

# Film Censorship Guidelines for Censors

## I. Introduction

Section 30 of the Film Censorship Ordinance states that 'The Secretary may, for information, from time to time cause to be prepared and published in the Gazette, for the guidance of censors, guidelines not inconsistent with this Ordinance, indicating the manner in which it is proposed that censors exercise their functions under this Ordinance.'

2. These guidelines are of a general nature: they should be read in conjunction with the Film Censorship Ordinance, and each film must be examined and classified on its own merits. In addition, the aim of the censors should be to reflect contemporary public attitudes towards censorship standards. In this connection, the results of public opinion surveys on film censorship standards carried out from time to time and the advice given by the panel of advisers on a specific film will be of assistance.

## II. Legal Principles

3. For the purpose of deciding whether a film should be approved for exhibition and the appropriate classification that should be given, the censor is required under section 10(2) of the Ordinance to consider the following matters:---

- (a) whether the film portrays, depicts or treats cruelty, torture, violence, crime, horror, disability, sexuality or indecent or offensive language or behaviour; and
- (b) whether the film denigrates or insults any particular class of the public by reference to the colour, race, religious beliefs or ethnic or national origins or the sex of the members of that class.

4. In making his decision, section 10(3) of the Ordinance requires the censor to take the following into account:---

- (a) the effect of the film as a whole and its likely effect on the persons likely to view the film;
- (b) the artistic, educational, literary or scientific merit of the film and its importance or value for cultural or social reasons; and
- (c) in relation to the intended exhibition of the film, the circumstances of such exhibition.

5. In considering films against any of the criteria set out in section 10(2) of the Ordinance, the censor must take into account the matters set out in section 10(3).

## III. The Three-Tier System

6. Films made today tend to depict life as it is. Violence, sex, foul language and controversial themes are to be found in many modern productions. While adults in Hong Kong find certain types of material acceptable, they would not agree that the same material is suitable for children and teenagers under their care. The classification of films into a three-tier system gives adults the opportunity to see a wider range of films dealing with the realities of the adult world, but at the same time restricts children and youth from viewing what could be harmful to them in one way or another.

7. The classification system serves two different functions. On the one hand it lays down a set of legally enforceable rules to restrict admission and access to adult films by minors. On the other hand, it offers to parents some advance information about the suitability of the film so that parents

can decide what movies they want their children to see or not to see and thereby exercise appropriate parental guidance.

8. Classification of films for children and young persons involves exercising judgement on the capacity of the different age groups in coping with the depictions and treatment of film material which may not be suitable for them. The perceived maturity and sophistication of children and young persons are also important factors. The category advice should be seen in this light.

9. When a censor, aided by his advisers, approves a film for public exhibition, he is required to classify it as:---

- (a) approved for exhibition to persons of any age: Category I.
- (b) approved for exhibition to persons of any age subject to the condition that any advertising material which relates to the film shall contain the following notice, or a notice to the like effect, in block letters and Chinese characters prominently and legibly displayed---NOT SUITABLE FOR CHILDREN: Category IIA or NOT SUITABLE FOR YOUNG PERSONS AND CHILDREN: Category IIB.
- (c) approved for exhibition only to persons who have attained the age of 18 years: Category III.

A censor should assume that when a film has been classified Category III, people under the age of 18 will not get to see it.

#### **IV. Viewing of Films**

10. The person who submits a film (distributor) is required to state the classification being sought for the film when it is publicly exhibited. The censor should try to accommodate this wish with or without excisions; but he may indicate any other classification he would be prepared to give with or without excisions, or refuse approval. In all cases reasons for his decision must be given. The distributor can then decide whether to accept the decision of the censor or appeal against the censor's decision to the Board of Review. In the case of any excisions proposed by the censor, the distributor can proceed with the cutting himself or confirm in writing his request that the censor should make the excisions for him. All pieces of film thus excised will be retained by the Film Censorship Authority for not less than 5 years.

11. The censor should make his decision as soon as possible but not later than 14 days after the film is submitted unless the consent from the Secretary for Information Technology and Broadcasting for a longer period is obtained for a particular case. The Authority must forthwith issue a certificate of approval, notice of refusal to approve or notice concerning excision in each case as appropriate.

#### **V. Approaches in Classification**

12. Films intended for public exhibition will have to be examined and classified within the parameters set out in section 10(2) and 10(3) of the Ordinance (paras. 3 and 4). Each film must be considered on its individual merits. The approaches to be adopted in these aspects are proposed in the following paragraphs.

13. Section 10(2)(a) refers to the following matters to be considered by the censor:---

'whether the film portrays, depicts or treats cruelty, torture, violence, crime, horror, disability, sexuality or indecent or offensive language or behaviour.'

- (a) Cruelty, Torture or Violence

14. No person can be protected from being exposed to depictions of cruelty or violence, even in early life. News and even daily events in Hong Kong expose people to depictions of violence. These facts of real life have made more difficult the problem of maintaining a balance in the showing of contrived violence in entertainment films. Violence has always been part of drama and even sports from time immemorial: what should concern the censor is the degree to which it is depicted in a film, and also whether it is gratuitous or not.

15. Because of a natural tendency to copy adult behaviour without consideration of broader social implications, children are normally the people who are likely to be badly affected by violence in films. Such effects extend to teenagers but hopefully to a lesser extent. Therefore, the censor must examine and classify a film having in mind the degree to which a young person can be exposed to depictions of violence without being tempted to emulate them.

16. Children's materials (e.g. Westerns and Cartoons), it can be objectively argued, have traditionally depicted violence. Provided that such violence is far enough removed from reality that it does not frighten children or invite ready imitation, it can be tolerated. The general experience has been that children are more seriously disturbed by violence threatened or perpetrated against those (including animals) who are helpless or are clearly unable to escape.

17. For Category I films, the degree of violence should be kept minimal and violent scenes short. Scenes which are likely to frighten, unnerve, unsettle or cause pain to children should simply be absent from films intended for Category I. Scenes of sadism, masochism, use of readily available weapons (kitchen knives, for instance), violence associated with sexual pleasure and less usual methods of inflicting injury on others should also be left out.

18. For Category IIA films, a limited portrayal of violence may be allowed. The impact and intensity of treatment must be mild. Scenes of sexual assaults, use of readily available weapons for dangerous but easily imitable action and less usual methods of inflicting injury on others should only be suggested or implied rather than depicted graphically. Scenes of sadism, masochism and violence associated with sexual pleasure should not be allowed.

19. The degree to which standards for depiction of violence can be relaxed in relation to Category IIB and Category III can be generally considered in the following terms:---

- (a) if violence is depicted in a way which would not cause terror in children, but might invite imitation, then it should be considered whether parental guidance is appropriate: this would indicate Category IIB;
- (b) if the violence is depicted in a way which might terrorize, hurt or seriously unsettle children and young people, but there are sufficient other elements in the film which might make such an effect justifiable, then the film can be shown under Category III.

(b) Horror and Shock

20. Horror films are a well-established genre. There is an increasing trend to increase the degree of horror felt by viewers by graphically depicting the effects of violence or the way in which it is perpetrated. It is also an established trend to depict graphically the effects of death and physical corruption.

21. Children will often be unmoved by a scene in which, for example, an exposed human brain is shown as part of an alien monster; but the same object inspires terror when the context is death or the inflicting of pain. It is possible that psychological harm could be done to a child by exposure to a film which attacks the child's basic sense of safety and security. Horror films which, in the view of the censor, could have such an effect should not be passed in Category I.

22. For Category IIA films, a mild dose of horror special effects may be used. Scenes which may frighten small children, may be included provided the impact is kept to the minimum.
23. In deciding whether to categorize such a film as Category IIB or III, the censor should consider the degree of the impact on young viewers and whether parental guidance would have a mitigating effect.

