

EMSD prosecutes contractor regarding Golden Industrial Building lift incident

The Electrical and Mechanical Services Department (EMSD) today (May 31) issued summonses to registered lift contractor Fujitec (HK) Co, Ltd (FCL), responsible for the maintenance works, its registered lift worker and the registered lift engineer responsible for the lift examination in connection with the breaking of four suspension ropes in the lift incident at the Golden Industrial Building in Kwai Chung on December 1 last year.

The EMSD's investigation revealed that FCL and related personnel involved in the incident had failed to discharge their statutory duties under the Lifts and Escalators Ordinance (Cap. 618). After seeking legal advice from the Department of Justice, the EMSD brought prosecutions against them. The charges included FCL and its registered lift worker failing to ensure that the lift works were carried out properly; the concerned registered lift engineer failing to ensure that the lift with a load was thoroughly examined, and for providing information that he ought reasonably to have known to be false.

After the incident, the EMSD immediately conducted checks on the remaining nine lifts in the building concerned and requested all registered lift contractors to conduct special inspections for the lifts under their maintenance. The EMSD completed spot checks on the special inspections with no anomalies found. The EMSD has also strengthened random inspections of relevant lift components.

LCQ19: Combating online sexual harassment of teenagers

â€‹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.

[Government's response to Concluding Observations made by UN Committee on Elimination of Discrimination against Women](#)

A spokesperson for the Home and Youth Affairs Bureau said today (May 31) that the United Nations Committee on the Elimination of Discrimination against Women has issued its Concluding Observations on the fourth report of the Hong Kong Special Administrative Region (HKSAR), which formed part of the ninth periodic report of the People's Republic of China (PRC), under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Since the extension of the CEDAW to Hong Kong in 1996, the HKSAR has been implementing the CEDAW through the provisions of the Basic Law and local laws, complemented and supplemented by the necessary administrative measures.

"We note that the Committee appreciates that the PRC as a State Party submitted its ninth periodic report, including the HKSAR's fourth report. The Committee also appreciates the written replies to the list of issues and questions, and welcomes the high-level Chinese delegation which participated in the dialogue at its meeting held in Geneva, Switzerland, on May 12 (Geneva time). The delegation made oral presentation and provided further clarification in response to the oral questions posed by the Committee," the

spokesperson said.

The delegation comprised, among others, interdepartmental representatives from the HKSAR headed by the Permanent Secretary for Home and Youth Affairs, Ms Shirley Lam. The delegation attended the Committee's meeting in Geneva on May 12. The Concluding Observations were published on May 30 (Geneva time).

"In its Concluding Observations, the Committee has noted with appreciation the relevant legislative reform in the HKSAR and welcomed the increase of resources for the Women's Commission. The Committee has also commented and made recommendations on a number of areas, which the HKSAR Government will conscientiously consider and positively respond to as far as practicable, duly taking into account the local circumstances," the spokesperson said. These areas and the HKSAR Government's positions are briefly described as follows.

Reservations

"With regard to the Committee's view that consideration should be given to withdrawing the PRC's reservation to Article 11(2), Article 14 and Article 15 of the CEDAW which is applicable to the HKSAR, the Government stressed that the Permanent Secretary for Home and Youth Affairs, when attending the Committee's meeting on May 12, reassured the Committee that the HKSAR Government remains fully committed to implementing the provisions of the CEDAW as applied to the HKSAR."

"The PRC has entered seven reservations and declarations on behalf of the HKSAR in the light of the special circumstances in Hong Kong. Justifications for the continuation have been provided to the Committee. The reservation in respect of Article 11(2) reserves the right to apply any non-discriminatory requirement for a qualifying period of employment for the application of the provisions contained in that article. We consider that the existing requirement of a continuous contract for entitlements to maternity leave and maternity leave pay is necessary, taking into account the need to strike a balance between the interests of employers and employees."

