

## LCQ14: Obscene and indecent videos published on the Internet

Following is a question by the Hon Holden Chow and a written reply by the Acting Secretary for Commerce and Economic Development, Dr Bernard Chan, in the Legislative Council today (July 3):

Question:

It has been reported that in March this year, a media organisation reported to the Office for Film, Newspaper and Article Administration a total of 10 videos involving pornography and indecency on YouTube, a video-sharing website. The Obscene Articles Tribunal (OAT) had subsequently made an interim classification that one of the music videos was a Class III (Obscene) article, i.e. the video should not be published to any person. However, the video had not been taken down when the relevant press report was made. In this connection, will the Government inform this Council:

- (1) of the respective numbers of reports and complaints received by the authorities involving online videos classified as Class III (Obscene) articles in each of the past five years;
- (2) of the number of articles classified as Class III (Obscene) by OAT in the past five years, with a tabulated breakdown by class of articles; among such articles, the percentage of online videos;
- (3) of the respective numbers of warnings issued, prosecutions instituted and other enforcement actions taken by government departments under the Control of Obscene and Indecent Articles Ordinance (Cap. 390) in respect of articles classified as Class III (Obscene) and, among them, the number of those involving online videos in each of the past five years;
- (4) of the respective numbers of cases in which locally-operated Internet platforms complied with the authorities' directions (including taking down the relevant videos) upon receipt of warnings issued by the authorities in respect of the videos classified as Class III (Obscene) articles on their platforms, or upon law enforcement by the relevant government departments, as well as the average time taken, in each of the past five years; and
- (5) whether the authorities will review Cap. 390 or take further measures to prevent videos classified as Class III (Obscene) articles from being published on the Internet, so as to prevent children and young people from being corrupted; if so, of the details; if not, the reasons for that?

Reply:

President,

The Control of Obscene and Indecent Articles Ordinance (Cap. 390) (COIAO) aims to regulate publication and public display of articles with obscene or indecent content in Hong Kong, including articles published on the Internet. Under the COIAO, "obscenity" and "indecenty" include violence, depravity and repulsiveness, and articles can be classified as:

(a) Class I (neither Obscene nor Indecent), which can be published to any person;

(b) Class II (Indecent), which cannot be published to a juvenile, and the publication to persons aged 18 or above are subject to compliance with statutory requirements; and

(c) Class III (Obscene), which are prohibited from being published.

The Office for Film, Newspaper and Article Administration (OFNAA), the Hong Kong Police Force (Police) and the Customs and Excise Department are responsible for the enforcement of the COIAO. Upon receiving any complaint related to obscene or indecent articles, OFNAA will conduct initial investigation based on the guidelines stipulated in section 10 of the COIAO, and categorise the articles with reference to the previous classifications made by the Obscene Articles Tribunal (OAT) of the Judiciary on similar articles. For cases that can be clearly categorised as Class III (Obscene) articles, OFNAA will refer the case to the Police for follow-up directly. If the category of an article could not be determined or there are doubts about its categorisation, OFNAA will submit the article concerned to the OAT for classification. Therefore, the cases where the OAT has made classification are only a subset of the complaint cases received.

In relation to the regulation of obscene or indecent content on the Internet, in view of the vast volume of information on the Internet and the rapid updates, the Government has all along been adopting a complaint-driven and co-regulatory approach with the industry to handle complaints concerning the publication of obscene or indecent articles on the Internet. The Government works with the Hong Kong Internet Service Providers Association (HKISPA) to implement a self-regulatory Code of Practice – Practice Statement on Regulation of Obscene and Indecent Material (CoP), which stipulates that:

(a) if any person disseminating information on the Internet publishes any material with Class II (Indecent) content, he should display an on-screen prescribed warning notice on the webpage, before allowing the content to be viewed by Internet users; and

(b) if Internet users are found publishing Class III (Obscene) articles, internet service providers should have the relevant articles removed or blocked, such that the information concerned could not be viewed in Hong Kong.

For individual cases involving overseas webpages (e.g. some video-sharing platforms) which require follow-up actions from overseas organisations (e.g. adding warning notice or removing relevant content), the

Police or OFNAA may refer the case to law enforcement agencies in other jurisdictions or overseas website operators for appropriate actions. OFNAA would conduct follow-up inspections on these webpages to monitor the follow-up actions taken by overseas organisations.

In fact, in relation to the situation mentioned in the preamble of this question, during the first half of 2024 (up to June 28), OFNAA has received a total of 20 complaints in batches about the relevant overseas video sharing website, involving 100 videos, among which 13 were classified by the OAT as Class III (Obscene) articles. After being informed of the OAT's interim classification, OFNAA had immediately referred the cases concerned to the Police for follow-up actions, and had also conducted multiple inspections on the webpages concerned to confirm that the platform concerned had taken action against all 13 videos classified as Class III (Obscene) articles, including removing or blocking the videos concerned, such that these videos could not be played in Hong Kong.

