



**Constitutional right to free speech and use of Websense filtering software in the Public Library System**

**Brian King** to: complaints

27/02/2017 20:43

Cc: panel\_ca, libcu

From: Brian King  
To: complaints@legco.gov.hk  
Cc: panel\_ca@legco.gov.hk, libcu@lcsd.gov.hk

1 attachment



**hanyu.png**

Dear Panel on Constitutional Affairs;

I understand that the use of filtering software in overseas jurisdictions - such as the US, Canada etc, has been a hot topic in their public library communities for several years now.

In the US, the Children's Internet Protection Act (CIPA) has apparently been found to be constitutional.

The CIPA was the legislation which justified the use of filtering software in public libraries in the US.

But, this is Hong Kong.

And, although our Public Library System is also using filtering software, I haven't seen any indication that the topic is equally hot here.

Furthermore, AFAIK, neither does Hong Kong have any legislation similar to CIPA nor have I seen any discussion about how filtering might violate the free speech rights of library patrons under our own Basic Law.

So, when I found a number of websites I was trying to access from the public library (including my own site at jeezcanada.com) were being filtered recently, I was both extremely annoyed and curious.

The first time I brought the matter to the attention of the Department of Leisure and Cultural Services I was hoping to not only get my own site unblocked but also receive an answer as to the legal justification for the use of website filtering software in the Hong Kong Public Library System.

Unfortunately, although <https://jeezcanada.com> was eventually unblocked by the Department of Leisure and Cultural Services, the only explanation I received for why it happened in the first place was a vague comment about the imperfections of Websense (the filtering software).

A few days ago, the same problem resurfaced. This time another of my own websites (<https://hanyu.com>) is being blocked.

I imagine it would also be a relatively simple matter to get my site freed once again by emailing the Department of Leisure and Cultural Services, as I did last time.

Presumably the same is true for other equally harmless sites which have been apparently wrongly filtered and categorized by Websense.

But I still don't understand why I need to go to so much trouble in the first place.

I would therefore be grateful if the the Membership of Legco's Panel on Constitutional Affairs could enlighten me on this matter so that I might better understand the locus of authority involved and take any appropriate steps to ensure that my constitutional rights are being protected whenever, as a Permanent Resident of the SAR, I decide to use Hong Kong's Public Library System.

Thank you.

Best regards,

Brian King, PhD



## Security risk blocked for your protection

**Reason:** This Websense category is filtered: Hacking. Sites in this category may pose a security threat to network resources or private information, and are blocked by your organization.

**URL:** <http://hanyu.com/>

**Options:** Click [more information](#) to learn more about your access policy.

Click **Go Back** or use the browser's Back button to return to the previous page.