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19 December 2006

Miss Lolita Shek
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Miss Shek,

**Motion Debate on “Introducing legislation
to regulate clandestine photo-taking”**

I refer to your letter of 20 October 2006, requesting this Bureau and the Home Affairs Bureau to provide a bilingual progress report in relation to the above motion carried by the Legislative Council (LegCo) on 18 October 2006. Below is the joint reply of the two Bureaux.

The Secretary for Home Affairs has undertaken to use the concrete proposals set out in the relevant Law Reform Commission (LRC) reports as a basis for further discussion with all relevant stakeholders, including the LegCo, the media, the affected trade sectors and the general public. The Home Affairs Bureau plans to consult the LegCo Panel on Home Affairs in early 2007 on the major recommendations of the LRC reports on “Privacy: Regulating the Interception of Communications”, “Civil liability for Invasion of Privacy”, “Privacy and Media Intrusion”, and “Privacy: The Regulation of Covert Surveillance”, including the proposals to create new offences and specific torts for invasion of privacy, and the establishment of an independent and self-regulating press commission by statute. The Home Affairs Bureau will work closely with the relevant organizations in engaging the public to discuss thoroughly these important issues, and hopefully to reach a consensus on the balance

between press freedom and protection of privacy so as to provide a basis for the Government to put forward concrete proposals to the LegCo for consideration.

The control of obscene and indecent articles falls within the purview of this Bureau. As stated by the Secretary for Commerce, Industry and Technology in his speech during the motion debate, the Administration has been reviewing the court's imposition of sentences under the Control of Obscene and Indecent Articles Ordinance (COIAO) (Cap. 390), as well as the overall implementation of the COIAO. The Television and Entertainment Licensing Authority, which is one of the enforcement agents under the COIAO, will continue to implement measures to improve enforcement.

Meanwhile, this Bureau is also reviewing if the provisions of the COIAO should be strengthened, in particular those relating to repeated offenders, to enhance deterrent effect. We will take into account the suggestions put forward by Members during the motion debate, such as raising the maximum penalties under the COIAO and setting out in the COIAO some specific factors for consideration by the court when meting out sentences. We aim at coming up with proposals to consult the public and LegCo Panel on Information Technology and Broadcasting in early 2007.

Yours sincerely,

Signed

(W W Chong)

for Secretary for Commerce, Industry and Technology

c.c.

Secretary for Home Affairs (Attn: Ms Joanna Choi)

Director of Administration (Attn: Mr Tommy Poon)