

Transcript of remarks by Secretary for Justice at media session

Following is the transcript of remarks by the Secretary for Justice, Ms Teresa Cheng, SC, at a media session after attending the special meeting of Finance Committee of the Legislative Council today (April 8):

Reporter: Secretary, can you comment on this report that there might be an interpretation of Article 23 (of the Basic Law)? Secondly, on access to computer with criminal or dishonest intent, what is going to be done to sort of fill that gap in the law to prosecute some cybercrimes?

Secretary for Justice: Thank you. I would not like to comment on speculative matters that have been reported, so if you would forgive me that I won't comment on that. However, it is very important to bear in mind that legislating for matters set out in Article 23 of the Basic Law is one of our constitutional duties, and therefore it is something that will be done. As the Chief Executive and the Government have repeatedly said, at an appropriate time that is something that we will have to do.

As to the Section 161 (of the Crimes Ordinance), that relates to the improper use of the computer, the Court of Final Appeal's judgment has clarified the limits of this particular law, and therefore it is necessary for appropriate legislative changes to be made in order to ensure that the acts that are being prohibited, or be it outside the current legislation of Section 161 (of the Crimes Ordinance) can still be sanctioned in order to ensure that people's privacy and various matters are being protected. I think there are a number of things that can be happening, and we hope that this may result in a quick movement. First of all, no doubt the Security Bureau and the Department of Justice have already been working on reviewing the relevant legislations. As you know, there is the Review of Sexual Offences Sub-committee of the Law Reform Commission. Its first consultative report was produced in 2012 and the third one in 2018, so it may be possible that we may get some guidance or feedback on the first consultative report that came out, which may help us look into what is to be done. And of course, the Law Reform Commission has also set up a cybercrime sub-committee to review the legislations, if any, that need to be amended in order to keep up with the development of the laws in the fast-developing technology world.

(Please also refer to the Chinese portion of the transcript.)