers.
- (d) Attempts by artistes and celebrities to draw publicity by wearing sexy clothes had also led to the deterioration of moral standards and the media was not the only party to be blamed. In fact, while certain papers in the 1960s and 1970s contained even more indecent content with no Government intervention, the moral standards at that time were high. To provide young people a

healthy environment, public education rather than legislative control should play a more important role.

- (e) Clear definitions and guidelines on indecency should be provided to avoid disputes and ensure effective enforcement.

General discussion

36. Miss Emily LAU appreciated newspaper vendors' concerns about difficulties in ascertaining the age of customers before selling them "adults only" publications.

37. On the feasibility of self-regulation by the publishing industry, Mr Tony WONG of HKCF emphasized that HKCF members rarely published indecent comic books. However, since HKCF only represented 80% of comic book publishers and had no control over the remaining 20% who were not its members, Government control was necessary. Mr LO Wing-hung of NSHK stressed NSHK's belief that self-regulation and education were the two most important factors in containing the proliferation of obscene and indecent materials. In fact, to promote self-regulation, NSHK was proposing to establish a mechanism for handling complaints about infringement on privacy. However, in view of the growing prevalence of indecent content of newspapers in recent years, sole reliance on self-regulation might not suffice and legislative measures by the Government might be necessary. NSHK therefore endorsed the direction of the proposed strengthening of the existing legislative measures while ensuring that there would not be over-regulation. Miss Emily LAU however cautioned that the industry might have invited government intervention when it conceded that self-regulation might not be sufficient.

38. Mr YEUNG Yiu-chung sought deputations' comments on the proposal to separate the sex-pages of newspapers from the main sections for sale in sealed bags. In response, Mr LO Wing-hung of NSHK said that the media might prefer selling the newspapers intact with warning notices printed on the front page or cover.

39. Mr Howard YOUNG shared the trade's view that checking of identity cards was the Administration's job and newspaper vendors should not be required to carry out this duty. He also invited comments on the Administration's proposal to increase fines for selling indecent publications to the underaged and to make the purchaser criminally liable as well. In response, Mr TANG Tsun-wan of NTNDA and Mr TANG Yup-ming of HKNHA elaborated on the existing trade practices of on-street newspaper vendors and their difficulties in assisting in enforcement work as follows -

- (a) Newspaper stalls were dispensing some two million copies of newspapers within the short span of the morning rush hours. In

doing business in such a rush, newspaper vendors might not be able to see who was taking which newspaper. Sometimes customers might even send their children to fetch the newspapers and pay later.

- (b) Sometimes, it was difficult to tell whether someone was below 18 or not. It was impracticable to require newspaper vendors to check customers' identity cards to ascertain their age because they were not empowered to do so. To do so in a forceable manner would cause great disruption to business and result in conflicts with customers.

40. Miss Emily LAU enquired whether the industry would support the restriction of the sale of indecent publications at designated shops. Mr Tony WONG of HKCF replied in the affirmative and was confident that the proposal could help improve the present situation, albeit minimally. He also suggested that indecent publications could be sold in sealed bags in convenience stores.

41. Mr TANG Yup-ming of HKNHA however pointed out that the shop assistants of convenience stores could hardly stop young people reading such sealed publications in their stores. Moreover, this measure would also restrict the sales channels of such publications and affect the free flow of information. Mr LO Wing-hung of NSHK agreed that restricting the sale of indecent publications at designated shops might be of little use. He pointed out that while young people under 18 should be denied access to such publications, retailers should not be held criminally liable for failure to deny them access. In his view, the most important thing was to provide some simple identification to alert parents of the indecent content, while education and self-regulation should continue to be the two main factors in countering the proliferation of indecent materials.

Meeting with the Administration

42. In reply to members on the way forward, the Secretary for Information Technology and Broadcasting (Acting) reported that over 3500 submissions had been received during the consultation exercise. As the scope of consultation was very wide, the Administration would need time to examine the various views. She however assured members that the finalized proposals would be reported to the Panel and the Administration would aim to introduce the necessary legislative amendments in the new legislative session.

Admin

43. The meeting ended at 5:15 pm.

Legislative Council Secretariat

19 September 2000