

Head 180 — OFFICE FOR FILM, NEWSPAPER AND ARTICLE ADMINISTRATION

Controlling officer: the Director of Film, Newspaper and Article Administration will account for expenditure under this Head.

Estimate 2012–13..... **\$41.1m**

Establishment ceiling 2012–13 (notional annual mid-point salary value) representing an estimated 122 non-directorate posts as at 31 March 2012 reducing by 68 posts to 54 posts as at 31 March 2013. **\$18.3m**

In addition, there will be an estimated three directorate posts as at 31 March 2012 reducing by two posts to one post as at 31 March 2013.

Controlling Officer's Report

Programme

Film Classification, Control of Obscene and Indecent Articles and Newspaper Registration

This programme contributes to Policy Area 17: Information Technology and Broadcasting (Secretary for Commerce and Economic Development) and Policy Area 18: Recreation, Culture, Amenities and Entertainment Licensing (Secretary for Constitutional and Mainland Affairs).

Detail

| | 2010–11 (Actual) | 2011–12 (Original) | 2011–12 (Revised) | 2012–13 (Estimate) |
|---------------------------|---------------------|-----------------------|----------------------|-------------------------|
| Financial provision (\$m) | 35.3# | 35.3# | 36.5# (+3.4%) | 41.1 (+12.6%) |

(or +16.4% on
2011–12 Original)

To facilitate comparison, the figures for 2010–11 and 2011–12 exclude provisions for broadcast monitoring and regulation as well as entertainment licensing which will be absorbed by the Office of the Communications Authority (OFCA) Trading Fund and transferred to Head 63 – Home Affairs Department respectively upon the establishment of OFCA on 1 April 2012.

Aim

2 The aim is to enforce a system of film classification according to the Film Censorship Ordinance (Cap. 392) (FCO) through a censorship scheme which meets the needs and reflects the moral standards of the community; to control, together with the Police and the Customs and Excise Department, the publication of obscene and indecent articles by enforcing the Control of Obscene and Indecent Articles Ordinance (Cap. 390) (COIAO); and to register local newspapers under the Registration of Local Newspapers Ordinance (Cap. 268) (RLNO).

Brief Description

3 Upon the establishment of OFCA on 1 April 2012, this Office will assume the functions of film classification, control of obscene and indecent articles and newspaper registration. Prior to that, the Television and Entertainment Licensing Authority (TELA) is responsible for carrying out these functions.

4 On film classification, the Office is responsible for the examination of films for public exhibition under the three-tier film classification system and the examination of advertising materials and packaging of Category III films. The work of the Office involves:

- classifying films for public exhibition and publication and granting exemption from classification;
- examining advertising materials of films, and packaging of video tapes and laser discs of Category III films;
- inspecting cinemas to enforce the age restriction for audience admission and other provisions under the FCO;
- inspecting video shops and other retail outlets to regulate the publication of films in the form of video tape and laser disc;
- gauging public opinion on film classification standards;
- maintaining a panel of advisers to allow public participation in the film classification process; and
- promoting the three-tier film classification system to the public.

5 During the year, TELA conducted a survey on the film classification system.

Head 180 — OFFICE FOR FILM, NEWSPAPER AND ARTICLE ADMINISTRATION

6 On the enforcement of the COIAO, the Office is responsible for:

- regulating the publication and public display of obscene and indecent articles under the COIAO through monitoring articles published in the media and inspecting newspaper stalls, video and computer shops and other retail outlets;
- submitting articles to the Obscene Articles Tribunal (OAT) for classification, and taking appropriate enforcement and prosecution action against violations of the COIAO;
- liaising with Internet service providers and the Hong Kong Internet Service Providers Association on the regulation of obscene and indecent materials transmitted through the Internet;
- organising publicity and public education programmes to promote public awareness of the provisions of the COIAO;
- processing complaints relating to the publication of obscene and indecent articles; and
- conducting periodic public opinion surveys on the moral standards of members of the community.

