

立法會
Legislative Council

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Panel on Home Affairs

Minutes of special meeting
held on Wednesday, 25 September 2002 at 9:30 am
in the Chamber of the Legislative Council Building

Members Present : Hon IP Kwok-him, JP (Chairman)
Hon Andrew CHENG Kar-foo (Deputy Chairman)
Hon Albert HO Chun-yan
Hon NG Leung-sing, JP
Hon James TO Kun-sun
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Henry WU King-cheong, BBS
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi

Members Absent : Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Dr Hon TANG Siu-tong, JP
Hon MA Fung-kwok

Public Officers: **Item I**
Attending

Dr Patrick HO
Secretary for Home Affairs

Ms Shelley LEE
Permanent Secretary for Home Affairs

Ms Janet WONG
Acting Director of Home Affairs

Mr Paul LEUNG, JP
Director of Leisure and Cultural Services

Mr Stephen FISHER
Deputy Secretary for Home Affairs (2)

Ms Monica CHEN
Assistant Director of Home Affairs (1)

Item II

Mr Stephen FISHER
Deputy Secretary for Home Affairs (2)

Mr Herman CHO
Principal Assistant Secretary for Home Affairs (1)

Mr MO Kim-ming
Assistant Director (New Buildings 1)
Buildings Department

Mr LAU Kwai-shan
Chief Fire Officer
Fire Services Department

Mr LAU Mun-ming
Senior Divisional Officer
Fire Services Department

Mr Bob TONG
Chief Executive Officer (Licensing)
Television and Entertainment Licensing Authority

Mrs Grace LEUNG YOUNG Shi-kwan
Acting Superintendent (Licensing)
Hong Kong Police Force

**Attendance by
Invitation : Item II**

Hong Kong Internet Service Providers Association

Mr Chester SOONG
Managing Director

Mr Ronald KWAN
General Manager

The Hong Kong Association of Cyber Media

Mr Isaac CHAN
Chairman

Mr TANG Chi-ho
Adviser

Cyber Link

Mr Sam LAU
Marketing Manager

Cyber Sniper

Mr NG Koon-fai
Manager

Hong Kong Computer Society

Mr Patrick HUI
Hon Secretary

The Hong Kong Federation of Youth Groups

Mr Paul CHAN
Deputy Executive Director

Mr WONG Kun-woon
Supervisor

The Hong Kong Federation of Youth Groups Leadership 21

Mr CHOW Tsz-lit
Youth Representative

Mr Kirk CHAN Sun-keung
Youth Representative

Caritas Youth and Community Service

Mr FUNG Hing-kau
Social Work Supervisor

Mr YU Chi-hang
Youth Representative

The Boys' and Girls' Clubs Association of Hong Kong

Mr Raymond LEE Lut-man
Assistant Supervisor
Tsing Yi Children and Youth Integrated Service Centre

The Hong Kong Council of Social Service

Ms Angela NG
Chief Officer

Ms Klare CHAN
Officer

Individuals

Dr Jonathan WEBSTER, Associate Dean of Faculty of
Humanities and Social Sciences
City University of Hong Kong

Dr Zhou HE, Associate Professor of Department of
English and Communication
City University of Hong Kong

Mr LEE Yuen-kwong
Member, Kwai Tsing District Council

Mr LUI Ko-wai
Member, Kwai Tsing District Council

Mr CHAN Wan-sang
Member, Tuen Mun District Council

Mr WONG Chun-wai
Member, Tai Po District Council

Mr YU Wing-fai
Member of Home-School Co-operation Committee
Chairman of Shatin Parent-Teacher Association
Federation

Mr CHAN Yiu-keung
Member of Sai Ying Pun Area Committee

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

Staff in Attendance : Miss Lolita SHEK
Senior Assistant Secretary (2)7

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I. Briefing by Secretary for Home Affairs

Remarks made by the Secretary for Home Affairs

At the invitation of the Chairman, Secretary for Home Affairs (SHA) briefed members on the major policy areas within the portfolio of the Home Affairs Bureau (HAB). His remarks were summarised as follows -

