

立法會
Legislative Council

LC Paper No. CB(1)2104/08-09
(These minutes have been seen
by the Administration)

Ref : CB1/PL/ITB/1

Panel on Information Technology and Broadcasting

**Minutes of the special meeting
held on Wednesday, 21 January 2009 at 2:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon Andrew LEUNG Kwan-yuen, SBS, JP (Chairman)
Hon LEE Wing-tat (Deputy Chairman)
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon WONG Yuk-man
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP
- Members attending** : Hon James TO Kun-sun
Dr Hon Priscilla LEUNG Mei-fun
- Members absent** : Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Public officers attending** : Mr Duncan PESCOD, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Alan SIU, JP
Deputy Secretary for Commerce and Economic
Development (Communications and Technology)

Mr Kevin CHOI
Principal Assistant Secretary for Commerce and
Economic Development (Communications and
Technology)A

Ms Maisie CHENG, JP
Commissioner for Television and Entertainment
Licensing

**Attendance by
invitation**

: Hong Kong Sex Culture Society

Mr Matthew MAK
Project Director

Professional Youth Forum

Mr LAU Chi-hung
Chairman

The Balance of Human Rights Watch

Mr FONG Chi-shing
Chairman

Youth Christian Institute

Mr Renwill YANG
Member

Federation of Parent-Teacher Associations of Yau, Tsim
and Mongkok Districts

Mrs Leticia LAU LEE See-yin
President

Hong Kong Parents Voice

Mr TUNG Kok-Leung
Organizer

Hong Kong Baptist University

Dr KWAN Kai-man
Associate Professor, Department of Religion and
Philosophy

Education Convergence

Mr WONG Chung-man
Administrative Assistant

Shamshuipo Concern Group

Ms WONG Yan-chun
Secretary

International Association of Art Critics Hong Kong
Chapter

Mr John BATTEN
Member, Editor of IAACHK website

Professional Resources Center

Mr Jason CHAN
Executive Committee Member

Diocesan Pastoral Commission for Marriage and the
Family

Mr Kevin LAI Yuk-ching
Executive Secretary

Hong Kong Society for Politics and Policy

Mr LEE Yiu-keung
Chairman

Hunghom Parents Concern Group

Ms LEE Lai-kuen
Secretary

Sorrow of Men

Mr Michael FONG
Chairman

New Creation Association

Mr Kelvin CHUNG Kam-fai
Ministry Officer

Tsimshatsui Parent's Concern Group

Ms NG Kwai-kuen
Convenor

Youth/Children Development Concern Group

Ms LAU Wai-man
Representative

The Hong Kong Polytechnic University

Mr Andrew HUNG Tsz-wan
Lecturer of Hong Kong Community College

Hong Kong Youth Support Group

Mr LAI Sin-yum
Chairman

New Hope for Middle Class Forum

Ms Myra SIU
Convenor

Holy Net for Youth

Mr WONG Kai-wing
Secretary

Hong Kong Research Association

Mr YIU Tsz-yat
Research Officer

Parents for the Family Association

Mr Howard LAI
President

Catholic Diocese of Hong Kong

Rev. Lawrence LEE
Chancellor

The Church of Living Stones (Kowloon)

Mr YEUNG Chung-mau
Pastor

Hong Kong Baby and Children Products Industrial and
Commercial Association

Mr Danny YUEN
Chairman

Couple Co-creation Society Limited

Mr CHAN Chee-seung
Chief Executive Officer

Parents' Concern Group for Obscenity Act

Mr Kevin CHENG
Representative of Parents

UFIRE

Ms LUI Wai-laam
Ministry Secretary

Hong Kong Film Critics Society

Mr CHEUNG Wai-hung
Chairman

Pisteuo Charis Limited

Mr Danny LO Shing-yuen
Volunteer Worker

新一代家長會

Ms WONG Mei-ching
Representative

Shower of Blessings Hong Kong

Ms Pellen LAW Pik-luen
General Secretary

Noise Co-op

Mr CHOW Sze-chung
Member

Opensource Application and Knowledge Association

Mr LAU Wai-keung
Vice-Chairman

Professional Information Security Association

Mr Anotny MA Yue-kit
Program Director

Wikimedia Hong Kong

Mr Jeromy CHAN Yu
Deputy-President, Provisional Directory

v-activist

Mr CHAN Yin-kai
Administrative Assistant

Hong Kong Human Rights Commission

Mr Richard TSOI Yiu-cheong
Member

Individuals

Mr Jeremiah CHOI

Mr CHOI Wai

Mr LIU Man-kwong

Mr Benson LEE Tsz-ching

Dr HONG Kwai-wah

Ms TSANG Yuet-ming

Ms HO Tan

Mr LAW Wai-kwong

Mr Ester LAI

Clerk in attendance : Ms YUE Tin-po
Chief Council Secretary (1)3

Staff in attendance : Ms Annette LAM
Senior Council Secretary (1)3

Ms Debbie SIU
Legislative Assistant (1)6

Action

- I. Review of the Control of Obscene and Indecent Articles Ordinance (Cap. 390)**
(LC Paper No. CB(1)202/08-09(03) -- Administration's paper on the review of the Control of Obscene and Indecent Articles Ordinance)