In consultation with the Security Bureau and the Judiciary, the reply to the questions raised is as follows:

(1) In the past five years, the Government has received a total of 14 complaints involving online videos that were suspected to be Class III (Obscene) articles. The breakdown by year is as follows:

Year	No. of complaints involving online videos that were initially categorised or classified as Class III (Obscene) articles
2019	1
2020	2
2021	3
2022	5
2023	3

After receiving the complaints, OFNAA had followed its established procedures and referred all articles initially categorised or classified as Class III (Obscene) to the Police for follow-up.

(2) In the past five years, the OAT classified around 50 articles each year on average. The number of articles that were classified as Class III (Obscene) by the OAT is as follows:

Year	Videos	Books/ magazines/ newspapers	Others (e.g. photos, packaging of articles)
2019	0	0	0

2020	2 (The two videos are not online videos)	5	3
2021	0	0	2
2022	0	0	0
2023	0	0	0

(3) In the past five years, the number of prosecutions and number of persons convicted for contravening the prohibition on publishing Class III (Obscene) articles under the COIAO each year are as follows:

Year (Note)	No. of prosecution cases	No. of persons prosecuted	No. of persons convicted
2019	55	60	59
2020	28	31	30
2021	58	66	65
2022	24	24	24
2023	18	18	18

(4) Among the 14 cases involving online videos that were initially categorised or classified as Class III (Obscene) articles, one case involved a locally-operated Internet platform. Upon receiving referral from the Police, the platform concerned had blocked the video concerned, such that the video could not be played in Hong Kong. The Police does not maintain information related to the time taken to follow up on the above case.

(5) The Internet is not an unreal world that is beyond the law. Most of the crime-prevention laws in the real world are applicable to the Internet world. The COIAO aims to protect juveniles and children from the influence of harmful material, while maintaining the free flow of information and freedom of expression.

Other than actively following up on complaint cases, OFNAA has been organising publicity and public education activities in relation to the COIAO, such as organising territory-wide publicity campaigns, collaborating with schools on activities, and hosting seminars and workshops for parents to educate children and juveniles on the importance of healthy information and strengthen their ability to reject harmful information.

The Government appeals to the industry to join hands to safeguard the juveniles from being influenced by obscene and indecent content. In this regard, OFNAA has written to major media sharing platforms and members of the HKISPA earlier, requesting them to strictly observe relevant provisions of the COIAO and the CoP, as well as encouraging them to take more proactive

measures to prevent young users from accessing obscene and indecent content, such as tightening up screening and removal of harmful content hosted on their platforms, setting up community rules to reduce the dissemination of harmful messages, and putting in place safeguard measures for young users.

On the other hand, OFNAA is making preparations for a new round of publicity and public education activities to remind juveniles to stay away from obscene and indecent information while using these online platforms. Apart from the seminars and workshops mentioned above, in order to specifically promote relevant messages to students, OFNAA will also organise the "Healthy Information Student Ambassadors Scheme", roving drama performances, competitions such as "Healthy Mobile App Sticker Design Competition", "Healthy Student Video Contest" and "Healthy Chinese Public Speaking Competition" etc, to raise awareness among students and juveniles on the safe use of the Internet.

Note: The year above represents the year in which the trial was concluded. The year in which a case was prosecuted may be different from the year in which the trial was concluded. The Police does not maintain breakdown figures involving online videos from the above cases.

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## LCQ21: Tobacco control measures

Following is a question by the Hon Edward Leung and a written reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (July 3):

Question:

The Government submitted a paper to the Panel on Health Services of this Council on the 14th of last month, outlining the Government's next-phase tobacco control measures. In this connection, will the Government inform this Council:

- (1) whether it has compiled statistics on the sales of cigarettes and related tax revenues in the past three years, with a breakdown by cigarette flavour (such as original, menthol and fruit);
- (2) whether it has compiled statistics on the number of persons hospitalised for diseases directly caused by smoking in the past three years, with a breakdown of the top 10 diseases by category; whether there are differences between non-smokers and smokers in terms of average inpatient days, time to recovery and medical costs for such 10 categories of disease; if so, of the details;
- (3) as the Government has indicated its plan to ban flavoured cigarettes in

the aforesaid paper, whether the Government has assessed the impact of this measure on smokers, such as the number of smokers switching to smoking traditional cigarettes or illegally imported flavoured cigarettes, or choosing to quit smoking as a result;

(4) as there are views that the Government should ban the addition of flavourings to waterpipe tobacco, and it is learnt that waterpipe smoking is prevalent in the Middle East, whether the authorities have assessed the impact on business travellers and tourists from the Middle East following the implementation of the relevant measure; if so, of the details; if not, the reasons for that; and

(5) of the average time required to quit smoking by persons receiving smoking cessation services provided by the Government in each of the past three years; given that the Government has indicated in the aforesaid paper that it will enhance smoking cessation services, such as increasing the number of smoking cessation service points and enhancing smoking cessation services provided by Chinese medicine practitioners, but there are views that such measures are more traditional models of smoking cessation, whether the Government will study the introduction of some newer forms of smoking cessation services?

