

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2764/11-12  
(The minutes have been seen by the  
Administration)

Ref : CB2/PL/ED+ITB

**Panel on Education and  
Panel on Information Technology and Broadcasting**

**Minutes of joint meeting  
held on Tuesday, 14 February 2012, at 9:00 am  
in Conference Room 1 of the Legislative Council Complex**

**Members  
present**

: Members of the Panel on Education

- Hon Starry LEE Wai-king, JP (Chairman)
- Hon Tanya CHAN (Deputy Chairman)
- Hon CHEUNG Man-kwong
- Hon LEUNG Yiu-chung
- Hon TAM Yiu-chung, GBS, JP
- Hon Abraham SHEK Lai-him, SBS, JP
- Hon Tommy CHEUNG Yu-yan, SBS, JP
- Hon Audrey EU Yuet-mee, SC, JP
- \* Hon Andrew LEUNG Kwan-yuen, GBS, JP
- Prof Hon Patrick LAU Sau-shing, SBS, JP
- Hon KAM Nai-wai, MH
- Dr Hon LAM Tai-fai, BBS, JP
- Hon Paul CHAN Mo-po, MH, JP
- Dr Hon Priscilla LEUNG Mei-fun, JP
- Hon CHEUNG Kwok-che
- \* Hon Mrs Regina IP LAU Suk-ye, GBS, JP

Members of the Panel on Information Technology and  
Broadcasting

- # Hon WONG Yuk-man (Chairman)
- # Dr Hon Samson TAM Wai-ho, JP (Deputy Chairman)
- Hon CHAN Kam-lam, SBS, JP
- Hon LAU Kong-wah, JP
- Hon Emily LAU Wai-hing, JP
- Hon LEE Wing-tat
- Hon WONG Ting-kwong, BBS, JP
- Hon Ronny TONG Ka-wah, SC
- Hon IP Kwok-him, GBS, JP

**Members absent** : Members of the Panel on Education  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
\* Hon Cyd HO Sau-lan

Members of the Panel on Information Technology and Broadcasting  
Hon Timothy FOK Tsun-ting, GBS, JP

(\* Also members of the Panel on Information Technology and Broadcasting)  
(# Also members of the Panel on Education)

**Public Officers attending** : Agenda item II

Education Bureau

Mr Kenneth CHEN, JP  
Under Secretary for Education

Mr Edwin Tsui  
Principal Education Officer (Kowloon)

Mr K C TAM  
Principal Education Officer (Curriculum Development) 1

Television and Entertainment Licensing Authority

Mr Vincent LIU, JP  
Commissioner for Television and Entertainment  
Licensing

Mr Eric CHAN  
Assistant Commissioner for Television and  
Entertainment Licensing (Entertainment)

**Attendance by invitation** : The Society for Truth and Light

Ms FU Dan-mui  
Assistant General Secretary

Mr LIU Wai-keung

Mr NG Wai-lun

The Hong Kong Education Policy Concern Organization

Mr KWOK Man-kwan  
Vice-Chairman

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

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Ms Leticia LEE See-yin  
President

Committee on Home-School Cooperation

Dr Gordon TSUI  
Chairman

Parents for The Family Association

Ms CHIU Kit-ching  
Representative

The Hong Kong Association of Sexuality Educators,  
Researchers & Therapists

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Dr Angela NG Wing-ying  
Vice-Chairperson

Hong Kong Sex Culture Society

Mr Matthew MAK Pui-chuen  
Project Director

Young Professionals Network

Mr LAU Chi-hung  
Chairman

Hong Kong Women Teachers' Organization

Ms Pauline CHOW Lo-sai  
Chairman

Hong Kong Professional Teachers' Union

Mr FUNG Wai-wah  
President

Federation of Hong Kong Parents

Mr TUNG Kok-leung  
Vice-Chairman, Internal Affairs

Hong Kong Education Dynamic

Mr Frank LAW Ka-yuen  
Vice-Chairman, External Affairs

Family Value Foundation of Hong Kong Limited

Mr CHAN Kam-hoi  
Chairman of the Board

Hong Kong Federation of Education Workers

Mr WONG Wai-shing  
Vice-Chairman

Hong Kong Parents Association Limited

Mr LAI Tsang-hing  
President

Hong Kong Direct Subsidy Scheme Schools Council

Mr LAM Kin-wah  
Chairman

Nu Tong Xue She

Mr Joseph CHO Man-kit  
Executive Co-Director

Rainbow Action

Mr SHAM Tsz-kit  
Member

**Clerk in attendance** : Ms Amy YU  
Chief Council Secretary (2)6

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

Mr Joey LO  
Senior Council Secretary (1)3

Ms Catherina YU  
Senior Council Secretary (2)6

Ms May LEUNG  
Legislative Assistant (1)3

Miss Meisy KWOK  
Legislative Assistant (2)6

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**I. Election of Chairman**

Ms Starry LEE was elected Chairman of the joint meeting.

**II. Education on media literacy and free newspapers containing indecent content**

[LC Paper Nos. CB(2)995/11-12 (01) and (02), CB(1)1026/11-12 and FS15/11-12]

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2. Members noted the background brief entitled "Issues relating to the control of obscene and indecent articles" [LC Paper No. CB(1)1026/11-12] and the fact sheet entitled "Media literacy education" [LC Paper No. FS15/11-12] prepared by the Legislative Council ("LegCo") Secretariat.

Briefing by the Administration

3. Under Secretary for Education ("US(Ed)") briefed members on how the Education Bureau ("EDB") fostered the media literacy of youngsters, and the concern of the education sector and parent groups on free newspapers containing indecent content.

4. Commissioner for Television and Entertainment Licensing ("CTEL") briefed members on the existing regulatory regime for controlling obscene and indecent articles under the Control of Obscene and Indecent Articles Ordinance (Cap. 390) ("COIAO"), and the follow-up actions taken by the Television and Entertainment Licensing Authority ("TELA") in respect of the complaints against indecent articles published in Sharp Daily.

Oral presentation by deputations/individuals

*The Society for Truth and Light*  
[LC Paper No. CB(2)1074/11-12(01)]

5. Ms FU Dan-mui presented the views of the Society for Truth and Light as detailed in its submission.

*Mr LIU Wai-keung*  
[LC Paper No. CB(2)995/11-12(03)]

6. Mr LIU Wai-keung presented his views as detailed in his submission.

*Mr NG Wai-lun*  
[LC Paper No. CB(2)995/11-12(04)]

7. Mr NG Wai-lun presented his views as detailed in his submission.

*Hong Kong Education Policy Concern Organization*  
[LC Paper No. CB(2)1008/11-12(01)]

8. Mr KWOK Man-kwan presented the views of Hong Kong Education Policy Concern Organization as detailed in its submission.

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

*[LC Paper No. CB(2)1191/11-12(03)]*

9. Ms Leticia LEE See-yin presented the views of Federation of Parent-Teacher Associations of Yau, Tsim and Mongkok Districts as detailed in its submission.

*Committee on Home-School Cooperation*

10. Dr Gordon TSUI said that free newspapers containing indecent and gambling information had violated media ethics and would bring undesirable influence on the mentality of the young generation. As such, this kind of newspapers should be admonished and boycotted. He called on the Administration to impose heavier penalties on repeat offenders, such as revoking the licence of the media organization concerned. He also urged commercial organizations to refrain from placing advertisements in such newspapers, and parents to set a good example by refraining from bringing such newspapers home. Students should also be barred from bringing such newspapers to school. Most importantly, students should be taught to develop critical thinking in order to differentiate between healthy and harmful information.

*Parents for The Family Association*

*[LC Paper No. CB(2)1051/11-12(01)]*

11. Ms CHIU Kit-ching presented the views of Parents for the Family Association as detailed in its submission.

*Hong Kong Association of Sexuality Educators, Researchers & Therapists*  
*[LC Paper No. CB(2)995/11-12(05)]*

12. Dr Angela NG Wing-ying presented the views of Hong Kong Association of Sexuality Educators, Researchers & Therapists as detailed in its submission.

