

立法會
Legislative Council

LC Paper No. CB(1)1430/20-21
(These minutes have been seen
by the Administration)

Ref : CB1/PL/ITB

Panel on Information Technology and Broadcasting

Minutes of meeting
held on Monday, 12 July 2021, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Dr Hon Junius HO Kwan-yiu, JP (Chairman)
Hon CHAN Kin-por, GBS, JP (Deputy Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon MA Fung-kwok, GBS, JP
Hon CHAN Han-pan, BBS, JP
Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Ir Dr Hon LO Wai-kwok, GBS, MH, JP
Hon CHUNG Kwok-pan
Hon SHIU Ka-fai, JP
Hon YUNG Hoi-yan, JP

**Public
attending**

officers : Agenda item IV

Innovation and Technology Bureau

Dr David CHUNG Wai-keung, JP
Under Secretary for Innovation and Technology

Ms Daisy LO Chi-yun
Principal Assistant Secretary for Innovation and
Technology

Office of the Government Chief Information Officer

Mr Tony WONG Chi-kwong, JP
Deputy Government Chief Information Officer

Electrical and Mechanical Services Department

Mr LEE Che-kit
Assistant Director (Acting)

Agenda item V

Commerce and Economic Development Bureau

Mr Edward YAU, GBS, JP
Secretary for Commerce and Economic Development

Mr Clement LEUNG, JP
Permanent Secretary for Commerce and Economic
Development (Communications and Creative
Industries)

Office for Film, Newspaper & Article Administration

Mr Tony LI, JP
Deputy Director of Film and Newspaper and Article
Administration

Mr Derek LEE
Assistant Director (Film, Newspaper and Article
Administration)

Clerk in attendance : Mr Daniel SIN
Chief Council Secretary (1)6

Staff in attendance : Ms Mandy LI
Senior Council Secretary (1)6

Miss Judy YEE
Council Secretary (1)6

Miss Yolanda CHEUK
Legislative Assistant (1)6

Action

I. Confirmation of minutes of meeting

(LC Paper No. CB(1)1079/20-21 -- Minutes of the meeting held on 19 April 2021)

The minutes of the meeting held on 19 April 2021 were confirmed.

II. Information papers issued since last meeting

(LC Paper No. CB(1)1038/20-21(01) -- Administration's response to the submission from a member of the public regarding inappropriate wording used in news reports broadcast on local television and radio stations [LC Paper No. CB(1)964/20-21(01)])

LC Paper No. CB(1)1038/20-21(02) -- Administration's response to the submission from a member of the public regarding confidentiality requirements of Radio Television Hong Kong for staff and service providers [LC Paper No. CB(1)977/20-21(01)])

2. Members noted that the above papers had been issued since the last meeting.

III. Date of next meeting and items for discussion

(LC Paper No. CB(1)1089/20-21(01) -- List of outstanding items for discussion

LC Paper No. CB(1)1089/20-21(02) -- List of follow-up actions)

Regulating free domestic television broadcasters and commercial radio stations

3. The Chairman referred to a letter dated 9 July 2021 from Mr MA Fung-
kwok suggesting that an item be put on the agenda of a Panel meeting to discuss
the regulation of domestic free television broadcasters under the Broadcasting
Ordinance (Cap. 562). Ms Elizabeth QUAT echoed Mr MA's view that the Panel
should discuss the subject matter.

4. Ms Elizabeth QUAT remarked that the applications for renewal of the
analogue sound broadcasting licences of two radio stations, namely, Hong Kong
Commercial Broadcasting Company Limited and Metro Broadcast Corporation
Limited, had been approved for a period of 12 years, and the analogue sound
broadcasting licences would be subject to a mid-term review in 2022. She
suggested that the Administration should brief the Panel on the issues relating to
the regulatory guidelines of commercially operated radio stations, the way
forward of the mid-term review, and whether any amendments should be made to
Cap. 562 to align with the Law of the People's Republic of China on Safeguarding
National Security in the Hong Kong Special Administrative Region ("NSL").
Ms QUAT also suggested that the Administration should consider regulating
online disinformation.