7 In 2011, TELA continued its effort to promote public awareness of the protection of youth from indecent and obscene materials. Major activities organised are set out below:

- the COIAO Subsidising Scheme sponsored ten projects launched by voluntary organisations, youth bodies and schools to provide proper counselling and guidance for children and youth;
- the Meritorious Website Contest was held to promote safe and smart use of the Internet;
- a Healthy Application Nomination Programme was organised to promote the use of healthy applications in mobile phones or tablet personal computers;
- a radio drama programme was jointly organised with Metro Broadcast Corporation Limited to help promote the COIAO;
- district talks and workshops to promote the use of filtering software were conducted, with free filtering software distributed to parent participants;
- 211 schools talks for students/parents on safe and smart use of the Internet to protect the youth from indecent and obscene materials were conducted;
- an Internet video contest was held to promote the healthy use of the Internet among youngsters;
- a student ambassador training scheme was held to recruit students to help promote the COIAO; and
- a school drama tour programme was conducted to promote the COIAO to students of primary and secondary schools.

8 The Office is also responsible for registering local newspapers and news agencies, and licensing newspaper distributors under the RLNO.

9 The key performance measures in respect of film classification, control of obscene and indecent articles and newspaper registration are:

Targets

| | Targets | 2010 (Actual) | 2011 (Actual) | 2012 (Plan) |
|---|---------|------------------|------------------|----------------|
| <i>Film classification</i> | | | | |
| assigning film viewing sessions for films submitted for classification within seven working days (%)..... | 100 | 100 | 100 | 100 |
| notifying applicants on decisions about film classification within eight working days (%)..... | 100 | 99.7 | 99.6 | 100 |
| issuing Certificates of Exemption to applicants within three working days (%)..... | 100 | 99.9 | 99.8 | 100 |
| issuing Certificates of Packaging to applicants within two working days (%)..... | 100 | 100 | 100 | 100 |
| issuing Certificates of Advertising Materials to applicants within two working days (%)..... | 100 | 100 | 98.9 | 100 |

Head 180 — OFFICE FOR FILM, NEWSPAPER AND ARTICLE ADMINISTRATION

| | Targets | 2010 (Actual) | 2011 (Actual) | 2012 (Plan) |
|--|---------|------------------|------------------|----------------|
| <i>COIAO</i> | | | | |
| issuing interim replies to complainants within seven working days (%)..... | 100 | 99.2 | 100 | 100 |
| issuing substantive replies to complainants regarding investigation results on their complaints within 20 working days (%)..... | 100 | 99.3 | 100 | 100 |
| <i>Newspaper Registration</i> | | | | |
| new registration for local newspapers within seven working days (%)..... | 100 | 100 | 100 | 100 |

Indicators

| | 2010 (Actual) | 2011 (Actual) | 2012 (Estimate) |
|--|------------------|--------------------|--------------------|
| <i>Film classification</i> | | | |
| films classified..... | 1 571 | 1 581 | 1 580 |
| films exempted from classification..... | 8 336 | 9 625 | 9 630 |
| packaging examined..... | 84 | 121 | 120 |
| advertising materials of films examined..... | 489 | 271 | 270 |
| inspections conducted..... | 1 300 | 1 300 | 1 300 |
| <i>COIAO</i> | | | |
| articles scrutinised..... | 330 045 | 330 031 | 330 000 |
| inspections conducted..... | 72 612 | 72 606 | 72 600 |
| articles referred to the OAT for classification..... | 304 | 301 | 300 |
| COIAO enforcement operations conducted..... | 180 | 180 | 180 |
| obscene and indecent articles seized..... | 20 300 | 9 553 [^] | 10 000 |
| talks and seminars conducted..... | 217 | 211 | 210 |
| <i>Newspaper Registration</i> | | | |
| local newspapers and news-related publications registered..... | 688 | 701 | 700 |
| newspaper distributor licences issued..... | 22 | 22 | 22 |

[^] There was a decrease in the number of indecent DVD/VCD seized from retail outlets inspected.

