

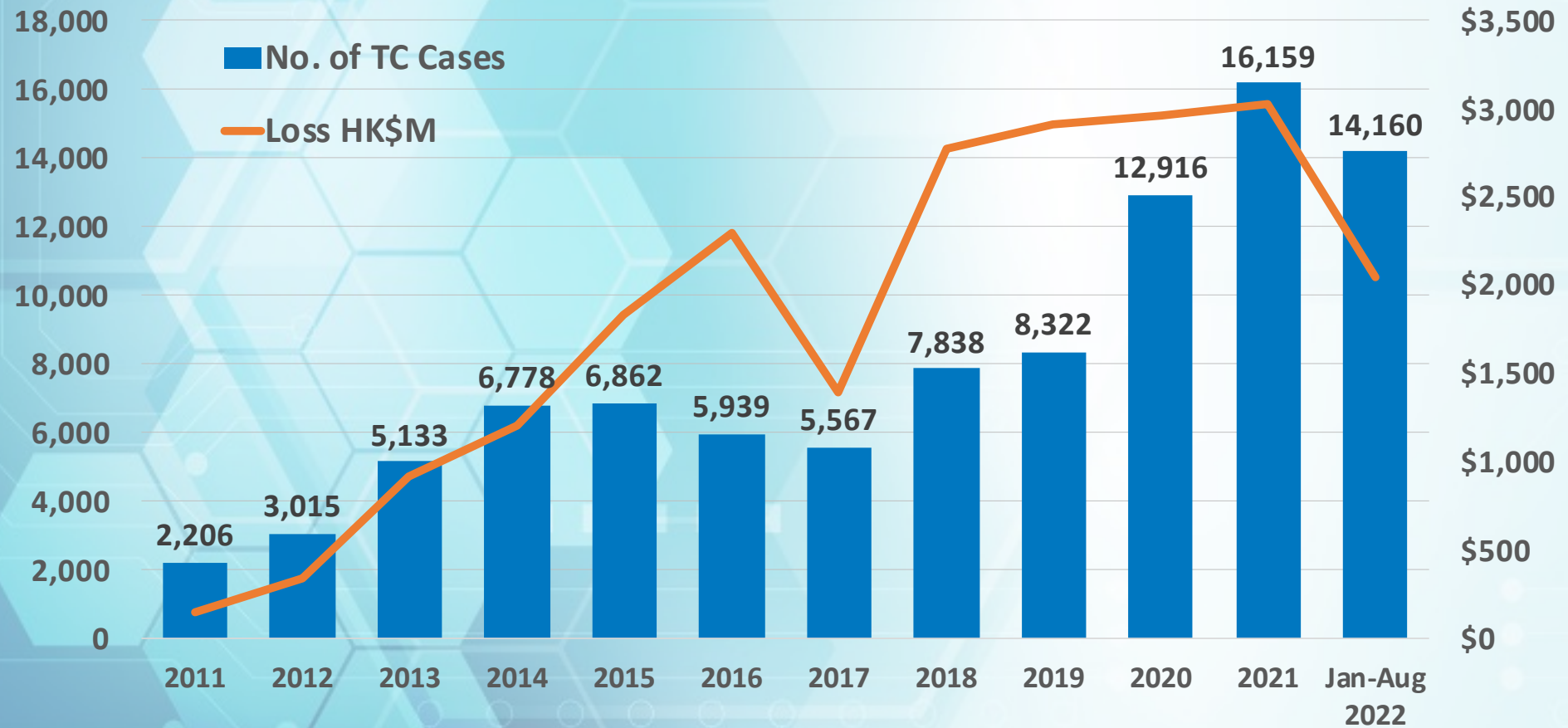
# **Latest Progress on Legislations for Combatting Cybercrimes**

**Senior Inspector Paul YEUNG  
Cyber Security and Technology Crime Bureau  
Hong Kong Police Force**

**CYBER SECURITY AND TECHNOLOGY CRIME BUREAU**

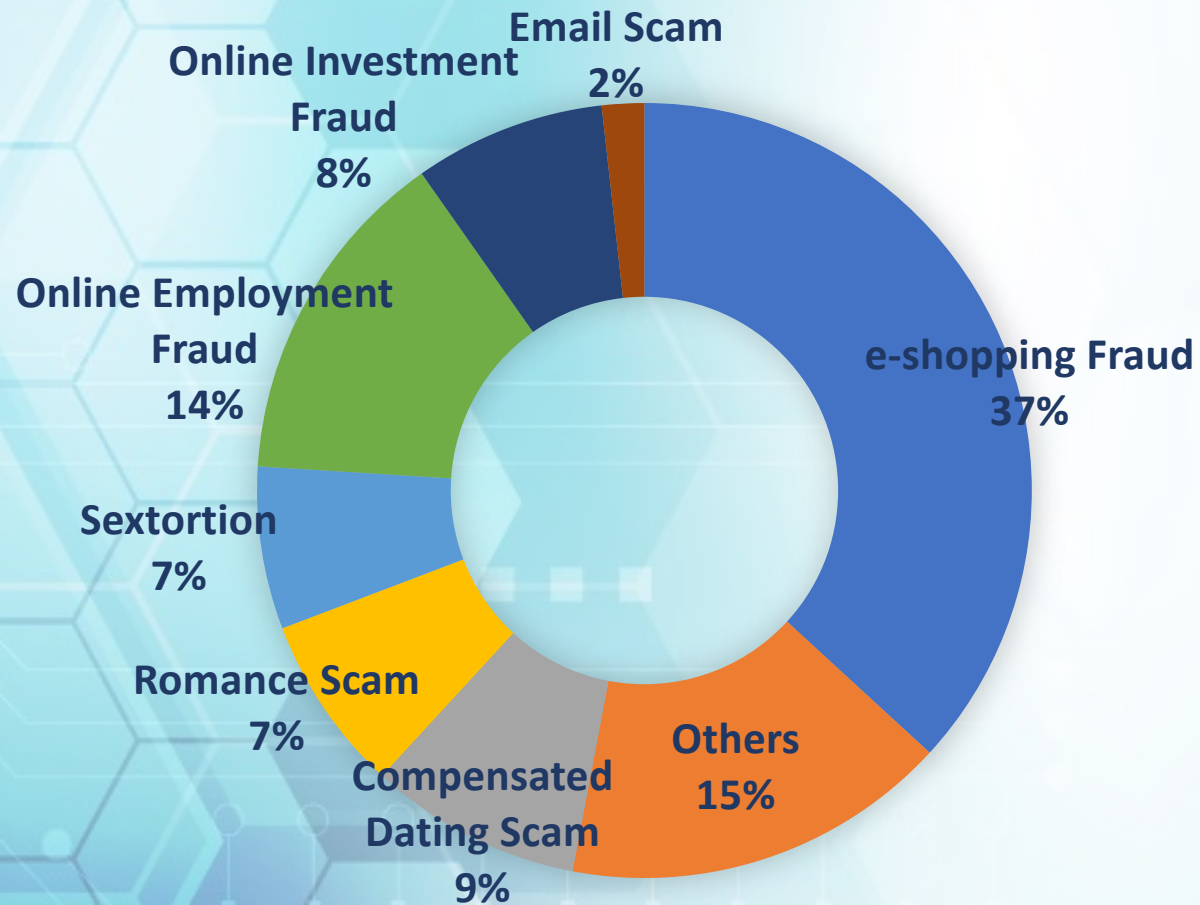


# Technology Crime Trend in Hong Kong

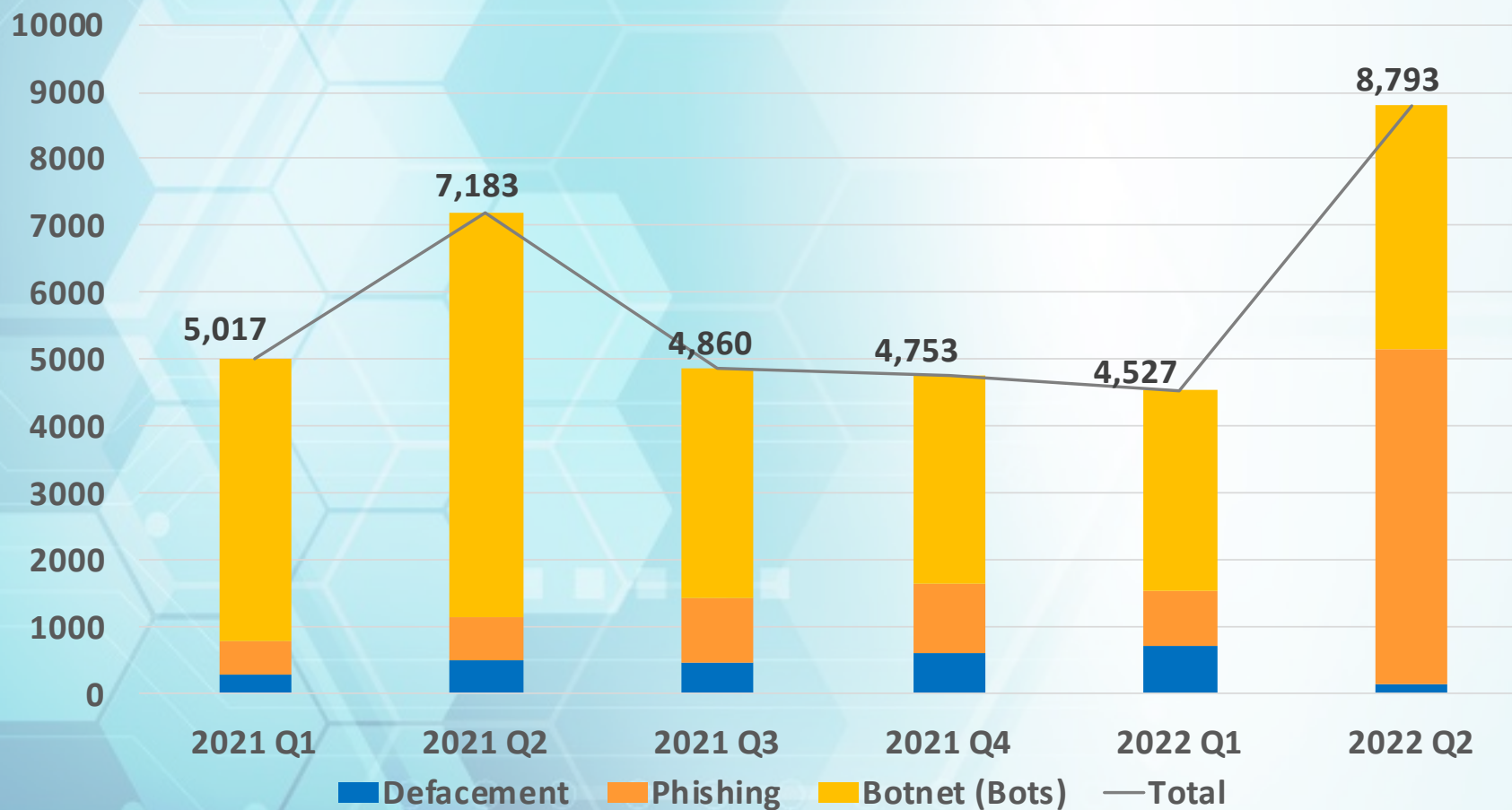


# Prevalent Technology Crimes (Jan – Aug of 2022)

## Breakdown by No. of Cases



# Cyber Security Landscape in Hong Kong





# Challenges – Nature of Cyber Crime



**Anonymity**



**Borderless**



**Instantaneous**



# Existing Common Computer related offences

- (1) 'Access to computer with criminal or dishonest intent',  
S.161, Cap. 200 Crimes Ordinance
- (2) 'Destroying or damaging property',  
S.60, Cap. 200 Crimes Ordinance
- (3) Definition of 'Misuse of a computer',  
S.59 (1A), Cap. 200 Crimes Ordinance
- (4) 'Unauthorized access to computer by telecommunications',  
S.27A, Cap 106 Telecommunications Ordinance



# Existing Common Computer related offences



Access to Computer with Criminal  
/Dishonest Intent,  
S.161, Cap. 200

***SJ v. Cheng Ka Yee*** (2019)  
22 HKCFAR 97

## ‘Access to computer with criminal or dishonest intent’

(1) Any person who **obtains access** to a computer—

- (a) with intent to commit an offence;
- (b) with a dishonest intent to deceive;
