

# Art Censorship: The Ambiguous Definitions of Pornography/ Erotica

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## Abstract

By probing into controversial judgments made by the “Obscene Article Tribunal” of the HKSAR government on erotic/ borderline artworks, this essay examines the development of this particular art subject, as well as difficulties it has encountered insofar in Hong Kong.

Erotic/ borderline content in art-making is never a recent phenomenon. By tracing back to early 1900s, we aim to manifest, by a chronological approach, the appreciation of erotic/ borderline art is closely related to Hong Kong’s socio-cultural context. We would also show in cases that pornography in popular culture was once and has still been wrapped in the packing of “art”, and try to explain how the abundance pool of erotic/ sex-related materials in popular culture mold the sexual attitude of most ordinary citizens of Hong Kong, which unavoidably affects their perception of erotic/ borderline content in contemporary art.

## Introduction

Through online search engines, it is not hard to discern that Hong Kong, in as few as more than a hundred years, has cultivated a rich culture of erotica/ pornography<sup>1</sup>. Apart from adult magazines imported from Europe and the US, local pornographic periodicals have also been flourishing: in view of *Tangxi Huabao* (Plate 1), *Taose Cihua* and *Xiang Feng* etc. in the early years, *Hei Bai*, *Xi Bao* (Plate 2),

Plate 1 (left)  
 Pornographic comics in  
*Tangxi Huabao*. Image from  
 Cho Man-wai, *The Lustful  
 Times—Hundred Years of Sex  
 History of Hong Kong* (Hong  
 Kong: Joint Publishing,  
 2007), 20



Plate 2 (right)  
*Xi Bao*, November 13,  
 1975





Plate 3 (left)  
Sheng Bao, Vol. 330, 1978



Plate 4 (right)  
Kam Yeh Pao,  
September 10, 1978

Sheng Bao (Plate 3), Kam Yeh Pao (plate 4) in the 1950-60s, or even the sexually explicit *Lung Fu Pao*, *Cang Chun Ge* and *Shizhi Laohu* in the 80-90s, there is no doubt that the print pornographic culture in Hong Kong has a long history and deep roots. As for films, following the emergence of erotic films like *The Warlord* (1972), *The Misguided Youth* (1972) and *Intimate Confessions of a Chinese Courtesan* (1972) etc. in the 1970s, although there has been a drop in recent productions of this kind, one could still name a few representative works including *Golden Chicken* (2002), *Vulgaria* (2012) and *Due West: Our Sex Journey* (2012) etc. It is thus shown that erotic/ pornographic information has been disseminated through various media over the years and the visually striking images have, in a way, shaped Hong Kong people's attitude towards sex. Nonetheless, despite the abundance of sexual contents in the local pop culture, people here are not necessarily open-minded about sexuality. In fact, since the establishment of the "Obscene Articles Tribunal" (hereafter referred to as "the Tribunal"), members of society have been subject to more restrictions when creating works of art and it became increasingly difficult for them to release any sex-related works.

Looking back, the establishment of the Tribunal was in truth the Government's response to the rising pressure from society to defend the traditional moral values. In 1977, some university and A-level students including Lui Tai-lok formed the "Mass Culture Action Group", which was directed towards the excessive sex and violence spreading through the mass media like films, television and newspapers back then. The Group even protested outside the Commercial Television office against an adult TV show called *Hello, Late Homecomers*, for they claimed that the show was poisoning the minds of the young. Their action catalyzed the future anti-pornographic culture movement, compelling the Government to set up the "Not Suitable For Children" and later the "three-tier" rating system for motion pictures. Then, in 1987, the Government established the Tribunal<sup>1</sup> and revised the "Control of Obscene and Indecent Articles Ordinance." Nevertheless, it should be noted that the Tribunal not only failed to cope with the great deal of widespread pornographic information, it has also made a number of debatable judgements over the years. The constitution of the panel of adjudicators is problematic: no regulations are governing the number of appointees, nor the sectors where they come from; there has also been no limit on the number of reappointments and no adjudicators have been removed from the list. As a result, the public find it inevitable to question the panel's objectiveness and credibility.