Submissions from deputations/individuals not attending the meeting

LC Paper No. CB(1)619/08-09(14) -- Submission from Against Child Abuse dated 29 December 2008
(English version only)

LC Paper No. CB(1)619/08-09(16) -- Submission from Grassroots Level Women's Cooperation Association dated 17 January 2009
(Chinese version only)

LC Paper No. CB(1)619/08-09(17) -- Submission from Mr Ellen AU YEUNG dated 12 January 2009
(English version only)

LC Paper No. CB(1)619/08-09(18) -- Submission from Mrs CHAN dated 15 January 2009
(Chinese version only)

- LC Paper No. CB(1)631/08-09(03) -- Submission from Youth Social
(Chinese version only) Concern Group dated 17 January
2009
- LC Paper No. CB(1)631/08-09(04) -- Submission from inmediahk.net
(Chinese version only)
- LC Paper No. CB(1)698/08-09(10) -- Submission from Ms KWAN
(Chinese version only) Po-yee dated 20 January 2009
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)*
- LC Paper No. CB(1)698/08-09(17) -- Submission from the Judiciary
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)*
- LC Paper No. CB(1)698/08-09(18) -- Submission from Mr Jerry KONG
(Chinese version only) Chung-ling dated 16 January 2009
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)*
- LC Paper No. CB(1)698/08-09(19) -- Submission from Ms LAW
(Chinese version only) Choi-ping dated 17 January 2009
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)*
- LC Paper No. CB(1)698/08-09(20) -- Submission from a member of
(Chinese version only) the public (梁嘉麗) dated 17
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)* January 2009
- LC Paper No. CB(1)698/08-09(21) -- Submission from Ms Sharon LEE
(Chinese version only) dated 17 January 2009
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)*
- LC Paper No. CB(1)698/08-09(22) -- Submission from Ms Mandy dated
(Chinese version only) 17 January 2009
*(tabled at the meeting and
subsequently issued via e-mail on*

22 January 2009)

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| LC Paper No. CB(1)698/08-09(23) --
(Chinese version only)
<i>(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)</i> | Submission from Ms CHAN Po-yi
dated 16 January 2009 |
| LC Paper No. CB(1)698/08-09(24) --
(Chinese version only)
<i>(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)</i> | Submission from a member of the
public (石詩敏) dated 16 January
2009 |
| LC Paper No. CB(1)698/08-09(25) --
(Chinese version only)
<i>(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)</i> | Submission from a member of the
public (盧燕華) dated 16 January
2009 |
| LC Paper No. CB(1)698/08-09(26) --
(Chinese version only)
<i>(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)</i> | Submission from a member of the
public (洪奕新) dated 16 January
2009 |
| LC Paper No. CB(1)698/08-09(27) --
(Chinese version only)
<i>(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)</i> | Submission from Ms Sally KWAN
dated 16 January 2009 |
| LC Paper No. CB(1)698/08-09(28) --
(Chinese version only)
<i>(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)</i> | Submission from a member of the
public (李潔婷) dated 16 January
2009 |
| LC Paper No. CB(1)698/08-09(29) --
(Chinese version only)
<i>(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)</i> | Submission from Mr Michael
TAM dated 16 January 2009 |
| LC Paper No. CB(1)698/08-09(30) --
(Chinese version only)
<i>(tabled at the meeting and
subsequently issued via e-mail on</i> | Submission from Mr CHAN
Man-yik dated 16 January 2009 |

22 January 2009)

LC Paper No. CB(1)698/08-09(31) -- Submission from Ms Halky
(Chinese version only) WONG (Chinese version only)
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)*

LC Paper No. CB(1)698/08-09(32) -- Submission from a member of the
(Chinese version only) public (林家盛) dated 16 January
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)* 2009

LC Paper No. CB(1)698/08-09(33) -- Submission from a member of the
(Chinese version only) public (陳瑛) dated 17 January
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)* 2009

LC Paper No. CB(1)698/08-09(34) -- Submission from a member of the
(Chinese version only) public (陳子健) dated 14 January
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)* 2009

LC Paper No. CB(1)698/08-09(35) -- Submission from Ms Stella CHAN
(Chinese version only) dated 21 January 2009
*(tabled at the meeting and
subsequently issued via e-mail on
22 January 2009)*

Presentation by deputations

The Chairman welcomed representatives of the deputations to the meeting. He said that written submissions from deputations received before the meeting had been circulated to members and uploaded onto the Legislative Council (LegCo)'s website for public perusal. He requested the deputations to provide a written submission if they had not already done so, and also to provide supplementary submissions if any to the Panel after the meeting. He reminded the deputations that when addressing the Panel at the meeting, they were not covered by the protection and immunity under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), and their written submissions were not covered by the said Ordinance.

The Balance of Human Rights Watch (BHRW)
(LC Paper No. CB(1)718/08-09(03) -- Submission (Chinese version only))
(subsequently issued on 3 February 2009)

2. Mr FONG Chi-shing, Chairman of the BHRW, objected to some deputations' call as expressed at the Panel meeting on 20 November 2008 to end the review of the Control of Obscene and Indecent Articles Ordinance (COIAO)(Cap. 390). He said that the review should be extended by at least one month to seek the community's views on how to improve the existing regulatory regime. He suggested that public seminars be organized for academics and industry players from the information technology (IT) sector to express their views on the matter.

