

立法會
Legislative Council

LC Paper No. CB(2)1286/19-20(05)

Ref : CB2/PL/SE

Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the meeting on 7 July 2020**

**Proposed introduction of offences on voyeurism and non-consensual sexual
photography of intimate parts**

The Panel on Security ("the Panel") has not discussed the subject of offences on voyeurism per se. In the context of discussing the scope of application of section 161 of the Crimes Ordinance (Cap. 200) concerning access to computer with criminal or dishonest intent at the Panel meeting on 2 June 2015, members expressed concern about the possibility of reporters being prosecuted under section 161 of Cap. 200 for clandestine photo-taking using smart phones. Members were advised that there had not been any case in which section 161 of Cap. 200 was invoked to prosecute reporters who carried out clandestine photo-taking with a smart phone in the course of news reporting. It was stressed that an offence under section 161 of Cap. 200 required the element of criminal or dishonest intent.

2. On 30 April 2019, the Law Reform Commission ("LRC") published the report on "Voyeurism and Non-consensual upskirt-photography" recommending the introduction of a new and specific offence of voyeurism to deal with an act of non-consensual observation or visual recording of another person for a sexual purpose; and a new and specific offence in respect of non-consensual upskirt-photography. In its response dated 7 May 2019 to two letters from Members on how to institute effective prosecutions in case of clandestine photo-taking, legislating against the offence of "voyeurism", reviewing "access to computer with criminal or dishonest intent" section 161 of Cap. 200, and the handling of prosecutions instituted under that section, the Administration advised that, among others, the Security Bureau was carefully studying and following up the LRC's report. It would then discuss the matter with the Panel, to be followed by a consultation exercise and introduction of a bill as soon as possible. The Administration intended to brief members on the subject at the Panel meeting originally scheduled for 9 July 2019 which was subsequently cancelled.

3. As stated in the Chief Executive's 2019 Policy Address and Policy Address Supplement, the Administration would consult the Panel on amending Cap. 200 to introduce new offences of voyeurism, non-consensual photography of intimate parts, and the distribution of relevant imagery, to be followed by a three-month public consultation exercise. After considering the views from the community, the Administration would draw up the detailed legislative amendment proposal and introduce the relevant bill for consideration by the Legislative Council. The Administration will brief the Panel on its proposal to introduce offences on voyeurism and non-consensual sexual photography of intimate parts at the meeting on 7 July 2020.

Council Business Division 2
Legislative Council Secretariat
30 June 2020