

**2006 Public Opinion Survey on  
the Operation of  
the Control of Obscene and Indecent Articles Ordinance**

**- Executive Summary -**

Prepared for

**the Television and Entertainment Licensing Authority  
of the Government of the Hong Kong Special Administrative Region**

by

**CONSUMER SEARCH**



Consumer Search receives ISO9001:2000 certification on its quality management system of marketing research consultancy services in Hong Kong. All research projects are conducted in accordance with the provisions of the ICC/ESOMAR International Code of Marketing and Social Research Practice.



## TABLE OF CONTENTS

<b>ITEM</b>	<b>PAGE NO.</b>
<b>1. Background Information .....</b>	<b>3</b>
<b>2. Summary of Key Findings .....</b>	<b>4</b>
• <b>Profile of Respondents</b>	
• <b>Knowledge of the COIAO</b>	
• <b>Enforcement of the COIAO</b>	
• <b>COIAO Related Publicity and Public Education Activities</b>	
• <b>Prevailing Standards of Morality, Decency and Propriety Generally Accepted by Members of the Community</b>	
<b>3. Conclusions and Recommendations .....</b>	<b>9</b>

## BACKGROUND INFORMATION

1. The Television and Entertainment Licensing Authority (TELA) of the Hong Kong Special Administrative Region Government, being one of the three enforcement agencies of the Control of Obscene and Indecent Articles Ordinance (Cap. 390) (COIAO), commissioned Consumer Search Hong Kong Limited in September 2006 to conduct a public opinion survey (the Survey) to address the following research needs:
  - (a) to gauge and analyse the prevailing standards of morality, decency and propriety that are generally accepted by reasonable members of the community for the purpose of article classification by the Obscene Articles Tribunal (OAT) under the COIAO,
  - (b) to examine the public's views on the operation of the COIAO, and
  - (c) to examine the effectiveness of the relevant publicity and public education activities.
2. The Survey conducted questionnaire-guided face-to-face interviews among all Hong Kong land-based non-institutional residents who were aged 15 to 65. Specifically for the part on respondents' views to the sample articles for the public's standards of morality, only the respondents aged between 18 and 65 were invited for their views to the sample articles.
3. A two-stage stratified sampling design basing on the Frame of Quarters as maintained by the Census and Statistics Department was adopted. A total of 1 501 interviews were successfully conducted during the fieldwork period between 4 November 2006 and 7 January 2007. An overall response rate of 73.1% was attained.

## SUMMARY OF KEY FINDINGS

### **Profile of Respondents**

4. Of all the respondents who participated in the Survey, more than half (52.1%) of them were female and the rest were male (47.9%).
5. Half (50.6%) of them fell in the age bracket of 35-54. While 18.2% were aged 25-34, 13.3% of the respondents were aged 15-24 and the remaining 18.0% were aged 55-65.
6. Half (51.7%) of the respondents had attained secondary level of education. They were followed by those with matriculation or above education, that is, 17.5% for degree or above education and 15.4% for matriculation/ tertiary, and 15.5% of them had primary or below education.
7. Almost two thirds (63.6%) of them were economically active. They included white collars<sup>1</sup> (27.4%), manager/ administrator/ professional (19.7%) and blue collars<sup>2</sup> (16.4%). 36.1% of the respondents were economically inactive, comprising housewives (18.1%), students (9.0%), those unemployed (2.5%) and retirees (6.5%).
8. Almost two thirds (63.9%) of the respondents were married. Close to half (48.2%) of them had children aged under 18 and over two fifths (42.1%) of them had children aged 18 or above. 30.8% of the respondents were single and the remaining 5.3% comprised divorcees, widows, etc.
9. In terms of housing type, 43.6% of them lived in private housing, one third (32.1%) in public housing and one fifth (20.1%) of them in subsidized sales flats. A few (4.1%) of them lived in quarters that were situated in rural areas.
10. Close to two thirds (65.8%) of the respondents were born in Hong Kong and 30.1% were born in the Mainland of China. 4.1% of them were born in places other than Hong Kong and the Mainland.

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<sup>1</sup> *White collars* refer to the subgroups of Associate Professional/ Clerk and Service Worker/ Shop Salesman.

<sup>2</sup> *Blue collars* refer to the subgroup of Craft Worker/ Machine Operator/ Elementary Occupation, that is, those worked as or engaged in craft or related workers, plant/ machine operators or assemblers and elementary occupations.

### **Respondents' Knowledge of the COIAO**

11. More than four in five (82.1%) people in Hong Kong aged 15-65 were aware that there is an ordinance governing the control of obscene and indecent articles in Hong Kong. More than one third (36.2%) of them knew that there are three categories for classifying such articles as newspapers, magazines, DVDs/ VCDs and Internet contents. And among this 36.2% people, 8.6% had proper knowledge of the COIAO, in that they were able to tell Class II articles were restricted to people aged 18 or above.

