

# LCQ7: Distribution of pornography and obscene articles in social media groups

Following is a question by the Hon Yung Hoi-yan and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (May 13):

Question:

It has been reported that some lawbreakers in South Korea set up an instant messaging group (known as the Nth room) for persons who paid to join the group to watch video clips that featured females being sexually abused. The group had as many as 260 000 members, and there were at least 74 victims. In April this year, the media uncovered that a similar incident had occurred in Hong Kong, in which some people created an instant messaging group (known as the Hong Kong version of Nth room) for members to exchange video clips that featured their sexual activities with partners. In this connection, will the Government inform this Council:

(1) of the existing legislation targeting the crime of disseminating obscene and indecent articles through social media or instant messaging groups;

(2) of the number of reports received by the Police in each of the past five years involving the crime mentioned in (1); in respect of each of the groups concerned, the number of victims (with a breakdown by gender and age (each group covering 10 years of age)), the number of members, the offences involved, as well as the respective numbers of persons arrested, prosecuted and convicted; the respective maximum and minimum penalties imposed on those convicted;

(3) whether the Police have initiated investigation after the Hong Kong version of Nth room was reported; if so, of the details, including the investigation targets, the evidence-gathering work (including whether they have demanded other government departments, organisations or Internet service providers to provide information) and the progress made, as well as the number of persons arrested to date; and

(4) whether it has comprehensively reviewed if the existing legislation is capable of combating such crimes; if it has reviewed and the outcome is in the negative, whether it will amend the existing legislation or enact new legislation; if it has not, of the reasons for that?

Reply:

President,

Our reply to the various parts of the question raised by the Member, prepared in consultation with the Security Bureau, is as follows:

(1) and (2) According to section 21 of the Control of Obscene and Indecent Articles Ordinance (Cap 390), any person who publishes any obscene article in Hong Kong, whether or not he knows that it is an obscene article, commits an offence and is liable to a fine of \$1,000,000 and to imprisonment for three years. If the servers of the relevant social media and instant messaging groups are hosted in Hong Kong, they would also be subject to regulation.

Moreover, according to section 3 of the Prevention of Child Pornography Ordinance (Cap 579), any person who publishes any child pornography commits an offence and is liable on conviction to a maximum fine of \$2,000,000 and to imprisonment for eight years.

The figures of arrest, prosecution, conviction and sentencing of the above offences in the past five years are at Annex. The Government does not maintain the other breakdown of figures requested in the question.

(3) Regarding the incident of distribution of pornography and obscene articles in online social media groups in recent months, the Cyber Security and Technology Crime Bureau of the Police has followed up and conducted investigation, and made requests to the relevant social media to remove the group and content. The investigation is ongoing and no one has been arrested at this stage.

The Internet is a public platform filled with a huge amount of information, and can be exploited by criminals as a medium and tool for committing crimes. To effectively prevent, detect, fight and solve these crimes, the Police conduct "cyber patrol" to collect intelligence, and exchange intelligence with Mainland and overseas law enforcement agencies to conduct joint operations as appropriate.

(4) In view of the rapid developments of information technology, computers and the Internet, as well as the potential for them to be exploited for carrying out criminal activities, a sub-committee under the Law Reform Commission (LRC) has commenced a study on cybercrime in January 2019. The work of the sub-committee includes studying the challenges arising from the rapid developments of computers and the internet, reviewing existing legislation and other relevant measures, examining relevant developments in other jurisdictions, and recommending law reforms as necessary. The Security Bureau will pay close attention to the progress of the sub-committee's review.

The LRC also published in April 2019 a report on "Voyeurism and Non-consensual Upskirt-photography" recommending the introduction of a new offence of voyeurism to deal with an act of non-consensual observation or visual recording of another person for a sexual purpose; and a new offence in respect of non-consensual upskirt-photography.

In this regard, the Security Bureau is planning to consult the

Legislative Council Panel on Security on amending Crimes Ordinance (Cap 200) to introduce the relevant offences, to be followed by a public consultation. With regard to public views, the Security Bureau will draft the relevant legislative amendment proposal with a view to introducing a bill for the Legislative Council's scrutiny.

As regards the Control of Obscene and Indecent Articles Ordinance, the Commerce and Economic Development Bureau will continue to listen to the views and suggestions of different sectors of the community, and review the existing legislative requirements in a timely manner.