Village Representative (VR) elections

- (a) This was a priority policy issue of HAB. Since the Court of Final Appeal delivered its judgment on the court cases involving Mr CHAN Wah and Mr TSE Kwan-sang on 22 December 2000, the Government had been working on the reform of VR election system. The reform aimed at bringing the elections under a statutory framework, ensuring that they were conducted in an open, fair and honest manner that was consistent with the Bill of Rights and the Sex Discrimination Ordinance and, at the same time, that the lawful traditional rights and interests of indigenous inhabitants of New Territories (NT) were protected as stated in the Basic Law;
- (b) It was agreed by the Chief Executive (CE) in Council at the meeting of the Executive Council on 24 September 2002 that the Village Representative Election Bill should be introduced into the Legislative Council (LegCo) on 9 October 2002. The proposed new electoral arrangements, while enabling non-indigenous inhabitants to participate in village affairs, would ensure that the rights and interests of indigenous

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inhabitants were protected. A LegCo Brief would be issued to Members shortly.

(*Post-meeting note* : the LegCo Brief was issued to Members on 25 September 2002.)

Gambling Review

- (c) Government policy was to prevent the proliferation of illegal gambling activities and restrict commercial gambling opportunities to a limited number of authorised outlets only. The Government would also conduct more research studies on pathological gamblers. HAB was still collecting views of the public on the gambling review and whether soccer betting should be regulated. It would revert to the Panel with the results of the consultation and its recommendations;

Sports Policy Review

- (d) Public consultation ended in the end of September 2002. A total of 350 submissions were received and HAB was analysing the views collected. Existing legislation would have to be amended if a lot of changes were to be made to the administrative structure for sport;

Building management

- (e) The Administration recognised the need for improving some of the provisions in the Building Management Ordinance (Cap. 344) in order to plug the loopholes and clarify ambiguities in the Ordinance. It had been working closely with the Subcommittee on Review of the Building Management Ordinance set up under the Panel and would submit a composite Bill to LegCo in early 2003. Meanwhile, the Home Affairs Department would continue to enhance the publicity, education and support for building management;

Cultural policy

- (f) The Culture and Heritage Commission was preparing a public consultation paper on its recommendations on the promotion of cultural development in Hong Kong. The paper would be released in one or two months' time. The Commission would submit the results of the consultation and its final recommendations to CE before end of 2002;

Youth policy

- (g) CE had requested the Commission on Youth to submit a report on the assistance to be provided to unemployed youth in six months. HAB and

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other bureaux and departments had provided all the related information to the Commission to enable it to complete the report and formulate recommendations on the provision of diversified training and employment opportunities to the young people before end of 2002; and

Promotion of Local Community Economy

- (h) HAB was responsible for the promotion of Local Community Economy. The main aim was to remove obstacles for and encourage investments in business activities with local characteristics in different districts hence stimulating domestic consumption, creating employment opportunities and highlighting Hong Kong's cultural characteristics. Sai Kung, Wong Tai Sin, Sham Shui Po and Sheung Wan were the major districts for the development of Local Community Economy.

2. At the invitation of SHA, Deputy Secretary for Home Affairs (DS(HA)2) explained the electoral arrangements proposed by the Administration for the conduct of VR elections to members. DS(HA)2 said that there would be two types of VR, an Indigenous Inhabitant Representative for an Indigenous Village or a Composite Indigenous Village and a Resident Representative for an Existing Village. The Indigenous Inhabitant Representative should be elected by an electorate comprising the indigenous inhabitants of the Village. He would be responsible for reflecting the views on the affairs of the Village on behalf of the latter, and to deal with all affairs relating to their lawful traditional rights and interests and the traditional way of life. The Resident Representative should be elected by an electorate comprising the residents living in the Village. He was responsible for reflecting views on the affairs of the Village on behalf of the residents of the Village. There might be overlap in the responsibilities of the two types of VR. He stressed that all residents of NT would be duly represented under this new proposal. It was hoped that examination of the Bill would be completed by the end of 2002 so that voter registration could commence in early 2003 followed immediately by the VR elections.

Discussion with members

Gambling Review

3. Mr Andrew CHENG opined that the Government had not provided sufficient information on gambling to enable the public to make an informed decision on the issue. He stressed that the Government must conduct detailed research on the impact of regulation of soccer betting on the society and tax revenue, and to evaluate the administrative and social costs involved to see whether it was worthwhile to regulate these gambling activities. He said that without this supporting information, the Democratic Party would not support regulation of soccer betting.