Reply:

President,

According to the results of the Thematic Household Survey (THS) Report on smoking pattern in 2023, the proportion of persons aged 15 and above with daily smoking habit in Hong Kong has further dropped to 9.1 per cent in 2023. It also implies that there are still about 580 000 people in Hong Kong who are daily smokers of conventional cigarettes, and half of them are aged between 40 and 59. If this group of smokers continues to smoke, in the foreseeable future, their smoking-induced diseases will pose a heavy burden on the healthcare system. Last month, the Government announced the roll-out of 10 tobacco control measures in the short-term, which are formulated around four directions under the tobacco control strategy, namely, reducing the demand for and supply of tobacco products, minimising the attractiveness of tobacco products, protecting the public from the hazard of second-hand smoke and strengthening the provision of smoking cessation services, aiming to combat smoking hazard through a multi-pronged approach.

Having consulted the Hospital Authority (HA) and the Hong Kong Customs and Excise Department, the reply to the various parts of the Hon Edward Leung's question is as follows:

(1) The number of duty-paid cigarettes and duty revenue over the past five years are at Annex. Comparing the figures before and after the epidemic i.e. 2019 versus 2023, the drop in the number of duty-paid cigarettes is comparable to the decline in smoking prevalence over the same period. The Government does not maintain statistics on the breakdown of duty-paid cigarettes by flavours and related duty revenues.

The THS on smoking pattern conducted by the Census and Statistics Department reveal that about 40 per cent of current smokers of conventional cigarettes smoke flavoured cigarettes (including menthol, fruits and other flavours). Flavoured cigarettes are particularly appealing to women and young people. Currently, over 70 per cent of female smokers of conventional cigarettes smoke flavoured cigarettes; and over 60 per cent of female smokers of conventional cigarettes smoked flavoured cigarettes when they first smoked. In terms of age profile, the younger the age group, the higher the rate of smoking flavoured cigarettes. For instance, among the conventional cigarette smokers aged from 20 to 29, over 70 per cent of them currently smoke flavoured cigarettes, while nearly 70 per cent smoked flavoured cigarettes when they first smoked. As for conventional cigarette smokers in the age group of 60 or above, over 80 per cent of them smoke cigarettes of original flavour only. It can be seen that adding flavours in conventional cigarettes is an effective tactic for tobacco companies to attract the public, particularly women and young people, to smoke and continue with smoking habit. The situation is worrying.

(2) The healthcare system of Hong Kong is facing a dual challenge of increasing prevalence of chronic diseases and ageing population, while smoking is the most important and preventable risk factor leading to chronic diseases. According to the World Health Organization (WHO), smoking contributes to 16 per cent of all deaths from non-communicable diseases such as heart diseases, cancers, diabetes and lung diseases. According to the HA's data of 2019, 5 per cent of HA patients who were diagnosed with diseases such as cancers, heart diseases and emphysema account for nearly 60 per cent of HA's medical expenses, and these diseases were closely related to smoking. The Government obliged to introduce more proactive and targeted measures to lower smoking prevalence, reduce smoking and hazards of second-hand smoke, and minimise the risk of developing non-communicable diseases such as heart diseases and lung cancers among citizens, thereby enabling the public to live a healthier life and the healthcare system to concentrate the limited resources to cope with the challenges brought about by ageing population.

From the public health perspective, the additional risks and health hazards associated with smoking have been proven by a large number of empirical medical studies. Smoking significantly increases the risk of smokers for developing a wide range of chronic or serious diseases such as heart diseases, cancers, diabetes and lung diseases, which can seriously jeopardise the health of patients and would impose a heavy burden on the healthcare system. For example, the WHO has pointed out that smoking is the main cause of lung cancers and 85 per cent of lung cancer cases are related to smoking. Comparison of the medical costs for a particular disease, average inpatient days and time for recovery between smokers and non-smokers could not accurately reflect the additional public health risk brought about by smoking. Comparing the medical costs of smokers and non-smokers with the same disease and neglecting the fact that smokers are much more likely to suffer from the disease due to smoking is a common tactic used by tobacco companies to divert attention against the Government's work on tobacco control on the pretext that members of the public have the freedom of choice. Moreover,

medical costs cannot fully reflect the hazards of smoking, such as the drop in productivity caused by smoking and second-hand smoke, as well as the physical and mental suffering of patients and their families, etc.

(3) and (4) In respect of reducing attractiveness of tobacco products, scientific evidence shows that flavoured cigarettes, such as menthol or fruit-flavored cigarettes, reduce the awareness of the hazard of tobacco and in turn increase the chances of non-smokers (especially teenagers) to start smoking. It also makes consumers more vulnerable to getting into and continuing with the smoking habit. The guidelines for implementation of the World Health Organization Framework Convention on Tobacco Control recommend prohibiting or restricting the use of ingredients that may increase the palatability of tobacco products. Researches from places such as Canada indicate that banning flavours in tobacco products could help encourage flavoured cigarette smokers to quit smoking and is evidently conducive to increasing their cessation rates.

