

A forward step

The Government's decision to extend the Obscene and Indecent Articles Ordinance to cover the Internet will be welcomed. The move is in reaction to the release six weeks ago of a man suspected of involvement in an international child pornography ring because the existing legal framework did not cover computer data. But the speed of the response makes it appear pro-active.

Parents, concerned at the materials which their computer-literate children may be able to access unsupervised, religious leaders and politicians with a mail bag full of complaints from their constituents have all been waiting for just such an act of leadership. It sends a clear message to would-be pornographers that society will not tolerate any attempt to insinuate their corrupting messages into the home.

So far, so good. Punishing the publishers and authors of lewd and unpleasant material under a specific legal provision in exactly the same way as publishers of obscene magazines is surely a healthier approach to keeping the Internet free of pornography than forcing network servers to undertake the impossible task of cleaning up their databases. Unfortunately, as the Government also recognises, the most muscular legislation will be ineffective if it fails to define the term

publisher. Nor must it seek to make local network servers liable as the "publishers" of material over which these companies have little control. That would make the local servers just as responsible for the millions of pages they offer as directly ordering them to vet their own information. It would also make servers responsible for material input from outside Hong Kong.

Initial consultations with local service providers have not come close to resolving the problem. The suggestion from one that local companies agree to block access to any page designated obscene by a government-run registry raises serious questions about the rights of adults to access whatever information they choose, and opens up new avenues of official abuse. A government with access to such a convenient and legally-sanctioned method of censorship might be hard to restrain. The determined consumer of obscene material would soon find ways round the system. The general reader, however, might find access to other sensitive material blocked.

Hong Kong is probably on to the right track with the application of the obscene articles legislation to the net. But it may be a little premature to claim it has found the perfect formula when better-equipped jurisdictions have failed.