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4. Mr Tommy CHEUNG, however, reckoned that with the low frequency of soccer matches, pathological gambling behaviour would unlikely be developed even if soccer betting was regulated. He also considered that the tax revenue generated should not be the major concern for regulation of soccer betting. He pointed out that there were illegal soccer betting activities no matter whether they were regulated or not. However, he said that he would support regulation of soccer betting only if the Hong Kong Jockey Club, which was a non-profit making organisation, was licensed to run soccer betting.

5. In response, SHA explained that the Government was aware that gambling activities might bring about adverse effects on the society. Regulation of soccer betting, while restricting gambling opportunities to a limited number of authorised outlets only, would also restrict the adverse effects to limited areas only. He assured members that the Government would conduct comprehensive and in-depth research on the issue, as well as make reference to overseas experience, before finalising its recommendations.

Promotion of Local Community Economy

6. Mr Albert CHAN remarked that he failed to see how the Government could promote Local Community Economy effectively. He said that he had discussed the promotion of nighttime business activities in Cheung Chau with staff of HAB a long time ago but no concrete recommendations had been made so far. He urged the Government to promote Local Community Economy in districts with special characteristics. He also enquired about the schedule for the implementation of this policy.

7. In reply, SHA clarified that the main role of the Government was to create an attractive investment environment but investments had to come from the community. He said that there were successful examples in Local Community Economy and cited alfresco dining in Sai Kung and Sheung Wan Gala Point as two of them.

8. Mr Tommy CHEUNG criticised the existing licensing procedure for alfresco dining as too complicated since too many government departments were involved in the process. As a result, only three licences had been issued for operators in Sai Kung since last year. He pointed out that in order to encourage investment and promote Local Community Economy, HAB should coordinate with the departments concerned to streamline the licensing procedure so that this kind of licences would be issued efficiently. To address Mr CHEUNG's concern, SHA advised that HAB was coordinating with the departments concerned to expedite the issue of the licences.

9. Mr NG Leung-sing said that he was supportive of promoting Local Community Economy. He enquired about the scale and the type of such business activities and whether they would tie in with the development of Hong

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Kong into a metropolis. He was also concerned that some of these businesses, after a certain period of development, might become stagnant and obstructive to the further development of Local Community Economy. SHA explained that Local Community Economy referred to diversified business activities which could highlight district characteristics and develop continuously. For business which was not capable of sustained development, only short-term contracts would be granted to the operators. It was hoped that business under Local Community Economy would be able to prosper with time, become financially viable, and create more employment opportunities for the people in Hong Kong.

The rights of the individual

10. Mr Albert HO remarked that it was the responsibility of HAB to coordinate with the government departments concerned in collating reports on the rights of the individual in Hong Kong to be submitted to the United Nations (UN) under the international human rights treaties. UN, however, had criticised Hong Kong as on the verge of contravening these international conventions. Hong Kong was therefore badly in need of legislation to protect human rights and to eliminate all forms of racial discrimination. He asked why this had not been mentioned in SHA's remarks.

11. SHA assured members that the rights of the individual remained one of the important tasks of HAB. Public consultation had been conducted on the need to legislate against racial discrimination in the private sector. A majority of the views collected supported the need to legislate. HAB would analyse the results of the consultation and finalise its recommendations on this issue. An interim report would also be submitted to UN before end of 2002.

Youth policy

12. Mr Henry WU declared interest as the Chairman of the Executive Committee of The Boys' and Girls' Clubs Association of Hong Kong. He pointed out that with an aging population, the older generation and the future of Hong Kong would depend heavily on the younger generation. The healthy development of the young people had therefore become increasingly important in Hong Kong. He enquired about the government policy to promote the all-round development of, and patriotism and traditional Chinese culture among, the young generation.

13. SHA explained that this subject fell within the portfolios of several bureaux and departments such as HAB, Education and Manpower Bureau, and Health, Welfare and Food Bureau. The Committee on the Promotion of Civic Education under the HAB portfolio had been actively promoting moral education, patriotism and the "Hong Kong, Our Home" concept among the young people.

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14. Sharing a similar concern as Mr WU, Mr WONG Sing-chi urged HAB to coordinate the efforts of different bureaux and departments in promoting youth development. He pointed out that in the past, the Government had not developed a clear youth policy and the activities organised had very often failed to echo the spirit of its policies.

