

立法會
Legislative Council

Ref : CB2/BC/7/01

LC Paper No. CB(2) 315/02-03

(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Thursday, 17 October 2002 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 CHEUNG Man-kwong
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai
Hon YEUNG Yiu-chung, BBS
Hon CHOY So-yuk
Hon Henry WU King-cheong, BBS, JP
Hon Michael MAK Kwok-fung
Hon WONG Sing-chi

Members absent : Hon Eric LI Ka-cheung, JP
Hon Margaret NG
Hon Miriam LAU Kin-yea, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok

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)

Ms Lynda M A SHINE
Senior Government Counsel
Department of Justice (Prosecutions Division)

Mr Armond CHAN
Chief Superintendent of Police (Crime) (Support) (Acting)
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 viewed the scenes of six movies shown by the Administration to demonstrate how mainstream movies were unlikely to be affected by the Bill and deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to provide -
 - (a) The directives, if any, issued by the European Union on the prevention of child pornography; and
 - (b) More information, including the judgments issued by the courts, about *R v Land* [1999] QB 65.

II. Date of next meeting

3. The Bills Committee agreed that the next meeting would be scheduled for 1 November 2002 at 10:45 am to continue discussion with the Administration.
4. The meeting ended at 12:55 pm.

**Proceedings of the meeting of the Bills Committee on
Prevention of Child Pornography Bill
on Thursday, 17 October 2002 at 10:45 am
in Conference Room A of the Legislative Council Building**

Index	Speaker	Subject(s)	Action Required
000000 - 000205	Chairman	Opening remarks	
000206 - 000824	Admin	Introduction on relevant scenes of six movies to be shown by the Administration	
000825 - 002054		Showing of relevant scenes of six movies by the Administration	
002055 - 002619	Admin	Explanation of how the movie scenes and mainstream movies were unlikely to be affected by the Bill	
002620 - 004605	Hon SIN Chung-kai ALA4 Chairman Admin	Scope of "appears to be a child", suggestion of adding the element of "undoubtedly" to the concept of "appears to be a child" and possession of an article or a film without knowledge that it contained child pornography	
004606 - 005852	Hon CHEUNG Man-kwong Admin	Scope of "appears to be a child" and possession of child pornography, and possibility of criminalising innocent persons	
005853 - 010847	Hon Cyd HO Hon Henry WU Chairman Admin	Dealing with child pornography through the existing mechanism for film censorship, the Obscene Articles Tribunal and the common law, scope of "appears to be a child" and role of the Obscene Articles Tribunal	
010848 - 011718	Hon David CHU Admin	Scope of "appears to be a child", practical difficulties in prosecution and overseas legislation	
011719 - 013402	Hon SIN Chung-kai Hon Cyd HO Chairman Admin	Possession of an overseas-produced article or film that was not in breach of legislation in the place of production but fell within the definition of child pornography in Hong Kong.	
013403 - 013810	Chairman	Revision of "appears to be" along the line of "depicted as being"	

013811 - 020449	Admin	Briefing on the Administration's paper entitled "Knowingly" (LC Paper No. CB(2) 58/02-03(01))	
020450 - 020610	Chairman Admin	Date of next meeting	
020611 - 020709	Hon SIN Chung- kai	Directives issued by the European Union on the prevention of child pornography	Admin to provide the requested information
020710 - 020840	Chairman	Information about <i>R v Land</i> [1999] QB 65 (Paragraph 13 of LC Paper No. CB(2) 58/02-03(01)), including the judgments issued by the courts, and date of next meeting	Admin to provide the requested information

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

Council Business Division 2
Legislative Council Secretariat
8 November 2002