

**Extract from the Third Annual Report on the implementation of the
Law Reform Commission's ("LRC") recommendations by the Government:
Five LRC reports on privacy issues**

X X X X X X X X X X

(b) Proposals implemented in part

	Report (month and year of publication) - <i>Responsible Bureau, where report not yet implemented</i>	Implementing legislation/or other relevant information, including response from the relevant bureau or department
40	Privacy – Part 6: The regulation of covert surveillance (March 2006) <i>Constitutional and Mainland Affairs Bureau</i>	See items 43 and 45 below; The Interception of Communications and Surveillance Bill (subsequently Ordinance 20 of 2006) was introduced prior to publication of the LRC report but mirrored some of the LRC's recommendations.

(c) Proposals under consideration or in the process of being implemented

	Report (month and year of publication) - <i>Responsible Bureau, where report not yet implemented</i>	Implementing legislation/or other relevant information, including response from the relevant bureau or department
43	Privacy - Part 2: Interception of communications (December 1996) <i>Constitutional and Mainland Affairs Bureau</i>	The Bureau considered the LRC report on this topic, together with 4 others on Stalking; Privacy and media intrusion; Civil liability for invasion of privacy; and Regulation of covert surveillance. These 5 reports touch on the sensitive and controversial policy and political issue of how to strike a balance between protection of individual privacy rights and freedom of the media. There were mixed responses and very divergent views from different sectors of the community. Given the complexity and sensitivity of the policy and political issues involved, the Bureau would consider the 5 reports as and where appropriate and map out the way forward in consultation with relevant parties. The Bureau has taken steps to deal with the LRC report on Stalking. See item 45 below.

	Report (month and year of publication) - Responsible Bureau, where report not yet implemented	Implementing legislation/or other relevant information, including response from the relevant bureau or department
45	Privacy – Part 3: Stalking (October 2000) <i>Constitutional and Mainland Affairs Bureau</i>	<p>The Bureau decided to deal with the LRC report on Stalking first and launched a public consultation on the recommendations from December 2011 to March 2012. In the light of the concerns and divergent views expressed over the implications that the LRC's recommendations would have on constitutional rights including freedom of the media and freedom of expression, the Bureau commissioned the Centre for Comparative and Public Law of the University of Hong Kong ("the Consultant") to study the experience of overseas jurisdictions in implementing their anti-stalking legislation and reported the findings and the Consultant's recommended formulation to the LegCo Panel on Constitutional Affairs ("the CA Panel") in December 2013. Some Members of the CA Panel continued to express strong reservations on the enactment of a piece of stalking legislation and counter-proposed that a "specified relations" approach be further explored.</p> <p>The Bureau has since sought the views of stakeholders who had submitted written views in the 2011/12 consultation, including the Hong Kong Bar Association and the Law Society of Hong Kong. After considering the feedback obtained and input from the Department of Justice, it is clear that none of the various formulations (ie, LRC's, the Consultant's and the "specified relations" approach) is supported by CA Panel Members, the major stakeholders or the public, as being able to achieve the objective of providing protection to all people alike against stalking while at the same time avoid inflicting interference to the freedoms of the press and expression.</p> <p>The above being the case, the Bureau is of the view that there are no favourable conditions to pursue the matter further and sought the views of the CA Panel accordingly on 16 June 2014. At that Panel meeting, some Members expressed support for not pursuing the LRC's recommendations. Regarding</p>

	Report (month and year of publication) - <i>Responsible Bureau, where report not yet implemented</i>	Implementing legislation/or other relevant information, including response from the relevant bureau or department
		<p>the "specified relations" approach, Members noted the in-principle difficulties with this approach and that since the LRC report was published in 2000, individual pieces of legislation have indeed been amended or administrative measures taken to better control harassment in domestic, landlord-and-tenant, and money lender-borrower relationships, and no Member requested further pursuing such an approach.</p> <p>The Bureau will take into account the opinion of LegCo Members and stakeholders and monitor related developments in considering the way forward.</p>
47	<p>Privacy – Part 4: Privacy and media intrusion (December 2004)</p> <p><i>Constitutional and Mainland Affairs Bureau</i></p>	See items 43 and 45 above
48	<p>Privacy – Part 5: Civil liability for invasion of privacy (December 2004)</p> <p><i>Constitutional and Mainland Affairs Bureau</i></p>	See items 43 and 45 above

X X X X X X X X X X