

立法會
Legislative Council

LC Paper No. CB(2)2254/09-10
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by the Administration)

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Panel on Security

**Minutes of special meeting
held on Thursday, 8 April 2010, at 9:00 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon Albert HO Chun-yan
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHIM Pui-chung
Hon CHAN Hak-kan
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun
- Member attending** : Hon Ronny TONG ka-wah, SC
- Members absent** : Hon James TO Kun-sun (Deputy Chairman)
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Cyd HO Sau-lan
Hon WONG Kwok-kin, BBS
- Public Officers attending** : Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security
- Mrs Millie NG
Principal Assistant Secretary for Security
- Mr Larry CHU
Assistant Secretary for Security

Mr Stephen CHENG Se-lim
Chief Superintendent of Police (Crime Support) (Crime
Wing)

Attendance : Society for Community Organization
by invitation

Mr TSOI Yiu-cheong
Community Organizer

End Child Sexual Abuse Foundation

Ms Angela NG
Vice-Chairperson

Hong Kong Human Rights Monitor

Mr CHONG Yiu-kwong
Chairperson

Hong Kong Council of Social Service

Mr Moses MUI
Chief Officer (Family & Community)

Hong Kong Youth and Students Federation

Mr LI Cheuk-yin
Chairman

Council on Professional Conduct in Education

Mr HON Lin-shan
Vice-Chairperson

The Association for the Advancement of Feminism

Ms AU Mei-po
Organizer

Hong Kong College of Paediatricians

Dr Patricia IP
Member
Professional and General Affairs Committee

Against Child Abuse

Mrs Priscilla LUI
Director

Hospital Authority Medical Coordinators on Child Abuse

Dr Patrick CHEUNG
Consultant

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Mr Stephen LAM
Senior Assistant Legal Adviser 1 (Acting)

Mr Ian CHOW
Council Secretary (2) 1

Ms Camy YOONG
Clerical Assistant (2) 1

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- I. Law Reform Commission Report on "Sexual offences records checks for child-related work : interim proposals"**
(LC Paper Nos. CB(2)1006/09-10(01), CB(2)1180/09-10(01), CB(2)1073/09-10(01) and CB(2)1209/09-10(01))

Presentation of views by deputations

The Chairman reminded the deputations that they were not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel. At the invitation of the Chairman, 10 deputations presented their views on the subject.

Society for Community Organization

(LC Paper Nos. CB(2)1180/09-10(02) & CB(2)1021/09-10(01))

2. Mr TSOI Yiu-cheong presented the views of Society for Community Organization ("SOCO") as detailed in its submissions. Mr TSOI emphasized that it was in the interest of the society to encourage rehabilitation of sex offenders by allowing them to live down their past and make a new productive life. Exclusion from the community or gainful employment might push former sex offenders towards re-offending. It was the view of SOCO that to give effect to sexual offences records checks, the Administration should put in place a comprehensive mechanism to deal with all relevant matters. It should consider actions other than administrative measures, such as introducing legislation, to enhance the protection for children and safeguard the human rights of former sex offenders. The mechanism to be set up should strike a careful balance between offering protection to children from abuse on one hand, and giving due consideration to the privacy and rehabilitation needs of ex-offenders on the other.

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*End Child Sexual Abuse Foundation
(LC Paper No. CB(2)1180/09-10(03))*

3. Ms Angela NG presented the views of End Child Sexual Abuse Foundation ("the Foundation") as detailed in its submission. The submission covered the Foundation's views on specific recommendations in the report on "Sexual Offences Records Checks for Child-Related Work: Interim Proposals" ("the Report") by the Law Reform Commission ("LRC"), as well as its views on how to support and facilitate sex offenders' rehabilitation and reintegration into society.

*Hong Kong Human Rights Monitor
(LC Paper No. CB(2)1021/09-10(02))*

4. Mr CHONG Yiu-kwong presented the views of Hong Kong Human Rights Monitor ("HKHRM"), as detailed in its submission. Mr CHONG said that HKHRM had grave concern about the LRC's recommendation of establishing an administrative scheme to enable employers of persons undertaking child-related work and work relating to mentally incapacitated persons ("MIPs") to check their employees' criminal conviction records for sexual offences. HKHRM considered that the Administration should deal with the matter in accordance with international practice by introducing legislation to regulate the checking of criminal records and to safeguard the privacy of the personal data of sex offenders.

