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Caring For Youngsters

A Guide to the Control of Obscene and Indecent Articles Ordinance (COIAO)

## Brief Introduction to the COIAO

The Ordinance regulates the publication or display of articles with obscene or indecent content including material which is violent, depraved or repulsive.

- The Ordinance covers a wide range of articles including newspapers, magazines, comic books, video tapes, video compact discs, digital video discs, tapes, electronically transmitted pictures and images.
- There is no statutory requirement for articles to be submitted for classification before publication. However, publishers or producers may take the initiative to submit their articles to the Obscene Articles Tribunal (OAT) for classification before publication. The OAT is a judicial body which consists of a magistrate and members of the public from different walks of life.
- In classifying articles, the OAT will take into account the standards of morality, decency and propriety that are generally accepted by reasonable members of the community, the dominant effect of an article as a whole, the target audience and if an article has an honest purpose. Articles can be classified into one of the following categories:

Class I (neither obscene nor indecent)

The article can be published to any person.

Class II (indecent)

The article cannot be published to persons under the age of 18. It should be sealed in a wrapper. At least 20% of the front and back covers should contain the statutory warning notice. Particulars of the publisher should also be printed on the front or back cover of the article.

Class III (obscene)

The article is prohibited from publication.

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Any person who publishes an indecent article to a person under the age of 18, or publicly displays any indecent article, or publishes any indecent article without complying with the statutory requirements, is liable to a fine of \$400,000 and to imprisonment for 1 year on first conviction, and to a fine of \$800,000 and to imprisonment for 1 year on any subsequent conviction.

Any person who publishes, possesses or imports for the purpose of publication any obscene article, is liable to a fine of \$1,000,000 and to imprisonment for 3 years.

### Enforcement of the COIAO

Enforcement of the Ordinance is the responsibility of the Hong Kong Police Force, the Customs and Excise Department and the Office for Film, Newspaper and Article Administration (OFNAA). The three departments maintain close liaison to exchange information and review enforcement strategies regularly in order to make enforcement more efficient.

#### Hong Kong Police Force

Takes enforcement action at the retail outlets and combats the wholesale, production and storage of obscene or indecent articles.

#### Customs and Excise Department

Intercepts the import of illegal articles such as obscene articles and regulates the publication of obscene or indecent articles in the course of enforcing the intellectual property protection law.

#### Office for Film, Newspaper and Article Administration

Monitors bookshops, news-stands, computer shops, video shops, newspapers, magazines, comic books, etc. in the market, and submits dubious articles to the OAT for classification where necessary and takes appropriate follow-up actions such as summoning publishers who fail to comply with the statutory requirements. It also promotes public awareness of the COIAO and handles related complaints.

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##### Joint Efforts to Control Obscene and Indecent Articles

To ensure effective protection of young people from the harmful effects of obscene and indecent articles, the enforcement departments have stepped up enforcement actions under the COIAO. Members of the public may also take the following measures:

- Teachers, social workers and parents should advise their students or children on suitable leisure reading materials and electronic games.
- If Internet access is available at home, parents should spend more time with their children visiting websites as often as possible and check the websites they browsed to see if the content is obscene or indecent. To protect children from objectionable websites or Apps, parents may install appropriate filtering software on the computer or mobile phone/ tablet computer.
- Writers, publishers, distributors, newspaper vendors, computer and video shop operators should observe the statutory provisions of the Ordinance in order not to break the law.

##### Complaints and Enquiries

The telephone number of OFNAA's 24-hour complaints and enquiries hotline (voice recording after office hours) is 2676 7676. You may send your e-mail to [naa@ofnaa.gov.hk](mailto:naa@ofnaa.gov.hk) or send your letter to 39/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong.