

(Translation)

律政司
律政司司長辦公室

香港中環下亞厘畢道 18 號
律政中心中座 5 樓

網址: www.doj.gov.hk



DEPARTMENT OF JUSTICE
Secretary for Justice's Office

5/F, Main Wing, Justice Place,
18 Lower Albert Road, Central, Hong Kong

Web site: www.doj.gov.hk

本司檔案	Our Ref:	SJO 5012/3/3C
來函檔案	Your Ref:	
電話號碼	Tel. No.:	3918 4117
傳真號碼	Fax No.:	3918 4119

25 September 2020

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

Dear Mr Woo,

**Panel on Administration of Justice and Legal Services
Meeting on 22 June 2020
Agenda Item on
“Implementation of the recommendations made by the Law Reform
Commission of Hong Kong”**

The offence of “access to computer with criminal or dishonest intent” under section 161 of the Crimes Ordinance (Cap. 200)

At the above meeting, the Department of Justice (DoJ) was requested to provide supplementary information on the number of cases in which persons who took photographs clandestinely with their own mobile phones in a private place could not be charged with the offence of “access to computer with criminal or dishonest intent”, following the Court of Final Appeal's judgment on 4 April 2019 in respect of section 161 of the Crimes Ordinance (Cap. 200) (i.e. *Secretary for Justice v Cheng Ka Yee & 3 Others* [2019] HKCFA 9).

Since the Court of Final Appeal's judgment in *Cheng Ka Yee* on 4 April 2019, the DoJ has handled a total of about 13 affected court cases relating to the offence of "access to computer with criminal or dishonest intent", among which 10 of them are relevant to clandestine photo-taking. The legal proceedings in all these cases have already been concluded.

The Security Bureau has accepted the recommendations in the Law Reform Commission's Report on Voyeurism and Non-consensual Upskirt-photography, and on 8 July this year launched a three-month public consultation¹ on the proposed introduction of offences against voyeurism, intimate prying, non-consensual photography of intimate parts and the distribution of related images.

Yours sincerely,

(Hinz Chiu)
Administrative Assistant
to Secretary for Justice

¹ The Consultation Paper can be downloaded from the Security Bureau's website (www.sb.gov.hk/eng/special/voyeurism/index.htm).