*Hong Kong Council of Social Service
(LC Paper No. CB(2)1180/09-10(05))*

5. Mr Moses MUI presented the views of the Hong Kong Council of Social Service ("HKCSS"), as detailed in its submission. HKCSS raised concerns on the following issues -

- (a) definition of "work" under the proposed scheme, and its impact on the recruitment of voluntary workers to perform child-related work or MIP-related work;
- (b) the impact of the proposed scheme on the employment opportunities of former sex workers;
- (c) the cost, workload and procedures involved in conducting sexual conviction records checks proposed in the Report;
- (d) offences covered by the proposed sexual offences records checks system; and
- (e) the need to formulate a holistic scheme for the treatment,

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rehabilitation, risk assessment and management of sex offenders in order to afford better protection to the community.

Council on Professional Conduct in Education
(LC Paper No. CB(2)1180/09-10(07))

6. Mr HON Lin-shan presented the views of the Council on Professional Conduct in Education ("the Council") as detailed in its submission. The Council noted that the proposals in the Report were only interim measures capable of swift implementation by way of administrative guidelines without legislation. In the long run, if a sex offender register was to be established, the Administration should provide the Education Bureau ("EDB"), which was responsible for matters concerning the registration of a teacher or the cancellation of the registration of a teacher, with the most updated information on sexual offences involving teachers, so as to prevent persons who had committed sexual offences from working in the educational sector. If the circumstances warranted, EDB should take action to suspend the teacher registration of a sex offender.

The Association for the Advancement of Feminism
(LC Paper No. CB(2)1180/09-10(08))

7. Ms AU Mei-po presented the views of the Association for the Advancement of Feminism ("the Association") as detailed in its submission. Ms AU said that the Association had reservations about the interim proposals recommended by LRC since the proposals resorted to administrative instead of legislative measures to effect the checking of sexual conviction records of persons working with children and MIPs. The Association considered that there were many other important issues yet to be adequately addressed. They included the privacy rights of sex offenders, and the need to formulate a holistic scheme for the treatment, rehabilitation, risk assessment and management of sex offenders. The Association hoped that the Government could consider the issues in greater detail before putting forward the interim proposals rashly.

Hong Kong College of Paediatricians
(LC Paper No. CB(2)1180/09-10(09))

8. Dr Patricia IP presented the views of the Hong Kong College of Paediatricians ("the College") as detailed in its submission. She said that the College saw the need to establish a comprehensive system, with legislative backup, to protect children from sexual abuse and exploitation. A check of relevant criminal convictions was only a key component of the system. For better protection of both children and offenders, there should also be a holistic scheme for the treatment, rehabilitation, risk assessment and management of sex offenders.

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Against Child Abuse
(LC Paper No. CB(2)1180/09-10(10))

9. Mrs Priscilla LUI presented the views of Against Child Abuse as detailed in its submission. Mrs LUI stressed the need to take reasonable and necessary measures to protect children and the vulnerable from harm and exploitation by sex offenders. Putting in place a sex offender register was only one small step towards the goal.

Hospital Authority Medical Coordinators on Child Abuse
(LC Paper No. CB(2)1210/09-10(01))

10. Dr Patrick CHEUNG presented the views of Hospital Authority Medical Coordinators on Child Abuse ("HAMC") as detailed in its submission. Dr CHEUNG said that HAMC was in support of the administrative scheme proposed by LRC to enable the criminal conviction records for sexual offences of persons who undertook child-related work and work relating to MIPs to be checked. It was nevertheless a starting point offering protection for children and the vulnerable. HAMC hoped that the recommendations in the Report could be implemented as soon as possible, and the Administration would continue to examine the need for enactment of legislation.

Hong Kong Youth and Students Federation
(LC Paper No. CB(2)1180/09-10(06))

11. Mr LI Cheuk-yin presented the views of Hong Kong Youth and Students Federation ("the Federation") as detailed in its submission. The Federation had strong reservations about the hasty implementation of the proposed interim measure, particularly when there was no legislative backup for its implementation.

12. Members noted the following submissions from individuals/organizations not attending the meeting -

- (a) Submission from Dr YANG Mo, member of the Southern District Council (LC Paper No. CB(2)1180/09-10(11));
- (b) Submission from Mr Andrew CHIU Ka-yin, member of the Eastern District Council (LC Paper No. CB(2)1180/09-10(12));
and
- (c) Submission from Hong Kong Society for the Protection of Children (LC Paper No. CB(2)1236/09-10(01)).

