

# Crimes (Amendment) Ordinance 2021 comes into effect

The Crimes (Amendment) Ordinance 2021 (the Ordinance) has been published in the Gazette and came into effect today (October 8). The Ordinance has introduced specific offences against voyeurism, unlawful recording or observation of intimate parts, publication of images originating from the two aforementioned offences, as well as publication or threatened publication of intimate images without consent.

A spokesman for the Security Bureau said, "Following the Government's in-depth discussions with the Bills Committee, the Ordinance was passed by the Legislative Council at the end of last month (September 30)."

The spokesman said, "The amended Crimes Ordinance (Cap. 200) includes four new offences. First, the offence of voyeurism is introduced to deal with peeping or clandestine photography in circumstances that give rise to a reasonable expectation of privacy. Second, the offence of unlawful recording or observation of intimate parts is introduced to deal with 'upskirting' and 'down-blousing' photography. In addition, two other offenses in relation to publication of images are introduced, namely (1) publication of images originating from voyeurism or unlawful recording or observation of intimate parts, and (2) publication or threatened publication of intimate images without consent. The offence of publication or threatened publication of intimate images without consent tackles situations in which victims may have agreed to have their intimate images taken, but do not agree to the subsequent publication, such as revenge porn. The four new offences carry a maximum penalty of five years of imprisonment. The Government seeks to convey a clear message to the community that there are serious consequences for committing the relevant offences, thereby achieving a deterrent effect and protecting any possible victims. By clearly delineating the scope of the offences, the provisions ensure that innocent persons will not inadvertently commit the offences.

"The Ordinance also includes the arrangement of disposal orders, which allows the court to order the defendant or any other person to remove, delete or destroy relevant intimate images having regard to the circumstances, with a view to further protecting victims.

"The Police will spare no effort in enforcing the law in accordance with the Ordinance against any acts of voyeurism, clandestine photography, as well as publication of intimate images without consent."