15. SHA responded that the Commission on Youth now served as the platform for cooperation between different government bureaux and departments with representatives from the latter serving as its members. This was illustrated by the fact that CE had appointed the Commission to submit a report on the assistance that could be rendered for unemployed youth.

Cultural policy

16. Mr Michael MAK remarked that the Government had all along been reacting to changes in the society instead of taking initiative in formulating long term policies. He enquired whether there was any strategic plan in promoting culture in Hong Kong. SHA explained that besides cultural policy, many Government policies such as those on sports, youth and community building would help promote culture in Hong Kong.

Building management

17. In response to the question from the Chairman, SHA advised that the amendments to BMO would be submitted to LegCo for consideration within the 2002-2003 session. Permanent Secretary for Home Affairs supplemented that the Bill would be introduced to LegCo in six months' time.

II. Meeting deputations on regulation of Internet Computer Services Centres

Meeting with deputations

18. At the invitation of the Chairman, deputations and individuals presented their views on the regulation of Internet Computer Services Centres (ICSCs) as summarised in paragraphs 19 to 38 below.

Hong Kong Internet Service Providers Association

19. Mr Chester SOONG, Managing Director of the Association said that ICSC was too broad a name for the wide variety of establishments in the trade which were very different from one another in the modes of operation and the services offered to their patrons. The Association considered that different forms of regulation should be adopted for different types of ICSCs. It was therefore necessary to differentiate the differences between these

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establishments in order to exercise effective regulation on them. He added that ICSCs were different from conventional Amusement Games Centres (AGCs) in the modes of operation and the type of services provided. The former therefore should not be regulated on par with the latter.

20. To address some of the concerns of the community on the modes of operation of ICSCs, Mr SOONG advised that -

- (a) there were devices available in the market which ICSCs could install to screen off pornographic and violent websites so that young patrons would not be able to access these materials;
- (b) assistance from professional companies might be sought to prevent any invasion by hackers for safeguarding the security of websites; and
- (c) restricted hours might be set for young patrons.

Hong Kong Association of Cyber Media
[LC Paper No. CB(2)2803/01-02(01)]

21. Mr Isaac CHAN, Chairman of the Association, presented the views of the Association as follows -

- (a) the term "Internet Cafes", though widely used in Mainland China, was a misleading description of ICSCs in Hong Kong. It could not reflect accurately the services provided by them as the latter did not offer alcoholic drinks like the bars. The Association considered it more appropriately to name these establishments as PC Rooms;
- (b) the Association was in support of the Government's proposal to enhance the fire and building safety at ICSCs;
- (c) the Association was, however, opposed to the suggestions to impose restrictions on the admission of young patrons. These measures would definitely affect the business of ICSCs as the majority of their patrons fell within the age bracket of 14 to 20. Such restrictions were a discrimination against the trade since similar restrictions were not imposed on other trades such as cinemas and discotheques;
- (d) the Government should follow the world trend and the examples of other governments, including that of Mainland China, in supporting the development of the trade instead of imposing excessive control over ICSCs which would hamper the latter's

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development and hence delay the recovery of the economy of Hong Kong; and

- (e) ICSCs could assist in promoting the use of computer and the Internet. In fact, some ICSCs had been providing assistance to the elderly in this respect.

22. Mr TANG Chi-ho, Adviser of the Association, supplemented that the Association had developed a comprehensive set of guidelines for its members, which was a display of the self-discipline of the trade. It had required its members, among other things, to install devices to screen off pornographic and violent websites in order to protect young patrons. The trade was very willing to cooperate with the Government and other sectors of the community in promoting the use of computers and the Internet. It was therefore not necessary for the Government to impose excessive control over the trade by licensing ICSCs. The Association was supportive of adopting a "notification system" as a form of control. He pointed out that Korea, with a total of 45 000 to 50 000 ICSCs, had adopted a similar control system from which the Hong Kong Government should draw reference.