Regular meetings in August and September 2021

5. The Chairman asked the Secretary for Commerce and Economic
Development ("SCED") to consider the Panel's suggestion and whether the
Administration would be ready to discuss the above issues with the Panel in
August 2021. Meanwhile, the Chairman instructed that the above subject matter
be included in the Panel's list of outstanding items for discussion. The Chairman
also took the opportunity to request the Administration to consider whether and
when the outstanding items on the list would be discussed. SCED responded that
he would look into the Panel's suggestion.

*(Post-meeting note: The Administration had not proposed any items for
discussion at the regular meeting in August 2021. Members were informed
vide LC Paper No. CB(1)1172/20-21 issued on 3 August 2021 on the
cancellation of the regular meeting scheduled for 16 August 2021.)*

6. Members noted that the next regular Panel meeting would be held on
Monday, 13 September 2021 at 2:30 pm. The Secretariat would follow up with
the Administration on the proposed items for discussion at the meeting.

(*Post-meeting note*: Members were informed vide LC Paper No. CB(1)1256/20-21 issued on 26 August 2021 that two discussion items (a) Progress update on various initiatives to promote students' interest in information technology; and (b) Domestic free television and sound broadcasting regulatory framework were included in the agenda of the meeting on 13 September 2021.)

IV. Update on the application of information technology to combat COVID-19

(LC Paper No. CB(1)1089/20-21(03) -- Administration's paper on update on the application of information technology to combat COVID-19

LC Paper No. CB(1)1089/20-21(04) Paper on the application of information technology to combat COVID-19 prepared by the Legislative Council Secretariat (Background brief)

Briefing by the Administration

7. At the invitation of the Chairman, Under Secretary for Innovation and Technology ("US for IT") briefed members on the latest development of the application of information technology ("IT") in combating Coronavirus Disease 2019 ("COVID-19") in Hong Kong. Details of the briefing were given in the Administration's paper (LC Paper No. CB(1)1089/20-21(03)).

Discussion

"Health code" mutual recognition arrangement

8. Members noted that the conversion function for converting the "Yuekang Code" (粵康碼) of Guangdong Province and the "Macao Health Code" (澳康碼) of Macao to the electronic health declaration form platform of Hong Kong had been implemented under the "Return2hk" Scheme. The Deputy Chairman sought information on status regarding the conversion of the "Hong Kong Health Code" to the health code systems of Guangdong or Macao for health declaration purpose in entering Guangdong or Macao. Ms Elizabeth QUAT and Ir Dr LO Wai-kwok shared similar concerns. As regards establishing the mutual recognition mechanism of the testing results and vaccination records between Hong Kong and

other countries, the Deputy Chairman asked about the manpower arrangement, including whether the Administration would consider outsourcing its work to the local IT sector so as to expedite the implementation of the mutual recognition system, while benefiting the IT sector.

9. Deputy Government Chief Information Officer ("DGCIO") advised that the Office of the Government Chief Information Officer ("OGCIO") had assisted the Department of Health ("DH") in developing the "Health Code" conversion system with Guangdong Province and Macao in 2020, allowing residents of the three places to use the code conversion function of the health code to submit nucleic acid testing results for health declaration purpose on entry. The function of converting "Yuekang Code" and "Macao Health Code" to Hong Kong's electronic health declaration form platform had already been put in use under the "Return2hk" Scheme launched in November 2020. Hong Kong residents in the Guangdong Province or Macao who fulfilled specified conditions could be exempted from the 14-day compulsory quarantine requirement when they returned to Hong Kong under the "Return2hk" Scheme. The implementation timeline of the "Hong Kong Health Code" system would be subject to the development of the epidemic and further deliberations among the three places.

10. DGCIO further said that the Administration would continue to explore with the Guangdong and Macao authorities the technical measures that would facilitate the exit and entry of residents of the three places as well as related health declaration, including examining the technical arrangements of incorporating vaccination records into the current health code data conversion system. Moreover, the Administration was engaged in technology exchange on the digital health pass with some global health pass associations and organizations so as to foster mutual access to related digital health records and technology platforms. Regarding the manpower arrangement, DGCIO said that the Administration had recruited contract IT staff for in-house development and operation of the health code data conversion system while other manpower required for system administration was met by internal deployment within OGCIO.

