

**Extract from the Official Record of Proceedings of
the Council meeting held on 10 July 2002**

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Fire Safety of Internet Cafes

1. **MR JASPER TSANG** (in Cantonese): *Madam President, regarding establishments which mainly engage in the business of renting out computers with Internet access on a time charge basis (commonly known as "Internet cafes"), will the Government inform this Council:*

- (a) *of the estimated number of such establishments at present;*
- (b) *of the number of fire outbreaks in such establishments over the past three years and, among them, the number which involved contravention of fire safety legislation by the persons-in-charge of the establishments concerned; and*
- (c) *whether, given the usually large number of customers in such establishments, the authorities concerned have assessed the necessity to stipulate more stringent requirements on fire safety measures for such establishments; if the assessment is in the affirmative, of the legislative timetable; if not, the justifications for that?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, my reply to the Honourable Member's question is as follows:

- (a) According to police records, there are about 290 Internet cafes in Hong Kong.
- (b) Over the past three years, there was only one outbreak of fire involving Internet cafes. The fire was caused by a small coffee heater, which accidentally caught fire while it was being fuelled. As the fire occurred in an establishment issued with a Light Refreshment Restaurant Licence, the Food and Environmental Hygiene Department as well as the Labour Department were asked to take follow-up action.
- (c) Internet cafes have to comply with the existing fire safety requirements applicable to the buildings in which they are located. The Fire Services Department (FSD) regularly inspects the existing 200-plus Internet cafes. In view of the disaster in the Beijing Internet cafes in May, we have subsequently requested the FSD to conduct another inspection on the fire

safety installations of the Internet cafes. Slight obstructions to fire safety installations such as blocking of sprinkler head nozzles by ornaments and of hose reels by miscellaneous items were found in only 18 of them. There was no contravention of fire safety regulations in the other Internet cafes. The FSD has issued Fire Hazard Abatement Notices or warning letters to the persons-in-charge of these 18 Internet cafes requiring them to rectify the irregularities within a specified period.

The Home Affairs Bureau is now considering the need to regulate Internet cafes by legislation. In formulating relevant policies, the Administration has to take into account various factors such as the policy to promote the development and wider application of information technology, prevention of the operation of such establishments from making negative impacts on youngsters, as well as building and fire safety issues. Several options on the regulation of Internet cafes will be put forward to the Legislative Council Panel on Home Affairs this Friday. We will brief and consult the Panel on such options. Consultations with the District Councils and the trade will also be conducted afterwards.

MR JASPER TSANG (in Cantonese): *Madam President, as noticed from the Secretary's main reply, the Government seems to know exactly how many operating Internet cafes there are. It says that the FSD regularly inspects the existing Internet cafes, that there has even been an additional round of inspections recently, and it can also tell very precisely that only 18 Internet cafes had been found to have minor problems. How can the Government be so sure that there are no other operating Internet cafes except the 290 or so it has mentioned? What mechanism is there to enable the Government to know the exact number of operating Internet cafes?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, as I mentioned in the main reply, the information we have is compiled from police records. I am not saying that the information we have is exhaustive; it is just compiled from police records. Where do the police get the records? Since the police regularly inspect commercial buildings and receive public complaints from time to time, they are able to know the information about these 290 or so Internet cafes. We do not think that we have gained a full picture of the situation, which explains why the Government has put forward the proposal of enacting legislation to regulate Internet cafes, in the hope that the imposition of regulation can enable it to gain a fuller picture of the situation. We will discuss a paper on the proposal at the meeting of the Panel on Home Affairs this coming Friday, and the paper, which sets out a number of options in detail, has already been circularized to the Members concerned this morning. I do not intend to dwell on these options here, as we will have an opportunity of formally looking at them on Friday.