Mr Jeremiah CHOI

3. Mr Jeremiah CHOI said that while it was the parents' responsibility to supervise their children, the Government, LegCo members and the media should make concerted efforts to improve the existing regulatory regime to protect youngsters from exposure to indecent and obscene materials on the Internet and in popular printed media.

Youth Christian Institute (YCI)

(LC Paper No. CB(1)619/08-09(01) -- Submission (*Chinese version only*))

4. Mr Renwill YANG, a member of the YCI, said that the Government should step up the control of obscene and indecent materials, particularly in respect of electronic and Internet games. He said that Internet service providers (ISPs) should be required to provide subscribers with free filtering software and take immediate actions to remove indecent and obscene materials transmitted through their networks.

Professional Youth Forum (PYF)

(LC Paper No. CB(1)698/08-09(02) -- Submission (*Chinese version only*))
(*tabled at the meeting and subsequently issued via e-mail on 22 January 2009*)

5. In view of the prevalence of obscene and indecent materials on the Internet and in the mass media, Mr LAU Chi-hung, Chairman of PYF, said that the Government should take the lead in regulating such materials so as to uphold public moral for the protection of the young people. He suggested that materials classified as obscene and indecent should be sold only in adult shops/designated premises to persons aged above 18, and ISPs should provide users with options of filtering software or services at the server level. He urged LegCo Members to take note of the public demand and aspiration for more effective control of the Internet.

Federation of Parent-Teacher Associations of Yau, Tsim and Mongkok Districts (FPTA)

6. Mrs Leticia LAU, President of FPTA, requested the Administration to publish detailed guidelines on the classification system. To increase public confidence in the representativeness of the Obscene Articles Tribunal (OAT),

various sectors of the community and people of different age groups should be represented in the OAT. Mrs LAU urged the Administration to strengthen the deterrent effect of COIAO by increasing the maximum penalty on repeat offenders and imposing harsher penalties on them including custodial sentence. The Television and Entertainment Licensing Authority (TELA) should beef up its enforcement team and step up training for its staff to enable them to more effectively carry out their inspection duties. She opined that it was unfair to put all responsibilities of educating the young generation on parents who were already hard-pressed by the burden of work amidst the current financial turmoil. Comprehensive and long-term policies on promoting sex/moral education should be drawn up to help youngsters develop a healthy and positive attitude towards sex. Low-income families should be provided with free filtering software and parents should be assisted on how to educate their children on the healthy use of the new media. She said that the FPTA had received letters from many parents expressing disappointment at some Panel members' call to end the review. She urged members to take note of parents' view for more effective regulation of objectionable materials both on the Internet and in other media.

Hong Kong Parents Voice (HKPV)

7. Mr TUNG Kok-leung, Organizer of HKPV, hoped that parents, educators, the media, and the IT sector could agree on a consensus view and make concerted efforts for the benefits of the young generation. He said that youngsters should be educated to learn about sex and develop a healthy and positive attitude towards sex through proper channels instead of being left exposed to indecent websites.

Dr KWAN Kai-man, Associate Professor, Department of Religion and Philosophy, Hong Kong Baptist University (HKBU)
(LC Paper No. CB(1)619/08-09(02) -- Submission (*Chinese version only*))

8. Dr KWAN Kai-man, Associate Professor of HKBU, said that it was misleading to say that there was no evidence to show that indecent and obscene materials had harmful effect on the community. On the contrary, a number of surveys, his own studies, and testimonies of sex therapists, sex offenders and victims of sexual crimes found that obscene sex literature was closely correlated to sex crimes. He opined that the review should focus on how to strengthen control over objectionable materials and the implementation details.

Mr CHOI Wai

9. Speaking from his capacity as a parent and a youth worker, Mr CHOI Wai opined that "obscenity" and "indecent" should be clearly defined with particular emphasis on the protection of children and youth. While he appreciated that it was not technically feasible to enforce complete regulation of materials transmitted through the Internet, he advocated that some form of control was essential to safeguard public moral. He urged ISPs to provide filtering software, preferably free to users, and the TELA to step up training for its enforcement staff.

Education Convergence (EC)

(LC Paper No. CB(1)619/08-09(03) -- Submission (*Chinese version only*))

10. Mr WONG Chung-man, Administrative Assistant of EC, suggested that the COIAO should become "Control of Obscene, Indecent and Violent articles Ordinance" to make clear its regulation of violence-related materials. The definition of "obscenity" and "indecent" should be made clear in specific terms to facilitate enforcement, and enable the public and the media to better understand the classifications and observe the requirements. While it was important to preserve free flow of information and safeguard freedom of expression, he considered it equally important to protect young people from objectionable materials. He urged the Government to coordinate the installation of filtering software for use by the public and to step up the regulation of obscene, indecent and violent materials.

Mr LIU Man-kwong

(LC Paper No. CB(1)619/08-09(04) -- Submission (*Chinese version only*))

LC Paper No. CB(1)698/08-09(03) -- Further submission (*Chinese version only*)

(*tabled at the meeting and subsequently issued via e-mail on 22 January 2009*)

11. Referring to the remark made by some Panel members at the Panel meeting on 20 November 2008 that it should be the parents' responsibility to supervise and educate their children, rather than for the Administration to regulate social values and moral standards through legislation, Mr LIU Man-kwong said that it was unfair to pass all responsibilities to parents. He opined that regulation was necessary in view of the prevalence of and easy access to indecent/obscene materials in the media and on the Internet. The Government, in conjunction with the business and IT sectors, should put in more resources to develop effective filtering software. Mandatory requirement to provide filtering software should be imposed on ISPs, and sex and moral education should be stepped up for the youth.

