

**Enforcement and Regulatory Framework
of Obscene and Indecent Articles**

Our response to the issues raised by the Anti-Pornographic and Violence Media Campaign (the Campaign) with the Legislative Council Panel of Information Technology and Broadcasting on the captioned subject on 7 May 2004 is as follows :

(1) Operation of the Control of Obscene and Indecent Articles Ordinance (COIAO): The Government has been closely monitoring the operation of the COIAO. In the past few years, we have implemented proactive measures to further enhance the enforcement, publicity and education of the COIAO. Since 2001, we have substantially increased the manpower of the Television and Entertainment Licensing Authority (TELA) to enforce the provisions of the Ordinance. As a result, the numbers of inspections conducted and obscene and indecent articles seized by TELA have increased by more than four and 16 times respectively in 2003, as compared to the corresponding figures in 2000. In the past few years, we co-organised with non-governmental organisations (NGOs) in launching various publicity programmes for the COIAO, including the Cyber Ambassador Award Scheme and the Ten Healthy Websites Contests. TELA will strengthen its efforts in this respect in 2004, including organising an international youth conference to discuss ways to create a healthy environment for Internet.

Following rigorous enforcement actions and proactive publicity and public education, the problem of publication of obscene and indecent articles has improved in recent years. For instance, the coverage of adult materials in the major local newspapers has reduced as compared to a few years ago; some indecent publications (such as “prostitution guide” published in the form of newspapers, and comic books and magazines which were repeatedly prosecuted) has ceased to exist; nowadays publishers seldom enclosed to their publications “gifts” which are potentially offensive or harmful to young people; and the number of shops selling obscene articles or selling indecent articles illegally has decreased. Furthermore, we note that the court has imposed heavier penalties on publishers who have been in breach of the COIAO repeatedly.

(2) Opinion Survey: As details of the survey (such as survey channels, the questionnaire, method of sampling, etc.) are not provided in the Campaign’s submission, we are unable to comment on the results of the survey. In fact, TELA will conduct regular surveys to gauge public

opinions on the classification of articles. TELA is making preparations for a comprehensive survey to be conducted this year, which is scheduled for completion in the fourth quarter of 2004. The results of the survey will be submitted to the Obscene Articles Tribunal (OAT) for reference.

(3) Prosecution figures: In its Report No. 42, the Audit Commission observed that the number of prosecutions initiated by TELA in 2003 had decreased as compared to that in the past years and suggested that a review be undertaken to find out the reasons. TELA has accepted the recommendation and is conducting the review.

(4) OAT: The Chief Justice of the Court of Final Appeal has agreed to increase substantially the number of members of the OAT panel of adjudicators. The Commerce, Industry and Technology Bureau has written to some 100 social organisations and professional bodies in January 2004 inviting them to encourage their members to apply for appointment as members of the panel of adjudicators. We have so far received about 200 applications and forwarded them to the Judiciary. We hope that a substantial increase in the number of members of the panel of adjudicators will further enhance the representativeness of the OAT.

(5) Communication with the concerned groups: We will continue to discuss with members of the public and relevant organisations the control of obscene and indecent articles and the implementation of related publicity and public education programmes. In the past few years, TELA has organised a variety of publicity and education programmes with NGOs. It will also keep in contact with the relevant organisations from time to time to discuss issues of common concern.

Commerce, Industry and Technology Bureau
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