

September 11, 2006

The Hon SIN Chung-kai
Chairman
Panel on Information Technology and Broadcasting
Legislative Council Secretariat

Dear Mr. Sin

I am writing on behalf of Privacy Hong Kong, a group of individuals concerned that the privacy rights of individuals in Hong Kong need to be protected, as guaranteed by the Basic Law.

I would like to make the following points:

- 1) This case is primarily one of privacy intrusion, not obscenity, and obscenity laws would not address the real concern with this case, as the issue is with the taking of photos in a place where people have a reasonable expectation of privacy and the subsequent publication of those photos, not with whether non-adults can see the pictures.
- 2) It is good that the community is debating this issue, but it is important to note that this case is but the tip of the iceberg. There are many others cases at least as serious as this one, which involve ordinary members of the public, who have no interest in being placed in the public eye. Many examples can be found in the LRC report on media intrusion
- 3) Privacy in the home and in communications are rights given to us in the Basic Law and it is disappointing that the LRC proposals on stalking in 2000, media intrusion and civil liability in 2004 and covert surveillance by private individuals earlier this year have not led to any action by the relevant government bureaux despite conclusive evidence of real problems. We welcome their new willingness to bring forward proposals and hope that this will soon lead to public consideration of the proposals from all of these reports.
- 4) The proposals on covert surveillance only address the most extreme forms of intrusion into living quarters and need to be considered together with the civil liability proposals that would address other situations of privacy intrusion and public disclosure of private facts, while providing safeguards to ensure that the freedom of the press is not impaired.
- 5) The proposals on stalking address a very real problem for which a solution is long overdue - people are being forced to leave Hong Kong for the lack of any remedy.

In conclusion, I hope the panel will encourage the government to actively consider all the recommendations from the Law Reform Commission on privacy and to engage in a public debate on how best to protect our privacy rights, while continuing to protect press freedom and ensuring that we live in a safe society.

Yours sincerely

Professor John Bacon-Shone
Convener, Privacy Hong Kong
c/o Social Sciences Research Centre
The University of Hong Kong
Pokfulam Road
Hong Kong
Tel: 28592412 Fax: 28584327
Email: johnbs@hku.hk