- (c) with a view to dishonest gain for himself or another; or
- (d) with a dishonest intent to cause loss to another,

whether on the same occasion as he obtains such access or on any future occasion, commits an offence.

## CFA’s decision

‘The offence does not apply to the use by a person of his own computer, not involving access to another’s computer’





# New Offences of Crimes (Amendment) Bill (Cap.200)

## 「窺淫罪」覆蓋層面

窺淫  
(包括偷窺和  
偷拍行為)

發佈源自  
窺淫/非法拍攝  
所得的私密影像



非法拍攝/觀察  
私密部位  
(如影裙底、高炒)

未經同意下  
發佈/威脅發佈  
私密影像  
(如色情報復、  
移花接木)





# Online Deception / Gambling Cases in Hong Kong

**MAY 2020**

**A local e-Shopping Fraud syndicate used a total of 15 Prepaid SIM cards to deceive victims**



**NOV 2020**

**240 Prepaid SIM cards seized at an illegal online gambling operation centre**

警破賭網洗錢集團 半年受注逾五億元

2020-11-10 00:00



# Real-name Registration Programme for SIM Cards



# Registration of Personal Particulars

- **Person-to-person communications in Hong Kong**
- **Registration of personal particulars**
  - a) **Name in Chinese and English (as applicable)**
  - b) **Identity document number (HKID no./ Serial no. of other ID documents)**
  - c) **Copy of ID document**
  - d) **Date of birth**
- **Max. 10/25 Prepaid SIM cards for each user per licensee at any one time**