*Hong Kong Sex Culture Society*

13. Mr Matthew MAK Pui-chuen said that the publication of indecent content in newspapers was nothing new in Hong Kong. Since the mid-1990s, many best-selling newspapers had been carrying pornographic materials on a daily basis. However, such articles were often classified as Class I (neither obscene nor indecent) articles and might be published without restriction, and little had been done by the Administration to

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address the problem. He also considered the level of penalty under the existing law inadequate. He stressed that a review of COIAO was long overdue and urged the Administration to conduct the second round of public consultation on the review of COIAO as a matter of urgency.

*Young Professionals Network*

[LC Paper No. CB(2)1136/11-12(02)]

14. Mr LAU Chi-hung presented the views of Young Professionals Network as detailed in its submission.

*Hong Kong Women Teachers' Organization*

[LC Paper No. CB(2)1051/11-12(02)]

15. Ms Pauline CHOW Lo-sai presented the views of Hong Kong Women Teachers' Organization as detailed in its submission.

*Hong Kong Professional Teachers' Union*

[LC Paper No. CB(2)1074/11-12(02)]

16. Mr FUNG Wai-wah presented the views of Hong Kong Professional Teachers' Union as detailed in its submission.

*Federation of Hong Kong Parents*

[LC Paper No. CB(2)1191/11-12(02)]

17. Mr TUNG Kok-leung presented the views of Federation of Hong Kong Parents as detailed in its submission.

*Hong Kong Education Dynamic*

[LC Paper No. CB(2)1191/11-12(01)]

18. Mr Frank LAW Ka-yuen presented the views of Hong Kong Education Dynamic as detailed in its submission.

*Family Value Foundation of Hong Kong Limited*

[LC Paper No. CB(2)1074/11-12(03)]

19. Mr CHAN Kam-hoi presented the views of Family Value Foundation of Hong Kong Limited as detailed in its submission.

*Hong Kong Federation of Education Workers*

[LC Paper No. CB(2)1074/11-12(04)]

20. Mr WONG Wai-shing presented the views of Hong Kong Federation of Education Workers as detailed in its submission.

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*Hong Kong Direct Subsidy Scheme Schools Council*  
*[LC Paper No. CB(2)1136/11-12(01)]*

21. Mr LAM Kin-wah presented the views of Hong Kong Direct Subsidy Scheme Schools Council as detailed in its submission.

*Nu Tong Xue She*  
*[LC Paper No. CB(2)1074/11-12(05)]*

22. Mr Joseph CHO Man-kit presented the views of Nu Tong Xue She as detailed in its submission.

*Rainbow Action*  
*[LC Paper No. CB(2)1074/11-12(06)]*

23. Mr SHAM Tsz-kit presented the views of Rainbow Action as detailed in its submission.

The Administration's responses

24. US(Ed) stressed the importance for schools, parents and the Administration to work together to combat against the negative impact of indecent publications on youngsters. The current primary and secondary school curricula (such as the Moral and Civic Education Curriculum and the Liberal Studies subject) placed due emphasis on developing students' critical thinking skills and discernment in media literacy, to enable them to discern pornographic information and cultivate the attitude of "protecting oneself" and "respecting others". Schools had taken measures to ban the distribution of free newspapers containing indecent content on campus. It was also important for parents to serve as role models of their children to instill in them positive attitudes and values towards sex.

25. Regarding some deputations' suggestion of shortening the lead time for taking enforcement actions against publishers who illegally published indecent articles, CTEL said that the Administration had all along been taking prompt enforcement actions against publishers violating COIAO. In the case of Sharp Daily, TELA had submitted a total of 26 articles published in September and October 2011 suspected of contravening COIAO to the Obscene Articles Tribunal ("OAT") for classification within a few days after their publication. TELA had taken prompt prosecution actions against the publisher in respect of the 23 articles classified as Class II (indecent) by OAT. The case was heard by the court in November and December 2011. As Sharp Daily had pleaded not guilty, the legal proceedings had yet to be completed.