(c) Disability

24. In viewing films which treat the subject of mental or physical disability, the censor should examine whether the approach adopted is responsible. It should be borne in mind that it is not the fault of the sufferer if he is in this condition. Special attention should be paid to see whether such subjects as physical deformities, mental retardation or psychological aberrations are treated (if they have to be) with sympathy, understanding and a sense of responsibility on the part of the film maker. Censors should bear in mind that a film which encourages public hatred or fear of the physically or mentally handicapped is unlikely to be regarded as suitable for exhibition.

(d) Sex and Nudity

25. The depiction of nudity is an established art form. However, the depiction of nudity before children is not generally tolerated by local audiences. Therefore, such scenes should not normally be permitted in Category I films.

26. The depiction of nudity in Category IIA films should be carried out with tact and discretion. Nudity in sexually suggestive manner or within sensual scenes should not be permitted in Category IIA films.

27. In considering passing films depicting nudity for Category IIB or III showing, the censor should consider the degree of the possible erotic effect of the scene. Scenes considered by the censor as being erotic should only be shown in Category III films.

28. It is possible to consider nudity separately from sexual acts as in certain contexts, nudity may not be erotic. All depictions of sexual acts, however, should be considered as potentially being erotic. The degree of erotic effect will vary according to the age and sexual experience of the viewer, the sexual preferences of the viewer and the degree of realism in the depiction.

29. Notwithstanding any aims in society for sex education of children, Hong Kong parents resent their children observing sex scenes which give rise to questions at times when parents feel it unacceptable to provide the answers (in this context, even scenes showing sex between animals could cause embarrassment). The prevailing public view in Hong Kong is that scenes depicting or implying sexual act should not be shown to children generally. Such scenes should, therefore, not appear in Category I films.

30. Incidental and mild depictions of sexually suggestive act may be allowed in Category IIA films, whereas depictions of sexual act and other sexual activity may be acceptable in Category IIB films only where they are discreetly implied or simulated.

31. In considering a film for Category III, the censor can apply more liberal standards, assuming that only adults will be present. In general, the demarcation between Category III and banned films should be based on what is accepted as soft porn (Category III) and hard core pornography (banned). Nevertheless, censors should keep themselves aware of changes of public opinion brought to light by public opinion surveys carried out by the Authority from time to time.

(e) Language

32. Censors should have regard, in the accurate depiction of real-life actions and emotions, for script-writers to include vulgar language. The Hong Kong public tolerates a lot of obscene language, but usually avoids its use in such a way as to invite imitation by children. Expressions or expletives with sexual connotations, or expressions normally specifically used in the context of certain criminal groups in Hong Kong, should not be permitted in Category I films.

33. For Category IIA films, mild expletives with sexual connotations or coarse language may be used but only infrequently and are justified in context.

34. In deciding between Category IIB or III, the censor should consider the degree of offensiveness of any such language.

(f) Offensive Behaviour and Criminality

35. A film may be considered depicting offensive behaviour if it glorifies the commission of crime, the taking of drugs or excessive consumption of alcohol. The censor should consider the likelihood of imitation in respect of scenes which give accurate and comprehensive instruction in how to carry out any criminal act. A film could cause a problem if it showed acts which would cause children or young persons, by imitation, to harm themselves, or others. There is no provision under the Ordinance for the censor to require a distributor to issue any warning about a film other than 'NOT SUITABLE FOR CHILDREN' (i.e. Category IIA) or 'NOT SUITABLE FOR YOUNG PERSONS AND CHILDREN' (i.e. Category IIB). Censors should consider in this context any film which invites imitation by children or young persons of any anti-social or dangerous act. Section 10(4)(c) empowers censors to draw attention of distributors to such problems.

36. Certain acts are commonly held to be injurious to the community's well-being or likely to endanger public health or morals, or to offend accepted standards of public decency. Therefore, the following materials should not be permitted in any film:---

- (a) detailed or gratuitous depiction of a child who is, or who is apparently, under the age of 16 years engaging in sexual activity or crime;
- (b) explicit or gratuitous depiction of sexual violence or sexual acts under coercion or non-consent of any kind;
- (c) detailed or gratuitous depiction of extreme violence or cruelty;
- (d) detailed instruction or encouragement in dangerous or criminal techniques which are imitable;
- (e) detailed promotion, incitement or instruction on the use of dangerous drug; and
- (f) depiction of bestiality, necrophilia, sexual acts accompanied by offensive perversion (such as sadism or masochism) or exploitative incestuous behaviours.

