

**立法會**  
***Legislative Council***

LC Paper No. CB(3) 385/14-15

Ref : CB(3)/M/MM

Tel : 3919 3300

Date : 23 January 2015

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 4 February 2015**

**Motion on**  
**“Comprehensively reviewing the provision on ‘access to computer with criminal or dishonest intent’ under the Crimes Ordinance”**

Hon Charles Peter MOK has given notice to move the attached motion on “Comprehensively reviewing the provision on ‘access to computer with criminal or dishonest intent’ under the Crimes Ordinance” at the Council meeting of 4 February 2015. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

(Odelia LEUNG)  
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion on  
“Comprehensively reviewing the provision on  
‘access to computer with criminal or dishonest intent’  
under the Crimes Ordinance”  
to be moved by Hon Charles Peter MOK  
at the Council meeting of 4 February 2015**

**Wording of the Motion**

That, when the Administration amended the Crimes Ordinance (Cap. 200) in 1993, the provision on ‘access to computer with criminal or dishonest intent’ (i.e. ‘section 161’) was added, with an aim to penalize access to a computer for acts preparatory to but falling short of the commission of a fraud; in recent years, to make prosecution easier, the Police have repeatedly abused section 161 to institute prosecutions against persons using computers or mobile devices to engage in acts which are not in violation of other legal provisions and against persons alleged to have contravened other legal provisions; such a practice has seriously distorted the legislative intent of section 161, and has turned this provision into a draconian law; in this connection, this Council urges the Administration to review and amend section 161 to make it applicable only to computer frauds, so as to protect people from unreasonable arrests and prosecutions.