Cyber Link

23. In response to some of the concerns raised by the community on the mode of operation of ICSCs, Mr Sam LAU, Marketing Manager of the company, clarified that -

- (a) ICSCs which offered indecent and immoral services and materials to patrons were illegal. These establishments could be identified very easily as there were usually pornographic displays at their entrance so that there was little chance that young patrons would visit them by accident;
- (b) the open-plan set up at ICSCs rendered it impossible to conduct immoral activities;
- (c) ICSCs had installed devices to screen off violent and pornographic websites to prevent access from young patrons. Staff of ICSCs would patrol the centres regularly and would request the young patrons to log out from these websites in case they had logged in them. If they refused to do so, staff would request them to leave;
- (d) ICSCs would not become the venues for triad activities as the fee charged on every patron had discouraged members of the triad society from frequenting these centres; and

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- (e) the trade created employment opportunities especially for young people.

Cyber Sniper

24. Mr NG Koon-fai, Manager of the company, said that it would not be desirable for ICSCs to be licensed. Most of ICSCs were large scale establishments with over 200 computers. The huge amount of licence fees, which were estimated to be over \$100,000 per centre per year, would create financial difficulties for the operators. Disputes might also arise between the licensing authority and the licensees as there might be difficulties for the latter to fully comply with certain licensing conditions.

Hong Kong Computer Society

25. Mr Patrick HUI, Honorary Secretary of the Society, briefed members of the views of the Society as follows -

- (a) people of different age groups should have the opportunity to access the Internet;
- (b) the open-plan set up at ICSCs might be effective in preventing the conduct of improper or immoral activities and hence might be included as one of the monitoring measures; and
- (c) in determining whether restricted hours should be set for young patrons, due consideration should be given to the right of people of all age groups to use the Internet, as well as the protection of children from bad influences.

The Hong Kong Federation of Youth Groups
[LC Paper No. CB(2)2790/01-02(01)]

26. Mr Paul CHAN, Deputy Executive Director of the Federation, highlighted the salient points of the submission from the Federation as follows -

- (a) the Federation was supportive of imposing an appropriate level of control over ICSCs in order to ensure that the youth would be able to use the Internet in a healthy and safe environment. However, the control should not be excessive and hamper the proper use of information technology and the development of the trade;
- (b) the Government should establish a licensing system for those ICSCs the core business of which was to offer Internet services to

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patrons. For centres which offered indecent or immoral services to patrons, the Police should step up its actions against them.

- (c) fire and building safety and screening of violent and pornographic websites and games should be set as the licensing conditions for ICSCs. Regular site inspections should be conducted to ensure strict compliance with these conditions;
- (d) a comprehensive set of guidelines/code of practice should be devised by the trade which should be strictly observed by all ICSCs;
- (e) the Government should educate the youth the proper usage of the Internet; and
- (f) in-depth research should be conducted on ICSCs and their young patrons to provide the basis for further discussion of the issue.

The Hong Kong Federation of Youth Groups Leadership 21
[LC Paper No. CB(2)2827/01-02(01)]

27. Mr Kirk CHAN and Mr CHOW Tsz-lit, Youth Representatives of the organisation, briefed members of the views of the organisation as follows -

- (a) it was necessary to put ICSCs under some form of regulation so as to protect young patrons from bad influence. At the same time, the Government should avoid excessive control that would hamper the development of the trade and the use of the Internet;
- (b) the Government should regulate ICSCs in areas including fire safety, smoke free environment, screening of violent, pornographic and gambling websites, and the use of pirate software; and
- (c) ICSCs should be developed into the venue for the search for knowledge and conduct of academic research.

Caritas Youth and Community Service
[LC Paper No. CB(2)2790/01-02(02)]

28. Mr FUNG Hing-kau, Social Work Supervisor, and Mr YU Chi-hang, Youth Representative, of the organisation briefed members of the result of the survey on ICSCs conducted by the organisation between March and May 2002. They also informed members of the suggestions from the organisation on the regulation of ICSCs as follows -

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- (a) children under the age of 16 should not be allowed in ICSCs after 10 pm;
- (b) ICSCs should install devices to screen off violent, gambling and pornographic websites;
- (c) ICSCs could not be established within a radius of 100 metres from an educational institution;
- (d) a minimum space requirement should be set for each computer station in ICSCs; and
- (e) smoking should not be allowed in ICSCs.