MR JAMES TO (in Cantonese): *Madam President, it is mentioned in part (c) of the Secretary's main reply that Internet cafes have to comply with the existing fire safety requirements applicable to the buildings in which they are located. In other words, if a certain Internet cafe is located in a commercial building, it must comply with the fire safety requirements applicable to commercial buildings and install sprinklers; but if it is located in a residential building, the fire safety requirements it has to meet will not be very stringent. As far as I am aware, the Administration is conducting studies on enacting legislation to regulate rave parties and the like. But I know that even before the implementation of any formal legislative control, the Administration has successfully worked out a code of practice with the industry for the latter's voluntary compliance, and most people in the industry are prepared to comply, probably because they hope that this can help them publicize the safety of their venues and thus induce more people to join their parties. Is the Secretary going to copy this practice? Will he work out a code of practice for voluntary compliance by the industry in the six to nine months required for completing the necessary legislative procedures, so as to raise the safety standards of Internet cafes immediately, in the meantime?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): *Madam President, this is one of the proposals we will consider. The paper to which I have referred sets out three options; some of them are relatively complex, while others are simpler. Under one of these options, modelled after the reporting system adopted in Korea, when the person-in-charge of an Internet cafe reports to the relevant authorities, the latter will inform the former of the minimum safety standards that must be met. This is a better way to balance the interests of all sides. It can enable us to know the locations of Internet cafes more quickly, and it is also conducive to the form of regulation mentioned by the Honourable James TO just now. The relevant meeting will be held this Friday, and if the meeting agrees to adopt this option, we will consult the District Councils and the industry as soon as possible. If all sides agree to adopt this form of regulation, we believe legislation can be enacted to implement the option early next year at the soonest. At this stage, we still have to listen to the views of the Panel on Home Affairs, District Councils and the industry on our proposals. Actually, we already have an option in mind, one which is similar to that mentioned by Mr James TO.*

MR JAMES TO (in Cantonese): *Madam President, I do not know whether the Secretary has misunderstood my supplementary question. The Secretary's reply seems to be about the enactment of legislation on a reporting system, but my supplementary question is: Regardless of the method to be adopted in the legislation at the end of the day, will the relevant authorities work out a code of practice with the industry for voluntary industry compliance, so that the safety standards of Internet cafes can be raised immediately, in the run-up to the implementation of legislative control?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, since we will have to discuss with the industry, we can of course make use of the opportunity to raise the proposal on a code of practice for its voluntary compliance. But Members must note that a code of practice is not legally-binding. We will definitely raise the proposal with the industry. If the industry can comply voluntarily, Members will feel more comfortable.

MR CHAN KWOK-KEUNG (in Cantonese): *Madam President, of the 290 or so Internet cafes, how many are licensed to sell snacks? How many are ordinary Internet cafes? And, how many are vice Internet cafes?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, I do not have the relevant information to hand. With your permission, I should answer the Honourable Member's supplementary question in writing later. (Annex I)

We note the recent emergence of vice Internet cafes, but we do not think that there are many of them. Vice Internet cafes are something new, but we still have to work out some ways to deal with them, one example being legislative control. Actually, we can also impose control by invoking existing ordinances, such as the Control of Obscene and Indecent Articles Ordinance, under which the police are empowered to take appropriate actions in these establishments. Although some Internet cafes are not directly linked to vice establishments, the youngsters patronizing them can still access pornographic websites via the Internet. We are also concerned about such problems and we will hold discussions with the industry, requesting it, for example, to install softwares preventing unauthorized access to pornographic websites or even illegal gambling websites. In the process of drawing up the relevant legislation, the Government will consider all these. We are now conducting negotiations with the industry. As pointed out by Mr James TO, if the industry can comply with a code of practice voluntarily, we will be able to implement effective measures to protect our youngsters at an earlier time.

MR WONG SING-CHI (in Cantonese): *Madam President, it is mentioned in the Secretary's main reply that the authorities concerned will consider the implementation of various measures to prevent the operation of such establishments from making negative impacts on youngsters. Have the authorities concerned conducted any studies to ascertain the impacts of Internet cafes on youngsters? Which government department will deal with the impacts of Internet cafes on youngsters?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, we are also very concerned about this problem. We have already discussed this problem at

the meetings of the Fight Crime Committee, and the police are very concerned that Internet cafes are frequented by many unruly youngsters who regard these establishments as "meeting places". That is why the police will conduct regular inspections of Internet cafes with a view to getting more information. Besides the police, the Social Welfare Department is also very concerned about this particular problem of youngsters. The Government has conducted internal discussions on how best to regulate Internet cafes, which is why we are now able to put forward the relevant options to the Panel on Home Affairs for its consideration on regulation.