### **Public's Views on Enforcement of the COIAO**

12. More than three quarters (77.8%) of the respondents claimed their awareness of the OAT of which three in four (76.6%) knew the main duty of the OAT. The majority (88.3%) of the respondents considered the composition of the OAT appropriate.
13. Those of the view that the composition, that is, a presiding magistrate and a few members of the public, of the OAT was not appropriate (11.5%) expressed concerns about the potential differences arising from individuals. Differences in moral standards were mentioned by 67.2% of them, lack of relevant knowledge of correct classification by 60.6% and cultural differences by 60.5%.
14. While two thirds (67.6%) of the respondents had heard of the convictions of publishing indecent articles in breach of the COIAO, 40.8% of the respondents were aware what the penalties were.
15. Among those who were aware of the penalties, 43.8% of them considered the penalties appropriate and a slightly higher proportion (46.9%) of them were of the view that the penalties meted out to the convicted were not appropriate. Out of those who considered the penalties not appropriate, the majority (97.6%, that is, 45.8% of those aware of the penalties) of them opined that the penalties were too lenient.

16. With regard to the appropriateness for the OAT to determine the classification of articles based on standards of morality, decency and propriety that were generally accepted by reasonable members of the community, four in five (81.3%) respondents found the assessment criteria appropriate with over half (55.6%) of them mentioned it as appropriate and a quarter (25.8%) of them, quite appropriate. Less than one fifth of them found it quite inappropriate (10.0%) or inappropriate (8.6%).
- (a) Two thirds (69.2%) of the respondents considered that the factor “the persons to whom the article is published” should be taken into account;
  - (b) More than three in five (63.9%) considered “whether the publication of the article is related to science or art, or it is published purely as pornography” relevant in the classification;
  - (c) Three in five (60.8%) were of the view that “the dominant effect of an article as a whole” should be considered; and
  - (d) A few (1.5%) opined that classification was not necessary.

#### **COIAO Related Publicity and Public Education Activities**

17. Among those who had heard of the COIAO, the major sources of their learning about it were cited to be TV (83.8%) and newspapers (71.1%). Radio (22.1%), magazines (13.7%), the Internet (9.3%) and school events (5.1%) followed at a distance. A significantly higher proportion of the respondents age 15-17 claimed the Internet and school events as major sources of their learning about the COIAO.
18. TV/ radio (traditional electronic media) were chosen by the greatest number (91.2%) of respondents as effective means for publicizing the COIAO. Newspapers/ magazines (traditional print media) ranked second on the list (48.7%) while the Internet (new digital medium) came third (20.2%).
19. While TV and radio were considered the best means for all walks of life, newspapers and magazines could be alternative channels to reach individuals aged 25 and above. The Internet was considered by a significantly greater proportion of individuals aged 15-24 (35.7% of the age bracket 15-17, 28.0% of the bracket 18-24) as an effective channel other than TV/ radio or newspapers/ magazines.

**Prevailing Standards of Morality, Decency and Propriety Generally Accepted by Members of the Community**

20. To compare the public's views on moral standards with the prevailing standards of OAT classifications, the respondents aged 18-65 were asked to sort and divide a number of articles, which had been classified by the OAT, into three groups: articles suitable for people of all ages, including those aged below 18 (that is, Class I materials), articles that were not suitable for publication as another group (that is, Class III materials), and the remaining ones (that is, Class II materials). Determined by the highest relative proportion among the three classes, altogether 14 out of the 22 articles already classified by the OAT were sorted the same class by the respondents as OAT classifications. Most of the discrepancies were found with Class I articles. The respondents displayed stricter standards with regard to sorting materials suitable for people of all ages. Other findings of the sorting exercise were highlighted as follows:
- (a) For five out of six Class I sample articles under survey, there were more respondents sorting them as Class II than Class I;
  - (b) Nine out of 12 Class II sample articles were sorted by more respondents the same class as OAT classifications. There were more respondents sorting the other three as Class III articles; and
  - (c) In respect of the four Class III sample articles under survey, the respondents' sorting was in line with OAT classifications.
21. Females, in particular, had a higher tendency to apply stricter standards than their male counterparts. Out of the 22 sample articles, three articles (sample articles nos. 4, 12 and 24) were sorted by the greatest numbers of male respondents as Class I while only one article (sample article no. 4) was sorted as Class I by the greatest number of female respondents. Similarly, there were nine articles (sample article nos. 13, 14, 15, 16, 17, 21, 22, 25 and 20 (the same proportion of respondents also sorted article no. 20 as Class II)) sorted as Class III by the greatest numbers of female respondents while only four articles (article nos. 13, 14, 16 and 25) were also sorted by the greatest numbers of male respondents as not suitable for all ages.
22. Respondents with degree or above education were more lenient, in particular towards sorting of Class III articles, as a significantly smaller proportion of this subgroup than the average population sorted all the four Class III sample articles (article nos. 13, 14, 16 and 25) as Class III.

