

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

香港添馬添美道 2 號

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本函檔號 Our Ref.: SBCR 1/1805/13

來函檔號 Your Ref.:

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30 June 2017

Clerk to the Finance Subcommittee
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Ms Anita SIT)

Dear Ms SIT,

FCR(2017-18)3
Proposed creation of one permanent post of
Chief Superintendent of Police
in the Hong Kong Police Force
to lead the Cyber Security and Technology Crime Bureau

With regard to the matters raised in Hon CHU Hoi-dick's letter dated 25 May 2017, we explained the Government's position in our previous written responses (Papers referenced ESC52/16-17(01), ESC61/16-17(01) and FC143/16-17(02)) and at the meeting on 26 May 2017. We now provide a further written response as follows.

In Hong Kong, only law enforcement departments of the Hong Kong Special Administrative Region Government are entrusted with the law enforcement power, and no agencies from overseas or other regions have such power. Hong Kong citizens' various rights are safeguarded under the Basic Law.

Hong Kong is a society that upholds the rule of law, and everyone in Hong Kong must abide by its laws. Any illegal acts, irrespective of the background of the offenders, shall be dealt with by the Police in accordance

with the law. Specifically for cyber and technology crimes, anyone who suspects that his or her computer has been hacked or under surveillance should report the matter to the Police for follow-up.

As for the Bill on National Intelligence Law of the People's Republic of China mentioned in Hon CHU Hoi-dick's letter, we have not done any work in this respect. According to Article 18 of the Basic Law, national laws shall not be applied in the Hong Kong Special Administrative Region ("HKSAR") except for those listed in Annex III to the Basic Law. The Standing Committee of the National People's Congress may add to or delete from the list of laws in Annex III to the Basic Law only after consulting its Committee for the Basic Law of the HKSAR and the HKSAR Government. Laws listed in Annex III to the Basic Law shall be confined to those relating to defence, foreign affairs and other matters outside the limits of the autonomy of the HKSAR as specified by the Basic Law.

(Andrew Tsang)
for Secretary for Security

c.c.

Secretary for Justice

Secretary for Constitutional and Mainland Affairs

Commissioner of Police (Cyber Security and Technology Crime Bureau)

Panel on Administration of Justice and Legal Services of the Legislative Council

Panel on Constitutional Affairs of the Legislative Council