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Response of the Administration

13. Under Secretary for Security ("US for S") thanked the deputations for their views on LRC's interim proposal of establishing a mechanism for sexual offences records checks for the purpose of protecting children and MIPs against sexual assault from sex offenders. He gave a consolidated response to the issues raised by the deputations as follows -

- (a) the Administration understood that LRC and its Review of Sexual Offences Subcommittee ("the Subcommittee") had, in the course of exploring the establishment of a scheme for sexual offences records checks by employers, carefully considered all relevant considerations, including human rights, privacy and rehabilitation needs of ex-offenders and proper protection to children. The Administration was in the process of studying the recommendations in the Report. In considering the establishment of such a scheme, the Administration would give full consideration to the views received;
- (b) LRC recommended that the proposed scheme should be voluntary since the Administration was not able to compel an employer to conduct the check without legislative backup. However, the Administration believed that a responsible employer should exercise due diligence in checking a job applicant's background before making any employment decision;
- (c) the Administration also recognized that LRC had conducted thorough studies on and made practicable suggestions on protecting privacy of ex-offenders. Under the scheme, a "clean" record check result would not be recorded in writing, but would be communicated verbally to the applicant or his employer; and the authority would not hand over any written information of conviction record to the employer directly but would give the information to the job applicant concerned. Employers, when conducting checks on job applicants, would be subject to the Personal Data (Privacy) Ordinance (Cap. 486);
- (d) LRC did not recommend adopting some practices used in overseas jurisdictions, such as the "Blue Card" system in Australia, taking into account the effectiveness of these practices;
- (e) on whether the proposed scheme should apply to both existing and prospective employees, LRC recommended in paragraphs 4.49 to 4.51 of the Report that the scheme should apply to prospective employees first at the initial stage and be extended to existing employees later, if considered necessary, as both existing

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and prospective employees might be rushed by employers to check the sexual conviction records when the mechanism was first launched, thereby leading to resource difficulties. LRC also recognized that apart from resources consideration, making the proposed scheme applicable to prospective employees first might help avoid potential employment issues between employers and existing employees. LRC also pointed out that there was overseas precedence to implement similar schemes by stages over a few years;

- (f) on whether volunteers should be included in the proposed scheme, LRC noted the concern of some non-governmental organizations ("NGOs") that the proposed check and the required fees might dampen the public enthusiasm in taking up volunteer work and affect NGOs in delivering services. On the other hand, LRC also noted that volunteers, like employees, would have opportunities to come into contact with children and MIPs. To provide adequate protection, LRC considered that volunteers should be covered in the proposed scheme. If a particular organization was confident that all volunteers in contact with children would be subject to appropriate supervision, that organization might dispense with the check. As regards application fee, the Administration would estimate the amount cautiously according to the existing mechanism while giving full consideration to public affordability; and
- (g) regarding the types of offences to be covered by the scheme, LRC recommended that the proposed sexual conviction records check would reveal only convictions of a specified list of sexual offences. The Administration would study the list and seek legal advice in this regard.

Discussion

Whether the proposal for establishing a scheme for sexual offences records checks should be pursued through administrative means or by enactment of legislation

14. Ms Audrey EU sought clarification from the representatives of SOCO, HKHRM and the Association as to whether they supported the LRC's recommendation to deal with the matter in stages and establish an administrative scheme as a start to enable employers of persons undertaking child-related work and work relating to MIPs to check the criminal conviction records for sexual offences of job applicants.

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15. Mr TSOI Yiu-cheong, Mr CHONG Yiu-kwong and Ms AU Mei-po considered that formulating a comprehensive scheme by legislation was more preferable than implementing an administrative scheme as proposed by LRC. They pointed out the wide range and complexity of issues involved, and considered that the comprehensive scheme to be devised had to be backed up by legislation as well as appropriate measures to balance the conflicting interests of children and ex-offenders.

16. Ms Emily LAU expressed grave concern about the appropriateness of implementing the proposed interim measure to enable the criminal conviction records for sexual offences of persons undertaking child-related work and work relating to MIPs to be checked. She held the view that the most appropriate approach to deal with the matter was enacting legislation. She called on the Administration to expedite the legislative work.

17. Dr Margaret NG echoed the views of Ms Emily LAU. She sought the views of the deputations on whether they agreed to the alternative of introducing legislation, if the relevant legislation could be enacted within a short period of time, such as 12 months or so.

