

Comment to the Inter-departmental Working Group on Computer Related Crime Report

Executive Summary

The Hong Kong Information Technology Federation (HKITF) welcomes the government's determination to stay ahead on this difficult issue.

We are glad that the government's attitude is flexible and is not being too onerous on the IT industry. As technology moves very quickly, we urge the government to adopt a Work-In-Progress approach and not take this as a one-off effort. There will be new situation that we do not know will come about.

HKITF would like to continue to be involved in other government initiatives such as the Fight Crime Committee (FCC).

Specific Areas of Concern

1. Liability of IT Suppliers

In providing IT services to customers, we will always do it in good faith. That is, we will always take the stand that "One is innocent unless proven guilty". Of course, we will always abide by the code of conduct, internal policies and common sense when there is reason to believe that a Digital Crime is taking place, we will either deny provision of service and when situation warrants, consult the relevant authorities. To date this arrangement has worked well in Hongkong and we urge the Government to continue to take this approach.

We recommend that the government in setting legislation to exempt liabilities of IT suppliers, unless one could prove that the IT Supplier has criminal intent or is negligent

2. Assistance of IT Supplier in helping Government Agencies to keep records of customer activities

While we understand the need to keep records, we have to be realistic what is possible and

what is not. There is a cost attached and we must also abide by Privacy Ordinance. It is not uncommon to have users that receive up to 100 e-mails and visit tens of websites for hours a day, therefore it is not realistic to keep customer activity records for too long.

We recommend that in the case of Internet Service Provider the log to be kept should be less than 3 months.

3. *The Soft Aspect of enforcement*

A set of legislations alone is not enough. We need the judiciary to be conversant and understand the various IT issues well.

We recommend that familiarization program and dialogue with the judiciary be set up.

Conclusion

As IT becomes a part of our life, it is natural for our society to be concern about Computer related crime.

While we educate the society to be aware and take action to safe guard themselves, we must also set the right tone. Even before the arrival of the Internet, credit card fraud has been in existence and there were also computer attacks on banks, forgery of signature and manufacturing of fake Identity Cards and Passports.

We urge the government to continue to be brave in launching IT initiatives such as smart ID card and ESD. We need to keep Hongkong as the IT Hub of the region.

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