

**立法會**  
**Legislative Council**

LC Paper No. CB(2) 2269/01-02  
(These minutes have been seen by  
the Administration)

Ref : CB2/BC/7/01

**Bills Committee on  
Prevention of Child Pornography Bill**

**Minutes of meeting  
held on Friday, 17 May 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Andrew CHENG Kar-foo (Chairman)  
Hon Cyd HO Sau-lan  
Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon SIN Chung-kai  
Hon YEUNG Yiu-chung, BBS  
Hon Miriam LAU Kin-ye, JP  
Hon Henry WU King-cheong, BBS  
Hon Michael MAK Kwok-fung  
Hon Audrey EU Yuet-mee, SC, JP  
Hon MA Fung-kwok
- Member attending** : Hon LAW Chi-kwong, JP
- Members absent** : Dr Hon David CHU Yu-lin, JP  
Hon Eric LI Ka-cheung, JP  
Hon CHOY So-yuk  
Hon WONG Sing-chi
- Public Officers attending** : Miss Eliza YAU  
Principal Assistant Secretary for Security E  
  
Mr Rick CHAN  
Assistant Secretary for Security E3

Miss Betty CHEUNG  
Senior Government Counsel  
Department of Justice

Mr Ian Robert MACKNESS  
Chief Superintendent (Crime) (Support)  
Hong Kong Police Force

Miss Shirley CHU  
Superintendent (Crime) (Support)  
Hong Kong Police Force

**Attendance by :** End Child Sexual Abuse Foundation  
**Invitation**

Ms Winnie CHUNG  
Member of the Board of Governors

Hong Kong Joint Secretariat for Colloquium of Religious  
Leaders

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Rev. Edward CHAU

Movie Producers and Distributors Association of Hong  
Kong Limited

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Mr Tony SHU  
Executive Secretary

The Hong Kong Committee on Children's Rights

Dr CHOW Chun-bong  
Chairperson

Miss Billy WONG  
Executive Secretary

Against Child Abuse Limited

Mrs Priscilla LUI  
Director

Hong Kong Film Directors' Guild

Mr Terry TONG  
Executive Committee Member

Mr CHA Chuen-yee  
Executive Committee Member

The Society for Truth and Light

Mr CHOI Chi-sum  
General Secretary

Dr KWAN Kai-man  
Board Member

Hong Kong College of Paediatricians

Dr Patricia IP Lai-sheung  
Council Member

Hong Kong Christian Service

Mr KWOK Wai-keung  
Supervisor, Foster Care Service

Dr KWOK Ngai-kuen, Alvin  
Professional Assistant to Directorate

Hong Kong Internet Service Providers Association

Mr Chester SOONG  
Chairman

Hong Kong Web Hosting Association

Mr CHEUNG To  
Chairman

Mr Ken KWAN  
Vice-Chairman

Hong Kong Kowloon and New Territories Motion Picture  
Industry Association Limited

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Mr Woody TSUNG  
Chief Executive

Ms Winnie NGAI  
Director

The Law Society of Hong Kong

Mr Melville BOASE

**Clerk in** : Mr Raymond LAM  
**attendance** Senior Assistant Secretary (2)5

**Staff in** : Mr Stephen LAM  
**attendance** Assistant Legal Adviser 4

Ms Dora WAI  
Senior Assistant Secretary (2)4

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**I. Meeting with deputations and the Administration**

The Bills Committee received the views of the following deputations on the Bill (index of proceedings attached at **Annex**) -

- (a) End Child Sexual Abuse Foundation;
- (b) Hong Kong Joint Secretariat for Colloquium of Religious Leaders;
- (c) Movie Producers and Distributors Association of Hong Kong Limited;
- (d) The Hong Kong Committee on Children's Rights;
- (e) Against Child Abuse Limited;
- (f) Hong Kong Film Directors' Guild;
- (g) The Society for Truth and Light;
- (h) Hong Kong College of Paediatricians;
- (i) Hong Kong Christian Service;
- (j) Hong Kong Internet Service Providers Association;
- (k) Hong Kong Web Hosting Association;
- (l) Hong Kong Kowloon and New Territories Motion Picture Industry Association Limited; and
- (m) The Law Society of Hong Kong.

