

Bills Committee on Crimes (Amendment) Bill 2021

**List of follow-up actions arising from the discussion
at the meeting on 28 June 2021**

The Administration is requested to:

- (a) in relation to the proposed new section 159AAB, which seeks to introduce an offence of voyeurism, advise on whether the provision as presently drafted would hinder prosecution of the offence, since prosecution is required to prove: (i) the person acts "surreptitiously"; and (ii) no consent is given by the subject individual, even where the actual identity of the subject individual may not have known and thus it is unlikely for any evidence of consent to be found;
- (b) in respect of the place in which a subject individual can reasonably be expected to be nude, to reveal an intimate part, or to be doing an intimate act under the proposed new section 159AAB, consider whether the provision as presently drafted provides a clear enough definition for the types of places intended to be included, and whether it is necessary to provide more illustrative examples;
- (c) in relation to the Administration's proposed amendments to the proposed new section 159AAC(1)(b), address some members' concern about the proposed deletion of the element of "gain" from the relevant provisions; and
- (d) consider adding new provisions to the Bill regarding interim and image-removal order, and confiscation order made by the court to take down the intimate images pending trial.