Hong Kong Sex Culture Society (HKSCS)

(LC Paper No. CB(1)698/08-09(01) -- Submission (*Chinese version only*))

(*tabled at the meeting and subsequently issued via e-mail on 22 January 2009*)

12. Mr Matthew MAK, Project Director of HKSCS, objected to the view expressed by some Panel members at the November meeting that there was no hard evidence to show whether and how indecent or obscene materials transmitted through the Internet and other forms of media had adversely affected the young generation. Citing some sex crimes in Korea and Hong Kong, he said that it was clear that objectionable materials had adverse impact on young people and could give rise to sex crimes.

Shamshuipo Concern Group (SCG)

(LC Paper No. CB(1)698/08-09(04) -- Submission (*Chinese version only*))
(tabled at the meeting and subsequently issued via e-mail on 22 January 2009)

13. Ms WONG Yan-chun, Secretary of SCG, said that many working parents, particularly those in Shamshuipo and other relatively low-income districts, did not have sufficient time and the know-how to supervise their children on the use of the Internet and the computer. The SCG was of the view that the Government should strengthen the regulatory regime under the existing COIAO, and increase the level of penalties to enhance the deterrent effect.

International Association of Art Critics Hong Kong Chapter (IAACHK)

(LC Paper No. CB(1)698/08-09(05) -- Submission (*English version only*))
(tabled at the meeting and subsequently issued via e-mail on 22 January 2009)

14. Mr John BATTEN, Member, Editor of IAACHK, said that the free flow of information and freedom of expression were core values that should be safeguarded by law. He hoped that Hong Kong would continue to have an open attitude to art, books, writing and any controversial material, especially in the face of an Internet that was transnational and difficult to control.

Professional Resources Center (PRC)

15. Mr Jason CHAN, Executive Committee Member of PRC, said that PRC was gravely concerned about the adverse influence on youngsters caused by sex and violence-related interactive electronic video games, and called on the Government to strengthen control of objectionable materials on the Internet. He opined that the society as a whole had the responsibility to ensure a positive environment for the healthy development of the young generation.

Diocesan Pastoral Commission for Marriage and the Family (DPCMF)

16. Mr Kevin LAI Yuk-ching, Executive Secretary of DPCMF, said that while it was the parents' responsibility to supervise their children, it was unrealistic to rely solely on parents to combat the impact of the media prevalent with pornography and violent materials as well as widespread talks about safe sex and extra-marital relations. He opined that the Government should take decisive actions to uphold public moral, and in conjunction with parents, help youngsters develop a positive and healthy attitude towards sex.

Hong Kong Society for Politics and Policy (HKSPP)

(LC Paper No. CB(1)619/08-09(15) -- Submission (*Chinese version only*))

17. Mr LEE Yiu-keung, Chairman of HKSPP, said that preservation of freedom of information should not be used as a pretext to relax the control on pornography. The Government, parents and educators should work closely to uphold moral standards and protect young people from the harmful effect of pornography.

Hunghom Parents Concern Group (HPCG)

(LC Paper No. CB(1)698/08-09(06) -- Submission (*Chinese version only*))
(tabled at the meeting and subsequently issued via e-mail on 22 January 2009)

18. Ms LEE Lai-kuen, Secretary of HPCG, said that the Government should respond to parents' aspiration to protect their children from exposure to objectionable materials in the mass media, and take appropriate actions to regulate the publication and transmission of such materials in the media and on the Internet.

Sorrow of Men (SM)

19. Speaking on behalf of migrants from the Mainland, Mr Michael FONG, Chairman of SM, said that the Hong Kong media and the Internet was over-loaded with objectionable materials. He urged the Government to respect the right of those people who did not wish to be exposed to such materials and step up control of pornography in printed media and on the Internet.

Mr Benson LEE Tsz-ching

20. Mr Benson LEE Tsz-ching suggested to conduct a large-scale survey on the community's views on obscenity and indecency. He believed that exposure to and frequent contacts with objectionable materials would have harmful effect on the community. He called on the Government to review its policy on sex education.

New Creation Association (NCA)

21. Mr Kelvin CHUNG Kam-fai, Ministry Officer of NCA, said that some cases which their members as sex educators and sex therapists came across showed that pornography and obscene materials did have a negative impact on people, particularly youngsters. NCA supported a tighter control of objectionable materials, and would submit to the Government views of some parents of sex minorities calling for a greater control.

Dr HONG Kwai-wah

(LC Paper No. CB(1)631/08-09(01) -- Submission (*Chinese version only*))

22. Dr HONG Kwai-wah said that as a psychiatrist having dealt with more than hundred cases involving sex indulgence, he was against relaxing the control of objectionable materials. He considered regulation through legislation necessary to protect young people. He said that many sex therapists believed that early exposure to pornography could easily lead to sex fantasies and loss of self control, ending in self-destructive sexual behaviors. As such, there was a pressing need for the Government to set up an effective regulatory regime.

