

**Extract from the minutes of meeting of  
the Panel on Home Affairs held on 17 July 2002**

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**IV. Way Forward for Internet Computer Services Centres and Amusement Game Centres**

7. Members noted that submissions had been received from the following organisations and individual -

- (a) the Caritas Youth and Community Service [LC Paper No. CB(2)2573/01-02(01)];
- (b) the Hong Kong Association of Cyber Media [LC Paper No. CB(2)2573/01-02(02)]; and
- (c) Mr CHAN Yiu-keung, a member of the Sai Ying Pun Area Committee [LC Paper No. CB(2)2607/01-02(01)].

8. Members also noted the information note on regulation of cyber cafes in the Mainland, Taiwan, Japan, Singapore and Hong Kong prepared by RLSD [LC Paper No. IN34/01-02].

9. At the invitation of the Chairman, Deputy Secretary for Home Affairs (3) (DS(HA)3 briefed members on the salient points of the Administration's paper which sought members' views on possible regulatory options for Internet Computer Services Centres (ICSCs) and possible revisions to the licensing conditions for Amusement Game Centres (AGCs) [LC Paper No. CB(2)2549/01-02(02)].

Possible regulatory options for ICSCs

10. Referring to the three possible regulatory options for ICSCs outlined in the Administration's paper, Mr Andrew CHENG said that option A which imposed no restriction on operating hours and age of patrons was tantamount to maintaining the status quo. He considered that it would not meet the community's demand for necessary regulation over the operation of ICSCs. In particular, Mr CHENG was concerned that some ICSCs had been providing young children with access to violent, pornographic or gambling web-sites. He added that the environment of some ICSCs where wall-to-wall partitions and young female receptionists or playmates were available would be conducive to vice and immoral activities.

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11. Mr Andrew CHENG also queried the rationale for recommending option B which required ICSCs to be licensed and regulated on par with conventional AGCs. He pointed out that the provisions in the Amusement Game Centres Ordinance would not be suitable for application to ICSCs which provided access to not only computer games but also the wealth of information on the Internet. Mr CHENG expressed concern that the relaxation in licensing conditions and administrative practices for AGCs proposed under option B, such as allowing AGCs to operate in composite commercial-cum-residential premises, extending the operating hours of adult AGCs from midnight to 2:00 am and permitting persons in school uniform to enter adult AGCs, would spark controversies in the community. Mr CHENG added that while he did not consider that the community had a strong aspiration for relaxing the regulation over AGCs, he did not object to a separate review of the AGC Ordinance.

12. Mr Andrew CHENG was of the view that the Administration should further explore the feasibility of adopting option C under which ICSCs were to be regulated under a newly introduced "notification system". He also suggested that the Administration should make reference to the Korean model, or the models adopted by the Mainland, Taiwan, Singapore and Japan as described in the information note prepared by RLSD.

13. In response, DS(HA)3 said that the Administration was well aware of the differences in operation between AGCs and ICSCs, and the undesirable and illegal activities carried out in some ICSCs. He stressed that the Administration had yet to take a position and was prepared to listen to the views of different sectors of the community. However, the Administration at the present stage was inclined to adopt option C which would ultimately require legislative amendments to provide backing for the proposed notification system. DS(HA)3 also highlighted the main proposals under option C to illustrate the major considerations in proposing a notification system for regulating the operation of ICSCs. Mr Andrew CHENG remarked that the Administration should work out measures to prevent occurrence of undesirable and illegal activities in ICSCs, and require operators to install appropriate devices to screen off violent, pornographic or gambling web-sites, etc.

14. The Chairman said that options A and B could not resolve the current problems arising from the operation of ICSCs. He considered option C a workable alternative but expressed concern that under the option, children below the age of 16 could stay in ICSCs overnight if they were accompanied by adults. He pointed out that vice and triad gangs would take advantage of the loophole by accompanying young children to ICSCs and subsequently luring them to undesirable and illegal activities. Mr WONG Sing-chi expressed a similar concern.

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15. DS(HA)3 said that he would consider the Chairman's views. However, he would also like to point out that whilst allowing young children accompanied by adults to stay in ICSCs after 10:00 pm on one hand might be subject to possible abuse, parents/adults on the other hand might wish to have access to the Internet or play computer games together with their young children/friends at ICSCs after 10:00 pm. Hence, the future regulatory framework would have to balance the interests of different parties. The Administration also expected parents to play an active role in monitoring children's playtime in ICSCs.

16. The Chairman enquired how the Administration would prevent young children from accessing violent and pornographic web-sites at ICSCs. DS(HA)3 responded that the Administration would liaise with the trade on the necessary measures to screen off these sites by ICSC operators.