11. Ms Elizabeth QUAT commended the Administration's efforts in making use of IT to assist the public in the prevention of COVID-19. Ms QUAT also commented that in addition to virus testing results and the vaccination records, the "Health Code" system should contain antigen test results. She enquired about the difficulties, if any, encountered by the Administration when incorporating such records into the "Health Code" system. Referring to the recent incident of network congestion during the registration of consumption voucher scheme with "iAM Smart", Ms QUAT was concerned whether it would give rise to serious network congestion if many people were trying to use the "Health Code" system at the same time. She asked the Administration to strengthen publicity measures to

promote the "Health Code" system so that the system could be implemented at the earliest opportunity once cross-boundary travel resumed.

12. US for IT responded that as the number of persons eligible for exemption from compulsory quarantine for entry into Guangdong or Macao would be subject to restrictions, it was envisioned that the "Hong Kong Health Code" system would not be handling many applications at the same time. DGCIO said that OGCIO would liaise closely with the IT industry, such as the Smart City Consortium, to observe the development of relevant international standards, and explore the feasibility of mutual access of Hong Kong virus test results and vaccination records with other global digital health records and technology platforms. Furthermore, the Administration and organizations across the globe had started their study on establishing the mutual recognition mechanism and technical solutions that could prove the health status of travellers through mutual recognition of the up-to-standard testing results and vaccination records, with a view to facilitating gradual resumption of cross border people flows. The Administration would continue to strengthen the communication with the public and enhance the user interface of the system as and where necessary.

13. Ir Dr LO Wai-kwok said that the public was concerned when the cross-boundary travel could resume. He queried whether the "LeaveHomeSafe" mobile application ("app") and the health code systems of Guangdong and Macao could recognize the health codes of each other.

14. DGCIO explained that the "LeaveHomeSafe" mobile app was meant to provide members of the public with a convenient digital tool for developing a habit of recording the time of visits to different venues and taxi rides during the epidemic. Regardless of whether those confirmed patients were "LeaveHomeSafe" users or not, their visit records would be broadcast through "LeaveHomeSafe" to other users who had visited the same venues. Health advice would be issued to them to increase their vigilance so as to minimize the risk of further transmission of the virus. Besides, the "LeaveHomeSafe" mobile app had been enhanced by adding a new function of issuing compulsory testing notices to relevant users. DGCIO further said that users of "LeaveHomeSafe" could use the app without registering any personal information. The venue check-in data stored in the app would only be saved in the user's mobile phone and would not be uploaded to any other systems. Indeed, the "LeaveHomeSafe" mobile app was launched mainly to help combat the epidemic but not for supporting across boundary travels.

15. On the operational arrangements of the "Hong Kong Health Code" system, DGCIO said that eligible persons could download their nucleic testing results and vaccination records through the "Hong Kong Health Code" system for conversion

to "Yuekang Code" or "Macao Health Code" for health declaration purpose in entering Guangdong or Macao. The "Hong Kong Health Code" system and the relevant health code data conversion function would be put into service when the arrangement for resuming cross-boundary travel with Guangdong and Macao was implemented.

16. Ir Dr LO Wai-kwok asked why the Administration did not launch the "Hong Kong Health Code" system in advance to facilitate the early registration of members of the public. Ir Dr LO asked the Administration to consider drawing reference to the Macao's practice of putting in place a health code system even though the arrangements for cross-boundary travel between Hong Kong and the Mainland had yet to be finalized. The Chairman suggested that the Administration should allow Hong Kong residents to access the electronic health declaration system of DH through "LeaveHomeSafe", and apply for the "Hong Kong Health Code" online and download it to their mobile phones or devices, with a view to preparing for the gradual resumption of people flow between Hong Kong and Guangdong. The Deputy Chairman and Ms YUNG Hoi-yan expected that the Administration would resume cross-boundary traffic with the Mainland soon.