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26. On the suggestion of taking direct prosecution actions against indecent articles published in Sharp Daily without submitting the articles concerned to OAT for classification, CTEL said that TELA could do so under the existing law. TELA had taken direct prosecution against offenders in the past, but those cases mainly concerned films and pictures containing indecent content. As there had not been many past cases in relation to textual materials classified as indecent articles, TELA considered it more appropriate to submit the materials concerned to OAT for classification first before taking prosecution actions. Given that the classification procedure by OAT would take about 10 days to complete, it would not have significant impact on the lead time for legal proceedings. That said, TELA would consider taking direct prosecution action if an article clearly violated COIAO.

27. Regarding the view that the existing penalty levels did not have adequate deterrent effect, CTEL said that the maximum penalty for publication of an obscene article was a fine of \$1 million and imprisonment for three years, while the maximum penalty for the publication of an indecent article in breach of COIAO was a fine of \$400,000 and imprisonment for 12 months for first conviction. The penalty for specific case violating COIAO was determined by the court. There were cases where the offenders convicted of publication of indecent articles were sentenced to imprisonment.

28. In respect of the review of COIAO, CTEL said that the review would be led by the Commerce and Economic Development Bureau ("CEDB"). The first round of public consultation on the review had been completed and CEDB was actively working on the second round of public consultation which would be launched shortly.

Discussions

*Media literacy education and sex education*

29. Mrs Regina IP invited the depositions' views on the correct concept on sex for juveniles, how youngsters could develop a correct view on sex and whether sexual minorities should be discriminated.

30. Dr Angela NG Wing-ying of the Hong Kong Association of Sexuality Educators, Researchers & Therapists responded that according to the World Health Organization, sexual health, which was a state of physical, mental and social well-being in relation to sexuality, required proper attitudes towards sex. Given that it was practically impossible to ban all indecent and obscene materials, it was important to step up

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preventive education to enable youngsters to understand healthy values related to sex and discern the adverse effects of pornographic information. On sexual minorities, she said that homosexuality was not regarded as an illness by the American Psychiatric Association and on the Mainland.

31. In response to Mrs Regina IP's enquiry on the intimate behaviour of some youngsters in the public, Dr Angela NG Wing-ying said that it was natural that sexual behaviour was appealing to young people who were undergoing puberty. Youngsters should however be aware of the consequences of engaging in sexual activities. They should be taught at an early age to develop proper and healthy attitudes towards sex.

32. Ms Audrey EU said that it would be difficult to prohibit the dissemination of indecent and obscene information as it could be found in various media. Preventive education was therefore important to instill the correct concept on sex in young people. She was concerned about whether there were trained teachers to teach sex education.

33. Dr Angela NG Wing-ying said that at the invitation of EDB, the Hong Kong Association of Sexuality Educators, Researchers & Therapists had provided training to primary and secondary school teachers on sex education for many years. While some teachers were willing to teach sex education, it would be up to the principals to decide whether the subject would be taught at schools. She further pointed out that training courses on sex education were not included in the list of specified training courses which satisfied the training requirements for promotion of teachers in aided schools. To motivate more teachers to receive training on sex education, she considered that EDB should recognize training courses on sex education for consideration of promotion of teachers and provide more training courses on sex education to teachers.

34. Mr FUNG Wai-wah of Hong Kong Professional Teachers' Union said that schools generally did not accord a high priority to sex education because of inadequate resources and the heavy workload of teachers and students arising from the educational and curriculum reform in recent years. While agreeing to the importance of implementing sex education at schools, he expressed concern that teachers might not be able to cope with the additional workload.

35. The Chairman shared the view on the importance of fostering young people's proper attitudes on sex, given that the dissemination of indecent and obscene materials could not be banned completely. She sought Dr Angela NG Wing-ying's view on the adequacy of sex education in local primary and secondary schools as compared with other places.