Amongst the controversial decisions made by the Tribunal, a lot of them concerned the art field. In 1994, *Dong Kuai Bao* published an advertisement for an art dealer, in which *David*, the masterpiece created by the famous Italian sculptor Michelangelo, was featured. Since the male genitalia of the sculpture were exposed, the “Television and Entertainment Licensing Authority” (TELA) charged the magazine with publishing indecent articles without appropriate packaging. After referral by the court, the Tribunal took up the investigation and classified the advertisement as “Class II – indecent” at last. In 1995, a nude male sculpture, *New Man*, made by British sculptor Elizabeth Frink was installed at the foyer of Kailey Tower in Central. Later, as the Tribunal received complaints against the display of sex organs in public and classified the sculpture as “indecent”, it requested the organizer to cover the sculpture’s penis, or else the work could not be exhibited at all. Going through the news archive, we found that people who worked in the local arts, cultural, media and legal sectors all considered the classification of *New Man* as an indecent article an immensely ridiculous decision. The arts community even organized a series of protests including displaying the original *New Man* at the Hong Kong Arts Centre, holding seminars on the incident, staging demonstrations with cardboard nudes and making public statements etc. to voice their objections.

Although the Government carried out a review of the Control of Obscene and Indecent Articles Ordinance in 2000, the definitions of pornography and erotica are still unclear and the problem continued. In 2000, the poster for the lesbian film *Better Than Chocolate*, which depicted two girls with naked backs embracing, was classified as “Class II – indecent” by the TELA and it was banned from being shown in public places. In 2007, the *Chinese University Student Press* was widely criticized by the general public for its newly launched sex page. After the page was classified by the Tribunal as “Class II – indecent” publication, a columnist of *Hong Kong In-media* posted a semi-nude photograph online to show disapproval of the ruling. As the website was later asked by the TELA to remove the photo, it rebutted, “Considering the lighting and layout of the photo as well as the model’s posture, it is apparent that the whole composition falls into the genre of fine-art photography. The fact that the Tribunal classified the photo as indecent merely because of the nipples shown is not only a disgrace, but it has also reflected how ossified and bureaucratic the entire classification system is.”<sup>3</sup> In the same year during the “Hong Kong Book Fair”, the TELA asked a publisher to withdraw the sale of a book titled *Mythology of Love*, as its cover featured the painting by French artist François Gérard, *Psyche Receiving Cupid’s First Kiss*, in which the characters are naked. In January in the same year, “In/Out - Hong Kong Tongzhi Art Exhibition” was held at Hong Kong Cultural Centre by Nu Tong Xue She. One of the exhibits, titled *B&G SMS Secret Messages In Public (Licking Private Parts)*, was sent to the Tribunal for classification upon the request by the Home Affairs Bureau because of the use of Chinese puns. The exhibition was at last classified as “Class II - indecent”, rendering it unsuitable for audience under 18. In 2008, for fear of violating the law, the local press published Chinese artist Ai Weiwei’s work, *One Tiger and Eight Breasts*, and pixelated the private parts of the models. In 2010, the March 7 issue of *Kung Kao Po* published by the Roman Catholic Diocese of Hong Kong included an article titled “The Human Body Behind the Clothes” with an illustration of female nude. Some adjudicators from the Tribunal deemed that the image was borderline and it could be categorized as a “Class II – indecent” article. In fact, according to a feature story titled “Confession of

Three Adjudicators: The Tribunal In Turmoil” published by *Apple Daily* on January 20, 2008, Cheung Kwok-che, Legislative Councilor who was also an adjudicator, revealed that he once had to deal with several hundreds of discs in a couple of hours. The adjudicators could only rate a film based on some nude scenes rather than the contents of the entire film. In view of the above-mentioned examples and Cheung’s experience, one cannot help but doubt whether the adjudicators at the Tribunal make their rulings merely according to the exposure of sex organs, instead of taking the rationale behind a particular piece of work and its artistic values seriously.