The Government's proposal to ban flavours (including menthol, fruit and other flavours) in conventional tobacco products seeks to counteract the intention of tobacco companies to use flavouring agents to disguise the toxicity of tobacco products and attract women and young people to smoke.

The Government also observed that the use of flavoured waterpipes has become increasingly prevalent in recent years. A study by the Youth Quitline of the University of Hong Kong showed that the proportion of youth smokers aged 25 or below who have tried waterpipe smoking has increased from 36 per cent in 2016/18 to 45 per cent in 2020/22. The research indicates that users believe that waterpipe smoking poses lower health risks compared to regular tobacco products because of its flavours, usage patterns, and misleading marketing. Yet as a matter of fact, waterpipe smoking brings more hazards than conventional cigarettes do. The burning of waterpipe tobacco and charcoal releases a large amount of toxic substances including carcinogens and as well as harmful second-hand smoke, and even produces a large amount of carbon monoxide. The smoke inhalation from one hour of waterpipe smoking can be equivalent to 100 to 200 times that of a single cigarette, and users can be exposed to nine times the amount of carbon monoxide and 1.7 times the amount of nicotine compared to smoking a single cigarette. Repeated waterpipe smoking can also lead to nicotine dependence and may serve as a "gateway" for those who were initially non-smokers to take up the habit of smoking conventional cigarettes.

The Government's proposal to ban flavours in tobacco products will also apply to waterpipes which have been regulated as one of the conventional tobacco products. This will help prevent tobacco companies to use waterpipe smoking as another means to lure members of the public, in particular women and young people, to become addicted to smoking.

The Government has fully considered the situation of the tourism sector when formulating tobacco control measures. The choice of travel for tourists or work location for non-local talents is influenced by a variety of factors, such as overall tourism experience, development opportunities, humanistic



literacies, quality of environment. Tobacco control measures will allow citizens and tourists to enjoy a fresher environment, and also make Hong Kong a healthier and more vibrant city, which will be more appealing to tourists and non-local talents and will also be welcomed by most of the general public.

(5) In terms of smoking cessation services, the current services are a combination of counselling and standard treatment with medicine (with treatment ranging from eight to 12 weeks generally), and also include self-help resources such as the Quit Smoking mobile application. Smokers who receive smoking cessation treatment are followed up by smoking cessation service providers for 52 weeks for assessment of their status of quitting. In terms of smoking cessation hotlines, clinics for smoking cessation under the HA and smoking cessation services provided by non-governmental organisations, the proportion of service users who managed to quit smoking 52 weeks after they had started quitting smoking (i.e. the percentage of service users who reported to have not been smoking in the past seven days) range from 20 per cent to 60 per cent, which are comparable to those in overseas countries. In order to strengthen services and enhance publicity and promotion, the Government proposes measures such as increasing the number of smoking cessation service points, enhancing smoking cessation services provided by Chinese medicine practitioners, providing smoking cessation services through District Health Centers under a case-management model, enhancing smoking cessation training for primary healthcare practitioners, using mobile applications to assist smoking cessation, and incorporating more elements related to smoking hazards into the regular curriculum of schools.

The Government will continue to take forward the tobacco control process incrementally so as to pave the way towards tobacco-free Hong Kong.

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## **HAD opens temporary heat shelters**

The Home Affairs Department will continue to open 19 community halls/community centres as temporary heat shelters today (July 3).

The temporary heat shelters will remain open for people to take refuge from the heat when the Very Hot Weather Warning is in force. From 10.30pm to 8am the next day, the temporary heat shelters will also provide bedding and a sleeping place for people in need. The shelters are manned by duty attendants.

For further information, please call the department's hotline before midnight on 2572 8427.

The heat shelters are located at:

## Hong Kong Island:

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### Central and Western –

Sai Ying Pun Community Complex Community Hall  
3/F, Sai Ying Pun Community Complex  
2 High Street, Sai Ying Pun

### Eastern –

Causeway Bay Community Centre  
3/F, 7 Fook Yum Road, Causeway Bay

### Southern –

Lei Tung Community Hall  
Lei Tung Estate, Ap Lei Chau

### Wan Chai –

Wan Chai Activities Centre  
LG/F, Wan Chai Market, 258 Queen's Road East, Wan Chai

## Kowloon Districts:

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### Kowloon City –

Hung Hom Community Hall  
1/F, Kowloon City Government Offices  
42 Bailey Street, Hung Hom

### Kwun Tong –

Lam Tin (West) Estate Community Centre  
71 Kai Tin Road, Lam Tin

### Sham Shui Po –

Shek Kip Mei Community Hall  
G/F, Block 42, Shek Kip Mei Estate, Sham Shui Po

### Wong Tai Sin –

Tsz Wan Shan (South) Estate Community Centre  
45 Wan Wah Street, Tsz Wan Shan

### Yau Tsim Mong –

Henry G Leong Yaumatei Community Centre  
60 Public Square Street, Yau Ma Tei

## New Territories Districts:

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### Islands –

Tung Chung Community Hall  
G/F, Tung Chung Municipal Services Building, 39 Man Tung Road, Tung Chung