Matters Requiring Special Attention in 2012–13

10 During 2012–13, the Office will:

- continue its enforcement of the FCO and COIAO;
- continue to organise publicity and public education programmes to promote public awareness of the FCO and the COIAO;
- continue to map out, together with the Commerce and Economic Development Bureau, the way forward on the review of the COIAO; and
- conduct a public opinion survey on the awareness and standards of the three-tier film classification system.

Head 180 — OFFICE FOR FILM, NEWSPAPER AND ARTICLE ADMINISTRATION

ANALYSIS OF FINANCIAL PROVISION

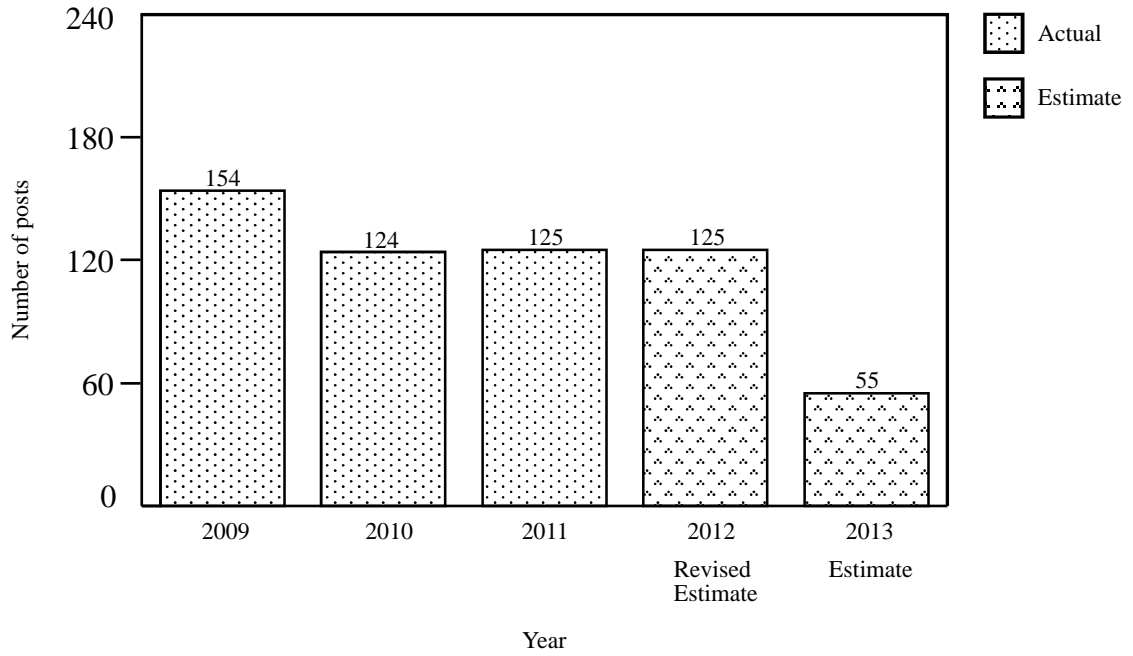
| Programme | 2010–11 (Actual) (\$m) | 2011–12 (Original) (\$m) | 2011–12 (Revised) (\$m) | 2012–13 (Estimate) (\$m) |
|--|------------------------------|--------------------------------|-------------------------------|--|
| Film Classification, Control of Obscene and Indecent Articles and Newspaper Registration | 35.3# | 35.3# | 36.5# (+3.4%) | 41.1 (+12.6%) |
| | | | | (or +16.4% on 2011–12 Original) |

To facilitate comparison, the figures for 2010–11 and 2011–12 exclude provisions for broadcast monitoring and regulation as well as entertainment licensing which will be absorbed by the OFCA Trading Fund and transferred to Head 63 – Home Affairs Department respectively upon the establishment of OFCA on 1 April 2012.

Analysis of Financial and Staffing Provision

Provision for 2012–13 is \$4.6 million (12.6%) higher than the revised estimate for 2011–12. This is mainly due to the increased provisions for the creation of one post and other operating expenses.