18. Mr HON Lin-shan, Dr Patricia IP, Ms Angela NG, Mr TSOI Yiu-cheong and Mr CHONG Yiu-kwong replied in the affirmative. Mr TSOI and Mr CHONG stressed the urgent need for setting up a legislative framework which could simultaneously give proper and adequate protection to the vulnerable groups from sexual abuse, and address the privacy, human rights and rehabilitation needs of ex-offenders. Mr CHONG added that the introduction of an interim measure should not be an excuse for delaying the implementation of a comprehensive scheme backed up by legislation.

19. Mr CHEUNG Man-kwong said that based on the views expressed by deputations, he had the impression that the community had not yet reached a consensus on whether the proposal to establish an administrative scheme for sexual offences records checks by employers was acceptable. He noted that some deputations had reservations about the introduction of an interim measure to meet the immediate need for a system to minimize the risks of children and MIPs being sexually abused, and considered legislation as the only means to achieve the purposes of protecting children and addressing the privacy rights and rehabilitation needs of sex offenders. Mr CHEUNG pointed out that in recent years, there were many cases of sexual abuse involving persons working with children. He was deeply concerned about the present lack of an effective system in Hong Kong to prevent sex offenders from using their employment or voluntary services to target and sexually abuse persons with whom they work. He considered that there was an urgent need for the Administration to establish an effective mechanism to prevent unsuitable persons from engaging in child and/or MIP-related work. The recommendations of LRC to implement swiftly an administrative scheme could be an alternative to legislation before a

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comprehensive legislative scheme came into force. If proper measures were built into the proposed system to protect the legitimate interests of sex offenders, privacy rights and rehabilitation needs should not impede the introduction of interim or long-term measure.

20. Mrs Priscilla LUI said that it was the view of Against Child Abuse that the introduction of the proposed interim measure was only "a small piece in the jigsaw of the prevention of child sexual abuse", and establishing a sex offender register was only one small step towards the ultimate objective of enacting legislation. While the Administration and the community as a whole should step up their efforts to protect vulnerable groups against sexual abuse, the need to protect children and the vulnerable had to be balanced against other considerations, including the rehabilitation needs of ex-offenders, and the correct balance had to be worked out with care. To afford better protection to the community, there was a need for the Administration to formulate a holistic scheme for the treatment, rehabilitation, risk assessment and management of sex offenders. Based on overseas experience, the holistic scheme should encompass various measures, including enhancing the court's sentencing powers particularly in relation to post-release supervision of sex offenders, and requiring compulsory treatment/counseling in prison and upon release.

21. Mr TSOI Yiu-cheong said that the most effective measure to reduce the probability of re-offending was to provide former sex offenders with increased support, such as counselling and psychological therapy. It would eventually protect children and the vulnerable against sexual assault from ex-offenders. Mr TSOI further said that for those who were considered by psychological assessment to have higher risk to re-offend or those who refused to be assessed, giving them compulsory treatment and even forbidding them from engaging in related professions through legislation could be considered.

22. Mr Ronny TONG said that he was in support of enacting legislation to address the problem of child sexual abuse. He queried the appropriateness of using an administrative scheme to enable employers of child or MIP-related work to check the criminal conviction records for sexual offences of prospective employees.

23. US for S responded that -

- (a) LRC had been considering whether a comprehensive legislative scheme should be introduced to enhance the regulation of sexual offences records checks for child-related work, without unjustifiably infringing the privacy and other rights of the offenders. During the course of its deliberations, LRC noted that a comprehensive legislative scheme would take some time to be implemented. LRC therefore recommended that pending its formulation of comprehensive reform proposals for any

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legislative changes, an interim measure could be introduced to minimize the risks of children against sexual abuse;

- (b) the scheme proposed in the Report was intended as an interim measure which could be implemented quickly by administrative means without the need for enactment of legislation in order to respond to concerns expressed by the public and comments made by judges in some court cases in recent years;
- (c) LRC had stated clearly in the Report all human rights considerations which had been taken into account in devising the proposed scheme, including Articles 33 and 39 of the Basic Law, Article 14 of the Hong Kong Bill of Rights, Article 8 of the European Convention on Human Rights, and Article 26 of the International Covenant on Civil and Political Rights ("ICCPR");
- (d) LRC, however, emphasized that the rights and interests of sex offenders were not to be regarded as absolute, and they needed to be balanced against conflicting rights and interests. In particular, Article 24(1) of ICCPR stipulated that "Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State."; and
- (e) LRC considered that its recommendation was a reasonable measure which was in compliance with legal requirements and human rights principles.

