

A decent way to decide on indecency

DURING the *City Forum* (Sunday, March 19) discussion on pornographic comics, particularly those aimed at juveniles, the vetting system of the Obscene Articles Tribunal (OAT) was attacked.

One speaker remarked that the existing categorisation was defective as it did not provide for appeals by individuals or organisations. A speaker, who identified himself as an OAT adjudicator, criticised the OAT, saying he had been on the panel for less than a year and had been persuaded by longer-serving members to accept a rating he did not agree with. He criticised the OAT for its ineffectual role as a watchdog saying there had been instances where orders to omit parts of indecent comics had gone unheeded.

Hong Kong is a society in which differences in opinions are allowed. This is a value to be trea-

sured. Yet, this does not mean facts can be ignored.

There are a total of 80 adjudicators who are required to sit with the presiding magistrate of the OAT for the classification of articles and court hearings. Selection of adjudicators is based on those whose age, education, profession/occupation make them likely to be able to perceive the standards of morality, decency and propriety accepted by reasonable members of the community.

Section 14 of the Control of Obscene and Indecent Articles Ordinance require that the deliberations of the tribunal be private. The results are then published.

My experience from almost 10 sittings on the tribunal is that two adjudicators work with the presiding magistrate. After reading a submitted comic or magazine, the magistrate asks for the opinions of

the adjudicators. If they agree certain material is obscene or indecent, the presiding magistrate will record their decisions for endorsement.

He will only give his opinion when the two adjudicators have, after some discussion, come to a different judgment on the article. I have never been persuaded or misled into accepting a grading I do not consider justified.

The Ordinance does provide for an appeal mechanism. Those dissatisfied with the classification of their submitted articles can seek a review within five days. They can take the case to the Supreme Court if they remain unconvinced of the result of the review.

The OAT is not the enforcement agency. This job rests with the Television and Entertainment Licensing Authority (TELA). Previous contact with TELA has

shown that it is open to suggestions and complaints. TELA is, of course, taken to task if it does not tackle reported failures to comply with OAT orders.

One should not hesitate to quit his appointment as an adjudicator if he felt he was being pressurised or manipulated.

Some attention, however, ought to be given to the OAT's resources. In the first 16 months of its operation since September 1987, the tribunal handled 2,062 articles, this jumped to 12,805 last year. Yet, the support staff (only at clerical level and below) has decreased from five to four. Is it therefore not time for the central administration to review the importance of the OAT?

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