37. A depiction which is neither detailed nor explicit of the activities referred to in paragraph 36(a) to (e) may be allowed in a Category IIB or III film provided that it is justified in the context of the film as a whole. Whether the film should be classified as Category IIB or III depends on the intensity and length of the depiction.

38. With regard to the depiction of triad, the censor should consider the following:---

- (a) scenes showing triad ceremonies, rituals, hand signs and paraphernalia including cryptic poems and icons should only be permitted in Category III films;
- (b) triad expressions not generally accepted in, or in the process of being absorbed into, daily language should only be permitted in Category III films;

- (c) promotion or endorsement of triad society, triad activities or values should only be permitted in Category III films; and
- (d) glorification of the power of triads and membership in a triad society should not be permitted.

39. Section 10(2)(b) refers to the following matters to be considered by the censor:---

'whether the film denigrates or insults any particular class of the public by reference to the colour, race, religious beliefs or ethnic or national origins or the sex of the members of that class.'

40. These issues covered by section 10(2)(b) of the Ordinance generally do not call for any considerations of the age of the audience or availability of parental guidance. The classification of the film will therefore not normally be relevant.

41. A censor should consider refusing showing of a film if he considers that the film has been made with the intention of inciting hatred or denigration on racial, religious, national or sexual differences.

42. Films which seek, without obviously distorting facts, to depict existing or historical cases of racial or religious hatred should not give rise to objection.

43. The main consideration should be whether the film acts in a way which invites the audience's sympathy with views denigrating or insulting to sections of the community by reference to religion, race or sex.

44. Censors should be prepared to accept films with a humorous but irreverent attitude to race, religion or sex, and those which, without malice, raise fair comment or controversy about practices in Hong Kong or overseas. A censor should seek to satisfy himself as to whether the intention is to arouse comment upon or to cause harm to the sectional interest in question. A factor in this decision may be ascertaining whether what is shown is factually true or not.

## **VI. Exemption of Films**

45. Under section 9 of the Ordinance the Authority may exempt a film from classification. The Authority (or his delegates) is the arbiter of what can be exempted from classification under conditions or otherwise as set out in section 9.

46. The classes or description of film suitable to be exempted under this section include:---

- (a) cultural;
- (b) educational;
- (c) instructional (including training);
- (d) promotional;
- (e) sports;
- (f) travel;
- (g) musical; and
- (h) religious.

47. The Authority has full discretion to interpret whether a given film falls under one of these classes or descriptions. If satisfied, he should, not later than 5 working days after the film is submitted, issue a certificate of exemption with or without conditions as set out in the Ordinance. The Authority may revoke such a certificate if he is of the opinion that the film in respect of which

the certificate was issued should again be submitted for censorship.

## **VII. Film Titles**

48. Having regard to the matters specified in section 10(2)(a) and (b) of the Ordinance, the Authority may refuse to issue a certificate of approval if he is of the opinion that the proposed title of a film is unsuitable for exhibition, publication or display to the public.

49. In determining whether a film title is suitable for exhibition, publication or public display, the Authority shall have regard to standards of morality, decency or propriety that are generally accepted by reasonable members of the community; and its likely effect on the viewers, especially children and young persons.

50. A film title may be rejected if it:---

- (a) is likely to cause deep shock or disgust;
- (b) is likely to corrupt morals;
- (c) is likely to promote, incite or encourage crime, violence and drug use;
- (d) contains insulting or sexually suggestive wording or symbols;
- (e) contains coarse language, expressions with sexual connotations or sexual references;
- (f) contains triad expressions or signs; or
- (g) is likely to incite hatred or denigration on grounds of racial, religious, national or sexual differences.

## **VIII. Trailers, Advertising Materials and Packagings**

51. Each trailer for a film either intended to be shown inside the hall or the cinema lobbies should be submitted to the Authority. A separate certificate will be issued for each trailer, with or without conditions.