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36. Dr Angela NG Wing-ying responded that there was little sex education in local primary schools where students would only be taught the different stages of human growth under the General Studies subject. As for secondary schools, sex education was included in the curriculum of Moral and Civic Education, but there was inadequate training for teachers on sex education. Schools which did not have qualified teachers to teach sex education would engage organizations such as the Family Planning Association of Hong Kong, Caritas Hong Kong, The Boys' and Girls' Club Associations of Hong Kong to give talks on sex education once or twice a year. She considered it necessary to enhance teacher training on sex education. She added that there was little media literacy education in schools. As pointed out in her submission, education on media literacy should be made a mandatory subject in schools. EDB should take the lead and set up a committee comprising university professors, teachers and members of relevant organizations which delivered sex education programmes to develop the curriculum on media literacy education.

37. Dr Priscilla LEUNG said that Liberal Studies had already put great pressure on students because it was a compulsory subject. She was of the view that media literacy should not be made a compulsory subject until schools and students were ready. She suggested that the Administration should consider setting up a sex education centre to provide professional advice and counseling services to students.

38. Ms Leticia LEE See-yin of Federation of Parent-Teacher Associations of Yau, Tsim and Mongkok Districts strongly criticized the dissemination by publishers of indecent materials to young people through free newspapers. She considered the suggestion of setting up a sex education centre feasible and that the Administration should complement the establishment of the centre by allocating the necessary resources. She also called on the Administration to step up the enforcement efforts to deter the distribution of indecent and obscene information to youngsters.

39. In response to the Chairman's enquiry concerning sex education under the existing school curricula, US(Ed) said that topics related to sex education and media literacy had been incorporated into the current curricula of primary and secondary schools. As pointed out in the fact sheet entitled "Media literacy education" prepared by the Research Division of the LegCo Secretariat (LC Paper No. FS15/11-12), the main objective of media literacy education was to develop students' competencies such as self-management and critical thinking. The school curriculum should aim to achieve these objectives regardless of whether sex education and media literacy education were stand-alone subjects. The

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Administration would consider the deputations' views in reviewing the existing school curricula under the established mechanism.

40. Mr TAM Yiu-chung said that the negative impact of the indecent content in Sharp Daily on young people had aroused wide public concern. As youngsters were impressionable and would easily be influenced by the information they accessed, the Administration should enhance publicity and education on media literacy. The media sector should also live up to its social responsibility in the dissemination of information to youngsters. He hoped that with the concerted efforts of parents, schools, the media sector and the Government, the young people would grow up healthily.

*Enforcement and penalty*

41. Dr Priscilla LEUNG expressed concern about the exposure of young people to indecent content of free newspapers. She considered that the problem should be tackled by plugging the loopholes in the existing legislation, stepping up law enforcement and public education. In her view, heavier penalty such as revocation of licence should be imposed on repeat offenders to enhance the deterrent effect of COIAO. Free newspapers containing indecent content should be required to be sealed in wrappers.

42. CTEL responded that TELA had been closely monitoring the content of paid and free newspapers, including that of Sharp Daily. The indecent articles in Sharp Daily were published mainly during the first month of its inaugural publication. TELA had responded quickly and had taken prosecution actions in a timely manner. Under the existing law, publication of articles classified as Class II (indecent) must comply with certain statutory requirements including the sealing of such articles in wrappers.

43. Mr WONG Yuk-man said that he was the Chairman of the Panel on Information Technology and Broadcasting and had agreed to hold the joint meeting with the Panel on Education. He declared that he taught journalism in a tertiary institution between 1979 and 1992 and was formerly a current affairs commentator. He strongly disapproved of and had made a lot of criticisms against Next Media which promoted pornographic journalism and smeared him all the time. The political party to which he belonged had indicated publicly their boycott against Next Media. In his view, Members whose political parties had received donations from the owner of Next Media should declare interests.

44. Mr WONG Yuk-man said that he did not subscribe to the view that the problem of indecent content in free newspapers should be solved by

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introducing more stringent law to regulate the media sector, as it would impact on the free flow of information in society. In his view, monitoring by the public and self-discipline of the media would be more effective in combating the problem. Members of the public should exercise their consumer right by boycotting and lodging complaints against publications which disseminated harmful information. Media literacy education had a vital part to play in teaching students to evaluate media information in a critical manner as well as enhancing the public's capacity in monitoring the media. He considered that education on media literacy should not only focus on the adverse impact of pornographic information on youngsters but should also cover other more serious forms of media misconduct such as political smearing, creating public opinion and disseminating inaccurate and fake information.