- **Users under aged 16 requires endorsement by an adult aged 18 or above, and personal information of that adult will need to be registered**





# Law Reform Commission Sub-committee on Cybercrime

- **Commenced in Jan 2019**
- **Objectives**
  - **Identify challenges to protection of individual rights and law enforcement**
  - **Review existing legislation and other measures**
  - **Examine relevant developments in other jurisdictions**
  - **Make recommendations on possible law reforms**

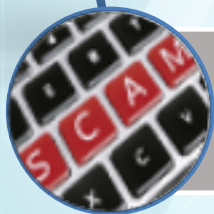




# Law Reform Commission Sub-committee on Cybercrime



**Part I:**  
**Cyber-dependent crime and jurisdictional issues**



**Part II:**  
**Cyber-enabled crime**



**Part III:**  
**Evidentiary issues and enforcement (procedural) issues**



# **Part I: Cyber-dependent Crime**

**(a) Illegal access to program or data**

**(b) Illegal interception of computer data**

**(c) Illegal interference of computer data**

**(d) Illegal interference of computer system**

**(e) Making available or possessing a device or data for committing a crime**



# (a) Illegal Access to Program or Data

## Common Scenario



- “Access to computer with criminal or dishonest intent”, S.161, Crimes Ordinance:
  - No extra-territorial effect
  - Requires specific criminal or dishonest intent