The Boys' and Girls' Clubs Association of Hong Kong
[LC Paper No. CB(2)2814/01-02(01)]

29. Mr Raymond LEE, Assistant Supervisor, Tsing Yi Children and Youth Integrated Services Centre of the Association, summarised the views of the Association in its submission as follows –

- (a) the Association was supportive of combining options B and C put forward in the Administration's paper [LC Paper No. CB(2)2549/01-02(02)] to regulate ICSCs, i.e., ICSCs had to be licensed instead of regulated under a "notification system";
- (b) ICSCs should be divided into children and adult centres. In children ICSCs, only children under the age of 16 would be allowed while in adult ICSCs, only people aged 16 or over. These two types of ICSCs could be regulated differently under separate ordinances;
- (c) in addition to compliance with the relevant fire and building safety ordinances, ICSCs should be required to be smoke free and brightly lit. Their operators should be required to control the noise level, set a minimum space requirement for each patron and put up health notices to remind patrons to stand up and stretch their limbs regularly;
- (d) a rating system of computer games should be set in addition to the installing devices to screen off pornographic, violent and gambling websites;
- (e) ICSCs should be required to install close circuit television monitoring devices and maintain website log-in records of their

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patrons. These records should be made available for checking during site inspection by the authority concerned;

- (f) establishments with more than five computers installed for internet usage should be put under this regulation system; and
- (g) ICSCs could not be established within a radius of 100 metres from an educational institution and should be allowed in commercial buildings only.

The Hong Kong Council of Social Service
[LC Paper No. CB(2)2803/01-02(02)]

30. Ms Angela NG, Chief Officer of the Council, presented the views of the Council in its submission as follows –

- (a) the Council was in support of licensing of ICSCs to ensure the safety of young patrons and protect them from bad influence;
- (b) ICSCs should be required to comply with fire and building safety requirements. They should also be brightly lit and adopt an open-plan set up to prevent the conduct of illegal and improper activities;
- (c) ICSCs should be required to install devices to screen off pornographic, violent and gambling websites. A monitoring hotline should be set up to provide updated information on these websites for the operators to ensure that access to them would be denied in ICSCs;
- (d) restricted hours for young patrons should be set; and
- (e) there should be sufficient manpower in the enforcement department for conducting site inspections to ensure strict compliance with these licensing conditions.

Dr Jonathan WEBSTER, Associate Dean of Faculty of Humanities and Social Sciences, City University of Hong Kong

31. Dr Webster said that he shared the concern about young patrons having access to pornographic websites. He considered that option C proposed in the Administration's paper was the most sensible as it allowed a suitable level of control on ICSCs. However, when implementing such control, careful consideration should be given in order not to hamper the use of the Internet services. He stressed that it must also be ensured that LCSCs were technically able to meet the conditions to be imposed on them.

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Dr Zhou HE, Associate Professor of Department of English and Communication, City University of Hong Kong

32. Dr HE informed members that he was in support of option A because of the following reasons –

- (a) any new restrictive regulation of ICSCs would be taken by the public as another government measure, apart from the controversial proposed legislation for Article 23 of the Basic Law, to control people's freedom of speech, thus causing unnecessary uncertainty and resentment among the public;
- (b) during this period of economic difficulties, any extra restrictive regulation on the establishment of new business would seriously discourage people from entering the market;
- (c) ICSCs provided access to the Internet for people who could not otherwise access the net and should be encouraged instead of restricted;
- (d) other similar businesses such as regular cafes had the same potential risk of becoming the breeding grounds of criminal acts as ICSCs. The latter should therefore be subject to the same regulation as the former. He would rather see adolescents playing with the Internet in ICSCs than loitering in the streets, joining gangs, and engaging themselves in real-life violence than fantasied aggression online. Government efforts should be directed more to the fundamental causes of crimes and delinquency than to the information media; and
- (e) any regulatory effort should not result in reducing economic freedom in Hong Kong. Hence, minimal interference should be made to the business of ICSCs.

Mr LEE Yuen-kwong, member of Kwai Tsing District Council

33. Mr LEE said that option C should be adopted so that the regulation of ICSCs would not hamper the development of the trade. He considered that ICSCs should be regulated in the following ways -

- (a) ICSCs should comply with fire and building safety requirements;
- (b) for the filtering of undesirable websites and restrictions on age and hours for patrons, it would be more effective to provide guidelines to the operators than introducing legislation;

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- (c) it was necessary to regulate establishments with less than ten computers as fire and building safety was very often ignored in these small-scale centres; and
- (d) the business nature of ICSCs and AGCs was very similar and regulation of both types of establishments was necessary. He was therefore opposed to the proposed relaxation of the licensing conditions of AGCs.