As a matter of fact, the debate on “art or pornography” has long been around since the opening of Hong Kong ports in the early years. In 1921, local photographer Pan Wei-da, in response to the New China trends, took a series of nude photographs with his daughter being the model. Some of the photos were even showcased at his “Po Kwong Photo Studio” on Wellington Street, causing a stir in Hong Kong, Macau and Guangdong. Later, he kept publishing female nude photographic works in *Wei Xiao, Fei Fei* (first issue in June 1928) and *Ban Lu* from Hong Kong and *Liang You* from Shanghai. Apart from his daughter, a nurse who worked in a clinic owned by Pan’s son-in-law was also once his nude model. As in the 40-50s, artists Yee Bon and Lee Byng also created female nude paintings when they were staying in Hong Kong. Nevertheless, it should be noted that the Chinese society back then was more conservative than it is nowadays. The general public was not very educated and most of them tended to adhere to traditional moral codes, especially those concerning gender. As people were not familiar with western body art, they consider chastity an important virtue for fine women and the revealing of body parts a breach of ethics. Consequently, there was not much recognition for nude models back then. Even in the late 1930s, these models earned less than twenty dollars a month, making them more poorly paid than factory workers. The salary for that of clothed models was even lower.

After the war, books and magazines with pornographic contents like *Body Art* (Plate 5) packaged themselves as art and emerged in the market. In the meantime, there were art periodicals such as *Nude Salon* which actually started out as pornography. Some local organizations would hold erotic salons of body photography in the name of art in Central. Each participant needed to pay two hundred dollars, which was not affordable to most of the Hong Kong people back then. Some of the pornographic magazines like *Lao Ye* and *Da Ban* also organized body photography activities or recruited models to “sacrifice for the arts”. As in the 1980s, “Studio One”, “College Life Film Association” and “French Cultural Center” from time to time would screen European, American and Japanese art films that explore sexual subjects, including those directed by Nagisa Oshim and Shūji Terayama etc. Locally, Lui Kei, Li Han-hsiang and Chor Yuen etc. also produced a number of erotic films, for example, *Adultery, Chinese Style* (1973), *Girls For Sale* (1976), and *Sensual Pleasures* (1976) etc. These films, though daring in terms of the subject matter and the number of nude scenes, are not merely pornographic films. Just as what Lui Kei once said, “In the past, the leading actor and actress would be well-dressed in their bedroom, which was a bit too unreal and decorative. I’d rather let the leads wear pyjamas or even simpler clothing to make it more realistic.”<sup>4</sup> Indeed, the erotic films directed by Lui and Li Han-hsiang emphasize the importance of the plot. In

Plate 5 (left)  
*Body Art*, Issue 1



Plate 6 (right)  
 Ding Yanyong, *Yang Guifei*  
*In Bath*, ink and color on  
 paper, 97.5×53.5cm, 1973



In addition to sex appeal, they also incorporate sarcastic remarks on current affairs and tend to examine the psychological state and the very nature of human beings. Notwithstanding the artistic value, putting the films in context, the substantial differences between the then moral standard and that of today explained why they were hardly accepted by the moralists at that time. Hong Kong, unlike its contemporary western societies, had never truly experienced the feminist movements and women remained to be treated unequally. The general public, as conservative as in the feudal times, was prone to equate the female body with pornography, totally neglecting the cultural significance of the human body.

In the 1960-70s, several local visual artists engaged themselves in erotic/ borderline art-making. Take the painter Ding Yanyong as an example. He took women in traditional Chinese tales as his subjects and painted *Yang Guifei In Bath* (Plate 6) and *Lady Meng Jiang In Bath* with ink. Hon Chi-fun, who is nearly ninety-four now, completed his large masterpiece, *Bath of Fire*, as early as in 1968. Not only are the naked ladies clearly seen in the painting, but there are also lots of sexual metaphors hidden in this circle-themed work. Sculptor Cheung Yee even created *Everlasting* (1972) (Plate 7) to represent the female genitals. It was, however, not until the 1980s, did the local art community start to thoroughly and continually look into the subject of human body. The local art scene flourished as artists who studied fine arts overseas like Michael Chen, Almond Chu, Oscar Ho and Yank Wong etc. began to return to Hong Kong one after another. They brought the western ideas, visions and even new moral standards to Hong Kong, influencing the local cultural development through contemporary art. For instance, when Michael Chen was serving as the Galleries Director of Hong Kong Arts Centre, he curated a number of important exhibitions including "The Human Figure Re-examined" (Plate 8) in 1986. As for Almond Chu, the photographer, he went on creating works of body art after coming back from Japan. On the other hand, Yeung Sau-churk Ricky, who studied arts in Hong Kong, was known for making art that involved sex and violence in the 80s as well and these works have been exhibited at Hong Kong Arts Centre and other venues. From the 90s till now, artists kept producing the same kind of artworks with a view to exploring