Kwai Tsing –  
Kwai Shing Community Hall  
Podium, Block 6, Kwai Shing West Estate, Kwai Chung

North –  
Cheung Wah Community Hall  
Cheung Wah Estate, Fanling

Sai Kung –  
Hang Hau Community Hall  
G/F, Sai Kung Tseung Kwan O Government Complex, 38 Pui Shing Road, Hang Hau,  
Tseung Kwan O

Sha Tin –  
Lung Hang Estate Community Centre  
Lung Hang Estate, Sha Tin

Tai Po –  
Tai Po Community Centre  
2 Heung Sze Wui Street, Tai Po

Tsuen Wan –  
Lei Muk Shue Community Hall  
G/F, Hong Shue House, Lei Muk Shue Estate, Tsuen Wan

Tuen Mun –  
Butterfly Bay Community Centre  
Butterfly Estate (near Tip Sum House), Tuen Mun

Yuen Long –  
Long Ping Community Hall  
Long Ping Estate, Yuen Long

Yuen Long –  
Tin Yiu Community Centre  
Tin Yiu Estate, Tin Shui Wai

In addition to the above heat shelters, a number of community halls/community centres can also be used for taking refuge from the heat during their operating hours. For their address details, please browse the following document: [www.had.gov.hk/file\\_manager/en/documents/public\\_services/emergency\\_services/List\\_CH\\_CC\\_Day\\_E.pdf](http://www.had.gov.hk/file_manager/en/documents/public_services/emergency_services/List_CH_CC_Day_E.pdf).

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## LCQ13: Combating illegal gambling

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (July 3):

Question:

It is learnt that the problem of members of the public engaging in illegal gambling with unauthorised bookmakers has been serious in recent years, especially during major games such as the UEFA European Football Championship 2024 currently underway. In this connection, will the Government inform this Council:

(1) of the number of persons who have been arrested for engaging in illegal gambling activities, the proportion of juveniles in the number of persons arrested, the amount of bets seized and the types of games involved in the gambling in each of the years since 2021;

(2) of the number and proportion of illegal gambling activities conducted by telephone and on the Internet respectively in each of the years since 2021; as it has been reported that the proportion of online bets in illegal gambling activities is growing, of the measures put in place by the Government to step up combat against illegal online gambling activities;

(3) as it has been reported that many fraud syndicates are using online platforms and social media to promote illegal gambling in order to scam the public out of their money, of the measures put in place by the Government to combat such acts and whether it has made use of Scameter to further promote the relevant anti-scam messages;

(4) as it has been reported that some members of the public sell their personal bank accounts to criminals for use as "stooge accounts", of the measures put in place by the Government to educate the public that they should never sell their personal bank accounts to third parties; and

(5) regarding the UEFA European Football Championship 2024 currently underway, whether the authorities have stepped up the tripartite operations involving the Guangdong Province, Hong Kong and Macao to combat illegal football gambling; if so, of the details?

Reply:

President,

We attach great importance to the prevention and alleviation of gambling-related problems, and have adopted a multi-pronged strategy including regulation through legislation, law enforcement against illegal gambling activities, public education on the harms of gambling addiction and

provision of counselling and treatment services to people in need. Among others, the Home and Youth Affairs Bureau (HYAB) established the Ping Wo Fund (Fund) in 2003 to finance preventive and remedial measures for problems caused by gambling.

For regulation through legislation, the existing Gambling Ordinance explicitly stipulates that all unauthorised gambling activities, apart from those situations stated in the ordinance, constitute an offence. Offences related to illegal gambling include operating or managing an unlawful gambling establishment, bookmaking, gambling in a gambling establishment, gambling in a street, etc. The Hong Kong Police Force (HKPF) has put in place strategies to combat illegal gambling activities, especially those involving triad-related or organised crimes, in four aspects through prevention, education, intelligence collection and law enforcement.

After consulting the HYAB and the HKPF, the reply to the question raised by the Hon Chan Hak-kan is as follows:

(1) The number of persons arrested (including youths) by the HKPF between 2021 and May 2024 in combatting illegal gambling offences and the amount involved are set out below:

Illegal gambling offences (Note 1)	2021	2022	2023	2024 (From January to May)
(a) Number of persons arrested for serious gambling offences (percentage of youths among the arrested)	775 (2.5%)	828 (1.8%)	666 (2.1%)	181 (1.1%)
(b) Number of persons arrested for other gambling offences of a less serious nature (Note 2)	4 956	5 953	5 435	1 760
(c) Total number of persons arrested (including youths) ((a)+(b)=(c))	5 731	6 781	6 101	1 941
Total amount of betting slips/cash seized (HK\$ million)	3,978.2	547.9	27.6	4.6

Note 1: Illegal gambling offences comprise "serious gambling offences" and other gambling offences of a less serious nature. "Serious gambling offences" include operating or managing an unlawful gambling establishment and bookmaking; those of a less serious nature include gambling in a gambling establishment, gambling in a street, etc.

