

ISP Framework For Control of Indecent and Obscene Materials

Child Online Safety Roundtable 2017

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Background

- “Code of Practice: Practice Statement on Regulation of Obscene and Indecent Material”
- Centred around CAP 390: Control of Obscene and Indecent Articles Ordinance
- Established since Sep 1997, Updated Jan 2017
- ISP Centric: Advises what ISPs should do

Component I: Terms and Conditions

Advise
Customers
about Parental
Guidance:
“person under
the age of 18
years needs to
be supervised
by a person
over the age of
18 years.” to
get online

Advising Content Providers to Put
Up: “WARNING : THIS ARTICLE
CONTAINS MATERIAL WHICH
MAY OFFEND AND MAY NOT BE
DISTRIBUTED, CIRCULATED,
SOLD, HIRED, GIVEN, LENT,
SHOWN, PLAYED OR
PROJECTED TO A PERSON
UNDER THE AGE OF 18 YEARS.”
for (likely) indecent materials

Component II: Actions

If found Class III material: ISP
disables access, and
suspend user account if
continues the offence

If found Class II material without the required
warning: ask user to place warning, suspend
user account if continues offence

Component III: Sources of Complaints

From a member of the public
direct complaint to ISP

Law Enforcement Agency Interacting with ISP

Through HKISPA

Consequences of non-compliance

Sanction by HKISPA

Reality: ISPs don't need license from HKISPA to operate. Suspension of license by OFNAA have a different set of procedures

Areas for Improvement

Scope: ISPs have no right to block access to content outside their network (which they shouldn't have unless have wide consent of the society)

Publicity: The mechanism is more like a component to serve the Ordinance to make law enforcement “complete”. Not enough publicity

Areas for Improvement

Ownership: There is no clear ownership of the mechanism, as the Scope of the mechanism mostly fall on other's network

Incentive: Lack of incentive to expand the program or perfect the program

Directions to Explore

Incentive to various parties: Branding ? Cause related Marketing ?

Commit more resources in publicity

Expand the scope of the program, and connect with “other networks” to make enforcement more meaningful and global