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15 May 2019

Mr Lemuel Woo  
Clerk to Panel on Administration of  
Justice and Legal Services  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

**By E-mail**  
([yfwoo@legco.gov.hk](mailto:yfwoo@legco.gov.hk))

Dear Mr Woo,

**Panel on Administration of Justice and Legal Services (“AJLS”)  
Agenda for the Meeting on 24 June**

I refer to your letter dated 2 May, which conveyed the Panel Chairman's direction at the meeting on 29 April (“last meeting”) that the Law Reform Commission of Hong Kong (“LRC”) and the Department of Justice (“DoJ”) be invited to discuss with Members the concerns expressed by Hon Elizabeth QUAT, Hon Charles MOK, Hon Alvin YEUNG and Hon Dennis KWOK on the subjects of combating clandestine photo-taking, prosecutions instituted under "access to computer with criminal or dishonest intent" and enactment of legislation against the offence of voyeurism (“Members’ concerns”) under the agenda item of “Implementation of the recommendations made by The Law Reform Commission of Hong Kong” at the Panel meeting to be held on 24 June (“June meeting”). DoJ issued a written reply to Members’ concerns on 7 May.

The annual item of “Implementation of the recommendations made by The Law Reform Commission of Hong Kong” is for the LRC Chairman to report to the Panel on the progress of those LRC reports which have not yet been implemented. The information on implementation progress in the report is provided to the LRC by individual bureaux and departments concerned. This reporting process is a monitoring mechanism intended to facilitate the Legislative Council (“LegCo”) to follow up with the relevant Government bureaux and departments on the implementation progress of LRC reports. Both the LRC Secretariat and the DoJ hope that the AJLS Panel could focus on discussing the 2019 report submitted by the LRC Chairman under the aforesaid mechanism at the June meeting, in order for the Panel and other relevant Panels to follow up with the bureaux and departments which have policy responsibility over the respective LRC reports.

Members’ concerns are related to the Ordinances in respect of sexual offences and technology crimes, which fall under the policy purview of the Security Bureau (“SB”). The LRC published the report on *Voyeurism and Non-consensual upskirt-photography* on the next day (30 April) after the last meeting recommending the introduction of a new and specific offence of voyeurism to deal with an act of non-consensual observation or visual recording of another person for a sexual purpose; and a new and specific offence in respect of non-consensual upskirt-photography. We note that the SB welcomes the LRC’s recommendations and is carefully studying and following up the report, with a view to discussing the matter with the Panel on Security in July, to be followed by a consultation and introduction of a bill for the LegCo’s scrutiny as soon as possible. In addition, concerning the impact brought about by the Court of Final Appeal’s judgment handed down on 4 April with regard to section 161 of the Crimes Ordinance, the SB has expressed that it is looking into the judgment with relevant departments and proactively examining any legislative amendment to be made to the offence, with a view to introducing relevant legislative proposal(s) as soon as possible.

The LRC Chairman will report on the implementation progress of the LRC reports at the June meeting. Since matters related to prosecution fall beyond the purview of the LRC, we take the view that it would not be appropriate for such matters to be discussed at the June meeting. As stated in our written reply dated 7 May, the DoJ is responsible for making prosecutorial

decisions based on the existing applicable law, relevant facts, evidence and the Prosecution Code. If it is necessary to amend the relevant laws, the SB will formulate the relevant legislative proposals, and the DoJ will provide legal advice to the Bureau on such intended legislative proposals.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hinz Chiu', written in a cursive style.

( Hinz/Chiu )  
Administrative Assistant  
to Secretary for Justice

c.c. Secretary for Security

Secretary to the Law Reform Commission of Hong Kong (Ag)