17. The Chairman further asked whether the Administration had estimated the number of computer stations installed in existing ICSCs. He considered that the number of computer stations should be proportional to the useable floor area of the ICSC premises in order to ensure fire safety and public safety. DS(HA)3 responded that existing ICSCs with a useable floor area of around 200 to 250 square feet could accommodate some 50 to 100 computer stations. If necessary, the Administration would consider the need to specify a standard space requirement for each station.

18. Mr WONG Sing-chi said that the Administration should carefully examine the pros and cons of forbidding children below the age of 16 from entering ICSCs after 10:00 pm. He pointed out that the restriction would mean deprivation of their access to information available on the Internet, and might drive them to loiter in more dangerous areas at night. Mr WONG considered that imposing regulatory measures could not possibly resolve all the problems associated with the operation of ICSCs. He suggested that the Home Affairs Bureau should collaborate with the Health and Welfare Bureau, the Education and Manpower Bureau, the Social Welfare Department and the Education Department to provide appropriate guidance and assistance to young children who were frequent patrons of ICSCs. In addition, the Administration should liaise with the trade to collaborate with integrated teams providing extended services for young night drifters to help these children. Mr WONG added that the Administration should encourage teachers and parents to visit ICSCs for a better understanding of the needs of young children, and the reasons for them to stay in these ICSCs. Mr WONG was of the view that the Administration should conduct a comprehensive review of the social role and functions of ICSCs before deciding on the way forward in respect of the regulatory option.

19. DS(HA)3 said that he agreed that without a comprehensive review and consultation, it was difficult to determine the appropriate level of regulation over the operation of ICSCs. The Administration would need to consider

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different perspectives and strike a right balance in drawing up the regulatory option. He pointed out that the Home Affairs Department, the Education Department and the Social Welfare Department had provided additional venues and computers for young children to assess the information available on the Internet. He also stressed that the Administration only sought to regulate the operation of ICSCs which were operated as commercial establishments.

20. On legislative control over the operation of ICSCs, Ms Cyd HO considered that the Administration should first ascertain the areas of control, such as fire safety and building safety of ICSC premises, or the facilities and services available at ICSC's. DS(HA)3 responded that legislation was one of the essential steps to enhance fire and public safety, and prevent access to pornographic and illegal web-sites at ICSCs. By introduction of a notification system, the Administration would be able to obtain a clearer picture on the increasing popularity of ICSCs in Hong Kong, and set appropriate standards for their layout and lighting design in order to minimise the occurrence of any illegal activities at ICSCs. He stressed that the Administration would widely consult the views of different social sectors before deciding on the way forward.

21. Ms Cyd HO expressed support for establishing an inter-departmental team to promote correct concepts and values on the use of information technology to access information on the Internet. Ms HO said that instead of introducing separate legislation for regulating ICSCs or AGCs, the Administration should consider regulating access control of young children to violent or pornographic materials at these venues. She considered that the Television and Entertainment Licensing Authority should examine the issue with greater effort, such as setting up a rating system of computer games.

22. DS(HA)3 responded that the Administration would consider Ms Cyd HO's views. Since ICSCs were fairly new establishments, the Administration would consider possible regulatory options from different perspectives in order to avoid over-regulation.

Way forward

23. Mr Andrew CHENG asked about the legislative timetable for introducing a new Bill or an amendment Bill to regulate the operation of ICSCs, given the community's anticipation of an early establishment of a regulatory framework. He requested the Administration to give prior consideration to regulating the operation of ICSCs.

24. DS(HA)3 responded that the Administration during the summer holidays would start to consult District Councils and the trade. Open forums might be held to gather views from young people. The Administration aimed to decide on the regulatory framework in early 2003 so that law drafting work could commence immediately. In the mean time, the Fire Services Department

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and the Buildings Department would continue to inspect premises of ICSCs to ensure fire and building safety. The Administration would also liaise with ICSC operators to explore whether a code of practices for self-regulation could be drawn up. He also assured members that review of the AGCs Ordinance was a separate task which would not delay legislation on the operation of ICSCs.

25. Mr Andrew CHENG considered that since legislation would be a time-consuming process, the Administration should speed up the consultation process. He suggested that the Administration should revert to the Panel with some preliminary proposals, preferably in October/November 2002, so that necessary legislation could be enacted in early 2004.

26. At Ms Emily LAU's suggestion, members agreed that the Panel should hold a special meeting in late September 2002 to receive views about the regulation of the operation of ICSCs from organisations concerned. Mr Albert CHAN and Mr WONG Sing-chi suggested that youth organisations and academics should be invited to give views at the meeting. Ms Cyd HO suggested and DS(HA)3 agreed that the Administration would provide the Panel with the list of speakers for the symposium on "Protection of children online 2002" for reference.

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