MR TAM YIU-CHUNG (in Cantonese): *Madam President, may I ask the Secretary whether government authorities other than the FSD, such as the police, the Home Affairs Bureau and the Secretary himself, will also inspect Internet cafes?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, yes, other government departments will also conduct inspections. As I pointed out just now, government departments can get the information they need only through inspections. On my part, I am doubling across the duties of the Secretary for Home Affairs for the time being, and over the past few days, I have not had any chance to conduct an inspection. If I were to double across the duties of Secretary for Home Affairs on a long-term basis, I would probably have a chance to conduct an inspection. *(Laughter)*

MR IP KWOK-HIM (in Cantonese): *Madam President, as we can see from the Secretary's main reply, the number of Internet cafes, around 290, is actually based on the records of the police. For places frequented by youngsters, such as electronic games centres, legislative control may provide us with more accurate information. Are the 290 or so Internet cafes mentioned by the Secretary mostly located on the second floor or mezzanine floor of buildings? I very much wish to know the answer, because the safety of customers is at stake. Do the authorities concerned have any statistics in this respect?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, I do not have any detailed statistics on this, but I am sure there must be some Internet cafes which are located on the second floor or third floor of buildings. This is directly related to operating costs, because the rents of ground floor shops are certainly higher. Internet cafes are, however, not the only places where youngsters can access the Internet. Internet facilities can be found in government offices such as the Home Affairs Bureau and District Offices, and they are also provided in public libraries. So, the Government has to a certain extent contributed to the promotion of Internet access. The Government cannot of course provide such facilities on a very large scale, which explains the emergence of Internet cafes. If the Honourable Member wishes to obtain information about this, I shall submit a written reply later. (Annex II)

PRESIDENT (in Cantonese): This Council has spent more than 15 minutes on this question. Last supplementary question.

MISS CHOY SO-YUK (in Cantonese): *Madam President, according to the Secretary, the Government is considering making legislation on this. But the fact is that there is still quite a long time to go before any legislation can be enacted. In the meantime, Internet cafes have aroused concern over many issues such as fire safety and access to pornographic websites. May I ask the Secretary what measures the Government will adopt before the enactment of legislation, apart from the Secretary's occasional inspections?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, as I pointed out when replying to Mr James TO's supplementary questions, we will continue our discussions with the industry. It is hoped that the industry can, before the enactment of legislation, do what Mr James TO suggests or follow what we set out in the relevant paper. We hope that the industry can do as much as it can between now and the enactment of legislation. Well, even if some in the industry may now be unable to meet the requirements due to one reason or another, they must still meet the requirements after the enactment of legislation. I am confident that as long as the requirements are reasonable, the industry will try to comply with them as far as possible.

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WRITTEN ANSWER

Written answer by the Secretary for Home Affairs to Mr CHAN Kwok-keung's supplementary question to Question 1

Figures as at 31 August 2002 indicate that there are some 326 Internet Computer Services Centres (ICSCs) in Hong Kong. Thirteen of them have licences or permits for serving food or drinks. One application for such licence is being processed. Since it is difficult to suggest a clear distinction between normal ICSCs and ICSCs with possible vice activities, such information is therefore unavailable.

WRITTEN ANSWER

Written answer by the Secretary for Home Affairs to Mr IP Kwok-him's supplementary question to Question 1

A brief survey conducted by the Buildings Department found that about 65% of the Internet Computer Services Centres (ICSCs) are situated in basement, cockloft or upper floor. Premises on these floors may be used as ICSCs subject to compliance with the means of escape codes, and so on, taking into account of such factors as building design and fire resisting construction, floor layout and actual occupancy.