

**SHALL WE CURRY FAVOUR OF OUR MASTERS
IN ORDER TO STAY IN BUSINESS ?**

The time is bound to come when some innocent party, or company, working in the Hongkong Special Administrative Region (HKSAR) of the People's Republic of China (PRC), will be accused and found guilty of contravening the laws with regard to obscenity.

Because, while the world talks about the male potency pill, Viagra, with pictures of penises, erect and flaccid, the PRC's concept of what is correct and proper is, still, at least 4 decades behind the times.

The late, Californian gangster Mickey Cohen was too smart, most of the time, for the US Government and law-enforcement authorities, but, eventually, he was nabbed, not for his gangster activities, but for tax evasion.

In the HKSAR, members of the Judiciary are well aware of, what has come to be known as, '*The Ways and Means Ordinance*'.

If the HKSAR Government, or any member of it, cannot, legally, get his own way, there is, always, some infraction of the law, which may be excused to apply the brakes to the activities of a perceived '*enemy*'.

The HKSAR Government is able to control the publication and distribution of certain printed and electronic publications by virtue of Chapter 390, The Control of Obscene and Indecent Articles Ordinance.

This piece of legislation states that any person who publishes, possesses, or imports, for the purpose of publication of an obscene article, is liable to a fine of \$HK1 million and imprisonment for 3 years.

The term, '*publication*', also extends to distribution, circulation, selling, hiring, giving or lending of an obscene article, whether or not for gain, to the public.

Tough!

So, as far as TARGET is concerned, it is possible for Chief Executive Tung Chee Hwa, or any of his minions, to fine this medium for employing such terms as '*arse*', '*fuck*', '*penis*' and '*testicles*', etc., because all of these words have been used by TARGET, and shall be used again when it is appropriate so to do.

There exists in the HKSAR, today, an Obscene Articles Tribunal which states, inter alia, that it:

'... shall have regard to: --

(a) standard of morality, decency and propriety that are generally accepted by reasonable members of the community, and in relation thereto may, in the case of an article, have regard to any decision of a censor under Section 10 of the Film Censorship Ordinance 1988 in respect of a film within the meaning of Section 2(1) of that Ordinance ...'

Wide executive powers, one may remark.

The Government of the HKSAR, definitely, will control the Press of the HKSAR as some stage -- because that is the way in which things are done in the PRC.

If the Press does not regulate itself, it is a guarantee that the HKSAR Government will do it for, and on behalf of, the Press.

Censorship in the PRC – which must be mirrored in the HKSAR, in due course – is based, not so much on the moral standards of the populace, but on the moral standards, thought correct and proper by certain PRC Government officials.

While most of the moguls of the HKSAR go off to Thailand, the Philippines and Japan in order to have a little sex tour and to indulge in fornication (which never happens in the PRC, of course), in the HKSAR they, all, endorse Chapter 390, The Control of Obscene and Indecent Articles Ordinance.

Mr Cheung Kwai Yeung, a top member of The News Executives' Association, has publicly made it known that the framework of a Code of Ethics of the HKSAR Press is being drawn up, and should be ready for the Government to view shortly.

Mr Cheung said: *'... If we do not draft it (a Code of Ethics) ourselves, the Government will do it for us.*

'For example, the Government may make use of the Control of Obscene and Indecent Articles (Ordinance) to control newspapers' content ... '.

Clearly, Mr Cheung is correct.

But what a poor state of affairs it is when the guardians of the dissemination of information know that they operate under fear and threat of reprisals from the very government that they should, obliquely, be serving, by publishing the affairs of that government!

It has to be true that people in different parts of the world hold different views on a great many subjects.

But should a government strangle such diversity of opinion by the use of de facto absolutism?

It is just about considered a sacred cow in the US, today, that there should never come a time when a government, Federal, State or local, should be forced to choose between repressing all material, including that within the realm of decency, and allowing unrestrained licence to publish any material, no matter how vile.

There are, and always will be, inherent dangers in trying to regulate any form of expression, be it perceived obscenity, perfidy, or, simply, poor taste.

As the market is the best controller of a market, so it is that the good common sense of the populace will, without any coercion from anybody or any governmental body, control that which is considered objectionable simply by demonstrating, in a very definitive manner, that such is unacceptable: There is no requirement for draconian legislation.

If the Journalists' Association, and the News Executives' Association, and all the other associations in the HKSAR, associations which are supposed to be represent the bulk of the men of letters in these 416-odd square miles, bow to the inhibitory pressure of the Government of Chief Executive Tung Chee Hwa, or any member of that Government, and the people of the HKSAR endorse such actions, then, the bowing and meowing is well deserved.

And the rewards of a repressive society shall, inevitably, follow.

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