Note 2: The HKPF does not maintain separate statistical figures on youths arrested for less serious gambling offences.

For persons arrested for engaging in illegal gambling offences, the

gambling activities involved include mahjong, cards, football betting and horse race betting. The HKPF does not maintain a breakdown of figures by type of gambling activities.

(2) The HKPF has been closely monitoring the trend of these crimes and taking appropriate intelligence-led enforcement actions against them. The HKPF has noted the increase in the prevalence of online illegal gambling. To combat such illegal activities, officers of the Organized Crime and Triad Bureau of the HKPF will conduct cyber patrols. Other formations of the HKPF will gather intelligence through different channels, investigate illegal gambling websites within and outside Hong Kong and take law enforcement actions after gathering sufficient evidence. In addition, the HKPF will conduct internal training and upgrade equipment and facilities, so as to raise the frontline officers' awareness of the latest development of online gambling activities and enhance their capability in handling such cases. At present, the HKPF does not maintain separate statistical figures for illegal gambling activities conducted by telephone or on the Internet.

Below are some of the cases relating to online illegal gambling activities that were detected by the HKPF in recent years:

- In December 2022, the HKPF smashed a local syndicate suspected of recruiting gamblers using a mobile game application. Gamblers would purchase game points in cash and engage in illegal gambling through the application. The syndicate would then charge commissions by providing game points redemption services. During the operation, a total of 25 people were arrested for the suspected offences of "conspiracy to promote or facilitate bookmaking" and "money laundering". Cash totalling more than HK\$6 million, a number of telephone sets and computers as well as two luxurious cars were seized. The syndicate was also suspected of manipulating a number of stooge bank accounts, involving more than HK\$240 million.
- In August 2023, the HKPF smashed a triad-manipulated illegal online gambling platform. The syndicate promoted the platform through social media platforms, SMS or mobile phone communication applications. Gamblers could top up their accounts by money transfer or with cryptocurrencies, and could earn commissions after successfully referring others to register for an account. During the operation, the HKPF cracked down on seven operation centres and arrested 47 people, including the mastermind of the syndicate and seven core members. They were suspected of committing the offences of "conspiracy to commit bookmaking" and "conspiracy to commit money laundering", involving crime proceeds of about HK\$300 million.
- In June 2024, the HKPF conducted the Operation Nearspace to crack down on illegal gambling websites (commonly known as bookmaking websites). As

at June 24, 2024, a total of 62 people were arrested for "conspiracy to commit bookmaking" and "money laundering". Among them, five were core members, 25 were suspected either to be "middlemen" or to have taken part in the operation of the bookmaking websites by assisting in the money laundering process, and 32 were holders of stooge accounts. The amount involved exceeds HK\$460 million. The HKPF's investigation and enforcement action are ongoing.

On publicity and education, the HKPF has used various channels, such as holding press conferences and producing promotional videos, to convey messages about the harm of gambling addiction (including online gambling). In addition, to address problems related to illegal online gambling, the Fund has accorded priority to financing events relating to the prevention of online gambling activities since 2020. In the light of the UEFA European Football Championship 2024 (UEFA Euro), the HYAB and the Fund launched a territory-wide anti-gambling publicity campaign titled "Stop Gambling. Be the Wise Man of the Match!" in mid-June 2024. The campaign aims to raise public awareness of gambling-related problems and promote no-gambling messages during the UEFA Euro period. The Fund will continue to disseminate anti-gambling messages to the public through different channels.

(3) To tackle fraudulent online advertisements and websites (including frauds involving illegal gambling activities), the HKPF will swiftly request the relevant advertisers and website operators to remove such advertisements and websites, and will actively track down the whereabouts of the fraudsters. The HKPF will also request telecommunications providers to facilitate the blocking and filtering of suspicious calls and website links involving frauds, including those relating to illegal gambling activities.

The HKPF launched Scameter and Scameter+ in October 2022 and February last year respectively as the means to cope with the risks of various types of frauds (including frauds involving illegal gambling activities). As at the end of May 2024, nearly 3.6 million searches have been recorded and more than 560 000 alerts on frauds and cyber security risks have been issued. The Scameter+ was upgraded in February 2024. With a new function to issue alerts and a new public reporting platform, members of the public can report suspicious phone numbers or websites directly through the application, thereby further enriching its database. As at May 2024, members of the public have reported a total of over 70 000 suspicious calls and nearly 9 000 suspicious websites.

The HKPF will continue to promote the use of Scameter and Scameter+ through various channels. Notably, starting from May 2024, an "anti-scam promotional truck" will spend a year reaching out to various districts in the territory. Members of the public can learn about the latest modus operandi of scams through interactive games and are encouraged to download and make good use of Scameter+.

