

**Response to the Bills Committee on  
Human Reproductive Technology (Amendment) Bill 2015**

The Government's response to the concerns raised at the Bills Committee meeting on 5 October 2015 is set out in the ensuing paragraphs.

**A “Notice-and-Takedown” Mechanism for Internet Webpage Administrators and Hosts**

2. At the Bills Committee meeting on 5 October 2015, Members expressed concern on administrators of discussion forums on the Internet or websites which allow the public to post messages and the respective web hosting companies might inadvertently be caught by the offence. The Government has explained in previous meetings that the hosts and administrators of discussion forum and websites who merely provide or run an online platform would not, given the passive nature of their activities, be likely to have the requisite *mens rea* of the offence (i.e. “*knowingly publish or distribute*” the sex selection services advertisement) and would therefore unlikely to attract liability in that regard.

3. To address Members' concerns, the Government discussed with Members at the said meeting to introduce a “Notice-and-Takedown” mechanism, with reference to that on the display of tobacco advertisement under the existing regulatory regime of the Department of Health. With due consideration, we propose to set up an administrative mechanism under which the regulatory authority will issue a warning letter to the administrator of the discussion forum or web hosting company concerned to request for removal of the sex selection services advertisement or the webpage/message containing such advertisements within a specified period. Prosecution action will only be initiated should the administrator of discussion forum and/or web hosting company, as the case may be, fail to comply with the request set out in

the warning letter. If this is agreeable to Members, the Government will establish an administrative mechanism along the above line.

**Food and Health Bureau**  
**Department of Health**  
**Department of Justice**  
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