

Putting indecent comics out of sight has found publishers taking an interest in the environment, says C K Lau

THE public are being encouraged to use fewer plastic bags, so it is ironic that a bill currently being considered by legislators has provided for the mandatory wrapping-up of comics, almost certainly by polystyrene.

No one knows how many more plastic bags will be wasted if the proposed amendments to the Control of Obscene and Indecent Articles Ordinance become law, but publishers are becoming so frightened that they are suddenly embracing the cause of conservation.

They fear the bill's proposal to require all articles classified as indecent to be sealed in a completely opaque wrapper coloured black, dark blue or grey will mean millions more plastic bags end up in the rubbish dump.

Conservation, of course, is not the issue at the heart of this matter and the publishers know it.

Their real concern is the sales of indecent comics, the subject of this hard-hitting law, will be seriously affected if they are forced to wrap up their publications.

For they will be barred from designing eye-catching covers for the comics to attract readers' attention and readers will not be able to flip the pages to see if the publication contains the desired "entertaining" accounts of sex and violence.

And news vendors can no longer claim they cannot help selling indecent comics to young people on the grounds that existing warnings against sales to the underage on the covers are too small.

This is because the bill provides that the statutory warning - "This article contains material which may offend and may not be distributed, circulated, sold, hired, given, lent, shown, played or projected to a person under the age of 18 years" - must occupy 20 per cent of each side of the opaque wrapper.

Leading the publishers' opposition against the bill is renowned cartoonist Tony Wong's Jade Dynasty

Publications Ltd, whose comics feature martial arts more than sex.

Jade blames the Government's bid to tighten control of the comics industry on a few black sheep who last year published several grossly pornographic comics.

These comics so infuriated teachers, parents and community leaders that the Democratic Party's 73 district board members, backed by their counterparts on the Legislative Council, called on the Government to tighten control of such publications.

Jade says the comic publishing industry as a whole should not be made

to suffer because of the irresponsible acts of a few.

It has taken the opportunity to call for a revision of the standards governing the classification of indecent articles.

At present, the Control of Obscene and Indecent Articles Ordinance provides for a three-tier classification system:

Class I articles are neither obscene nor indecent and can be circulated without any restrictions.

Class II articles are indecent and cannot be distributed to people under 18 while Class III articles are obscene and publication is banned.

In determining whether an article or matter is obscene or indecent, the Obscene Articles Tribunal must take into account:

□ Standards of morality, decency and propriety that are generally accepted by reasonable members of the community;

□ The dominant effect of an article or of the matter as a whole;

□ In the case of an article, the age groups of the people for whom its publication is intended;

□ In the case of matter publicly displayed, the location where it is displayed and the age groups of people likely to view it; and

□ Whether the article or matter has an honest purpose or whether its content is merely camouflage designed to render acceptable any part of it.

Jade argues that these standards are too vague and have failed to evolve with changing values among those aged between 10 and 18.

It calls for a refined three-tier classification system under which Class I articles will be defined under current guidelines, but Class II articles will only be made off-limit to those under 10 years of age.

Class II publications should be allowed to feature violence and sex as long as they do not contain nude photographs, information on pornographic business (such as adult hotlines) or contents which encourage or exaggerate abnormal sexual behaviour, triads and excessive violence.

Only Class III articles containing indecent contents should be wrapped and sold to people above 18.

However, the Deputy Secretary for Recreation and Culture, Fred Ting, said the Government could not see the community was now prepared to accept a relaxation of the classification standards.

His understanding is the Obscene Articles Tribunal (OAT), which is a judicial body, currently classifies publications as indecent those which

depict gross acts of sexual intercourse, pervert sexual behaviour, explicit sexual acts, homosexuality, excessive violence, cruelty, torture or mutilation.

Ting said no matter how the classification standards were changed, he did not think the community would accept the depiction of gross acts of sex and violence as decent.

He stressed that the bill's legislative spirit was to limit youngsters' access to indecent publications and was drawn up in response to a public outcry.

The opaque wrapper, apart from facilitating the identification of indecent articles, was aimed at addressing concern that the display of indecent front covers was a public nuisance, he said.

While no scientific analysis of public opinion on the use of wrappers had been done, Ting said it appeared to be what the community or most of the voices had demanded.

"We're always prepared to listen to public opinion in a responsive and responsible manner.

"If the community now says they do not want indecent articles to be wrapped up, we're prepared to change," said Ting.

"The bill is now in the hands of Legco, it's up to the bills committee to decide if it wants to amend it."

On the suggestion that indecent

All wrapped up

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articles should be sold only at “adult shops”, Ting said it rested on the flawed supposition that news vendors were more likely to break the law than shop-keepers.

“The proposal also involves a point of equity. You can’t say something can be sold by A, who has the means to open a shop, but not by B, who doesn’t have the means,” he said.

Moreover, Ting said having adult shops would involve the setting up of a licensing system.

“Does the community want to take such a draconian measure to deal with the problem? What should be the criteria governing the operators, location and opening hours of these adult shops?”

“As responsible public officers, we have to take into account a broader picture.

“Does the community want the Government to play a bigger role in controlling the contents of publications?”

“If the answer is yes, then what kind of contents should be controlled and to what extent will it affect the freedom of speech and artistic expression?”

In his view, the ultimate test is whether the bill has reduced the public’s right to know, which it hasn’t.

Ting also rejected criticisms about loose enforcement of the law, noting that the Television and Entertainment Licensing Authority bought an average of 38 articles, comprising 20 publications and 18 newspapers, every day for screening and submitted 455 articles to the OAT for classification.

These were on top of 1,049 articles voluntarily submitted to the OAT by publishers and 352 by police and the Customs and Excise Department.

Since July 1993 and until the end of last year, TELA took 54 joint operations with the police, resulting in the seizure of 30,540 indecent or obscene articles, 4,180 such CD-ROMs and computer software and the prosecution of 235 people.

Last year, TELA undertook 26 prosecutions against the publication of indecent comic books to juveniles, resulting in 17 successful convictions.

The bill currently before Legco will strengthen the police’s power to seize indecent articles and increase the maximum fines for infringements, especially for repeated offenders.

Ting admitted TELA did not have a large staff.

But the community must bear in mind that a bigger staff would mean a bigger government and higher recurrent costs.