Mr LUI Ko-wai, member of Kwai Tsing District Council

34. Mr LUI opined that the Government and the trade should cooperate in building up a healthy image of ICSCs and promoting the proper usage of the Internet service. To him, it was better for the young people to visit these centres than loitering in the streets. ICSCs should be allowed to operate if they could install effective device to screen off undesirable websites. In this respect, the Television and Entertainment Licensing Authority (TELA) should also screen all computer games before allowing them to be put on the market.

Mr CHAN Wan-sang, member of Tuen Mun District Council

35. Mr CHAN said that he supported the regulatory measures proposed by the youth organisations and their representatives. He did not agree with Dr Zhou HE of the City University of Hong Kong that this subject was a political and economic issue. Mr CHAN pointed out that unlike what Dr HE had believed, most of the young people visited ICSCs to play on-line computer games instead of searching for knowledge. He therefore advocated that ICSCs should be regulated as follows –

- (a) ICSCs should comply with fire and building safety requirements;
- (b) ICSCs should not be established close to educational institutions or allowed to use the same entrance as other residents of the same building;
- (c) restrictions on the age of patrons and operational hours for ICSCs should be set;
- (d) ICSCs should be required to install devices to screen off undesirable websites and computer games effectively; and
- (e) a different form of regulation should be imposed on ICSCs which offered immoral or indecent services.

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Mr WONG Chun-wai, member of Tai Po District Council
[LC Paper No. CB(2)2790/01-02(03)]

36. Mr WONG indicated that he was supportive of adopting option C in principle. He considered that the following regulatory measures should be imposed on ICSCs –

- (a) ICSCs should meet fire and building safety requirements;
- (b) a standard space requirement for each computer station should be set;
- (c) ICSCs should install devices to screen off pornographic, violent and gambling websites;
- (d) an independent body should be set up to handle problematic software and computer games;
- (e) internet gambling activities should not be allowed in ICSCs;
- (f) students in uniform should not be allowed in ICSCs at all times and so as children at night; and
- (g) an effective site inspection system should be set up.

Mr YU Wing-fai, member of Home-School Co-operation Committee and Chairman of Shatin Parent-Teacher Association Federation
[LC Paper No. CB(2)2790/01-02(03)]

37. Mr YU informed members of his views as follows –

- (a) he did not agree that legislation should be relaxed in order to promote business development. However, to be fair to the operators, the Government should differentiate the different types of ICSCs and impose different regulatory measures on them;
- (b) the indulgence in playing Internet games in ICSCs might account for the recent deterioration in academic results of male students. It was therefore necessary for the Government to regulate ICSCs. Students in uniform should not be allowed there;
- (c) the Government should make reference to the experience in Japan where regulatory measures were imposed on ICSCs;
- (d) he had reservation on the effectiveness in employing youth to monitor the usage of the Internet services by young patrons;

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- (e) some ICSCs were accommodated in shopping malls close to schools, causing great disturbance to the latter; and
- (f) establishments with less than ten computers should also be regulated.

Mr CHAN Yiu-keung, member of Sai Ying Pun Area Committee
[LC Paper No. CB(2)2607/01-02(01)]

38. Mr CHAN opined that the Government should strictly regulate ICSCs which offered immoral and indecent services to patrons. Some of them were accommodated in residential areas and had created great disturbances to the residents. He said that he preferred to adopt option C to regulate ICSCs but additional restrictions should be imposed. These restrictions should include the following -

- (a) ICSCs should only be established in commercial buildings with separate entrances from residential buildings;
- (b) the content of advertisements of ICSCs in the newspaper and displays at their entrance should be regulated; and
- (c) playmates should not be allowed in ICSCs.

Discussion

39. Mr WONG Sing-chi enquired about the reason for the growing popularity of ICSCs among the young people and whether regulation of ICSCs would be effective in dealing with this problem. In reply, Mr Raymond LEE of the Boys' and Girls' Clubs Association of Hong Kong advised that most young people visiting ICSCs were between the age range of 13 and 15. ICSCs provided a venue for them to play with their peers. They also found the Internet games in ICSCs exciting and interesting. As they visited ICSCs very frequently, it was necessary for the Government to regulate these establishments in order to ensure their safety and protect them from bad influence.

