

LCQ19: Combating online sexual harassment of teenagers

Following is a question by Reverend Canon the Hon Peter Douglas Koon and a written reply by the Acting Secretary for Security, Mr Michael Cheuk, in the Legislative Council today (May 31):

Question:

Some organisations' surveys have revealed that the problem of online sexual harassment of teenagers is serious in Hong Kong, with nearly 40 per cent of the teenagers surveyed indicating that they have been exposed to virtual sexual harassment, including involuntarily receiving online sexual and nude contents, as well as sexual solicitation, etc., and even being asked to provide their personal pornographic photographs. There are views that the situation concerned should not be overlooked. Regarding combating online sexual harassment of teenagers, will the Government inform this Council:

(1) whether it knows the respective numbers of requests for assistance, complaints and reports about teenagers being exposed to online sexual harassment received by the authorities in the past five years, with a breakdown by the age group of such teenagers exposed to online sexual harassment; of the respective numbers of persons arrested and convicted in such cases;

(2) as it is learnt that the Mainland has put in place the Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency which are dedicated to protecting teenagers, whether the authorities will, in light of the increasingly serious problem of Hong Kong teenagers being exposed to online sexual harassment, consider drawing reference from the Mainland's measures which protect teenagers and conducting a study on enacting legislation to prevent teenagers from being exposed to online sexual harassment; if so, of the details; if not, the reasons for that; and

(3) given that some organisations have considered that the Government should create a post of commissioner for online safety for children and an independent organisation to target at cases of online sexual exploitation and sexual abuse of children, as well as provide a child-friendly mechanism for help-seeking and complaints, whether the Government will consider the relevant proposals; if so, of the details; if not, the reasons for that?

Reply:

President,

In the age of digitisation, increased online activities of children and young people make them more prone to potential cyber risks, including being led astray by online pornographic materials or even subject to sexual

harassment. The Government has been closely monitoring the risks associated with children and young people using the Internet. In this regard, bureaux and departments have taken various measures according to their professional areas, including via legislative protection, stern enforcement as well as education and publicity, to protect children and young people from these threats.

In consultation with the Commerce and Economic Development Bureau, the Labour and Welfare Bureau and the Police, the reply to the Member's question is as follows:

(1) and (2) The Internet is not an unreal world that is beyond the law. According to the existing laws in Hong Kong, most of the laws for the prevention of crimes in the real world are applicable to the online world. The Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency of the Mainland as mentioned in the question were formulated to protect the physical and psychological health of minors. Some of their provisions strictly regulate minors' access to obscene and pornographic articles as well as online information. Indeed, there exist relevant laws in Hong Kong to regulate obscene and pornographic articles, including the Control of Obscene and Indecent Articles Ordinance (COIAO) (Cap. 390), the Prevention of Child Pornography Ordinance (PCPO) (Cap. 579) and the Crimes Ordinance (Cap. 200).

- The COIAO regulates obscene or indecent articles published in Hong Kong. Under the COIAO, "obscenity" and "indecent" include violence, depravity and repulsiveness. The COIAO stipulates that the publication of obscene articles is prohibited; and sets out regulations and restrictions regarding the publication of indecent articles, including the requirement to carry a statutory warning notice. Particularly for juveniles, the COIAO prohibits publishing indecent articles to persons under the age of 18.
- Regarding child pornography, the PCPO prohibits the printing, making, production, reproduction, copying, import, export, publication, possession and promotion of child pornography. The Ordinance also states that publishing includes making any message, information or data available through any means of electronic transmission. There are also provisions in the Crimes Ordinance to criminalise the procurement or offer of persons under 18 for making pornography or for live pornographic performances.
- The legislations mentioned above regulate not only traditional media or publications, but also information on the Internet.

Depending on the circumstances, conduct involving online sexual harassment may also result in the commission of other offences such as blackmail, criminal intimidation and access to computer with criminal or dishonest intent and more. In case the relevant conduct involves inappropriate use of personal data, it may also contravene the data protection principles under the Personal Data (Privacy) Ordinance. There are also two offences under the Crimes Ordinance related to the publication of

intimate images. The prosecution may apply for disposal orders for the court to order the defendant or any other person, in or outside Hong Kong, to remove, delete or destroy relevant intimate images, with a view to further protecting victims.