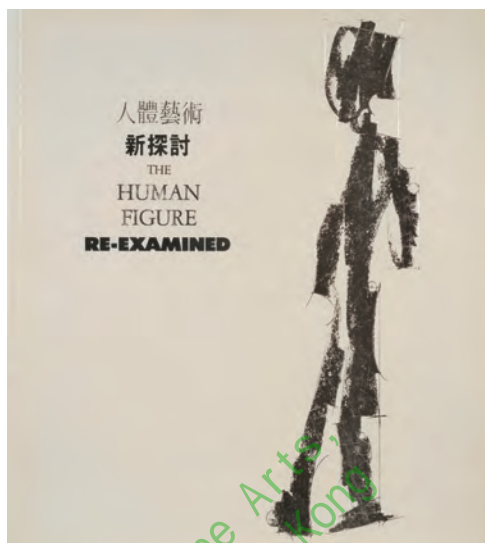


Plate 7 (left)  
Cheung Yee, *Birth*,  
Intaglio, 22.5x22.5cm,  
1967

Plate 8 (right)  
“Human Figure Re-  
examined” exhibition  
publicity materials. Image  
courtesy of Michael Chen

gender-related issues: Wilson Shieh employs meticulous brushwork (*gongbi*) to work on the erotic subject, Leung Po-shan Anthony performed *Itchy Itchy*, Phoebe Man named her vulva doll *Rita* (2000) etc.

Although the Tribunal was only established in 1987, censorship could come in all forms aside from the official channel: the society is one force, and so as the creator himself. Having the pleasure to interview the photographer Almond Chu last month, we heard the story of a local photographer who used a telephoto lens to photograph topless swimmers in Europe. The series of works, of which some of the audience strongly disapproved, was exhibited at the Fringe Club in around 1987. Criticizing that the photos were voyeuristic rather than artistic, these audience even removed the works from the wall themselves. After the incident, art organizations in Hong Kong became much more careful with works of body art. For example, before Chu exhibited his body photographic works at the City Gallery of City Contemporary Dance Company, he had to pass them to the organizer for perusal first to make certain that they would not cause too much controversy. Furthermore, in an interview published in *In Dialogue with Hong Kong Arts 1980-2014*, Michael Chen mentioned that he once met an Australian artist called Stelarc, who was dedicated to making body art in Tokyo. He would put hooks all over his body and suspended himself in the nude from the ceiling. Chen wished to introduce this kind of art to Hong Kong but he was concerned that it was too avant-garde to be accepted by the local audience. At last, he only invited Stelarc to give a talk on his works in general at Hong Kong Arts Centre.

In recent years, as people start to change their attitude towards sex and art, the authorities seem to be loosening their censorship of arts. In 2006, the Leisure and Cultural Services Department, for the first time, organized a body art photographic exhibition at Sheung Wan Civic Centre. More than 300 photos were exhibited, which include close-ups of sex organs, and the exhibition was open to anyone over the age of 6. As for exhibitions held at non-governmental venues, there is even greater flexibility. In March

2010, Videotage put on a performance titled “MILK+” (Plate 9), in which half naked actors and actresses spread condensed milk (hinting at semen) on their bodies, licking and wiping each other. Siu Ding, one of the actresses, said that she was not able to thoroughly enjoy the performance because of the dampness and stickiness<sup>5</sup> (Plate 10). In 2014, Para Site presented a series of exhibitions titled “Ten Million Rooms of Yearning. Sex in Hong Kong”, wherein the exhibits tended to convey sex-related messages in a euphemistic way. Although these two exhibitions were not intervened by the Tribunal, does it truly mean that Hong Kong society, at least the official bodies, is becoming increasingly open-minded towards the sexual elements in arts or even erotic art?

