

立法會  
*Legislative Council*

LC Paper No. CB(2)1876/02-03  
(These minutes have been seen by  
the Administration)

Ref : CB2/BC/7/01

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

**Minutes of meeting  
held on Wednesday, 2 April 2003 at 10:45 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon Andrew CHENG Kar-foo (Chairman)  
Dr Hon David CHU Yu-lin, JP  
Hon Cyd HO Sau-lan  
Hon Eric LI Ka-cheung, JP  
Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon SIN Chung-kai  
Hon YEUNG Yiu-chung, BBS  
Hon Miriam LAU Kin-yeet, JP  
Hon CHOY So-yuk  
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

**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

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

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

2. The Bills Committee requested the Administration -

- (a) to consider deleting the term "show" in clause 2(2)(b) and adding a new clause 2(2)(c) along the line of "display or show child pornography to another person";
- (b) to consider amending the expression "believed on reasonable grounds that the person pornographically depicted in the child pornography was not a child" in new clause 4(2) to "had no reason to believe that the person pornographically depicted in the child pornography was a child";
- (c) in relation to members' suggestion of adding the element of "knowingly" to the offence of possession of child pornography :
  - (i) to provide information on overseas experience and explain the prosecution difficulties that might arise with the addition of such an element; and
  - (ii) to consider confining such an element to possession but not whether an article or movie was child pornography.

3. The Bills Committee requested the legal adviser to the Bills Committee to provide a written advice on whether the addition of the element of "knowingly" in the offence provision on possession of child pornography would make it very difficult to

institute prosecution against such possession.

4. The Chairman suggested that a decision would be made at the next meeting on whether a Committee Stage amendment should be moved in the name of the Bills Committee to incorporate the element of "knowingly" in the offence of possession of child pornography.

## **II. Date of next meeting**

5. The Bills Committee agreed that the next meeting would be held on 17 April 2003 at 10:45 am.

*(Post-meeting note : The meeting was subsequently rescheduled to 30 April 2003 at 10:45 am at the request of the Administration and with the agreement of the Chairman.)*

6. The meeting ended at 12:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
25 April 2003

**Proceedings of the meeting of the Bills Committee on  
Prevention of Child Pornography Bill  
on Wednesday, 2 April 2003 at 10:45 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000-000119	Chairman	Opening remarks and relevant papers	
000120-000502	Admin	Briefing on the Administration's paper entitled "The publicity plan after enactment of the Bill" (LC Paper No. CB(2)1522/02-03(01))	
000503-001648	Chairman Admin	Briefing on the Administration's response to issues raised at the meeting on 18 February 2003 (LC Paper No. CB(2)1522/02-03(02))	
001649-001948	Hon Audrey EU Admin Hon Miriam LAU Chairman	Publicity after enactment of the Bill	
001949-003551	ALA4 Chairman Hon Audrey EU Hon Margaret NG Hon Miriam LAU Admin	Deletion of the term "show" in clause 2(2)(b) and addition of a new clause 2(2)(c) along the line of "display or show child pornography to another person"	<b>Admin to consider the suggestion</b>
003552-003909	Hon MA Fung-kwok Admin	Publicity directed at the media, publishers and Internet service providers	
003910-004551	Hon Cyd HO Admin	Availability of child pornography filtering software to members of the public	
004552-005517	Hon Margaret NG Admin	Burden of proof under the latest version of the defence provisions proposed by the Administration	
005518-010302	Hon SIN Chung-kai ALA4 Admin	Addition of the element of "knowingly" to the offence of possession of child pornography; availability of child pornography filtering software	

010303-010657	Hon Miriam LAU Chairman Admin	Amending the expression "believed on reasonable grounds that the person pornographically depicted in the child pornography was not a child" in new clause 4(2) to "had no reason to believe that the person pornographically depicted in the child pornography was a child"	<b>Admin to consider the suggestion</b>
010658-011300	Hon MA Fung-kwok Admin	Enforcement by the Police after enactment of the Bill	
011301-011744	Hon Cyd HO Admin	Whether there should be the offence of possession of child pornography.	
011745-015811	Hon SIN Chung-kai Hon Miriam LAU Chairman Hon Mrs Sophie LEUNG Hon WONG Sing-chi Hon MA Fung-kwok Hon Cyd HO Admin	Addition the element of "knowingly" to the offence of possession of child pornography; Whether such an element could be confined to possession but not whether an article or movie was child pornography; prosecution difficulties that might arise with the addition of such an element; suggestion that a decision would be made at the next meeting on whether a Committee Stage amendment should be moved in the name of the Bills Committee to incorporate the element of "knowingly" in the offence of possession of child pornography	<b>Admin to provide information on overseas experience and explain the prosecution difficulties that might arise with the addition of such an element; to consider confining such an element to possession</b>
015812-015914	Chairman	Date of next meeting	