24. The Chairman enquired whether LRC had a definite timetable for completing its review on the existing law on sexual and related offences and finalizing the proposals with respect to the establishment of a comprehensive legislative scheme for sexual offences records checks.

25. US for S responded that in view of the range and complexity of the issues involved, LRC had not fixed its timetable for the formulation of a comprehensive legislative scheme. Once LRC put forward any legislative recommendations, the Administration would follow up accordingly.

26. Mr Albert HO said that it was the responsibility of the Administration, instead of LRC, to propose a mechanism and devise reasonable and practicable measures to enhance the protection for children and MIPs against sexual assault, while safeguarding the human rights of former sex offenders and facilitating their rehabilitation. He expressed dissatisfaction with the way LRC had handled the matter and the Administration's reluctance to speed up the process of legislating. He further said that it was inappropriate to address

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the problems through administrative measures, merely because they were controversial and required further and careful deliberations within the Administration. In Mr HO's view, the Administration should consider framing the LRC's recommendation for establishment of an administrative scheme to regulate the checking of criminal records with statutory provisions.

27. In response, US for S said that the Administration noted the views and concerns of Members as well as the depositions. It would give full consideration to all the views received before taking a final view on the proposals recommended by LRC.

28. Mr CHEUNG Man-kwong said that based on the views expressed by depositions, he appreciated the need for expedited and intensified efforts in the enactment of legislation which could give proper and adequate protection to children against repeated sex offenders. He considered that the Administration should aim at introducing a child-focused legislation. He also suggested that school managers and teachers registered under the Education Ordinance (Cap. 279), child-minders registered under the Child Care Services Ordinance (Cap. 243) and social workers registered under the Social Workers Registration Ordinance (Cap. 505) should be barred from engaging in employment that involved contact with children, if they had committed sexual offences. He said that there was a loophole with the existing system as there was no way to prevent persons who had committed sexual offences from undertaking child-related work. To his knowledge, many sex offenders whose teacher registration was suspended operated tutorial schools or took up child-related work in other sectors.

29. Mr IP Kwok-him shared the view that a balance should be struck between protecting children and safeguarding the rights and rehabilitation needs of sex offenders. He asked whether and how the interim proposals under discussion could strike a proper balance among various considerations. Mr IP also expressed concern about the lawfulness and feasibility of using an administrative scheme, despite its interim nature, to enable employers of persons undertaking child-related work and work relating to MIPs to check their employees' criminal conviction records for sexual offences.

30. In response, US for S advised that according to the Administration's understanding, LRC and the Subcommittee had carefully considered all relevant considerations, including human rights, privacy and rehabilitation needs of ex-offenders and proper protection to children, in their deliberations on the feasibility of setting up an administrative scheme for sexual offences records checks. Every effort had been made to strike a balance between conflicting interests. There was a detailed elaboration on various concerns considered or discussed in the Report.

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31. Regarding the lawfulness of the proposed scheme, US for S said that LRC had stated clearly in the Report that the proposed interim measure must be lawful and capable of implementation without legislation. Without legislative backup, the checks could not be made mandatory. The focus of the proposed scheme at the present stage was to give the employer a choice and the means to ascertain whether an employee had any previous convictions for sexual offences. Hence, the proposed scheme was a voluntary mechanism, and the check had to be initiated by the job applicant/data subject. His consent would also be necessary to allow the result to be revealed to the prospective employer.

32. Dr Philip WONG said that he was in favour of enacting legislation to regulate the checking of employees' conviction records for sexual offences. However, given the difficulty in and the time required for formulation of a comprehensive legislative scheme, there was an immediate need to put in place an effective system to protect children and MIPs from sexual abuse during the "vacuum" period before the relevant legislation came into operation. The LRC's recommendation to establish an administrative scheme was an option worth pursuing. His view was shared by Mr Paul TSE and Mr IP Kwok-him.

33. Mr Paul TSE added that the administrative scheme now proposed and the legislative scheme to be formulated by LRC were not mutually exclusive. The phased approach could be structured in many ways, depending on the experience gained from the implementation of the administrative scheme at the initial stage.

34. In response to Dr Philip WONG's enquiry as to whether the Legislative Council could turn down the proposed administrative scheme, US for S stressed that the Administration respected Members' views on implementing the scheme through legislation. It would take into account Members' views in considering the LRC's recommendation of establishing an administrative scheme for sexual offences records checks. US for S advised that through a phased approach, the Administration's preliminary plan was to launch the proposed administrative scheme for prospective employees in 2011.