"The reservation of Article 14 of the CEDAW allows the HKSAR to continue to implement the small house policy for the New Territories. The Government points out that the Court of Final Appeal of Hong Kong ruled in November 2021 that the small house policy is a lawful traditional right and interest of the indigenous inhabitants of the New Territories protected by Article 40 of the Basic Law. It remains lawful and constitutional despite the fact that it is only applicable to male indigenous inhabitants. Premised on the said court judgement, the Government will continue to implement the small house policy and process each application in accordance with established mechanism."

"As for the reservation of Article 15(4) of the CEDAW, it is necessary for the HKSAR to reserve the right to exercise effective immigration control in respect of persons who do not have a lawful right to enter and remain in

Hong Kong. The Government emphasises that the right to liberty of movement and freedom to choose one's residence by Hong Kong residents (regardless of sex) is guaranteed by Article 8 of the Hong Kong Bill of Rights."

Legal status of CEDAW

"In response to the Committee's concern on the legal status of the CEDAW, the Government points out that the right to equality and non-discrimination is guaranteed by Article 25 of the Basic Law and Articles 1 and 22 of the Hong Kong Bill of Rights, all of which are binding on the HKSAR Government. The provisions of the CEDAW are already implemented by a wide range of legislative and administrative measures which are effective in guaranteeing the Convention rights to women in Hong Kong."

Non-discrimination

"As regards the Committee's recommendations on introducing amendments to the Sex Discrimination Ordinance, the Government pointed out that part of the Committee's recommendations have already been implemented. The Government has enacted the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 to enhance protection from discrimination and harassment under the four anti-discrimination ordinances, including repealing provisions which require proof of intention to discriminate in order to obtain damages for indirect discrimination. The relevant provisions came into effect on June 19, 2020. The Government in conjunction with the Equal Opportunities Commission will continue to review the operation of the four anti-discrimination ordinances on a regular basis and put forward legislative proposals where necessary."

Machinery for advancement of women

"Regarding the Committee's questions concerning the powers of the Women's Commission (WoC) as well as the resources allocated to it, the Government highlighted the fact that the Chief Executive announced the establishment of the Women Empowerment Fund (WEF) in the 2022 Policy Address to subsidise community projects that support women in balancing job and family commitments, and unleashing their potential. The Financial Secretary further set aside \$100 million in the Budget to strengthen support for women's development. Starting from 2023-24, the Government will use this additional provision to increase the annual funding for the WEF from \$10 million to \$20 million. The WEF will subsidise women's organisations and relevant non-governmental organisations for launching appropriate projects to support women."

"Moreover, the WoC created the Gender Mainstreaming Checklist, which assisted Government departments to more systemically adopt gender mainstreaming by answering a series of straightforward questions. Since April 1, 2015, all Government bureaux and departments shall refer to the Checklist and apply gender mainstreaming when formulating major government policies and

initiatives."

Gender-based violence

"With regard to the Committee's concerns regarding gender-based sexual violence against women in Hong Kong, the HKSAR Government has long been committed to combating sexual violence. Various sexual offences including rape, indecent assault, etc, are criminalised under the Crimes Ordinance. Indeed, in order to convey a clear message to the community that there are serious consequences for committing sexual offences, thereby achieving a deterrent effect and protecting possible victims, the HKSAR Government introduced specific offences in October 2021 against image-based sexual abuse such as voyeurism and publication of intimate images without consent. The Law Reform Commission also completed its comprehensive review on existing sexual offences in May 2022, making recommendations involving a major overhaul of the Hong Kong laws on sexual offences. These include a range of gender neutral non-consensual sexual offences; creation of new sexual offences involving children and persons with mental impairment; and reform of miscellaneous sexual offences. The HKSAR Government is studying in detail the recommendations and would make legislative amendment proposals with regard to similar legislative developments in other jurisdictions as and when appropriate."