23. The reason “to protect the under-aged” was chosen by most (83.3%) respondents for their choice of sorting the sample articles as Class II instead of Class I. Other reasons included that “the articles may induce under-aged persons to commit crime” (73.2%), “the articles are against moral standards of the community” (71.6%) and “the articles are sickening and disturbing” (67.5%)
24. That “the articles are severely against moral standards of the community” and “the articles are extremely sickening and disturbing” (82.7% and 79.5% respectively) were mentioned by four in five respondents as reasons for sorting the sample articles as Class III instead of Class II. That “the articles are extremely likely to induce readers/ viewers to commit crime” also received mentions by three quarters (73.2%) of the respondents as a reason for their sorting the sample articles as Class III.

## CONCLUSIONS AND RECOMMENDATIONS

25. In gauging the public awareness of the COIAO, it was found that there was a relatively high awareness of the COIAO at the general level of understanding based on the following findings:
- (a) 82.1% of the respondents aged 15-65 claimed that they were aware of the COIAO;
  - (b) One third (36.2%) of those respondents who were aware of the COIAO had the knowledge that there are three categories for classifying such articles as newspapers, magazines, DVDs/ VCDs and Internet contents; and
  - (c) Of the above 36.2% respondents, 8.6% had proper knowledge of the COIAO, in that they were able to tell Class II articles were restricted to people aged 18 or above.

It is recommended that the focus of the publicity and public education be extended to more in-depth knowledge of the COIAO.

26. As for the OAT, the respondents possessed a reasonable level of knowledge of the tribunal. 77.8% of the respondents were aware of the OAT and 76.6% of these respondents knew its main duty. And the majority (88.3%) of the respondents considered the current composition of the OAT appropriate.
27. A relatively smaller share (40.8%) of the respondents was aware of the penalties. Among those with the awareness, the proportion of the respondents who held the view that the penalties meted out were appropriate (43.8%) was slightly lower than the proportion who regarded the penalties inappropriate (46.9%, among who 97.6% claimed that the penalties were too lenient).
28. A large proportion of the respondents acknowledged the current OAT article classification criteria as appropriate. Over four in five (81.3%) of them considered it appropriate to classify the articles based on standards of morality, decency and propriety that were generally accepted by reasonable members of the community. Apart from that, factors mentioned by respondents included that “the persons to whom the article is published” (69.2%), “whether the publication of the article is related to science or art, or it is published purely as pornography” (63.9%) and “the dominant effect of an article as a whole” (60.8%).

29. When asked about channels considered effective for publicizing the COIAO, most people chose TV/ radio (91.2%). This option of electronic media was followed by newspapers/ magazines (48.7%), and then the Internet (20.2%). While TV was considered the best means for all walks of life, newspapers could be an alternative channel to reach individuals aged 25 and above. The Internet was considered by a significantly higher proportion of individuals aged 15-24 (35.7% of the age bracket 15-17, 28.0% of the bracket 18-24) as an effective channel other than TV/ radio and newspapers/ magazines. It is recommended that different channels might be considered in respect of the recipients targeted for specific COIAO publicities.
30. To compare the respondents' views on moral standards with the prevailing standards of OAT classifications, 14 out of the 22 articles already classified by the OAT were sorted by the respondents the same class as the OAT.
- (a) The survey revealed that in respect of obscene articles, the standard of the respondents were generally in line with the standards of OAT classifications;
  - (b) The standard of the respondents were slightly stricter than the standards of OAT classifications with articles with indecent elements. For three out of the 12 Class II articles, there were more respondents sorting them as Class III; and
  - (c) For the Class I articles, there were more respondents sorting them as Class II for five out of the six sample articles. Most of the discrepancies were found with the Class I articles. The respondents in general displayed stricter standards than the standards of OAT classifications with regard to sorting materials suitable for people of all ages. This seemed to demonstrate an expectation for a stricter standard for Class I classifications.
31. With regards the respondents' views on moral standards, differences by gender and by education attainment were observed. The female respondents were found to have a higher tendency to apply stricter standards than the male. Out of the 22 articles, only one was sorted by the greatest number of the female respondents as Class I while there were three sorted by the greatest numbers of male respondents as Class I. The female respondents sorted nine articles as Class III whereas the male sorted four as Class III. As for education attainment, respondents with degree or above education were more lenient, in particular towards sorting articles as Class III.

32. As to the reason of sorting the sample articles as Class II instead of Class I, “to protect the under-aged” was chosen by most respondents (83.3%). Other reasons included “the articles may induce under-aged persons to commit crime” (73.2%), “the articles are against moral standards of the community” (71.6%) and “the articles are sickening and disturbing” (67.5%).
33. For the reason of sorting the sample articles as Class III instead of Class II, “the articles are severely against moral standards of the community” and “the articles are extremely sickening and disturbing” (82.7% and 79.5% respectively) were mentioned by four in five respondents. That “the articles are extremely likely to induce readers/ viewers to commit crime” was mentioned by three quarters (73.2%) of the respondents.