Tsimshatsui Parent's Concern Group (TPCG)

(LC Paper No. CB(1)698/08-09(07) -- Submission (*Chinese version only*))
(tabled at the meeting and subsequently issued via e-mail on 22 January 2009)

23. Ms NG Kwai-kuen, Convenor of TPCG, said that youths were easily susceptible to the influence of pornography and violence-related materials in the media. She urged the Government to set clear guidelines for classification of articles, and to plug the loopholes of regulation to stop irresponsible ISPs from disseminating objectionable materials through the Internet.

Youth/Children Development Concern Group (YCDCG)

(LC Paper No. CB(1)619/08-09(05) -- Submission (*Chinese version only*))

24. Ms LAU Wai-man, Representative of YCDCG, said that the Government should make it mandatory for ISPs to provide free filtering software to block out websites with objectionable materials for the protection of children and youngsters. Academic and research literature found that pornography was harmful to young people. As such, public moral and propriety should not be compromised at the expense of preservation of freedom of expression.

Mr Andrew HUNG Tsz-wan, Lecturer of Hong Kong Community College, The Hong Kong Polytechnic University (HKPU)

(LC Paper No. CB(1)619/08-09(06) -- Submission (*Chinese version only*))

25. Mr Andrew HUNG Tsz-wan of HKPU said that an opinion poll should be conducted to gauge the public view on the regulation of obscene materials. He supported introducing sub-classes IIA and IIB and increasing the maximum penalty on repeat offenders, particularly media organizations with repeated records of publishing indecent articles. Regulation of obscene materials should not be taken as curbing the free flow of information. While freedom of information and expression were core social values that should be safeguarded, Mr HUNG considered that some form of control was necessary to protect youngsters from harmful influence of indecent websites and bizarre sex inclination.

Hong Kong Youth Support Group (HKYSG)

(LC Paper No. CB(1)619/08-09(07) -- Submission (*Chinese version only*))

26. Mr LAI Sin-yum, Chairman of the HKYSG, said that the youngsters, especially those from broken families, were easily susceptible to the harmful influence of unhealthy sex information on the Internet. HKYSG was of the view that pornography on the Internet which degraded the female gender and would lead to destructive sex behavior in youths should be regulated. The level of penalty, especially on repeat offenders/media organizations/ISPs publishing and disseminating objectionable materials, should be increased to enhance the deterrent effect. The definition of "obscenity" and "indecent" should also be made clear to facilitate consistency in classifications.

New Hope for Middle Class Forum (NHMCL)

(LC Paper No. CB(1)619/08-09(08) -- Submission (*Chinese version only*))

27. Ms Myra SIU, Convenor of NHMCL, questioned why some LegCo Members supported the regulation of smoking through legislation and yet were against the regulation of pornography on the Internet. She said that NHMCL supported the regulation of objectionable materials on the Internet, and urged the Administration to seek to improve the present regulatory regime under the COIAO.

Holy Net for Youth (HNY)

28. Mr WONG Kai-wing, Secretary of HNY, said that about 2 000 youths had signed their support on the Internet urging the Government to regulate the distribution and transmission of pornography through the Internet. As reported in Sing Tao Daily, the association of school principals had also called on the Government to step up Internet control on objectionable materials. He hoped that those LegCo Members who considered regulation of the Internet unnecessary would take note of the majority public view.

Hong Kong Research Association (HKRA)

(LC Paper No. CB(1)619/08-09(09) -- Submission (*Chinese version only*))

29. Mr YIU Tsz-yat, Research Officer of HKRA, briefed the meeting on the findings of a telephone survey on the review of the COIAO conducted by HKRS in end 2008. While the majority of the 1 000 respondents had reservation about the proposed access control system whereby internet users were required to input credit card data before getting access to webpage containing indecent materials, the respondents in general supported expanding the membership of the OAT to make it more representative, sub-dividing Class II into IIA and IIB, obtaining OAT's classification before laying charges, and requiring ISPs to provide filtering software. Despite the technological difficulty of enforcing a complete regulation of objectionable materials transmitted through the Internet, the Government, in response to the majority public view for tighter control over such materials, should strive to improve the existing regulatory regime under the COIAO.

Parents for the Family Association (PFA)

(LC Paper No. CB(1)698/08-09(08) -- Submission (*Chinese version only*))

(*tabled at the meeting and subsequently issued via e-mail on 22 January 2009*)

30. Mr Howard LAI, President of PFA, urged the Government to tighten control and step up enforcement under the COIAO. The PFA suggested that a committee be set up to advise on measures and policies on the regulation of mass media. Mr LAI also called on the Administration to come up with more concrete proposals for a second round of public consultation as soon as possible. Regular review and survey should be conducted to ensure that the classification system and the rulings made were in keeping with the prevailing common standard of morality and public decency. Family-friendly policies and measures should be implemented to help strengthen family cohesion and harmony.

Catholic Diocese of Hong Kong (CDHK)
(LC Paper No. CB(1)619/08-09(10) -- Submission (*Chinese version only*))

31. Rev. Lawrence LEE, Chancellor of CDHK, said that CDHK supported a four-tier classification system, subdividing Class II articles into IIA and IIB according to audience age groups. The current pool of 300 adjudicators serving the OAT should be increased to 2 000 and be subject to confidentiality undertaking. The Administration should issue guidelines on the regulation of new forms of media and specify the purview as well as the regulatory and enforcement responsibilities of various departments involved.