Trafficking and exploitation in regard to prostitution

"In response to the Committee's concerns for the 'lack of comprehensive anti-trafficking legislation' and 'non-applicability of the Palermo Protocol to the HKSAR', the HKSAR Government would like to stress that human trafficking is never tolerated in Hong Kong. Proactive and multipronged efforts have been made to combat trafficking-in-persons (TIP) and to enhance the protection and well-being of foreign domestic helpers (FDHs) in Hong Kong. Hong Kong has a well-established legislative framework with over 50 legal provisions against various TIP conducts. This forms a comprehensive package of safeguards comparable to composite TIP laws in other jurisdictions. These legal provisions generally cover all the criminal offences as defined in the Palermo Protocol, in which some of the offences attract penalty of up to life imprisonment."

"As for the Committee's concern on the legislation related to the operation of vice establishment, the Government points out that under the existing law, the act of prostitution itself is not illegal. Police anti-vice operations are targeted at persons controlling sex workers and those operating vice establishments, not sex workers themselves. This arrangement strikes a reasonable balance between the human rights and privacy of sex workers on the one hand, and the well-being of other members of the community and the prevailing moral values in the community on the other. It also helps contain the opportunity for organised exploitation of sex workers."

Women's participation in political and public life

"In response to the Committee's concern for women's participation in political and public life, the Government points out that Article 26 of the Basic Law stipulates that all permanent residents of the HKSAR shall have the right to vote in and the right to stand for election in accordance with the law. In the HKSAR, women enjoy equal rights as men to vote in and stand for various public elections. Under the relevant legislation, a person's gender is not a criterion, whether direct or indirect, to vote in or stand for elections. Article 55 of the Basic Law also stipulates that members of the Executive Council of the HKSAR shall be appointed by the Chief Executive from among the principal officials of the executive authorities, Members of the Legislative Council and public figures. They shall be Chinese citizens who are permanent residents of the HKSAR with no right of abode in any foreign country. Appointments to the Executive Council adhere to the requirements of the Basic Law and are made taking into account an individual's ability, expertise, experience, integrity and commitment to public service, regardless of gender."

"Article 92 of the Basic Law provides that judges and other members of the judiciary of the HKSAR shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions. The professional qualifications for appointment as judges and judicial officers at different levels of courts are set out in the respective ordinances. Gender is not a relevant consideration."

"On the other hand, Hong Kong residents' freedoms of assembly and procession are fully protected by the Basic Law and the Hong Kong Bill of Rights. However, like any other jurisdictions, such rights are not absolute or unrestricted. One must observe the law when exercising his/her right of peaceful assembly. The Police have been handling public order events in accordance with the Public Order Ordinance and relevant laws, and will make comprehensive assessment of individual public order events to consider whether to issue a Letter of No Objection and impose corresponding conditions with regard to a public order event. If there is any illegal or violent act, the Police are duty-bound to take appropriate actions to restore public safety and public order."

Female foreign domestic workers

"Regarding the Committee's concern for the working condition of female FDHs and the protection accorded to them, the Government is committed to safeguarding the welfare of FDHs. FDHs are offered statutory protection under the Employment Ordinance as well as additional benefits in accordance with a Government-prescribed Standard Employment Contract. The latter stipulates, amongst others, the Minimum Allowable Wage for FDHs. The Government does not tolerate any exploitation or abuse of FDHs. Under the Employment Ordinance, offences such as overcharging commission from job seekers and underpayment of wages are subject to a maximum penalty of HK\$ 350,000 and imprisonment for three years. The Code of Practice for Employment Agencies also clearly stipulates that employment agencies (EAs) shall not retrieve or withhold any

personal property, including but not limited to a job seeker's passport, personal identification document, etc. Government authorities have conducted regular and surprise inspections of EAs. We investigate each and every complaint case (including complaints against employers) promptly and prosecute cases where there is sufficient evidence. From 2018 to April 2023, the Labour Department has successfully prosecuted 41 EAs. FDHs who consider their employments rights infringed should report to Government authorities promptly."