## (b) Illegal Interception of Computer Data

### Common Scenario



假WiFi測試逾半人上當 設自動連線易洩資料



- No relevant legislation



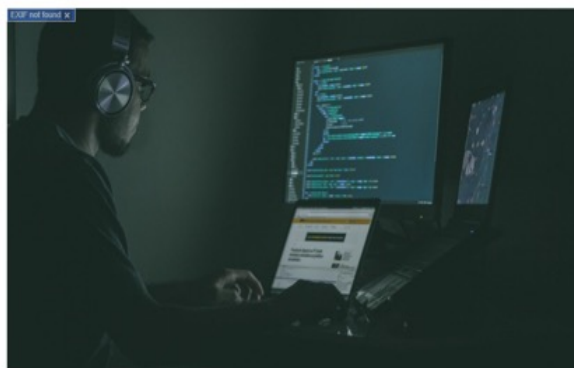
# (c) Illegal Interference of Computer Data

## Common Scenario

WhatsApp現安全漏洞 黑客能利用工具輕易竄改訊息



CIH電腦病毒威力超乎想像 最嚴重可直接破壞硬件數據



- “*Misuse of a Computer*”,  
S.59-60, Crimes Ordinance, Cap. 200:
  - No extra-territorial effect
  - Inappropriate to put under Cap. 200

# (d) Illegal Interference of Computer System

## Common Scenario



### 黑客組織警告會攻擊港府網絡



### 金管局：近日發現黑客入侵銀行SWIFT系統

標籤：即時新聞

文章日期：2016年5月24日 17:34



- “Misuse of a Computer”,  
S.59-60, Crimes Ordinance, Cap. 200:
  - No extra-territorial effect
  - Inappropriate to put under Cap 200

# (e) Making Available or Possessing a Device or Data for Committing a Crime

## Common Scenario

電騙復興 | 假公安洗腦四部曲 教裝「資產審查」程式實偷理財密碼



政府籲市民提防偽冒「安心出行」程式

2021年2月16日 18:30

now新聞



- No relevant legislation



# Recommended Sentencing

Offences		Proposed Sentences
(a) Illegal access to program or data	Basic	Summarily: 2 years
	Aggravated	Indictment: 14 years
(b) Illegal Interception of computer data	/	Summarily: 2 years Indictment: 14 years
(c) Illegal Interference of computer data	Basic	Summarily: 2 years Indictment: 14 years
(d) Illegal Interference of computer system	Aggravated	Life imprisonment
(e) Making available or possessing a device or data for committing a crime	Basic	Summarily: 2 years Indictment: 7 years
	Aggravated	Indictment: 14 years





# Consultation Period

- Consultation period ends on 19 October 2022.

Highlights of Consultation Paper	
No. of Recommendations	16
No. of Consultation Questions	9
No. of Consultation Questions relate to Cyber Security Professions	7



# On-going and Possible Development

- **Licensing and regulatory regime for Virtual Asset Services Providers**
- **Cyber Security Law**
- **Misinformation Law**



# The Scameter – Scam and Pitfalls Search Engine

係咪呢緊你？Check吓

## 防騙視伏器

一站式詐騙陷阱搜尋器  
即上 **CyberDefender.hk**



輸入資料，揭穿詐騙陷阱！

可輸入資料

- ✓ 社交帳號
- ✓ 電話號碼
- ✓ 電郵地址
- ✓ 收款賬號
- ✓ 網址
- ✓ IP地址
- ✓ 平台用戶名稱

不適用資料

- ✗ 身份證明文件資料
- ✗ 車輛登記號碼
- ✗ 真實姓名
- ✗ 地址

陌生來電 可疑網店  
筍工招聘 白撞訊息  
必賺投資

藝人 艾妮

藝人 黎駿

網頁 Facebook Instagram YouTube



**CyberDefender.hk**



CYBER SECURITY AND TECHNOLOGY CRIME BUREAU





# Thank you

