

To: Members of the Constitutional Affairs Panel

From: Professor John Bacon-Shone, former Chairman of the Law Reform Commission Sub-Committee on Privacy

Re: Anti-Stalking Legislation

Date: December 24, 13

I recognize that the Panel has not invited public submissions for today's meeting, but I would like to take the opportunity to emphasize the need for this legislation and express my hope that after 13 years (since the LRC report was published), action will be finally taken.

I believe that the Study by the Consultant presents a detailed review of legislative experience elsewhere. This makes clear that

- a) legislation is needed
- b) legislation has been enacted in many other jurisdictions and
- c) with the possible exception of the UK, there has been no negative impact on freedom of speech
- d) Legislation in Hong Kong should no longer be delayed

The proposals for reformulation of the offence seem to add the necessary specificity that would avoid the UK problems. My only concerns lie with the exemptions, which I consider too broad for an offence that now requires that a person reasonably fears for his safety (given the absence of regulation for debt-collectors and private investigators, who would apparently be exempted). However, I consider this a minor issue for later discussion and would urge that a legislative proposal be brought forward as soon as possible.

I would be very happy to speak to this topic in future meetings of the Panel.

Thanks for your attention.

John Bacon-Shone
Director, Social Sciences Research Centre, The University of Hong Kong