17. DGCIO advised that the "Return2hk" Scheme, which made use of the "Health Code" data conversion system to facilitate Hong Kong residents currently in Guangdong Province or Macao to return to Hong Kong, was launched in November 2020. The Administration had been liaising closely with relevant Mainland and Macao authorities on the arrangements for resuming cross-boundary travel for residents of the three places. Detailed timetable for the implementation of the "Hong Kong Health Code" system would be determined upon further deliberations by Hong Kong, the Guangdong Province and Macao having regard to the development of the epidemic situation. In response to the Chairman's further query, DGCIO said that eligible persons with negative test results could apply for the "Hong Kong Health code" through the thematic website. Upon the implementation of mutual conversion of health codes and nucleic acid test results between Hong Kong and Guangdong/Macao, eligible persons could download their latest nucleic testing results through the "Hong Kong Health Code" system's thematic website for conversion to the "Yuekang Code" or "Macao Health Code" for health declaration purpose during cross-boundary travel.

18. The Chairman asked whether the Administration had liaised with other major countries/regions, such as the European Union, the United Kingdom and the North American countries, on the establishment of a mechanism for mutual recognition of vaccination records and the arrangements for resumption of cross-boundary travel. The Chairman also sought elaboration on whether individual countries would recognize the proofs of vaccination if people had received the Sinovac vaccine or the vaccine developed by Sinopharm, and whether the relevant

travellers would be required to undergo a serology antibody test.

19. DGCIO replied that the Administration had been closely monitoring the global development of vaccination certification, recognition and verification arrangements in other countries and economies. Specifically, many global health certificate platforms had been launched to facilitate the interoperability of the issuance of health certificates and their verification. Such platforms also provided updated information on entry requirements and travel restrictions of different countries. The Administration would continue to explore the feasibility of mutual recognition of Hong Kong virus test results and vaccination records with other global digital health records and technology platforms, including the exchange of relevant vaccination records with the technology platforms with the consent of the vaccinated persons involved. In addition, the Administration would keep in view the development of relevant international standards, such as nucleic acid testing, vaccine efficacy and antibody test, promulgated by the World Health Organization.

Provision of serology antibody testing service for inbound travellers

20. Mr Michael TIEN considered that the Innovation and Technology Bureau ("ITB") should actively liaise with the Food and Health Bureau ("FHB") in using IT to prevent the importation of cases. He mentioned that he had suggested the Administration to introduce serology antibody testing service for all inbound travellers and the Administration had henceforth provided the serology antibody test for the purpose of administering compulsory quarantine requirements on inbound travellers who had received COVID-19 vaccination. Mr TIEN noted that as for low-risk places, the compulsory quarantine period for fully vaccinated persons had been shortened from 14 days to seven days. He asked the Administration to consider relaxing the 21-day compulsory quarantine requirement to seven days for persons from high-risk places. Mr TIEN referred to the COVID-19 antigen rapid test kits, i.e. colloidal gold method, adopted by the Mainland medical laboratories, and suggested that the Administration should likewise adopt the same method to speed up the process of the serology antibody testing for inbound travellers. He enquired whether ITB had recommended FHB to adopt the antigen rapid test kits.

21. US for IT said that there were various serology antibody tests in the market and FHB was responsible for working out the details of the relevant arrangements of the recognized antibody testing. US for IT and DGCIO affirmed that ITB had all along provided necessary advice and assistance to FHB in using technologies to cope with the epidemic, including proposing the adoption of the COVID-19 antigen rapid test kits.

"LeaveHomeSafe" mobile app

22. Ms YUNG Hoi-yan noted that the number of downloads of the "LeaveHomeSafe" mobile app had exceeded 4.7 million as at July 2021. She also observed that quite a number of commercial and community organizations had rolled out, one after another, various vaccination reward programmes to encourage members of the public to receive vaccination. Ms YUNG asked the Administration to explore more effective ways to deploy the "LeaveHomeSafe" mobile app, such as providing links to the relevant websites to enable members of the public to participate in the reward programmes in a convenient manner. Ms YUNG further enquired about the progress of exploring different technology solutions to enhance the "LeaveHomeSafe" mobile app, in particular whether the Administration would consider adopting Bluetooth technology to allow users of the app to check in and check out of a venue automatically.

