

立法會  
*Legislative Council*

Ref : CB2/BC/7/01

LC Paper No. CB(2) 1109/02-03  
(These minutes have been seen by  
the Administration)

**Bills Committee on  
Prevention of Child Pornography Bill**

**Minutes of meeting  
held on Friday, 17 January 2003 at 10:45 am  
in the Chamber of the Legislative Council Building**

- Members present** : Hon Andrew CHENG Kar-foo (Chairman)  
Dr Hon David CHU Yu-lin, JP  
Hon Eric LI Ka-cheung, JP  
Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon SIN Chung-kai  
Hon Miriam LAU Kin-ye, JP  
Hon Henry WU King-cheong, BBS, JP  
Hon Michael MAK Kwok-fung  
Hon WONG Sing-chi  
Hon Audrey EU Yuet-mee, SC, JP  
Hon MA Fung-kwok, JP
- Member attending** : Dr Hon LAW Chi-kwong, JP
- Members absent** : Hon Cyd HO Sau-lan  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon YEUNG Yiu-chung, BBS  
Hon CHOY So-yuk
- Public Officers attending** : Miss Eliza YAU  
Principal Assistant Secretary for Security E  
  
Miss Vivian CHAN  
Assistant Secretary for Security E3

Miss Betty CHEUNG  
Senior Government Counsel  
Department of Justice (Law Drafting Division)

Mr Ian Robert MACKNESS  
Chief Superintendent (Crime) (Support)  
Hong Kong Police Force

Miss Shirley CHU  
Superintendent (Crime) (Support)  
Hong Kong Police Force

**Clerk in attendance** : Mrs Sharon TONG  
Chief Assistant Secretary (2)1

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4

Mr Raymond LAM  
Senior Assistant Secretary (2)5

---

## **I. Meeting with the Administration**

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration -

### Proposed clause 4(3)

- (a) To explain the meaning of "took all reasonable and practicable steps" in the proposed clause 4(3)(b) and consider improving the drafting of the expression;

### Proposed clause 4(5)

- (b) To consider improving the drafting of the proposed clause 4(5), in particular the phrase "for his reasonable personal use" and whether sub-clause (a) was needed;

Proposed clause 4(6)

- (c) To give examples to explain the "reasonable and practicable steps" in the proposed clause 4(6)(a);
- (d) To consider improving the drafting of the proposed clause 4(6)(a);
- (e) To consider whether sub-clauses (a), (b) and (c) of the proposed clause 4(6) should be linked by the word "or" instead of "and";

Proposed clause 4(8)

- (f) To reconsider the need for the proposed clause 4(8)(b) in the light of clause 4(8)(a); and

Others

- (g) To explain whether the proposed defences in clause 4 would have the effect of making the offences in clause 3 strict liability offences.

**II. Dates of subsequent meetings**

3. The Bills Committee agreed that the next two meetings would be held on Wednesday, 12 February 2003 at 10:45 am and Tuesday, 18 February 2003 at 10:45 am to continue discussion with the Administration.

4. The meeting ended at 12:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
7 February 2003

**Proceedings of the meeting of the Bills Committee on  
Prevention of Child Pornography Bill  
on Friday, 17 January 2003 at 10:45 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000-000123	Chairman	Opening remarks	
000124-001014	Admin	Briefing on the Administration's paper entitled "Proposed Committee Stage Amendments" (LC Paper No. CB(2) 948/02-03 (01))	
001015-001050	Chairman Hon Margaret NG	Invitation for questions on policy aspects of the Administration's proposed Committee Stage amendments	
001051-003658	Hon Audrey EU Chairman Admin	Relationship between sub-clauses (a), (b) and (c) of the proposed clause 4(6); purposes of the proposed clause 4(7) and 4(8)	
003659-004413	Hon Miriam LAU Admin	Relationship between sub-clauses (a), (b) and (c) of the proposed clause 4(6); need for the proposed clause 4(5)(a)	
004414-010437	Hon Audrey EU Hon Miriam LAU Chairman Admin	Drafting of clause 4(6)(a) and examples of "reasonable and practical steps" in the clause; drafting of the proposed clause 4(5)(a)	<b>Admin to give examples to explain the "reasonable and practical steps" in the proposed clause 4(6)(a) and to consider improving the drafting of the clause; to consider improving the drafting of the proposed clause 4(5), in particular the phrase "for his reasonable personal use" and whether sub-clause was needed</b>
010438-011231	Chairman ALA4 Admin	Whether sub-clauses (a), (b) and (c) of the proposed clause 4(6) should be linked by the word "or" instead of "and"	<b>Admin to consider whether sub-clauses (a), (b) and (c) of the proposed clause 4(6) should be linked by the word "or" instead of "and"</b>

011232-012407	ALA4 Hon Audrey EU Admin	Whether there was a need for the proposed clause 4(8)(b) in the light of clause 4(8)(a)	<b>Admin to reconsider the need for the proposed clause 4(8)(b) in the light of clause 4(8)(a)</b>
012408-013408	Hon Miriam LAU Admin ALA4 Chairman	Meaning of "took all reasonable and practicable steps" in the proposed clause 4(3)(b) and drafting of the expression	<b>Admin to explain the meaning of "took all reasonable and practicable steps" in the proposed clause 4(3)(b) and consider improving the drafting of the expression</b>
013409-014703	Hon Audrey EU Chairman Admin	Overseas cases on the possession of child pornography stored inside computers	
014704-014845	ALA4	Whether the proposed defences in clause 4 would have the effect of making the offences in clause 3 strict liability offences	<b>Admin to explain whether the proposed defences in clause 4 would have the effect of making the offences in clause 3 strict liability offences</b>
014846-015156	Hon LAW Chi- kwong	Drafting of the proposed clause 4(6)(a)	
015157-015212	Chairman	Provision of the Administration's response to issues raised by Members	
015213-015427	ALA4 Admin	Defence in the proposed clause 4(3)(a)	
015428-015522	Chairman	Dates of subsequent meetings	

**Note : The audio records of the above proceedings are kept at the LegCo Library**

Council Business Division 2  
Legislative Council Secretariat  
 7 February 2003