"Under the Immigration Department (ImmD)'s prevailing policy, FDHs can terminate their contract and apply for change of employer, but they should leave Hong Kong and submit a fresh visa application. In exceptional circumstances such as migration of the original employer, abuse or exploitation experienced by the FDH, FDHs may apply to the ImmD for change of employer without first leaving Hong Kong."

"As for the 'live-in requirement', it underpins the long-established Government policy that priority in employment should be given to the local workforce and importation of workers will only be allowed when there is proven manpower shortage in specific trades that cannot be filled by local workers. It is along this policy objective that live-in FDHs have been imported since the 1970s to meet the shortage of local live-in domestic helpers. Besides, the 'two-week rule' is essential for maintaining effective immigration control (including preventing illegal employment). It does not obstruct FDHs from applying to work in Hong Kong again after returning to their places of origin and has allowed sufficient flexibility to cater for exceptional circumstances."

Sexual minorities

"In response to the Committee's recommendation to continue the HKSAR Government's efforts to combat discrimination against lesbian, transsexual and transgender women, the Government reaffirmed its commitment to promoting equal opportunities for all and eliminating all forms of discrimination including discrimination on the grounds of sexual orientation and gender identity. The HKSAR Government is committed to promoting the message of inclusiveness, mutual respect and non-discrimination for people of different sexual orientations and transgender persons through various channels."

The Committee will inform the PRC on the due date of submitting its next report under the CEDAW at a later stage. It will contain the next (fifth) report of the HKSAR Government which will set out, among others, the detailed response to the Committee's Concluding Observations. In the interim, the HKSAR Government will provide the necessary information in accordance with the Committee's request by May 2025.

The spokesperson reaffirmed that the HKSAR Government will continue to further promote the realisation of women's due status, rights and opportunities in all aspects of life, in a continuing process of faithfully implementing the CEDAW.

The Committee's Concluding Observations will be uploaded to the Home and Youth Affairs Bureau's website at www.hyab.gov.hk.

Fraudulent website related to Octopus Cards Limited

The following is issued on behalf of the Hong Kong Monetary Authority:

The Hong Kong Monetary Authority (HKMA) wishes to alert members of the public to a [press release](#) issued by Octopus Cards Limited relating to a fraudulent website. The relevant stored value facility (SVF) licensee has reported the case to the HKMA.

The fraudulent website reported by the SVF licensee known at the time is as follows: `hxxps://login[.]octopus-hk-web[.]com`.

The HKMA wishes to remind the public that anyone who has provided his or her personal information or account credentials, or who has conducted any financial transactions, through or in response to the website concerned, should contact the relevant SVF licensee, and report to the Police or contact the Anti-Deception Coordination Centre of the Police at 18222.

Import of poultry meat and products from areas in Argentina and UK suspended

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department announced today (May 31) that in view of notifications from the World Organisation for Animal Health (WOAH) about an outbreak of highly pathogenic H5 avian influenza in Diamante Department of Entre Ríos Province in Argentina and an outbreak of highly pathogenic H5N1 avian influenza in Wealden District of East Sussex County in the United Kingdom (UK), the CFS has instructed the trade to suspend the import of poultry meat and products (including poultry eggs) from the above-mentioned areas with immediate effect to protect public health in Hong Kong.

A CFS spokesman said that according to the Census and Statistics

Department, Hong Kong imported about 110 tonnes of frozen poultry meat from Argentina, and about 10 tonnes of chilled poultry meat and about 90 000 poultry eggs from the UK in the first three months of this year.

â€‹"The CFS has contacted the Argentinian and British authorities over the issues and will closely monitor information issued by the WOAHA and the relevant authorities on the avian influenza outbreaks. Appropriate action will be taken in response to the development of the situation," the spokesman said.