(4) To crack down on fraud syndicates using stooge accounts to collect fraudulent payments and launder money, the HKPF continued to step up

enforcement actions. In the first five months of 2024, the HKPF arrested a total of 4 361 persons for being involved in various types of deception cases and related money laundering activities, representing an increase of 30 per cent over last year. Among them, more than 3 000 were stooge account holders.

In addition, upon deliberation, the HKPF and the Department of Justice (DoJ) have streamlined the evidence gathering and prosecution procedures for relatively simple money laundering cases involving stooge accounts with a view to expediting prosecution. For conviction cases of money laundering involving stooge accounts, the HKPF and the DoJ will also apply to the court for enhanced-sentencing, so as to achieve a greater deterrent effect. As at May 2024, the sentences of 11 stooge account holders involved in deception were increased by four to 12 months (by 12.5 per cent to 33.3 per cent), leading to imprisonment terms ranging from 26 to 75 months.

On publicity and education, the HKPF launched the Anti-money Laundering Month in January 2024. The large-scale publicity campaign continued to use the slogan "Don't Rent, Don't Lend, Don't Sell!" to remind members of the public not to rent, lend or sell their accounts. The HKPF also collaborated with policy bureaux (including the Financial Services and the Treasury Bureau and the Security Bureau), regulatory bodies and stakeholders of various industries to produce promotional videos with innovative ideas.

The HKPF disseminates anti-money laundering messages through various online and offline publicity channels, e.g. large-scale publicity campaigns such as the CyberDefenders' Carnival and social media platforms of the HKPF. Through concerted efforts with public and private organisations, the HKPF raises public awareness of money laundering by broadcasting promotional videos and displaying posters and banners across the territory, on public transport systems and at boundary control points.

As syndicates tend to perpetrate money laundering through different communities (including foreign domestic helpers), the HKPF maintains close co-operation with the Consulates General of Indonesia and the Philippines in Hong Kong. In addition to publishing anti-money laundering promotional materials in English, Bahasa Indonesia and Tagalog, the HKPF arranges crime prevention seminars for foreign domestic helpers from time to time. Furthermore, the HKPF organises seminars for new arrivals to Hong Kong and students of tertiary institutions regularly to warn them against money laundering traps. The HKPF will continue to strengthen collaboration with stakeholders, including regulatory bodies and financial institutions, for intelligence exchange and risk assessment in a timely manner, so as to formulate the latest anti-money laundering strategies.

(5) In view of the UEFA Euro being held from June 14 to July 14, 2024, the HKPF enhanced its publicity and education efforts under the theme of Stay Away From Illegal Betting. In particular, the HKPF held a press conference in early June to talk about the harm of gambling addiction, and has produced promotional videos to be broadcast on online and offline platforms. Enforcement efforts have also been stepped up to combat illegal gambling activities (including those through online platforms). As at June 24, a total



of 62 persons were arrested in the abovementioned Operation Nearspace conducted in June 2024.

Meanwhile, the HKPF has all along maintained close intelligence exchange with the Mainland, Macao and overseas law enforcement agencies to combat bookmaking and the related gambling activities. For instance, the HKPF and other law enforcement agencies exchange intelligence through annual Guangdong-Hong Kong-Macao tripartite meetings and conduct joint law enforcement operations as appropriate.

The HKPF will continue to conduct intelligence-led enforcement operations and step up publicity and education, with a view to combatting various types of illegal gambling activities.

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## LCQ4: System of public sector advisory and statutory bodies

â€œFollowing is a question by the Hon Doreen Kong and a reply by the Secretary for Home and Youth Affairs, Miss Alice Mak, in the Legislative Council today (July 3):

Question:

The Government has all along relied on advisory and statutory bodies (ASBs) to advise on its policies and provide services. In this connection, will the Government inform this Council:

(1) as the Government has indicated that its appointments of individuals to ASBs are based on merits, but it is learnt that members of the Culture and Heritage Commission (Commission) appointed by the Government are mostly from the banking, financial services and business sectors, with only a small number of them being leaders of cultural institutions, of the criteria adopted by the Government for making the relevant appointments, and how it ensures that the proportion of the backgrounds of the appointed members is consistent with the purpose of establishing the Commission;

(2) as the Government currently has around 520 ASBs, how the Government assesses the effectiveness of setting up a system of such bodies, so as to ensure that the roles and functions of these bodies can meet the needs of society; and

(3) as the Government reviewed the system of ASBs in 2003 and indicated that it would compile a Code of Practice to provide guidance to such bodies, of the progress of the relevant work; whether the Government will consider revisiting the policies relating to the system, such as regularly reviewing

the effectiveness of the work of such bodies and requiring them to streamline their structures and increase the use of social media, so as to ensure that the system meets the needs of society and effectively enhances Hong Kong's civic awareness and social participation?

