

立法會
Legislative Council

(issued by email only)
LC Paper No. CB(3) 1009/20-21

Ref : CB(3)/B/S/2 (20-21)
Tel : 3919 3300
Date : 27 September 2021
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 29 September 2021

**Debate and voting arrangements for
the Crimes (Amendment) Bill 2021**

Further to LC Paper No. CB(3) 986/20-21 issued on 15 September 2021 regarding the proposed amendments to the captioned Bill, I attach a table on the debate and voting arrangements for the captioned Bill for Members' information.

2. Members are reminded that in accordance with Appendix IIIA to the House Rules, the speaking time limits in the debates are as follows:

	<u>Number of speech(es) allowed for each Member</u>	<u>Maximum time for a speech</u>
(a) Resumption of the second reading debate	1	10 minutes
(b) Consideration by committee of the whole Council	Multiple	5 minutes
(c) Third reading debate	1	3 minutes

(Miranda HON)
for Clerk to the Legislative Council

Encl.

Crimes (Amendment) Bill 2021
Debate and voting arrangements

Object of the Bill: To amend the Crimes Ordinance (Cap. 200) to provide for new offences of voyeurism, non-consensual recording of intimate parts, publication of images originating from voyeurism or non-consensual recording of intimate parts and publication or threatened publication of intimate images without consent; and to provide for related matters.

Joint debate : Clauses with no amendment, and a clause and long title with amendments proposed by the Secretary for Security (“S for S”)	— Clauses 1 to 3 and the long title
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Joint debate on the original clauses, amendments and the long title.

S for S’s amendments

Clause 3

Expanding the definition of an “intimate image” to cover an “altered image”

- To amend the definition of an “intimate image” under the proposed section 159AA(1) to cover an “altered image”, i.e. an image that has been altered to appear to show an intimate part of an individual or an individual doing an intimate act.

Offence elements of the three new offences

- To amend the proposed sections 159AAB, 159AAC and 159AAD to remove the offence element of “no consent is given by the subject individual” from the proposed offences of voyeurism, non-consensual recording of intimate parts and publication of images originating from voyeurism and non-consensual recording of intimate parts;
- to amend the proposed offence of non-consensual recording of intimate parts in the proposed section 159AAC to provide clearly that one of the offence elements is that the defendant records or operates equipment “dishonestly”, and to remove the offence element of “gain”;
- to amend the heading of the proposed section 159AAC as “Unlawful recording or observation of intimate parts” to concisely and clearly reflect the nature of the proposed offence; and
- to add subsection (2A) under the proposed section 159AAD to further explain the requisite criminal intent of the proposed offence.

New provisions for a disposal order

- To add proposed new Division 4 (Disposal Order) under the proposed Part XIIIAA to empower the magistrate to order the defendant or any other persons to remove, delete or destroy intimate images involved in relevant criminal proceedings.

Other technical and textual amendments

- Consequent upon the above amendment to the heading of the proposed section 159AAC and the addition of the proposed new Division 4, to amend the heading of the proposed Part XIIIAA; and
- to make technical amendments to the Chinese text of the proposed section 159AAB(1)(a)(i) to make it more consistent with the English text.

Long title

- Consequent upon the above amendment to the heading of the proposed section 159AAC, to amend the long title.

Voting order	Remarks
Clauses with no amendment (clauses 1 and 2) standing part of the Bill	—
S for S's amendments to clause 3	If S for S's amendments to Clause 3 are passed , he may move his amendment to the long title
Clause 3 with amendments or without amendment standing part of the Bill	—
S for S's amendment to the long title	If S for S's amendments to Clause 3 are negated , he may not move his amendment to the long title.

S for S's amendments

(set out in LC Paper No. CB(3) 986/20-21 issued on 15 September 2021)

Council Business Division 3
Legislative Council Secretariat
27 September 2021