The Church of Living Stones (Kowloon) (CLS)

32. Mr YEUNG Chung-mau, Pastor of CLS, expressed disappointment at some Panel members' suggestion to repeal the COIAO. CLS considered it necessary for the protection of children and youngsters to have legislative control on objectionable materials on the Internet and on sex and violence-laden electronic games. The Administration had the responsibility to assist parents to uphold public moral and protect the youths and impressionable people from the harmful influence of pornography and excessive violence.

Hong Kong Baby and Children Products Industrial and Commercial Association (HKBCCA)

(LC Paper No. CB(1)698/08-09(09) -- Submission (*Chinese version only*))
(*tabled at the meeting and subsequently issued via e-mail on 22 January 2009*)

33. Mr Danny YUEN, Chairman of HKBCCA, said that the dissemination of objectionable materials on sex, horror, cruelty and violence through the Internet and mass media would harm the psychological development of children and young people and therefore should be subject to legislative control. The Government should provide more channels for members of the public to report any contraventions and increase the maximum level of penalty on offenders.

Couple Co-creation Society Limited (CCSL)

(LC Paper No. CB(1)619/08-09(11) -- Submission (*Chinese version only*))

34. Mr CHAN Chee-sheung, Chief Executive Officer of CCSL, said that CCSL was against relaxing the regulation of obscene and indecent articles, and shifting all responsibilities on parents to combat the harmful effect of objectionable materials on their children. The Government should define "obscenity" and "indecent" clearly and provide detailed guidelines to avoid inconsistency in the classification of articles. Training for frontline enforcement staff should be stepped up to ensure effective enforcement. CCSL also shared some deputations' suggestion to increase the number of adjudicators to 2 000.

Parents' Concern Group for Obscenity Act (PCG)

(LC Paper No. CB(1)698/08-09(11) -- Submission (*Chinese version only*))

LC Paper No. CB(1)698/08-09(12) -- Further submission (*Chinese version only*)

(*tabled at the meeting and subsequently issued via e-mail on 22 January 2009*)

35. Mr Kevin CHENG, representative of PCG, supported some deputations' call for mandatory requirement on ISPs to provide free filtering software, and imposing harsher penalties on repeat offenders.

UFIRE

(LC Paper No. CB(1)619/08-09(12) -- Submission (*Chinese version only*))

36. Ms LUI Wai-laam, Ministry Secretary of UFIRE, agreed with some deputations that control on obscene and indecent materials was necessary and should be tightened. Focus-groups should be organized to specifically solicit the views of students and IT professionals. Apart from providing free filtering software to block out indecent websites, public education should be launched to help young people develop independent thinking and the ability to make the right choice of information.

Hong Kong Film Critics Society (HKFCS)

(LC Paper No. CB(1)698/08-09(13) -- Submission (*Chinese version only*))

(*tabled at the meeting and subsequently issued via e-mail on 22 January 2009*)

37. Mr CHEUNG Wai-hung, Chairman of HKFCS, advised against tightening the existing regulatory regime, and considered the current penalty level adequate. He said that the Government should not make it mandatory for ISPs to provide filtering service to their subscribers, and individual-to-individual communication on the Internet should not be regulated. He opined that the current operation, composition and appointment mechanism of the OAT lacked transparency and the adjudicators did not reflect the prevailing community values and standards. HKFCS suggested to increase the number of adjudicators, draw the adjudicators from the list of jurors, set a term of office for the adjudicators, and publish the reasons for interim classifications made on articles submitted. Suggestion was also made to separate the administrative and judicial functions of the OAT, leaving the judicial function to the court.

Pisteuo Charis Limited (PCL)

(LC Paper No. CB(1)698/08-09(14) -- Submission (*Chinese version only*))

(*tabled at the meeting and subsequently issued via e-mail on 22 January 2009*)

38. Mr Danny LO Shing-yuen, volunteer worker of PCL, said that the PCL was of the view that the Government should build on the existing provisions of the COIAO to strengthen enforcement, and increase the penalties for the publication, distribution, and possession of obscene and indecent articles. Displaying

pornographic materials to people under age 18 should be prohibited.

Ms TSANG Yuet-ming

39. Ms TSANG Yuet-ming said that both herself and her 18-year-old son objected to some Panel members' call to repeal the COIAO and discontinue the review. She considered that early exposure to objectionable materials would be harmful to children and youngsters who had yet to fully develop their value system and self control. Definition of "obscenity" and "indecent" should be made clear and specific to ensure consistency in classifications. Suggestion was also made for teachers, parents and social workers to be represented in the OAT.

Ms HO Tan

40. Ms HO Tan opined that the Internet, same as other forms of media, should also be subject to regulation. Prohibiting the dissemination of pornography and objectionable materials on the Internet should not be taken as restricting the free flow of information and curbing freedom of expression. Technical difficulty in regulating objectionable materials transmitted through the Internet should be no excuse for inaction, and the Administration should work in conjunction with IT professionals to devise effective measures to protect youngsters from harmful on-line materials.

