

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

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

| <b>Time</b>        | <b>Speaker</b>                       | <b>Subject(s)</b>   | <b>Action required</b>  |
|--------------------|--------------------------------------|---|---|
| 005254 -<br>005422 | Hong Kong Film Directors'<br>Guild   | Artistic merit  |   |
| 005422 -<br>005719 | Against Child Abuse Limited          | Cases of sexual abuse   |   |
| 005719 -<br>005829 | Hong Kong Web Hosting<br>Association | Possession of pornographic<br>electronic mail   |   |
| 005829 -<br>010027 | Mr Michael MAK Kwok-<br>fung         | Artistic merit, reporting of<br>sexual abuse and<br>possession of pornographic<br>electronic mail |   |
| 010027 -<br>010055 | Chairman                             | - ditto -   |   |
| 010055 -<br>010224 | Hong Kong Film Directors'<br>Guild   | Artistic merit  |   |
| 010224 -<br>010323 | Against Child Abuse Limited          | Cases of sexual abuse   |   |
| 010323 -<br>010331 | Mr Michael MAK Kwok-<br>fung         | Possession of pornographic<br>electronic mail   |   |
| 010331 -<br>010355 | Chairman                             | - ditto -   |   |
| 010355 -<br>010507 | The Law Society of Hong<br>Kong      | - ditto -   |   |
| 010507 -<br>010520 | Chairman                             | - ditto -   |   |
| 010520 -<br>010547 | Mr SIN Chung-kai                     | Offence provision on<br>possession of child<br>pornography  |   |
| 010547 -<br>010602 | The Law Society of Hong<br>Kong      | - ditto -   |   |
| 010602 -<br>010616 | Ms Miriam LAU Kin-ye, JP             | Addition of "knowingly" to<br>the offence provision on<br>possession of child<br>pornography      |   |
| 010616 -<br>010630 | The Law Society of Hong<br>Kong      | - ditto -   |   |
| 010630 -<br>010836 | Administration                       | - ditto -   |   |
| 010836 -<br>010916 | Chairman, Administration             | - ditto -   | √<br>The Administration<br>was requested to<br>provide information<br>on enforcement<br>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 -<br>012233 | Chairman                            | - ditto -  | √<br>The Administration was requested to provide information on overseas practices in respect of mandatory therapy for offenders who had committed sexual offences  |
| 012233 -<br>012252 | Ms Audrey EU Yuet-mee,<br>SC, JP    | - ditto -  | √<br>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 -<br>012315 | Chairman                            | - ditto -  |   |
| 012315 -<br>012401 | Administration                      | - ditto -  |   |
| 012401 -<br>012801 | Mr SIN Chung-kai                    | Type of sound records that should be classified as child pornography and extraterritorial effect of the proposed legislation |   |
| 012801 -<br>012940 | Chairman                            | - ditto -  |   |
| 012940 -<br>013015 | The Law Society of Hong Kong        | Extraterritorial effect of the proposed legislation  |   |
| 013015 -<br>013038 | Hong Kong College of Paediatricians | - ditto -  |   |
| 013038 -<br>013051 | Mr SIN Chung-kai                    | - ditto -  |   |

| <b>Time</b>        | <b>Speaker</b>  | <b>Subject(s)</b>  | <b>Action required</b>  |
|--------------------|---|--|---|
| 013051 -<br>013456 | Miss Cyd HO Sau-lan   | Artistic merit defence and the monitoring of pornographic materials by Internet service providers  |   |
| 013456 -<br>013714 | Hong Kong Film Directors' Guild                                   | Artistic merit defence   |   |
| 013714 -<br>013908 | Miss Cyd HO Sau-lan   | - ditto -  |   |
| 013908 -<br>014304 | Movie Producers and Distributors Association of Hong Kong Limited | - ditto -  |   |
| 014304 -<br>014832 | Hong Kong Internet Service Providers Association                  | Role of Internet service providers in the monitoring of pornographic materials   |   |
| 014832 -<br>015052 | The Society for Truth and Light                                   | Artistic merit defence   |   |
| 015052 -<br>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 -<br>015559 | Mr MA Fung-kwok   | Issues relating to "appears to be a child"   |   |
| 015559 -<br>015632 | Mr Michael MAK Kwok-fung  | Persons who had committed sexual offences  |   |
| 015632 -<br>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   | √<br>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 -<br>015826 | Chairman  | - ditto -  |   |
| 015826 -<br>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 -<br>020347 | Hong Kong Film Directors'<br>Guild                  | - ditto -  |   |
| 020347 -<br>020538 | The Hong Kong Committee<br>on Children's Rights     | Persons who had<br>committed sexual offences   |   |
| 020538 -<br>020632 | Hong Kong Web Hosting<br>Association                | Defence for possession of<br>pornographic materials  |   |
| 020632 -<br>020752 | Mr MA Fung-kwok                                     | Artistic merit   |   |
| 020752 -<br>020849 | The Society for Truth and<br>Light                  | - ditto -  |   |
| 020849 -<br>020914 | Miss Cyd HO Sau-lan                                 | Role of Internet service<br>providers in the monitoring<br>of pornographic materials   |   |
| 020914 -<br>020949 | Hong Kong Internet Service<br>Providers Association | - ditto -  |   |
| 020949 -<br>021136 | Chairman  | Provision of the<br>Administration's response<br>to submissions and<br>representations made by<br>deputations; date of next<br>meeting | √<br>The Administration<br>was requested to<br>provide a written<br>response to the<br>submissions/<br>representations made<br>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