23. DGCIO said that OGCIO was working with the University of Hong Kong on the pilot run of the Bluetooth automatic recording function of the "LeaveHomeSafe" mobile app. Separately, OGCIO had also collaborated with another university to develop a new auto check-out function that would enable the app to find out when people got out of a taxi. OGCIO aimed to bring greater convenience to the public through continuous exploring new functions of the app. DGCIO further said that OGCIO welcomed the incentives actively provided by the commercial sector and organizations to encourage members of the public to receive the COVID-19 vaccination. OGCIO would provide technical support to these enterprises and organizations by assisting them in verifying the vaccination records of participants and winners to confirm their eligibility. DGCIO added that the Government had launched "LeaveHomeSafe 2.0" in June 2021. By scanning the QR codes on paper or electronic vaccination records using the newly added "Electronic Vaccination and Testing Record" function, the public could store their COVID-19 vaccination records and QR codes in the "LeaveHomeSafe" mobile app to facilitate easy display if needed.

Other issues

24. Ms YUNG Hoi-yan expressed concern that some of the organizations and enterprises which were running reward programmes had required participants to provide their vaccination records for their relevant reward registration. She asked the Administration to take appropriate actions to protect the public's privacy. DGCIO responded that OGCIO would remind the respective organizations and enterprises to ensure that their collection and protection of personal data would strictly comply with the Personal Data (Privacy) Ordinance (Cap. 486).

V. Film censorship regulatory framework

(LC Paper No. CB(1)1089/20-21(05) -- Administration's paper on film censorship regulatory framework)

Briefing by the Administration

25. At the invitation of the Chairman, SCED briefed members that in June 2021, the revised Film Censorship Guidelines for Censors ("Guidelines for Censors") were gazetted so as to provide censors with clearer guidance on film censorship and classification following the implementation of NSL. SCED stressed that the revised Guidelines for Censors aimed to balance the creative freedom of Hong Kong film industry and the protection of national security. The Administration had been communicating with the film industry and major industry associations (e.g. the Film Development Council, Hong Kong Film Directors' Guild, Federation of Hong Kong Filmmakers, Hong Kong Screenwriters' Guild) regarding the revised Guidelines for Censors.

26. With the aid of a powerpoint presentation, Deputy Director of Film and Newspaper and Article Administration ("DDFNAA") briefed members on the film censorship regulatory framework and the amendments to the Guidelines for Censors. He said that the Film Censorship Ordinance (Cap. 392) stipulated that any film intended for exhibition in Hong Kong must be submitted to the Film Censorship Authority ("the Authority"). The Authority would assign a censor, and could also assign not less than two members from the Panel of Advisers on Film Censorship ("the Panel of Advisers"), to view the film and then advise on its suitability for exhibition and classification. Under sections 10(2) and 10(3) of Cap. 392, the primary considerations of a censor when viewing a film were how the film portrayed, depicted or treated cruelty, torture, violence, crime, horror, disability, sexuality or indecent or offensive language or behaviour, the effect of a film as a whole and its likely effects on the persons likely to view the film, and the circumstances of the intended exhibition of the film. If the censor found the film suitable for exhibition, he or she had to determine its classification. Where a film was found not suitable for exhibition, the censor would refuse to approve it for exhibition. A censor could also inform the applicant of classification to be given to the film if certain part or parts of the film were excised to make it suitable for exhibition.

27. DDFNAA elaborated that, with the revisions to the Guidelines for Censors, clearer guidance would be provided to censors in the performance of their film censorship duties. Under the revised Guidelines for Censors, the censor should be vigilant to the portrayal, depiction or treatment of any act or activity which

might amount to an offence endangering national security in a film. If the exhibition of a film would likely constitute an offence endangering national security, a censor should conclude that the film was not suitable for exhibition. The Administration would also review whether amendments to Cap. 392 would be required in order to prohibit and prevent exhibition of films which might endanger national security. An amendment bill would be submitted to the Legislative Council at an appropriate time.

(Post-meeting note: A soft copy of the powerpoint presentation materials (Chinese version only) was circulated to members vide LC Paper No. CB(1)1101/20-21(01) on 12 July 2021.)

