

商務及經濟發展局
通訊及科技科

香港添馬添美道二號
政府總部西翼二十一樓



COMMUNICATIONS
AND TECHNOLOGY BRANCH
COMMERCE AND ECONOMIC
DEVELOPMENT BUREAU

21/F, West Wing
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

本局檔號 OUR REF :
來函檔號 YOUR REF :
電話 TEL. NO. : (852) 2810 2708
傳真 FAXLINE : (852) 2511 1458
電子郵件 E-mail Address: aaronliu@cedb.gov.hk

By Fax (2869 6794) & Post

6 December 2011

Ms Amy YU
Clerk to Education Panel
Legislative Council Secretariat
Legislative Council Complex,
1 Legislative Council Road,
Central,
Hong Kong

Dear Ms YU,

Panel on Education

Free newspapers containing indecent contents

Thank you for your letter dated 21 November 2011. The Secretary for Commerce and Economic Development has authorized me to reply on his behalf.

The Administration is very concerned about the publication of indecent articles in Sharp Daily and its potential impact on young people. Newspapers (including free newspapers) are subject to the regulatory regime under the Control of Obscene and Indecent Articles Ordinance (COIAO) (Cap. 390). In regulating the publication of articles, the Government's long-standing policy is to preserve the free flow of information and safeguard the freedom of speech while applying the

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standards of public decency to articles, especially those intended for young and impressionable persons.

The Television and Entertainment Licensing Authority (TELA) has been closely monitoring the Sharp Daily since its first publication on 19 September 2011. As at end November 2011, TELA has submitted a total of 26 articles published in the Sharp Daily to the Obscene Articles Tribunal (OAT) for classification. Among these articles, 23 have been classified by the OAT as Class II (indecent) articles. TELA has taken prosecution actions against the publisher in respect of all the Class II written articles published in the Sharp Daily. TELA has also written to the Sharp Daily, requesting it to pay serious attention to the complaints lodged by members of the public concerning its publication of indecent articles.

Having regard to the past OAT classification and the serious community concern over the adverse impact of the Sharp Daily's indecent articles on young people, TELA will consider stepping up its enforcement efforts in case the Sharp Daily resumes publication of articles which clearly violate the COIAO by taking direct prosecution action without first submitting the articles concerned to OAT for classification. This will help ensure that prosecution action can be taken in a more timely manner. The publisher will be notified accordingly.

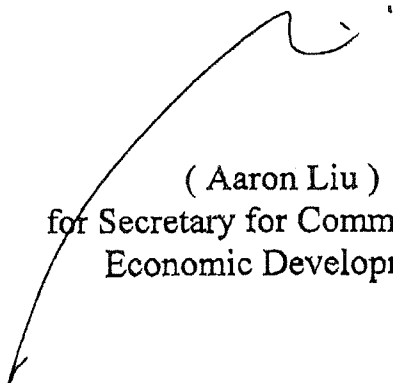
Under the COIAO, the maximum penalty for the publication of an obscene article is a fine of \$1,000,000 and an imprisonment for 3 years while the maximum penalty for the publication of an indecent article is a fine of \$400,000 and an imprisonment for 12 months on a first conviction, and a fine of \$800,000 and an imprisonment for 12 months on a second or subsequent conviction. Where there is concern that the penalties imposed on convicted cases were not high enough to create a sufficient deterrent effect, TELA will consider applying to the Court for a review of the penalty where necessary.

In recent years, TELA has stepped up educational work to promote COIAO, educate children and youngsters on the importance of healthy information, and build up their resistance to harmful information. For example, TELA has raised the annual expenditure on COIAO publicity programmes in 2010-11 and 2011-12 by over 50% when compared with that for 2009-10. Regular publicity activities such as schools talks, roving exhibitions, workshops for parents on filtering software with distribution of free filtering software, meritorious website contest, internet video contest, student ambassador scheme, colouring competition, TV drama, and

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sponsorship for schools and NGOs to conduct COIAO-related activities are organised to help spread the right message across. TELA has initiated public education programmes such as school educational drama tours, radio drama and a healthy mobile Apps nomination programme in the past two years to promulgate healthy information messages to different sectors of our community. TELA will continue to step up its publicity effort to appeal to the youngsters on the importance of healthy information.

Yours sincerely,



(Aaron Liu)
for Secretary for Commerce and
Economic Development