35. Mr Paul TSE said that given the profound and lifelong psychological impact on the victims, the interests of children and MIPs should be given priority over human rights concerns of former sex offenders in considering measures to protect the Children against sexual assault. Mr TSE further said that the objective of any schemes or mechanisms to be put in place should be expanded beyond the proposition of reducing the risk of re-offending. The proposed scheme, if implemented, should have adequate deterrent effect to prevent potential wrongdoers from involving in indecent assault. Regarding the checking of criminal conviction records, Mr TSE sought clarification on whether prospective employers of persons who would or might, in any manner, work with children or MIPs were obliged under the proposed scheme to conduct criminal records checks on the job applicants.

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36. In response, US for S referred Members to paragraph 4.62 of the Report which stated that a sexual conviction record check should not be conducted without the data subject's consent, and should comply with the Personal Data (Privacy) Ordinance and the relevant Data Protection Principles. He said that employers would not be compelled to carry out criminal record checks, and the application should be initiated only by the job applicant/data subject.

Method of application

37. Ms Audrey EU noted that LRC recommended that the result of a "clean" sexual conviction records check would not be recorded in writing, but would be communicated verbally to the job applicant/data subject or his employer. She sought deputations' views on this recommendation made by LRC.

38. Ms Angela NG said that the Foundation understood that the primary reason for not issuing any written confirmation of no criminal conviction to the data subject was due to rehabilitative concerns. However, the current proposal of setting up an automated telephone announcement system might not be able to prevent "foul play". The Foundation hoped that the check result, even a clean result, should be recorded in writing or some system of documentation.

Convictions to be disclosed

39. Ms Audrey EU referred to the submission from End Child Sexual Abuse Foundation. She noted that the Foundation proposed that the sex offender register should only include those who were identified as "persistent and high risk sex offenders". However, the Foundation did not agree with the LRC's recommendation that convictions of sexual offences which were regarded as "spent" under section 2 of the Rehabilitation of Offenders Ordinance (Cap. 297) should not be disclosed under the proposed sexual offences records checks mechanism. Ms EU said that these views of the Foundation appeared to be inconsistent.

40. Ms Angela NG responded that the Foundation was deeply concerned about the re-offending risks of sex offenders. In its view, the proposed mechanism could take many forms, but the primary objective was to reduce sex offender's risk of sexual re-offending to protect children and the vulnerable from sexual exploitation.

41. Mr Ronny TONG was concerned about the types of offences to be covered by the proposed scheme. He sought details about the ambit of offences proposed by LRC.

42. US for S responded that LRC had recommended that the proposed sexual conviction records check should reveal only a specified list of offences enumerated in paragraph 4.73 of the Report. It had taken into account the

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views received during the public consultation exercise.

43. On the types of offences to be covered by the proposed scheme, Mr TSOI Yiu-cheong, Dr Patricia IP, Ms Angela NG and Mr CHONG Yiu-kwong expressed the following views -

- (a) the Administration should make reference to overseas experience in deciding whether to include a particular offence in the proposed scheme;
- (b) the applicable offences should be limited to sexual offences against children, posing a considerable risk to children and vulnerable persons;
- (c) former sex offenders showing a high risk of re-offending, by way of risk assessment undertaken by experts, should be covered under the proposed scheme; and
- (d) convictions of minors below the age of 18 involving sexual intercourse with an underage girl, should be excluded from the proposed scheme.

Motion

44. Mr Albert HO moved the following motion, which was seconded by Mr CHEUNG Man-kwong -

"本委員會要求政府就保護兒童免受性侵犯及輔導和協助性罪行者更生的事宜，在12個月內提交條例草案，展開正式的立法程序，並敦促政府和立法會在現屆立法會完結前立法。"

(Translation)

"That this Panel requests the Government to introduce a bill within 12 months to commence the formal process of legislating for the protection of children against sexual abuse as well as the provision of counselling services and assistance for the rehabilitation of sex offenders, and urges the Government and the Legislative Council to complete the enactment of legislation by the end of the current term."

45. The Chairman put the motion to vote. Four members voted in favour of the motion, and two members voted against it. The Chairman declared that the motion was carried.

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46. There being no other business, the meeting ended at 12:05 pm.

Council Business Division 2
Legislative Council Secretariat
14 September 2010