Mr LAW Wai-kwong

41. Mr LAW Wai-kwong urged the Government to regulate the publication and distribution of objectionable materials on the Internet, and to step up moral education to help youngsters develop a healthy mind set.

新一代家長會

(LC Paper No. CB(1)698/08-09(15) -- Submission (*Chinese version only*))
(*tabled at the meeting and subsequently issued via e-mail on 22 January 2009*)

42. Speaking on behalf of the parent group, Ms WONG Mei-ching called on the Government to fine-tune the definition of "obscenity" and "indecent" by referencing relevant ordinances in overseas jurisdictions such as the UK, the US, and Canada. She agreed with some deputations that the Government should increase the penalty level for repeat offenders, and legislate to regulate Internet and new forms of media including electronic and computer games with indecent and obscene content. Suggestion was also made to classify advertisements about sex service, pornographic DVDs and websites as Class II (indecent).

Ms Ester LAI

43. Ms Ester LAI shared some deputations' views that legislation to regulate the publication and transmission of objectionable materials on the Internet and mass media as well as moral and sex education were necessary to ensure healthy

psychological development of the young generation. ISPs should also be required to provide free filtering software and services at server level to subscribers.

Shower of Blessings Hong Kong (SBHK)

44. Ms Pellen LAW Pik-luen, General Secretary of SBHK, said that she had attended a number of open forums on the review of the COIAO. The majority view was that regulation of obscene and indecent materials was essential to protect young people from harmful materials prevalent in the Internet and the mass media. She said that those elected LegCo Members who advocated scrapping the review were irresponsible and were out of touch with the prevailing majority view.

Noise Co-op (NC)

(LC Paper No. CB(1)619/08-09(13) -- Submission (*Chinese version only*))

45. Mr CHOW Sze-chung, member of NC, cautioned against tightening Internet control and mandatory filtering requirement which might inhibit creativity and jeopardize basic human rights to freedom of expression and free flow of information guaranteed by law.

Opensource Application and Knowledge Association (OAKA)

46. Mr LAU Wai-keung, Vice-Chairman of OAKA, said that instead of filtering service at server-end, ISPs should provide filtering software for installation in home computer. Technical trials should be conducted to test the effectiveness of the filtering software, and seminars should be organized to teach students, parents, teachers and social workers on the use of the software. Mr LAU highlighted that while protecting young people from Internet content considered not suitable for them, it was equally important to guard against abuse of the filtering function and avoid blocking websites that were neither obscene nor indecent.

Professional Information Security Association (PISA)

(LC Paper No. CB(1)631/08-09(02) -- Submission (*English version only*))

47. Mr Anthony MA Yue-kit, Programme Director of PISA, said that subscription-based filtering and voluntary labeling whereby websites that displayed indecent materials were required to provide warnings were viable options worth consideration. PISA was of the view that the Government should formulate policies to address the different kinds of threats to Internet safety and privacy such as online exploitation, cyber bullying, pornography, etc in a systematic and holistic manner.

Wikimedia Hong Kong (WHK)

48. Citing an incident in December 2008 in which Wikimedia UK was black-listed by the Internet Watch Foundation because of an article posted on the Wikimedia web, Mr Jeromy CHAN Yu, Deputy-President of WHK, expressed concern about over-regulation which might lead to censorship that restricted the

free flow of information.

v-artist

49. Mr CHAN Yin-kai, Administrative Assistant of v-artist, said that a balance should be struck between upholding public moral, protection of human rights and the rule by law. Propriety and moral standard should not be determined by majority voting. In a diversified and open society such as Hong Kong, the Government should encourage open discussion and refrain from inhibiting freedom of expression and information flow in the name of preserving standards of public decency. Mr CHAN suggested that to enhance transparency and understanding of the parameters adopted by the OAT in making classification decisions, the OAT should open its meeting to the public and publish the rationale, criteria and reasons for the classifications made. The number of adjudicators on the OAT should be increased to enhance its representativeness. The Government should set a ceiling on working hours and legislate on minimum wage to enable parents to have more time to attend to their children.

Hong Kong Human Rights Commission (HKHRC)

(LC Paper No. CB(1)698/08-09(16) -- Submission (*Chinese version only*))
(*tabled at the meeting and subsequently issued via e-mail on 22 January 2009*)

50. Mr Richard TSOI Yiu-cheong, member of HKHRC, said that the Government consultation document was piecemeal, fragmented and had not contained any references to practices in other jurisdictions to facilitate the public to make an informed response to the review. HKHRC advocated a revamp of the present adjudication system. The judicial function of the OAT should be taken up by the court. He said that the Internet was a new form of media different from the conventional media and therefore should not be regulated under the COIAO or other legislations governing radio, TV and commercial broadcasting.

Initial response by the Administration

51. The Permanent Secretary for Commerce and Economic Development (Communications and Technology) (PSCED) thanked the deputations for their views and suggestions. He stressed that the issues involved were complicated and had to be carefully addressed to strike a balance between protecting youths and minors from the harmful effect of objectionable materials on one hand and safeguarding the free flow of information and freedom of expression on the other. He said that more than 2 000 submissions presenting a diverse range of views had been received and they would form the basis for the Administration to draw up more specific proposals for a second round of public consultation.