*Changes in the size of the establishment
(as at 31 March)*



Head 180 — OFFICE FOR FILM, NEWSPAPER AND ARTICLE ADMINISTRATION

| Sub-head (Code) | Actual expenditure 2010–11# | Approved estimate 2011–12# | Revised estimate 2011–12# | Estimate 2012–13 |
|--------------------------------|-----------------------------------|----------------------------------|---------------------------------|-----------------------------|
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Operating Account | | | | |
| Recurrent | | | | |
| 000 Operational expenses | 78,467 | 78,844 | 82,217 | 41,117 |
| Total, Recurrent | <u>78,467</u> | <u>78,844</u> | <u>82,217</u> | <u>41,117</u> |
| Non-Recurrent | | | | |
| General non-recurrent | 5 | 118 | 118 | — |
| Total, Non-Recurrent | <u>5</u> | <u>118</u> | <u>118</u> | <u>—</u> |
| Total, Operating Account..... | <u>78,472</u> | <u>78,962</u> | <u>82,335</u> | <u>41,117</u> |
| <hr/> | | | | |
| Total Expenditure | <u><u>78,472</u></u> | <u><u>78,962</u></u> | <u><u>82,335</u></u> | <u><u>41,117</u></u> |

For consistency with previous estimates, the figures for 2010–11 and 2011–12 include provisions for broadcast monitoring and regulation as well as entertainment licensing which will be absorbed by the OFCA Trading Fund and transferred to Head 63 – Home Affairs Department respectively upon the establishment of OFCA on 1 April 2012.

Head 180 — OFFICE FOR FILM, NEWSPAPER AND ARTICLE ADMINISTRATION

Details of Expenditure by Subhead

The estimate of the amount required in 2012–13 for the salaries and expenses for the Office for Film, Newspaper and Article Administration (the Office) is \$41,117,000. This represents a decrease of \$41,218,000 against the revised estimate for 2011–12 and of \$37,355,000 against actual expenditure in 2010–11.

Operating Account

Recurrent

2 Provision of \$41,117,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Office. The decrease of \$41,100,000 (50%) is mainly due to the transfer of functions relating to broadcast monitoring and regulation as well as entertainment licensing to the Office of the Communications Authority (OFCA) and Home Affairs Department respectively upon the establishment of OFCA on 1 April 2012.

3 The establishment of Television and Entertainment Licensing Authority as at 31 March 2012 will be 125 permanent posts. It is expected that there will be a net decrease of 70 posts in 2012–13 arising from the transfer of 71 posts to various bureaux/departments upon the establishment of OFCA on 1 April 2012, offset by the Office's increase of one post. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2012–13, but the notional annual mid-point salary value of all such posts must not exceed \$18,281,000.

4 An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

| | 2010–11 (Actual)# (\$'000) | 2011–12 (Original)# (\$'000) | 2011–12 (Revised)# (\$'000) | 2012–13 (Estimate) (\$'000) |
|--|----------------------------------|------------------------------------|-----------------------------------|-----------------------------------|
| Personal Emoluments | | | | |
| - Salaries | 49,831 | 51,746 | 53,902 | 20,411 |
| - Allowances | 356 | 332 | 534 | 141 |
| Personnel Related Expenses | | | | |
| - Mandatory Provident Fund contribution | 190 | 184 | 195 | 19 |
| - Civil Service Provident Fund contribution | 56 | 228 | 167 | 126 |
| Departmental Expenses | | | | |
| - General departmental expenses | 28,034 | 26,354 | 27,419 | 20,420 |
| | <u>78,467</u> | <u>78,844</u> | <u>82,217</u> | <u>41,117</u> |

For consistency with previous estimates, the figures for 2010–11 and 2011–12 include provisions for broadcast monitoring and regulation as well as entertainment licensing which will be absorbed by the OFCA Trading Fund and transferred to Head 63 – Home Affairs Department respectively upon the establishment of OFCA on 1 April 2012.