

## Government keen to favour beneficial applications of Internet

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The Government is keen to facilitate the beneficial applications of the Internet while preventing abuses of information technology at the same time, the Secretary for Justice, Ms Elsie Leung, said today (September 26).

Addressing a symposium on "Internet Law in Hong Kong", Ms Leung described how the law had evolved to cope with the increasing influence of the Internet.

She said the Electronic Transactions Ordinance was enacted in January 2000 to provide a clear framework to facilitate e-business, which in turn could enhance Hong Kong's competitive edge.

The ordinance gives electronic records and digital signatures the same legal status as that of their paper-based counterparts. It also removes the security concerns associated with e-transactions.

Ms Leung said a voluntary recognition scheme for certification authorities had been set up under the ordinance to enhance public confidence in the use of digital signatures in electronic transactions.

"A digital certificate issued by a certification authority identifies the subscriber of the certificate and addresses the basic issues of authenticity, integrity, non-repudiation and confidentiality of the data used in e-transactions," Ms Leung said.

"The Government has closely monitored developments since enactment of the Electronic Transactions Ordinance. We have taken heed of comments and suggestions received during a public consultation exercise held in early 2002.

"We have formulated a set of proposed amendments that are contained in the Electronic Transactions (Amendment) Bill 2003 introduced into the Legislative Council in June this year. These proposed amendments will no doubt be scrutinised by legislators in a Bills Committee to be set up later," Ms Leung said.

The Secretary for Justice was confident that the Bill would help promote e-business in Hong Kong and bring Hong Kong to the forefront in terms of legislation on electronic transactions.

Ms Leung pointed out that the provisions of some other laws applied equally to information communicated in paper form or via the Internet, such as the Personal Data (Privacy) Ordinance and the

Control of Obscene and Indecent Articles Ordinance.

Ms Leung said that the advent of the Internet had also been the advent of cyber crime. "We must protect against abuses of the technology and applications that have had such a profound effect on our lives. So we need laws to ensure that the Internet is suitably regulated."

She also expressed concern that computer-related crimes had no territorial boundaries. "This is a crucial issue that must be addressed," she noted.

She said that in November 2002, the Government introduced into the Legislative Council some proposed amendments to the Criminal Jurisdiction Ordinance to address the traditional jurisdictional problems associated with cross-border computer related crimes.

The amendments, if approved, would enable Hong Kong courts to exercise jurisdiction over computer-related crimes committed or planned outside Hong Kong but connected to, or intended to cause damage in Hong Kong, Ms Leung said.

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