The Tribunal, since 2008, has been consulting the public on the review of the “Control of Obscene and Indecent Articles Ordinance” and the second round of consultation was launched in 2012. Nonetheless, apart from the newly proposed measures which include increasing the maximum penalty, abolishing the administrative classification function of the Tribunal and gradually increasing the number of adjudicators, after six years of research, there have been no concrete proposals addressing subtler issues such as the representativeness of the panel of adjudicators and the classification criteria. The public, especially the cultural and arts sector, remains concerned. First, the revised Ordinance does not set out clear definitions of “obscenity”. Since it is very common for artistic creations to touch upon sex-related subjects and nudity, how would the Tribunal differentiate between obscene articles and erotica in an objective way? Furthermore, there are hardly any representatives from the cultural and arts sector on the list of the Tribunal adjudicators. Considering the controversial rulings they made in the past, one cannot but challenge whether the Tribunal is capable of classifying erotic/ borderline artwork. In the meantime, by any chance the reputation of artists affect the adjudicators’ judgement? As seen from the aforementioned examples, even some of the widely acclaimed artworks failed to escape censorship, let alone contemporary art which has always been disputable. Also, would it be more likely for contemporary works to be governed by the Ordinance as compared to traditional art? Will the revised Ordinance and penalty become a political tool that suppresses the freedom to create and even causes white terror amongst the artists?

Plate 9 (left)  
“MILK+” publicity material

Plate 10 (right)  
Siuding performing in  
“MILK+” (image from  
Siuding’s website)



Following the emergence of contemporary art, the boundaries between various forms of creations are getting blurred and art is no longer limited to traditional subject matters, media, venues, producers and audience. For the traditional media like painting and sculpture, people who have not received any formal arts training can still distinguish different works based on the craftsmanship. However, when it comes to contemporary art, which mainly features new media like photography, videos and performances and tends to reject all the subtlety and elitism embraced by traditional art, “everyone can become an artist” and everything can be transformed into works of art by artists and audience. Since this involves various kinds of uncertainties including “How do you define art?”, “How do you define pornography?”, “What issues is the artwork addressing?”, “How do you define an artist?” etc, the meanings behind contemporary artworks appear to be almost incomprehensible to the public. As a result, works regarding sex or gender often cause disputes. For instance, why artists having intercourse in public areas could be interpreted as a way to battle against existing social norms<sup>6</sup>? Works by Japanese photographers Nobuyoshi Araki or Daido Moriyama bring about the same strong visual impacts as the “intimate photos” of Edison Chen’s<sup>7</sup> do; what makes the former art but not the latter? Why is it that when pieces of menstrual-bloodstained cotton are woven together by a female artist, it is considered a work of art but not some loathsome filth<sup>8</sup>? All these uncertainties arising from contemporary art are, time after time, challenging the moral bottom line in society while causing disquiet amongst the general public who is not familiar with arts.

## Conclusion

Either from adult magazines to internet pornography, or from Tina Leung’s *The Warlord* and James Wong’s *Under The Rose* (1992) to *3D Sex and Zen: Extreme Ecstasy* (2011) and *Vulgaria*, it is effortless to describe how Hong Kong has fostered a popular culture of visual pornography during the past several dozen years. Chapman To, a local actor, even once joked, “Vulgarity has always been considered as a core value of Hong Kong films.”<sup>9</sup> Nonetheless, compared to the west or Japan etc., Hong Kong was a relatively slow starter in arts development, where contemporary art was only introduced hither through Hong Kong Arts Centre or alternative exhibition spaces in the 80s. As the general public and even adjudicators from an official judiciary body are not able to grasp the course of arts history, under the influence of pop culture, people’s understanding of “sex” is unavoidably reduced to the surface imagery of nudity. Consequently, the abstract ideas of life, death and fate etc. as embraced by “sex” have not been comprehended, which further hinders audience from appreciating works of art, especially those in the contemporary times. When a society cannot catch up with the rest of the world on the approach to “sex”, are the authorities competent to make fair and reasonable judgements on controversial contemporary artworks? In the meantime, is a society entitled to evaluate a piece of art simply on moral grounds? If the public remain unacquainted with the arts, the disputes mentioned in this article will without a doubt recur in the future.