Discussion

Implementation of the revised Film Censorship Guidelines for Censors

28. Mr Martin LIAO enquired about the implementation details of the revised Guidelines for Censors: whether a censor would need to seek advice from the Department of Justice ("DOJ") if he or she was uncertain whether national security-related issues arose from certain parts of a film, and whether there was an inter-departmental mechanism to follow up on films deemed to have the intention of disseminating illegal messages.

29. Mr SHIU Ka-fai expressed his support for the revised Guidelines for Censors and suggested that the Administration should enhance the knowledge of national security and NSL of those working in the film industry so they would not commit an offence inadvertently. He asked about the extent of responsibilities that various parties, including operators of cinemas that screened the film, and the production team etc., had to bear if a film approved for exhibition was subsequently found to contain contents endangering national security, and which might contravene NSL. Mr MA Fung-kwok raised similar concerns about the possible legal consequences filmmakers and related parties might face after the implementation of the amended Guidelines for Censors.

30. SCED advised that criminal acts committed by any persons or organizations would be investigated by law enforcement agencies, and the same principle applied to parties related to films approved for exhibition under the amended Guidelines for Censors. Under the existing film censorship regulatory framework, all films intended for exhibition must first be submitted to the Authority. Following the implementation of NSL, the Guidelines for Censors had been revised to provide censors with clearer guidance when performing film censorship duties. In particular, censors should be vigilant in identifying any content of a film which was objectively and reasonably capable of being perceived

as endorsing, supporting, promoting, glorifying, encouraging or inciting act or activity that might endanger national security. Should the censors need to seek clarification on matters during the course of their duty, they could consult the appropriate persons or authorities, including DOJ.

31. Permanent Secretary for Commerce and Economic Development (Communications and Creative Industries) ("PSCCI") said that the Administration would provide training to enhance the censors' knowledge on matters relating to national security to ensure smooth implementation of the revised Guidelines for Censors. Section 10 of Cap. 392 provided that a censor might, before making a decision on a film, consult any other person with the written approval of the Authority.

32. Mr SHIU Ka-fai asked whether the revised Guidelines for Censors were applicable to films pending classification, and how the Administration would ensure that censors were familiar with the amendments of the Guidelines. Ms YUNG Hoi-yan enquired whether the amended Guidelines for Censors had retrospective effects, and were applicable to films already viewed and classified by censors.

33. SCED and PSCCI advised that the amended Guidelines for Censors came into effect upon gazettal on 11 June 2021, and were applicable to applications for classification and exhibition of films being processed or submitted thereafter. PSCCI replied that since the implementation of NSL, censors already had to take into consideration national security-related issues when performing film censorship duties and had sought advice from DOJ where necessary. Under the revised Guidelines for Censors, film producers could continue to consult the Authority and obtain non-binding advice regarding the application for classification and exhibition of films that portrayed violence, sexuality or horror; they could also request such advice for films currently awaiting classification or in the course of production.

34. Noting that the Administration had met with some film associations to gauge their views on the revised Guidelines to Censors, Mr MA Fung-kwok enquired about the findings and outcomes of the meetings.

35. SCED advised that upon meeting with representatives from the film industry on the revised Guidelines for Censors, the Administration understood that while the industry agreed that they had the responsibility to uphold national security, they were mostly concerned about whether they could understand the revised Guidelines correctly. The Administration had already explained to the industry representatives that the existing censorship framework remained unchanged. SCED said that the Administration would maintain communications

with the film industry about the implementation of the revised Guidelines for Censors.

Provision of training on national security to censors

36. Ms Elizabeth QUAT welcomed the amendments to the Guidelines for Censors following the implementation of NSL to ensure that films that endorsed, supported, promoted, glorified, encouraged or incited violence and act or activity that endanger national security would not be exhibited. She asked how the Administration would ensure that censors and members of the Panel of Advisers had sufficient knowledge of national security when applying the revised Guidelines for Censors. To strike a balance between safeguarding national security and creative freedom, she suggested that the Administration should strengthen communication on the national security aspects in film production with the film industry.