2. The Bills Committee requested the Administration -

- (a) To provide information on enforcement difficulties that might arise if "knowingly" was added to the offence provision on possession of child pornography, bearing in mind that the relevant provisions in the United States legislation included that word;

- (b) To provide information on overseas practices in respect of mandatory therapy for offenders who had committed sexual offences, whether the existing therapy service in Hong Kong was sufficient, and whether mandatory therapy could be implemented in Hong Kong;
- (c) To provide information on the criteria adopted by the Film Censorship Authority in approving the exhibition of the movies "Lolita" and "Blue Lagoon"; and
- (d) To provide a written response to the submissions/representations made by deputations.

3. The Bills Committee requested the Hong Kong Internet Service Providers Association to provide for members' information its code of practice on the regulation of obscene and indecent materials. The Bills Committee also requested the deputations to provide written views, if any, on the following issues after the meeting –

- (a) The type of sound records that should be classified as child pornography; and
- (b) The two-tier definition proposed in the Bill for pornographic depiction involving children.

## **II. Date of next meeting**

4. The Bills Committee agreed that the next meeting would be held on Monday, 3 June 2002 at 2:30 pm to continue discussion with the Administration.

5. The meeting ended at 1:00 pm.

**Bills Committee on Prevention of Child Pornography Bill  
Meeting on Friday, 17 May 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000609	Chairman	Opening remarks	
000609 - 000911	End Child Sexual Abuse Foundation	Presentation of submission	
000911 - 001127	Hong Kong Joint Secretariat for Colloquium of Religious Leaders	- ditto -	
001127 - 001451	Movie Producers and Distributors Association of Hong Kong Limited	- ditto -	
001451 - 001934	Against Child Abuse Limited	- ditto -	
001934 - 002243	The Hong Kong Committee on Children's Rights	- ditto -	
002243 - 002530	Hong Kong Film Directors' Guild	- ditto -	
002530 - 003222	The Society for Truth and Light	- ditto -	
003222 - 003402	Hong Kong College of Paediatricians	- ditto -	
003402 - 003626	Hong Kong Christian Service	- ditto -	
003626 - 003841	Hong Kong Internet Service Providers Association	- ditto -	
003841 - 004124	Hong Kong Web Hosting Association	- ditto -	
004124 - 004644	Hong Kong Kowloon and New Territories Motion Picture Industry Association Limited	- ditto -	
004644 - 004903	The Law Society of Hong Kong	- ditto -	
004903 - 004937	Chairman	Other written submissions received and invitation of questions from members	
004937 - 005254	Mr Michael MAK Kwok- fung	Artistic merit, cases of sexual abuse and possession of pornographic electronic mail	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
005254 - 005422	Hong Kong Film Directors' Guild	Artistic merit	
005422 - 005719	Against Child Abuse Limited	Cases of sexual abuse	
005719 - 005829	Hong Kong Web Hosting Association	Possession of pornographic electronic mail	
005829 - 010027	Mr Michael MAK Kwok-fung	Artistic merit, reporting of sexual abuse and possession of pornographic electronic mail	
010027 - 010055	Chairman	- ditto -	
010055 - 010224	Hong Kong Film Directors' Guild	Artistic merit	
010224 - 010323	Against Child Abuse Limited	Cases of sexual abuse	
010323 - 010331	Mr Michael MAK Kwok-fung	Possession of pornographic electronic mail	
010331 - 010355	Chairman	- ditto -	
010355 - 010507	The Law Society of Hong Kong	- ditto -	
010507 - 010520	Chairman	- ditto -	
010520 - 010547	Mr SIN Chung-kai	Offence provision on possession of child pornography	
010547 - 010602	The Law Society of Hong Kong	- ditto -	
010602 - 010616	Ms Miriam LAU Kin-ye, JP	Addition of "knowingly" to the offence provision on possession of child pornography	
010616 - 010630	The Law Society of Hong Kong	- ditto -	
010630 - 010836	Administration	- ditto -	
010836 - 010916	Chairman, Administration	- ditto -	√ The Administration was requested to provide information on enforcement difficulties that