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- <sup>1</sup> There are two reasons why a slash is added between erotica and pornography: first, the local culture contains a considerable number of erotic or purely pornographic subject matters; second, considering that the Hong Kong public, who take a comparatively conservative attitude towards sexual ethics, have various understanding of erotica and pornography, very few people can actually distinguish between the two—the former refers to an artistic and aesthetic way to create while the latter simply means sensual stimulation.
- <sup>2</sup> According to the Government's webpage, the Tribunal "consist[s] of a Presiding Magistrate and two or more adjudicators, [and] carries out two main tasks with respect to articles and matter - classification and determination". Under the Control of Obscene and Indecent Articles Ordinance, "the Tribunal's power to classify articles effectively provides society with an effective means of interpreting in practice the notions of obscenity and indecency. Indecency is here deemed to include violence, depravity and repulsiveness". Articles can be submitted by authors, printers, manufacturers, publishers, importers, distributors, copyright owners or any person who commissions the design, production or publication of the articles concerned. Additionally, a court or magistrate may, in the course of proceedings, refer an article or matter to the Tribunal, asking it to conduct determinations. In arriving at the determination and classification of an article, the Tribunal shall take account of: (i) the standards of morality, decency, language or behavior and propriety that are generally accepted by reasonable members of the community; (ii) the dominant overall effect of an article or matter; (iii) the persons, classes of persons, or age groups intended or likely to be targeted by an article's publication; (iv) in the case of matter publicly displayed, the location of such display and the persons, classes of persons, or age groups likely to view it; and (v) whether the article or matter has an honest purpose or whether instead it seeks to disguise unacceptable material. The Tribunal can classify an article as "Class I - neither obscene nor indecent", "Class II - indecent" or "Class III - obscene". For a Class II article, the Tribunal may impose conditions or restrictions relating to the publication of it while Class III articles are prohibited from being published.
- <sup>3</sup> "Petition (Please spread the news): Don't Let Hong Kong Become A Unitarily Dead City With No Sex." Hong Kong In-media. *Hong Kong In-media*, 30 June 2007. Web. 12 March 2015. <<http://www.inmediakhk.net/node/226979>>
- <sup>4</sup> CHO, Man-wai. *The Lustful Times – Hundred Years of Sex History of Hong Kong*. (Hong Kong: Joint Publishing, 2007), 126-127.
- <sup>5</sup> See Siu Ding's personal webpage for more details: [http://www.siuding.com/2010/05/milk\\_26.html](http://www.siuding.com/2010/05/milk_26.html)
- <sup>6</sup> In 2010, Chinese artist Cheng Li participated in the "Sensitive Areas" performance arts exhibition at Songzhuang Art Museum in Tongzhou District in Beijing and released his work by making love to a naked woman in public. He was later arrested and sentenced to a year of reeducation through labor. Cheng's attorney claimed that the artist was in an attempt to (i) satirize art being over-commercialized nowadays and (ii) appeal to the public not to demonize normal sexual activities.
- <sup>7</sup> In 2008, Hong Kong singer Edison Chen sent his computer for repairs and a number of intimate and naked photos he took for other female celebrities were leaked. Later, the photos were widely spread by netizens.

- <sup>8</sup> In 2013, Carina Úbeda Chacana, an art school graduate at Chile, unveiled her exhibit, *CLOTHS*, at the Center of Culture and Health in Chile. The work was composed of around ninety tampons which were used in five years.
- <sup>9</sup> Editor's remarks: In 2013, Hong Kong Arts Development Council introduced the "ADC Critic's Prize" for its first time. Jia Xuanning, in her article "The Anxiety of Hong Kong Films As Seen From *Vulgaria*" which was awarded the Gold Prize, pointed out that "*Vulgaria* relied upon its vulgarity to win". Chapman To, the leading actor of the film, later responded that "Vulgarity has always been a core value of Hong Kong's pop culture". Relevant news reports were published in different newspapers, for example, "The Fruit Market: Do Not Fear Vulgarity—Facts About Pop Culture." *Ming Pao OL Website*. 3 March 2013. Web. 12 March 2015. < <http://www.ol.mingpao.com/cfm/style5.cfm?File=20130303/sta36/uzb2.txt>>

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