

立法會
Legislative Council

LC Paper No. CB(3) 193/02-03

Ref : CB(3)/M/OR

Tel : 2869 9205

Date : 29 November 2002

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 18 December 2002

Proposed resolution to be moved by the Secretary for Security

I forward for Members' consideration a proposed resolution which the Secretary for Security will move at the Council meeting of 18 December 2002 relating to the draft Criminal Jurisdiction Ordinance (Amendment of Section 2(2)) Order 2002. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary for Security will deliver when moving the proposed resolution, is also attached.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

**Motion on the draft Criminal Jurisdiction Ordinance
(Amendment of Section 2(2)) Order 2002
to be moved by the Secretary for Security
at the Legislative Council meeting
on Wednesday, 18 December 2002**

Wording of the motion

“That the draft Criminal Jurisdiction Ordinance (Amendment of Section 2(2)) Order 2002, to be made by the Chief Executive in Council, be approved.”

DRAFT ORDER

CRIMINAL JURISDICTION ORDINANCE (AMENDMENT OF SECTION 2(2)) ORDER 2002

(Made by the Chief Executive in Council under section 2(4) and (5) of the Criminal Jurisdiction Ordinance (Cap. 461), a draft of the Order having been laid before and approved by resolution of the Legislative Council)

1. Commencement

This Order shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Offences to which this Ordinance applies

Section 2(2) of the Criminal Jurisdiction Ordinance (Cap. 461) is amended –

(a) by adding before paragraph (a) –

"(aa) an offence under section 27A (unauthorized access to computer by telecommunications) of the Telecommunications Ordinance (Cap. 106)";

(b) in paragraph (b), by adding –

"section 60 (destroying or damaging property) but for the purpose of this section, the offence is limited to misuse of a computer as defined in section 59 of the Crimes Ordinance (Cap. 200)

section 161 (access to computer with criminal or dishonest intent)".

Clerk to the Executive Council

COUNCIL CHAMBER

2002

Explanatory Note

The purpose of this Order is to bring the offences of unauthorized access to computer by telecommunications, destroying or damaging property (but the offence is limited to misuse of a computer) and access to computer with criminal or dishonest intent within the scope of the Criminal Jurisdiction Ordinance (Cap. 461).