52. All advertising materials for Category III films must be submitted for approval before public display. These include, but are not limited to, film stills, posters, print advertisements and billboards. In dealing with the advertising material submitted, the Authority will take into account those factors laid down in section 10(2) and 10(3) of the Ordinance. The Authority may refuse to approve the advertising material which is considered not suitable for display in public under section 15K(5)(b) of the Ordinance.

53. The packaging of a videotape or laserdisc containing a Category III film must be submitted to the Authority for approval. The Authority may require the packaging constituting the cover of the videotape or laserdisc to be enclosed in an opaque wrapper under section 15B(4)(a) of the Ordinance.

54. In deciding whether a piece of advertising material or packaging is suitable for public display, the Authority shall have regard to:---

- (a) standards of morality, decency and propriety that are generally accepted by reasonable members of the community;
- (b) the dominant effect of the matter as a whole;
- (c) the location where the matter is likely to be displayed in public and the persons likely to view such matter; and
- (d) any artistic, educational, literary or scientific merit it may possess.

55. The spirit of the Ordinance is to protect children and young persons and to prevent them from exposure to indecent matters. As advertising material or packaging is often displayed in public places and available to all passers-by, it should not contain materials which are offensive to public morality, decency and ordinary good taste. The following guidelines will be applied:---

- (a) depictions of nudity should not be permitted;
- (b) discreet partial nudity may be permitted if it is not sexually suggestive or does not imply sexual act;
- (c) depiction of a person(s) posed in a sexually provocative or suggestive manner should not be permitted;
- (d) depictions of sexual activity or implications of sexual acts and fetishes should not be permitted;
- (e) depictions of violence should be mild;
- (f) violence associated with sexual pleasure, sexual violence against non-consenting persons, or dangerous practices of inflicting injury on others should not be permitted;
- (g) depictions of frightening images or horror scenarios should be mild;
- (h) language or wording should not be insulting or sexually suggestive. Coarse language, expressions with sexual connotations or sexual references should not be permitted;
- (i) depictions of triad ceremonies, rituals and hand signs, or descriptions of triad expressions should not be permitted;
- (j) depictions or written descriptions of repulsive or depraved acts should not be permitted;
- (k) depictions or written descriptions which promote, incite or encourage crime, violence and drug use should not be permitted; and
- (l) depictions or written descriptions which are likely to incite hatred or denigration on grounds of racial, religious, national or sexual differences should not be permitted.

#### **IX. Films Submitted by Clubs and Cultural Organizations**

56. The Ordinance clearly states that films intended to be shown by clubs and cultural organizations must be submitted for censorship (para. (c) of the definition of 'exhibition' in section 2(1) of the Ordinance).

57. A film submitted by such an organization may be exempted from classification if the Authority decides that the film comes under one of the classes suitable for exemption. If the film does not fall under one of these classes it must be examined by the censor and classified accordingly.

#### **X. Exemption of Slides of Non-commercial Nature from Censorship Requirement**

58. Slides, or still films, of a cultural, educational, instructional, promotional or religious nature are exempt from submission for censorship if they are exhibited or intended to be exhibited by a cultural, educational, religious or professional organization, or a member of any such organization for a non-commercial purpose. The Authority may require the exhibitor to submit any such still film to him for censorship if he has reasons to believe that the exemption has been abused or that there is the attempt to circumvent censorship.

#### **XI. Advisory Service**

59. A censor can be called upon by the Authority (or his delegates) to give advice to film



producers/distributors if needed. Pre-production advice to producers is not binding on the censor. This advice serves to iron out problems, which could arise in the production, the suitability or otherwise of any particular scene, sequence, language or theme.

60. Distributors may also ask for advice before or after the submission of their film for censorship specially in respect of choosing a category and the possibility of changing a film from one category to another. Such advice will likewise not be binding on the censor. The censor should always show co-operation and understanding within the terms of the law. Appeal to the Board of Review is always open to any distributor who feels aggrieved by the decision of the censor.

*3 December 1999*

*K. C. KWONG Secretary for Information Technology and Broadcasting*