

The purpose of this draft CSA is to make it an offence for a person to possess or use without lawful authority or reasonable excuse an unauthorized decoder to view any pay television programme service provided under a licence with intent to avoid payment of any subscription applicable to the viewing of the service.

BROADCASTING (AMENDMENT) BILL 2003

COMMITTEE STAGE

Amendments to be moved by the Honourable MA Fung-kwok

<u>Clause</u>	<u>Amendment Proposed</u>
3	<p>(a) In paragraph (a) –</p> <p>(i) in the proposed section 6(1)(b), by deleting ".and substituting "; or";</p> <p>(ii) in the proposed section 6(1), by adding- "(c) without lawful authority or reasonable excuse, possess or use, or authorize another person to possess or use an unauthorized decoder to view any television programme service which is intended or available for reception by the public in Hong Kong with intent to avoid payment of any subscription applicable to the viewing of the service."</p> <p>(b) By adding -</p> <p>"(aa) in subsection (2), by adding "(a) or (b)" after "subsection (1)";</p> <p>(ab) by adding – “(2A) A person who contravenes subsection (1)(c) commits an offence and is liable on summary conviction to a fine at level 2.”.</p>

- (c) In paragraph (b) –
- (i) in the proposed section 6(3)(b), by deleting “decoder,” and substituting “decoder; or”;
 - (ii) in the proposed section 6(3), by adding –
“(c) possessed or used, or authorized another person to possess or use an unauthorized decoder.”;
 - (iii) by adding –
“(3A) In proceedings for an offence under subsection (1)(c), it is a defence for the person charged to prove that he did not know and had no reasonable grounds to believe that the decoder was an unauthorized decoder.”;
 - (iv) in the proposed section 6(8), by deleting “this section” and substituting “subsection (1)(a) or (b)”.

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- (a) In the proposed section 7A –
- (i) by deleting "6(1)(a) or (b)" whenever it appears and substituting "6(1)";
 - (ii) in subsection (1)(a)(ii), by deleting ";" and substituting "; or";
 - (iii) in subsection (1)(a), by adding -
“(iii) possessed or used, or authorized to be possessed or used by the person.”;
- (b) In the proposed section 7B, by deleting "6(1)(a) or (b)" whenever it appears and substituting "6(1)".