

LCQ10: Police combat illegal acts on Internet

Following is a question by the Hon Cheung Kwok-kwan and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 11):

Question:

It has been reported that some parents of students have indicated that their children received, while playing online games, invitations from other game participants to participate in demonstrations. Moreover, during the conflicts arising from the demonstrations from June 9 to October 31 this year, the Police arrested 3 001 persons, of whom one-third were students and 430 were minors. Such a situation has aroused concerns. In this connection, will the Government inform this Council:

(1) given that the radicals may, through the instant messaging functions of online games, incite minors to participate in unauthorised/unlawful assemblies, but online games are currently unregulated and difficult to regulate (as their servers are mostly located overseas), of the Government's counter-measures to plug this loophole;

(2) given that some minors, in response to the calls on Internet forums, made weapons by themselves following online videos and brought such weapons along when participating in unauthorised/unlawful assemblies, whether the Government will conduct in-depth studies and analyses on the role of online and social media information in, and its impacts on, the movement of opposition to the proposed legislative amendments, with a view to formulating corresponding measures;

(3) whether it will step up efforts, through platforms such as the Internet, online games and instant messaging applications, to call upon the minors not to participate in unauthorised/unlawful assemblies;

(4) of the number of minors arrested, or released after having their personal data recorded, in demonstrations since June 9 this year, with a breakdown by the age group to which they belonged, their gender, their educational attainment, the district in which they lived, and the offence(s) allegedly committed by them; if such figures are unavailable, whether it will collect them;

(5) whether it has gained an in-depth understanding of the reasons for the persons mentioned in (4) to participate in unauthorised/unlawful assemblies, including the channels through which they gained access to the relevant information, and whether their teachers or parents had incited or supported their participation in the activities concerned; if it has, of the details; if not, whether it will gain an understanding;

(6) whether it has taken follow-up actions in respect of the persons mentioned in (4), including liaising with their parents and the schools attended by them, so as to facilitate the provision of the required counselling and support services for the parties concerned; and

(7) given that some people have reportedly lured minors, with money or other interests, into participating in unauthorised/unlawful assemblies, whether the Police have commenced investigations and taken arrest actions in this regard?

Reply:

President,

ã€€ã€€The Internet is not an unreal world that is beyond the law. Insofar as the existing legislation in Hong Kong is concerned, most of the crime-prevention laws in the real world are applicable to the online world. Therefore, the public should use the Internet lawfully and properly.

ã€€ã€€Police officers have the statutory duty to maintain public safety and public order, as well as safeguard people's life and property, and will strictly enforce the law against lawbreakers committing illegal acts through the Internet.

ã€€ã€€In view of the potential for information technology, the computer and the Internet to be exploited for carrying out criminal activities, the Law Reform Commission established in January this year a sub-committee to study the topic of cybercrime and the study of the sub-committee is ongoing. In the course of its study, the sub-committee will identify the challenges arising from such rapid developments, review existing legislation and other relevant measures, examine relevant developments in other jurisdictions, and recommend possible law reforms. We will pay close attention to the sub-committee's recommendations.

ã€€ã€€My reply to various parts of the question raised by Hon Cheung Kwok-kwan is as follows:

(1) Although online games are not currently regulated by legislation in general, if any action that involves incitement to commit crimes (including participating in unauthorised/unlawful assemblies, or aiding and abetting the participation in the relevant crimes), regardless of whether such acts occurred online or in the real world, existing criminal sanctions are applicable. For example, the following provisions under the Crimes Ordinance (Cap 200) namely criminal intimidation under section 24, destroying or damaging property under section 60, or threats to destroy or damage property under section 61, as well as blackmail under section 23 of the Theft Ordinance (Cap 210) are also applicable to online acts. Furthermore, inappropriate speech published online may also contravene other offences, such as the data protection principles under the Personal Data (Privacy) Ordinance (Cap 486), infringement of copyright, or libel, etc. Publishing

information online that might threaten public safety may also infringe the common law offence of incitement to commit public nuisance.