40. Mr Albert CHAN remarked that the parents were very concerned about their children spending too much time and money in ICSCs. He pointed out that some ICSCs had attracted young patrons by allowing them credits. In response, Mr Isaac CHAN of the Hong Kong Association of Cyber Media informed members that among the 150 to 200 ICSCs in Hong Kong, 66 were members of the Association. He assured members that in these 66 ICSCs, it was very rare that children under the age of 12 would stay after midnight. Credits were also not allowed in these ICSCs. He added that the trade had all

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along displayed a high degree of self-discipline. To illustrate this, he said that to protect young patrons from bad influence, the Association had decided in March 2002 that its members should not install a new computer game about the triad society which was of a very violent nature. He further assured members that ICSCs would only install computer games which had been screened by TELA and allowed for sale in the market.

41. Mr Michael MAK suggested that the Panel should visit ICSCs so that members would understand more the operation of different types of ICSCs and their influence on the young people. Mr MAK invited Mr NG Koon-fai of Cyber Sniper to elaborate on how the self-discipline of the trade could ensure the safety of the young patrons and protect them against bad influence so that regulation by the Government was not necessary. He also requested the Administration to clarify the measures it had taken to prevent accidents in ICSCs. Mr NG responded that at its early development, the trade had developed a set of guidelines on the operation of ICSCs for the operators. This display of self-discipline was unique among similar businesses.

42. Referring to the survey conducted by the Hong Kong Federation of Youth Groups Leadership 21, Mr NG Leung-sing sought more details on the conditions of fire and building safety in ICSCs, what could be done and the amount of resources and efforts required to improve the conditions. As regards smoking in ICSCs, Mr NG also enquired about the details of the present conditions and how a balance could be struck to improve the environment in, and at the same time would not affect the business of, ICSCs. The Chairman said that as representatives from the organisation had already left, the Administration might provide information on these issues later.

43. In response to the remarks made by Mr YU Wing-fai, Mr Tommy CHEUNG pointed out that ICSCs might not necessarily be the cause for the deterioration of the academic results of the male students. He also queried the need for prohibiting smoking in ICSCs since it might not lead to fire accidents particularly if the requirements on fire safety had been met. He added that he supported exercising a suitable level of control over ICSCs but had reservation on imposing unnecessary restrictions on them which might hamper the development of the trade.

44. In response to the concerns raised by deputations and members, DS(HA)2 confirmed that Government departments conducted inspections on ICSCs in accordance with the existing legislation. He added that to collect views on the regulation of ICSCs, HAB had conducted public consultation on the possible regulatory options. DS(HA)2 said that HAB had consulted the trade and the 18 District Councils (DCs). It was still collecting views from youth groups, District Fight Crime Committees and social organisations. He summarised the major areas of concerns of the groups consulted as follows -

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- (a) fire and building safety - it was foreseen that the problems with ICSCs accommodated in private residential buildings would be greater since they were not required to comply with the safety requirements applied to establishments in commercial buildings under the existing legislation;
- (b) crime and vice activities - DCs were especially concerned about this aspect and had urged the Government to impose regulatory measures to prevent these activities in ICSCs;
- (c) the frequent visit to ICSCs by young people and the impact on the latter;
- (d) suitable regulatory measures and their effectiveness;
- (e) device for screening out pornographic, violent and gambling websites - some groups suggested that it would be more effective if ICSCs would exercise self-discipline and took initiative in screening out such websites; and
- (f) admission of students in school uniform and restricted hours for young patrons.

45. DS(HA)2 reiterated that the Government did not have a stance about the regulatory options and was very willing to listen to the views of the public. It would also investigate into the technical aspect of each option before a decision was made. He assured members that the Administration would revert back to the Panel once its recommendations were formulated on this issue.

46. The Chairman thanked the deputations for presenting their views to the Panel. He said that almost everyone agreed that ICSCs were worthy of existing in Hong Kong. However, opinions were split on how ICSCs should be regulated. He requested the Administration to revert back to the Panel on the results of the public consultation and its recommendations on the regulation of ICSCs.

Adm

III. Any other business

47. There being no other business, the meeting ended at 12:00 noon.