<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
			might arise if "knowingly" was added to the offence provision on possession of child pornography, bearing in mind that the relevant provisions in the United States legislation included that word
010916 - 011114	Ms Audrey EU Yuet-mee, SC, JP	Regulation of pornographic sound records and mandatory therapy	
011114 - 011134	Chairman	- ditto -	
011134 - 011223	Hong Kong Christian Service	Regulation of pornographic sound records	
011223 - 011309	The Hong Kong Committee on Children's Rights	- ditto -	
011309 - 011445	Hong Kong College of Paediatricians	Mandatory therapy	
011445 - 011628	Against Child Abuse Limited	- ditto -	
011628 - 011654	Ms Audrey EU Yuet-mee, SC, JP	- ditto -	
011654 - 011721	Against Child Abuse Limited	- ditto -	
011721 - 011732	Hong Kong College of Paediatricians	- ditto -	
011732 - 011826	Chairman	- ditto -	
011826 - 011834	Ms Audrey EU Yuet-mee, SC, JP	- ditto -	
011834 - 011850	Against Child Abuse Limited	- ditto -	
011850 - 011905	Chairman	- ditto -	
011905 - 012154	Administration	- ditto -	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
012154 - 012233	Chairman	- ditto -	√ The Administration was requested to provide information on overseas practices in respect of mandatory therapy for offenders who had committed sexual offences
012233 - 012252	Ms Audrey EU Yuet-mee, SC, JP	- ditto -	√ The Administration was requested to provide a response on whether the existing therapy service for offenders who had committed sexual offences was sufficient in Hong Kong and whether mandatory therapy could be implemented in Hong Kong
012252 - 012315	Chairman	- ditto -	
012315 - 012401	Administration	- ditto -	
012401 - 012801	Mr SIN Chung-kai	Type of sound records that should be classified as child pornography and extraterritorial effect of the proposed legislation	
012801 - 012940	Chairman	- ditto -	
012940 - 013015	The Law Society of Hong Kong	Extraterritorial effect of the proposed legislation	
013015 - 013038	Hong Kong College of Paediatricians	- ditto -	
013038 - 013051	Mr SIN Chung-kai	- ditto -	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
013051 - 013456	Miss Cyd HO Sau-lan	Artistic merit defence and the monitoring of pornographic materials by Internet service providers	
013456 - 013714	Hong Kong Film Directors' Guild	Artistic merit defence	
013714 - 013908	Miss Cyd HO Sau-lan	- ditto -	
013908 - 014304	Movie Producers and Distributors Association of Hong Kong Limited	- ditto -	
014304 - 014832	Hong Kong Internet Service Providers Association	Role of Internet service providers in the monitoring of pornographic materials	
014832 - 015052	The Society for Truth and Light	Artistic merit defence	
015052 - 015229	Miss Cyd HO Sau-lan	Requesting the Hong Kong Internet Service Providers Association to provide for members' information its code of practice on the regulation of obscene and indecent materials	
015229 - 015559	Mr MA Fung-kwok	Issues relating to "appears to be a child"	
015559 - 015632	Mr Michael MAK Kwok-fung	Persons who had committed sexual offences	
015632 - 015807	Mrs Sophie LEUNG LAU Yau-fun, SBS, JP	Two-tier definition for pornographic depiction involving children and criteria adopted in approving the exhibition of movies	√ The Administration was requested to provide information the criteria adopted by the Film Censorship Authority in approving the exhibition of the movies "Lolita" and "Blue Lagoon"
015807 - 015826	Chairman	- ditto -	
015826 - 020159	The Society for Truth and Light	Issues relating to "appears to be a child"	

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
020159 - 020347	Hong Kong Film Directors' Guild	- ditto -	
020347 - 020538	The Hong Kong Committee on Children's Rights	Persons who had committed sexual offences	
020538 - 020632	Hong Kong Web Hosting Association	Defence for possession of pornographic materials	
020632 - 020752	Mr MA Fung-kwok	Artistic merit	
020752 - 020849	The Society for Truth and Light	- ditto -	
020849 - 020914	Miss Cyd HO Sau-lan	Role of Internet service providers in the monitoring of pornographic materials	
020914 - 020949	Hong Kong Internet Service Providers Association	- ditto -	
020949 - 021136	Chairman	Provision of the Administration's response to submissions and representations made by deputations; date of next meeting	√ The Administration was requested to provide a written response to the submissions/ representations made by deputations

**Note : The audio records of the above proceedings are kept at the LegCo Library**

Council Business Division 2  
Legislative Council Secretariat  
12 June 2002