The Security Bureau is currently studying the Law Reform Commission's recommendations on the review of sexual offences, including sexual offences involving children. The Bureau will make reference to the development of relevant legislation in other jurisdictions and make appropriate legislative amendments as necessary. In addition, the Law Reform Commission has also commenced its study on the topic of cybercrime. The scope of the study covers cyber-enabled crime, which refers to traditional crimes that can be increased in scale or reach by the use of computers, computer networks or other forms of information and communications technology, such as online dissemination of child pornography. The Government will closely monitor the progress of the Law Reform Commission's study.

In terms of enforcement figures for the ordinances more relevant to online sexual harassment, namely the COIAO and the PCPO, among the court cases concluded between 2018 and 2022, there are a total of 284 persons prosecuted for violation of the offence of prohibition on publishing obscene articles under the COIAO, 279 of which were convicted. In the same period, 117 persons were prosecuted for offences related to child pornography under the COIAO, among which 99 were convicted. Eleven were prosecuted for the offence related to live pornographic performances under the Crimes Ordinance, eight of which were convicted. As the other criminal offences cover various criminal conduct, we do not have breakdowns on the cases involving children or teenagers.

The Police have been conducting online patrols and take intelligence-led enforcement actions to combat crimes relating to child pornography. Between 2015 and 2022, the Police regularly conducted anti-child pornography enforcement operations and arrested 100 persons. The Police will continue to maintain close co-operation with the International Criminal Police Organization and different enforcement agencies to take actions against crimes relating to child pornography, with a view to preventing children from being manipulated by the lawbreakers for engaging in sexual activities or being sexually abused. The Government does not maintain other figures related to teenagers subject to sexual harassment online mentioned in part one of the question.

(3) The Government attaches great importance to the situation of children and teenagers being exposed to pornographic materials, or even sexually harassed, online. Currently, relevant government bureaux and departments have provided resources and adopted various measures to protect children and juveniles. Various child-friendly case follow-up mechanisms are also set up to strive to provide them with the necessary services. We will closely monitor the situation, keep in view relevant policies and measures and make every effort to provide a safe and friendly cyber environment for children and teenagers.

To further strengthen the protection of children, the Labour and Welfare

Bureau is taking forward at full steam the setting up of a mandatory reporting mechanism for child abuse cases for early identification of suspected victims of child abuse, with the target of introducing the legislation to the Legislative Council in June 2023.

The Commission on Children (the Commission) chaired by the Chief Secretary for Administration deliberated the topics "Sex Education for Prevention of Child Sexual Abuse" and "Prevention and Handling of School and Cyber Bullying" to better understand the children protection policies of different bureaux. The Commission also collected views from different stakeholders regarding "Domestic Violence" and "Child Sexual Abuse" through engagement sessions and relayed these views to relevant bureaux and departments for follow-up.

The Police also continuously review and enhance the handling procedures for child abuse reports, including the setting up of the Vulnerable Witness and Child Protection Task Force in early 2022, in collaboration with the Department of Justice and the Social Welfare Department (SWD), to expedite the investigation, prosecution and subsequent welfare matters of victims. The Force also established the Vulnerable Witness Support Cadre in July 2022 to strengthen training of investigators and collaboration with relevant stakeholders in protecting children and vulnerable groups.

As for law enforcement, the Police have set up the Family Conflict and Sexual Violence Policy Unit and the Child Abuse Investigation Units at headquarters and regional level respectively. These dedicated units work with the Family and Child Protective Services Units of the SWD in carrying out joint investigation on serious child abuse cases. Their Cyber Security and Technology Crime Bureau also investigates online crimes relating to child pornography.

To protect our next generation from harm, we hope that the public and the community would pay closer attention to the children and young people around them and educate them on how to deal with cyber risks, and if necessary, refer the problematic cases to the appropriate authorities such as the Police and the SWD as soon as possible.