

Government proposes amendments to Film Censorship Ordinance to enhance regulatory framework

The Chief Executive in Council has approved today (August 24) the introduction of the Film Censorship (Amendment) Bill 2021 into the Legislative Council (LegCo) to enhance the film censorship regulatory framework, with a view to ensuring more effective fulfilment of the duty to safeguard national security as required by the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, as well as preventing and suppressing acts or activities that may endanger national security.

Key legislative proposals of the Bill are as follows:

- (a) to set out explicitly that a censor should consider whether the exhibition of a film would be contrary to the interests of national security, so as to provide clear statutory backing for a censor to give due consideration to national security when making film decisions;
- (b) to empower the Chief Secretary for Administration to direct the Film Censorship Authority to revoke certificates of approval or certificates of exemption previously issued for films if their exhibition would be contrary to the interests of national security;
- (c) the Secretary for Commerce and Economic Development (SCED) may grant extension of time for a period of no more than 28 days each time for a censor to make a decision where the Authority is of the opinion that the exhibition of the film might be contrary to the interests of national security, allowing sufficient time for the censor to deal with cases that may involve national security considerations and to seek legal advice; and
- (d) to disapply the relevant sections that empower the Board of Review (Film Censorship) to consider requests for review of the decisions of the Authority or a censor, for decisions made on national security grounds.

In addition to the above key proposals, the Government will also recommend the following amendments:

- (a) to specify that a censor can request the addition of a specific notice to a film, to serve as a reminder to viewers (or their parents) to mitigate potentially undesirable effects;
- (b) to empower the Authority to require the holders of certificates of exemption or certificates of approval to provide information about the exhibition of their respective films, such as the date, time and venue, and to empower an inspector authorised by the Authority to enter and search any place with the authority of a judicial warrant in order to enhance the

inspector's ability to take enforcement action;

(c) to impose heavier penalties for exhibiting films that are not exempted or approved, raising the maximum penalty to imprisonment for three years and/or a fine of \$1 million; and

(d) to remove the specified number of non-official members to be appointed, as well as to empower the SCED to appoint a public officer as his representative to attend and vote at the Review Board meetings, in order to allow greater flexibility to determine the composition of the Review Board.

The Bill will be gazetted on Friday (August 27) and introduced into the LegCo on September 1 for First and Second Readings.

In June this year, the Government introduced amendments to the Film Censorship Guidelines for Censors to provide censors with clearer guidance to consider the implications of a film on national security, so as to decide whether the film is suitable for exhibition and its classification.