45. Mr CHAN Kam-hoi of Family Value Foundation of Hong Kong Limited expressed concern about the lack of objective standards for classification of publications by OAT. In his view, the Administration should draw up such standards.

46. CTEL responded that it would be difficult to formulate a set of common classification standards. OAT had exclusive jurisdiction to determine whether any article was obscene or indecent. It comprised a presiding magistrate and two or more members drawn from a panel of adjudicators who were ordinary members of the public with a wide spectrum of socio-economic background. This was to ensure that the standards of morality, decency and propriety adopted by OAT in classifying submitted articles were consistent with those prevailing in the community. Where necessary, the Administration would seek professional advice, such as those from the cultural and art sector, before submitting the materials concerned to OAT for classification.

47. The Chairman said that as the content of free newspapers was classified only after they had been published, students and youngsters could not be prevented from exposure to the indecent content therein. She suggested that for newspaper publishers who had been convicted of illegally publishing Class II articles, their publications should be classified first before distribution.

48. CTEL responded that it should not be assumed that a publisher would contravene COIAO simply because he had past conviction records. However, it was the responsibility of publishers to ensure that the materials they published were in compliance with COIAO. If in doubt, publishers could submit their materials to OAT for classification before publication.

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49. Dr Priscilla LEUNG criticized TELA for shifting the responsibility onto publishers. She reiterated her view on the need to impose a heavier penalty on repeat offenders and enquired about the measures to be taken by the Administration to improve the enforcement of COIAO.

50. CTEL said that the joint efforts of the education sector, media organizations and the Administration were pivotal in addressing the problems of indecent articles in free newspapers. In addition to taking enforcement actions against publishers violating COIAO, TELA had worked closely with parent organizations, schools and newspaper retailers in enhancing publicity and public education of COIAO in the past few years with a view to protecting local youngsters from harmful information.

51. Regarding measures to improve the enforcement of COIAO, CTEL said that TELA had not encountered difficulties in taking prosecution actions under the existing legislative framework. It was for the court to determine the penalty to be imposed on offenders convicted of breaching COIAO. There were cases in the past where TELA had applied to the court for a review of the penalties which in its view were too lenient and the penalties had subsequently been increased by the court after the review. He shared the view that the penalty meted out should reflect the severity of the contravention and harsher penalty should be imposed on repeat offenders.

52. In response to Dr Priscilla LEUNG's further enquiry on specific measures to tackle the problem of dissemination of indecent content in free newspapers, CTEL said that under the existing regulatory regime, newspapers, whether pay or free, were regulated by COIAO. In determining whether an article was indecent or obscene, OAT would take account of factors such as the age groups of persons to whom the article was intended to be published, the locations where the matter was publicly displayed, and the persons likely to view it. In the case of Sharp Daily, OAT had had regard to the fact that it was a free newspaper which was easily accessible by people of different ages when determining the classification of its articles

53. Ms Audrey EU sought information on the contents of the second round of public consultation on the review of COAIO. CTEL responded that he was not in a position to give details of the second round public consultation led by CEDB. Nevertheless, as reported in CEDB's paper to the Panel on Administration of Justice and Legal Services ("AJLS Panel") for its meeting held in January 2012, the Judiciary had expressed strong objection to the current arrangement for OAT to serve both administrative and judicial functions. The Judiciary considered that the administrative

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classification function of OAT should be removed from the Judiciary. CEDB had advised the AJLS Panel that public views on the institutional set-up of OAT would be sought in the second round public consultation.

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54. Concluding the discussions, the Chairman requested TELA to take into account the views and suggestions given by the deputations in the second round of the public consultation on the review of COIAO. She also requested EDB to provide after the meeting information on the curriculum guides for sex education and education on media literacy as well as the teaching and learning arrangements for these two subjects in schools.

### **III. Any other business**

55. There being no other business, the meeting ended at 11:30 am.

Council Business Division 2  
Legislative Council Secretariat  
12 September 2012