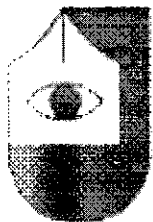


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HONG KONG JOURNALISTS ASSOCIATION

香港記者協會

5 September 2006

The Hon SIN Chung-kai
Chairman
Panel on Information Technology and Broadcasting
Legislative Council Secretariat

Dear Mr. Sin,

**Issues Related to the Regulation of Pornographic
and Violence Materials Transmitted Through the Mass Media**

Thank you for your letter of 30th August 06 inviting us to present written views on the subject matter.

You have effectively given us only three days' notice to make a submission. It would appear that your panel is in an obscene hurry to pacify what you describe as "mass public protest" by modifying or introducing new laws against press freedom.

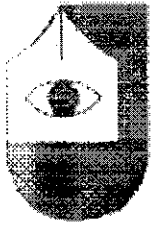
Nevertheless we should like to state, briefly and rationally, our basic stand, reserving the right to make a more comprehensive submission at a later date.

Your unseemly haste is totally inexplicable when the latest Television and Entertainment Licensing Authority figures show that for the first seven months of 2006 a mere 161 cases were referred to the Obscene Articles Tribunal, of which only seven involved entertainment magazines were found guilty. The penalty range for fine is 800—15,000 and 6 days to 6 months' imprisonment.

It is more ironic when we take stock of the government's position in this regard. The then Secretary of Commerce, Industry and Technology, John Tsang announced in early 2004 the slippage of the proposed anti-pornography proposals, imposed severe restrictions on publications that publish indecent or obscene material could be forced to print a diagonal red line across every page if they refuse to carry warnings about indecent content. One of the reasons given was the improvement of the media in this regard. He supported his explanation by quoting the figures of the complaints to the Obscene Articles Tribunal which dropped from 3044 in 2002 to 1997 in 2003. The pendulous position of the government in this regard is puzzling. Suspicion regarding the ill intention of the government may thus arise.

We would like to remind the LegCo members that dropping of the aforesaid proposal was declared in a LegCo meeting.

It is our view that the existing penalties are far behind the existing legislations



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which stated that for the first time of the offender violates category II who may be punished for maximum penalty of \$400,000 and imprisonment for 1 year. In fact, we believe that the existing law is more than adequate.

The sense of urgency behind the government's actions is simply baffling. It appears the government is simply bowing to the pressures of a highly vocal minority and a group of high-profile entertainment figures. We question the wisdom of your judgment in pandering to emotional agitations that threaten to subvert one of the most fundamental pillars of our democratic society - press freedom. We strongly advise against tampering with our core values, especially when the existing laws are more than adequate.

Like most people and groups in Hong Kong, the Hong Kong Journalists Association is against the display of obscenity in the media and elsewhere. However, standards of moral behaviour vary over time and we would be chary of jumping to conclusions over the photographs appearing in the relevant issue of Easy Finder, especially when blatantly obscene photographs previously published by others raised no hue and cry and no action was taken.

We need to keep in mind that the photographs were not taken in Hong Kong and that the circumstances surrounding the photo-shoot are not known.

Nevertheless existing laws provide adequate protection against intrusion of privacy. We refer specifically to the case of Naomi Campbell in *Campbell v MGN Ltd* (2005 UKHL 61). There are also other laws that contribute to protection of privacy. To add another tier to the existing laws would be unnecessary.

We think that it is necessary for the whole community to discuss how existing legislation can be enforced to their full extent. More important, legal aid should be extended to cover lawsuits concerning the protection of privacy. This is a more meaningful way to facilitate the people in the street to protect themselves should the need arise.

Yours sincerely,

WOO Lai Wan (Ms)
Chairperson