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(By Email : dsin@legco.gov.hk)

4 October 2021

Mr Daniel SIN
Chief Council Secretary (1)6
Council Business Division 1
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr Sin,

**Bills Committee on Film Censorship (Amendment) Bill 2021
Written Submission from the Public**

Thank you for your email dated 27 September 2021 enclosing a written submission from a member of the public regarding the Film Censorship (Amendment) Bill 2021 (“the Bill”). Our response is as follows –

2. According to the Basic Law, Hong Kong residents shall have the freedom of speech, and freedom to engage in literary and artistic creation and other cultural activities. However, the freedom of expression in the context of film production and other artistic or cultural creations is not absolute. According to established legal principles, when the exercise of such freedom affects legitimate interests such as national security, public

order and public morals, restrictions which are necessary for the protection of the relevant legitimate interests may be imposed in accordance with the law. In this regard, the Bill has already struck a reasonable balance between the safeguarding of national security and respect for the right to freedom of expression.

3. According to section 10(3) of the Film Censorship Ordinance (Cap.392), when deciding whether to approve a film for exhibition, the censor shall take into account the artistic, educational, literary or scientific merit of the film and its importance or value for cultural or social reasons. The Bill does not change the aforesaid stipulation. Nevertheless, it should also be pointed out that no one should produce or exhibit films with content that endorses, supports, promotes, glorifies, encourages or incites acts or activities endangering national security.

4. During this legislative amendment exercise, we have been listening to the views of the film industry. They are supportive of the legislative amendments in general and are expecting clearer guidelines. On 11 June this year, we revised the Film Censorship Guidelines for Censors (“the Guidelines”), which provide clearer guidance for censors in exercising film censorship duties, such as setting out matters for consideration that are related to national security. The relevant Guidelines are available for public’s reference. We will update the Guidelines accordingly after the Bill comes into effect, and continue to maintain a dialogue with the industry. The Guidelines will provide stakeholders of the film industry, including film-makers, with clear guidance and sufficient certainty on the requirements of film censorship. As we have explained at the meetings of the Bills Committee, film-makers and distributors may also seek non-binding advice from the Office for Film, Newspaper and Article Administration in case of any queries regarding film production or classification in accordance with the existing film censorship regulatory framework. The Bill will not alter this mechanism, and will not adversely affect any persons legally engaged in film production and distribution activities.

Yours sincerely,



(Keith GIANG)

for Secretary for Commerce and Economic Development

c.c. Department of Justice
(Attn : Ms Angela YOUNG, Senior Government Counsel/CU
Mr Salvador TSANG, Senior Government Counsel/LDD
Miss Carol LAM, Government Counsel/LDD)
Office for Film, Newspaper and Article Administration
(Attn : Mr Derek LEE, AD(FNAA))