37. Mr Martin LIAO expressed his support for the revised Guidelines for Censors and expected they would deter filmmakers from attempting to incite violence and endanger national security in their productions. Echoing Ms Elizabeth QUAT's concerns, he doubted whether censors possessed the political sensitivity required to identify contraventions of NSL in films. Mr LIAO enquired about the details of NSL-related training for censors to assist them in applying the revised Guidelines for Censors.

38. Ms YUNG Hoi-yan expressed support for the amendments to the Guidelines for Censors. She held the view that, as offences relating to endangering national security were not limited to those covered by NSL but also offences of treason and sedition as defined in the Crimes Ordinance (Cap. 200), it would be more appropriate for DOJ to coordinate the training on national security for censors. She expressed that censors should also receive guidance on judging the use of news clips and/or historical footages in a film seeking classification and exhibition (e.g. whether the use of clips and/or footages was appropriate in the film, and whether they should be excised from a film).

39. SCED advised that, to fulfill the Administration's constitutional obligation to safeguard national security, the Guidelines for Censors had been revised to provide censors with clearer guidance when performing film censorship duties to determine whether and to what extent a film might be related to national security, so as to decide whether the film was suitable for exhibition and its classification. To enhance transparency and maintain creative freedom in the film industry, the Administration had explained the legal principles and implementation details of the revised Guidelines for Censors to the film industry. Suitable training would be provided to censors regarding NSL and other relevant matters on national

security, and the Administration would continue to work with the film industry to address their concerns.

40. PSCCI replied that while censors were responsible for determining whether a film was suitable for exhibition and its classification, it was the responsibility of law enforcement agencies to enforce the law, including NSL. If censors considered that a film was suitable for exhibition, they would determine its classification, whether certain parts of the film should be excised before it could be exhibited, and whether the exhibition should be allowed with special conditions (e.g. displaying a suitable warning to the audience). In determining whether certain parts in a film (e.g. news footages) were appropriate for exhibition, censors would consider a number of factors including its likely effect on the audience. They could also seek the advice of DOJ.

41. DDFNAA replied that censors were civil servants in the Entertainment Standards Control Officer grade. Their duties covered, among other things, the licensing and complaints issues of television and sound broadcasting services and film censorship. They received regular industry-related training and cross-stream training to enhance their professional knowledge and to facilitate their work experience. Where necessary, the Administration would seek legal advice on relevant issues arising from film censorship for reference to censors.

Implementation of the Film Censorship Ordinance

42. The Chairman sought clarification about the implementation details of Cap. 392 and Control of Obscene and Indecent Articles Ordinance (Cap. 390) which regulated the classification of films and articles respectively. He queried whether it was necessary to regulate the classification of different materials under separate ordinances, and suggested that the Administration should consider introducing legislative exercise or other measures to regulate materials published on the Internet to limit their exposure to young people. Mr SHIU Ka-fai echoed the Chairman's points and said that the influence of the Internet and social media was becoming stronger and stronger. He suggested that the Administration should consider exercising stricter censorship on online contents.

43. SCED and PSCCI advised that Cap. 392 regulated films for exhibition, while Cap. 390 regulated different media including publications. Considering the relatively larger audience of films for exhibition and their audio and visual impacts on the general public, they were subject to more stringent regulatory process before approval was given for exhibition under Cap. 392. While publications were also subject to censorship to minimize any undesirable impact they might have on the public, especially young people, prior approval was not required for the publication of materials regulated by Cap. 390. SCED said that

the Administration did not consider there was a need at this stage for legislation to bring censorship and/or classification of different media under one ordinance.

44. Regarding the implementation of Cap. 390 and Cap. 392, PSCCI advised that the policy on film classification and control of obscene articles fell within the purview of the Commerce and Economic Development Bureau ("CEDB"), and the classification of articles under Cap. 390 was within the remit of the Obscene Articles Tribunal which was independent of CEDB and consisted of a presiding magistrate and a panel of adjudicators who were appointed by the Chief Justice. DDFNAA supplemented that Cap. 392 provided that a film classified under Cap. 390 would not be subject to classification under Cap. 392.

VI. Any other business

45. There being no other business, the meeting ended at 4:24 pm.

Council Business Division 1
Legislative Council Secretariat
18 October 2021