Reply:

President,

As a key component in public administration, advisory and statutory bodies (ASBs) play an important role of helping the Government in the consultation with stakeholders, formulation of policy objectives and performance of functions. At present, there are about 520 ASBs in Hong Kong, including advisory boards and committees, appeal boards, public bodies, regulatory bodies. Advisory bodies provide a broad platform for making recommendations on government policies according to their respective terms of reference and reflecting the views of various sectors of the community and relevant organisations. Statutory bodies, on the other hand, are public corporations, statutory bodies or other organisations established in accordance with ordinances. Apart from giving advice to the Government, they are also responsible for the provision of public services and the discharge of statutory functions.

My consolidated reply, in consultation with the Culture, Sports and Tourism Bureau, to various parts of the question raised by the Hon Doreen Kong is as follows:

(1) The basic principle of the appointments of individuals by the Government as non-official members to ASBs is "merits", which is to ensure that the appointed members are the most suitable candidates who are capable of meeting the specific requirements of the ASBs and will actively participate in their work. When making an appointment, the relevant bureau or department will take into account the candidate's ability, expertise, experience, integrity and commitment to public service, with due regard to the functions and nature of business of the ASB concerned as well as the statutory provisions of statutory bodies. Furthermore, the Government has all along adopted the "six-year rule" (i.e. a non-official member should not serve on the same ASB in the same capacity for more than six consecutive or cumulative years) and the "six-board rule" (i.e. a non-official member should not serve on more than six ASBs at any one time), so as to ensure a reasonable turnover of members and distribution of work.

Regarding the question on the appointments to Culture Commission, the Culture, Sports and Tourism Bureau advised that the Government established the Culture Commission in 2023 for providing recommendations on the Government's policies with regard to arts, culture and creative industries. There are 23 non-official members in the Commission. Basically all members of the Culture Commission have backgrounds related to the arts, culture or creative industries. They are industry representatives, members of relevant ASBs of relevant arts organisations, and academics in related professions (such as music and drama). Some members also possess experiences in other

professional areas, with main occupation or background related to the business sector (including banking and real estate), politics, tourism industry, or the banking sector. These diverse experiences enhance and broaden members' discussion at the Culture Commission, such as promoting cross-sector and cross-genre collaborations, or strategies to encourage private sector's participation in driving the development of the arts, culture and creative industries, further driving the industry building, strengthening collaboration among different stakeholders of the industry, and promoting the integrated development of culture and tourism. Overall speaking, members of The Culture Commission represents a balanced composition that facilitates the Government to promote the development of arts and culture in Hong Kong from multiple perspectives, and is in line with the Government's principles of soliciting diverse opinions and appointing individuals on merit.

(2) and (3) Since the objectives, functions and nature of the various ASBs are different, their composition, operation and review are taken care of by the respective bureaux and departments. These bureaux and departments closely monitor the operation of the ASBs under their purview and keep in view whether their composition can meet the policy needs and prevailing social circumstances, so as to ensure that the ASBs can perform their duties effectively.

The Government conducted a review on the system and operation of ASBs in 2003 and continuously reported to the then Panel on Home Affairs of the Legislative Council on it. In fact, in the light of the scope and content of the review set out in the reports, the Government has formulated or updated the general guidelines on appointments to ASBs. The guideline set out clearly the guiding principles for compliance by appointing authorities, including "the principle of appointment by merits", "the six-year rule", "the six-board rule", and the benchmarks for participation of female and youth members. Besides, the Government has also drawn up guidelines on the operation of ASBs in relation to matters such as enhancing transparency and making arrangements for declaration of interest. At present, the overall compliance with the guidelines by the bureaux and departments is satisfactory. For example, the proportion of non-official female members appointed by the Government increased from 22.8 per cent in March 2004 to 35.6 per cent in December 2023, meeting the target of 35 per cent set earlier.

Moreover, the Government launched in 2017 the Member Self-recommendation Scheme for Youth (MSSY) to engage young people in public affairs. Persons aged between 18 and 35, and with the commitment to serving the community, may self-nominate to become members of ASBs. The Chief Executive announced in the 2022 Policy Address to expand the MSSY and aim to triple the number of number of participating advisory committees from around 60 in mid-2022 to no less than 180 within the current term of the Government to engage more young people in public affairs and enhance their interaction and trust with the Government. 85 committees have participated in the MSSY so far, offering 172 seats in total. Recruitment of the next phase of MSSY will start in mid-2024. In addition to the MSSY, the Government has also invited applicants attending the interviews to authorise the inclusion of their personal particulars in

the Central Personality Index database, so that bureaux and departments may retrieve the information for reference during selection of candidates for appointment as members of other ASBs under their purviews. So far, more than 570 posts are held by young people appointed to ASBs directly or indirectly through the MSSY.

In addition, the Government has been encouraging ASBs to enhance their transparency and make use of the internet in disseminating information wherever feasible. We have made public the above principles of appointments to ASBs by uploading them onto the Home and Youth Affairs Bureau (HYAB)'s webpage. Members of the public can have access to the information about the ASBs through hyperlinks on the HYAB's webpage.

We will continue to monitor the implementation of the relevant policy and mechanism, so as to enable ASBs to continue effectively fulfilling the role of helping the Government in the consultation with stakeholders, formulation of policy objectives and performance of functions.