Besides, according to section 89 of the Criminal Procedure Ordinance (Cap 221), any person who aids, abets, counsels or procures the commission by another person of any offence shall be guilty of the like offence. Under common law, inciting others to commit any substantive offence is also itself an offence. In short, any act of inciting others to commit an offence is already an offence.

Therefore, illegal acts on the Internet are not beyond the law. People who commit illegal acts on the Internet and in the real world are both required to bear legal responsibility.

(2) and (5) The Government has been paying close attention to acts of committing or aiding and abetting others to commit online offences and their trends. This includes crimes involving participating in unauthorised/unlawful assemblies, manufacturing or possessing weapons or prohibited items, and aiding and abetting the commission of relevant acts or activities. Under the existing legal framework, if an act that would be illegal in the real world was committed online, the Police can enforce the law with the relevant legislation. The Police have all along gathered intelligence for crime prevention and detection through various channels, including information and messages on online platforms.

The Police will continue to closely monitor potential criminal activities online, conduct targeted searches professionally on public online platforms for pertinent criminal information, and take enforcement action. The Government will not tolerate any illegal or violent acts, or acts that prejudice public safety and public order, and will take stringent follow-up actions.

The Government has noted the effects of online information and social media on public order events and the unlawful acts involved in the past six months, including smearing the Police and provoking social conflicts by discussing, advocating, planning, and disseminating messages that prejudice safety, rumours, and fake news, etc. The Government will closely monitor the relevant developments. The Police will also gather intelligence and target on information, persons, and activities that may affect underage persons in committing unlawful acts, with a view to preventing, combatting, and detecting the relevant unlawful acts.

(3) In addition to disseminating relevant messages to the public via Police Magazine and traditional media (television, radio, and newspapers), the Police have also disseminated via online platforms and social media crime prevention information and appeals to the public not to participate in unlawful assemblies and relevant illegal acts. For example, using the Police website, YouTube channel, Facebook page, and Instagram, Twitter, and Weibo accounts, the Police have urged protestors to disperse after processions and not to commit any illegal acts, as well as reminding the public not to defy the law by pointing out the crimes that may be committed through acts of

violence and vandalism.

(4) Up to November 28, 2019, 914 persons under the age of 18 were arrested in public order events relating to the amendments of the Fugitive Offenders Ordinance. They have been charged with rioting, unlawful assembly, criminal damage, assault on police officers, possession of offensive weapon, etc. The distribution of the arrested persons by age, sex, and the number of students involved are as follows:

	Male	Female
Under 16	240 (234)	102 (99)
16 to 17	394 (354)	178 (170)

Note: number of students as shown in brackets

As for the incident at the Hong Kong Polytechnic University, about 300 persons under the age of 18 were allowed to leave after having their personal information recorded. The Police do not have the breakdown of these persons' educational attainment or the district in which they lived.

(6) Schools are the places for students to learn and grow. If students are suspected to have participated in unlawful acts or are arrested, generally schools would immediately provide emotional support to them and other students affected by the incident, and integrating the guidance and discipline approaches when following up the relevant cases. These students need to take responsibility for their own actions, while also distinguishing right from wrong upon self-reflection, so as to rebuild their positive values. To ensure that schools systematically advance the relevant guidance and disciplinary work, the Education Bureau is considering the requirement for schools to submit reports on concrete support proposals and the relevant progress. As the actions involved by the students vary greatly in nature and seriousness, and students' backgrounds such as family backgrounds, personal growth experiences, academic results and past conducts also differ, and specific cases even involve judicial proceedings, the Education Bureau will consider carefully and consult professionals.

As for post-secondary institutions, the Education Bureau understands that institutions have established counselling and support mechanisms to provide suitable assistance and support to students in need. Generally speaking, institutions would attempt to contact students who have been arrested, and based on the actual situation, would provide them with ways to seek legal advice, 24-hour counselling support, temporary accommodation, and other support measures as necessary. Furthermore, institutions would commence the suitable disciplinary procedures as needed, so that the students who have contravened the institutions' regulations or the law could understand and correct their mistakes, and take responsibility for their own actions.

(7) The Police would target the organisation and motives of each unlawful case under investigation. If there is evidence or other indication of persons

luring others by money to participate in unlawful acts, the Police will follow up stringently and proceed with charges.