Discussion

52. Mr Ronny TONG said that it seemed that the focus of the review should be on how to set up a mechanism for determining a common standard of morality and propriety that would be acceptable across the community. He said that as the

OATs had been criticized by many as ineffective and unrepresentative, and in view of the flaws of the present adjudication system, the core issue was who in the community should be in a position to determine the prevailing community values and standard of public decency, and how the adjudicators should be selected. Given the difficulty of defining "indecent" and "obscenity" and agreeing on a common standard of morality and propriety in a diversified and open society, he queried whether the Administration's proposal of sub-dividing Class II into Classes IIA and IIB could only cause more confusion. Noting the fine line between works of art and works of indecency in various rendering of nudity and sex acts, Mr TONG sought deputations' views on whether they regard the film "Lust Caution" as obscene.

53. In response, Mr CHEUNG Wai-hung of the HKFCS opined that freedom of expression and creativity in art work should not be compromised by any form of pre-censorship.

54. Dr KWAN Kai-man, Associate Professor of the HKBU, said that under the three-tier classification of films under the Film Censorship Ordinance (FCO) (Cap. 392), the film was classified as Class III suitable for persons aged 18 and above only, and the classification of films was not part of the present COIAO review. He highlighted that the majority of deputations did not seek a complete ban or restriction on the dissemination of pornography and objectionable materials. Their call for regulation was mainly on prohibiting the publication and sale of such materials to persons under the age of 18, a regulation which in his opinion would not affect the dissemination of Class II (indecent) articles to adult audience. In fact, the publication of Class II articles in compliance with specified statutory requirements, such as sealing the articles in wrappers and the display of a warning notice, was not prohibited under the law. He said that the purpose of the classification system was to give a clear classification label to the articles concerned so that members of the public and retailers would know the nature of the articles, and to serve as a deterrent against commercial exploitation of such materials.

55. Dr Priscilla LEUNG opined that there should be a common standard of morality and propriety, and that individual rights to privacy and taking legal action against defamation should be safeguarded by the law. Referring to parents' and educators' concern over the proliferation of harmful online materials, she said that education could not possibly be a solution to all problems, and that some form of Internet control might be necessary to protect children and youngsters from internet contents that were unsuitable to them. She cautioned against over politicizing the issue of Internet control, and urged different sectors of the community to work towards a consensus on a commonly accepted standard of morality through open discussion.

56. Ms Emily LAU said that while she fully agreed that children should be protected from pornography, she shared Mr CHEUNG Wai-hung's view on the importance of preserving freedom of expression and artistic creation. She invited views from representatives of the IT sector on the technological viability of Internet

control.

57. In response, Mr Anthony MA Yue-kit of PISA said that it would be very costly to effectively enforce a complete control. He anticipated technical problems in server-side filtering, particularly with Internet games, and in virtual environment and Home 3D environment. He suggested that a working/focus group be set up to specifically address these problems. Suggestion was also made to solicit the community's view on the standard of morality through online voting.

58. Mr Jeremiah CHOI stressed that there was no intention to impose any restriction on art and creation. The major concern was to ensure that no indecent and obscene materials would be disseminated to those below the age of 18.

59. Ms Cyd HO said that she understood that most parents were hard-pressed by their jobs and could hardly afford the time to keep a close watch on their children's access to obscene and indecent articles, particularly through the Internet. She opined that in a cyber world loaded with objectionable materials, the most effective way to protect youngsters was for them to develop their self control and hone their ability to form the right judgment on the harmful materials to which they might be exposed. She invited the Administration and deputations' comments on the Judiciary's views on improving the current adjudication system and the operation of the OAT.

60. PSCED replied that the views expressed by the Judiciary, along with other submissions received, would be carefully studied.

61. Mr Howard LAI of PFA said that in line with the separation of powers among the three branches of the Government, namely the judiciary, the legislature and the executive, law enforcement agencies should be entrusted with enforcement against breaches, with appeal channels in place for the aggrieved to seek redress.

62. Mr Paul TSE said that while he agreed that minors should be protected by law from any physical and psychological harm, a balance should be struck between protecting young people on one hand and preserving the free flow of information and safeguarding the freedom of expression on the other. He agreed with Mr Ronny TONG that the discussions should be focused on how to improve the present adjudication and classification system to ensure fairness and to safeguard against abuse of basic rights. He was of the view that a jury system might be fairer than the present system of classifications by the OAT which might sometimes be subjective and arbitrary. He opined that regulation by legislation might give rise to legal and enforcement problems and therefore should be kept to a minimal. Given the transient and extraterritorial nature of the massive information flow on the Internet which might not be subject to the laws of Hong Kong, he called on the Government to carefully address the legal and technical problems involved in Internet control.

63. Referring to regulation against clandestine photography and camera peeping, Mr LEE Yiu-keung of HKSPP disagreed that standard of morality and

decency should not be regulated through legislation. He opined that it was basic human rights guaranteed under the law to be protected against exposure to objectionable materials. He cautioned against undue exploitation of pornographic materials for profit making on the pretext of upholding the freedom of expression.

64. Concluding the session, the Chairman thanked the deputations and urged the Administration to take their views into consideration when drawing up proposals for the second round of consultation.

II. Any other business

65. There being no other business, the meeting ended at 5:30 pm.

Council Business Division 1
Legislative Council Secretariat
29 June 2009