

Public invited to comment on proposed sanctions against stalking

The Privacy sub-committee of the Law Reform Commission issued a Consultation Paper on Stalking today (Thursday). The sub-committee, chaired by Mr Justice Mortimer, recommends that harassment be a crime. A person who pursues a course of conduct which amounts to harassment of another would be guilty of an offence under its proposals.

The sub-committee reports that stalking has a devastating effect on the victims' health and private life. Visits, telephone calls, following or watching are innocuous when viewed in isolation but can be threatening and distressing if done persistently for a long time against the will of the victim. The sub-committee considers it essential to have a law which can protect victims before stalkers get violent.

The sub-committee is anxious that the proposed legislation would not jeopardise the freedom of others to pursue legitimate activities. It therefore recommends that it be a defence to show that the pursuit was reasonable in the circumstances.

The sub-committee also notes that at present, there are no procedures under which the criminal courts can provide protection for victims who might be harmed by convicted criminals in the future. It therefore recommends that a court may make an order restraining a convicted stalker from harassing another. A person who does anything which he is prohibited from doing would be guilty of an offence.

The Consultation Paper also proposes that a person who pursues a course of conduct which constitutes the offence of harassment should be liable in tort. The victim would then be able to seek an injunction restraining the stalker from harassing another.

On the problem of abusive debt collection practices, the sub-committee thinks that specific legislation over and above its proposals on harassment is necessary to deal with such practices. It also proposes that the law relating to domestic violence be amended so that the private life of individuals can be better protected.

Members of the public have two months to comment on the proposals. Following the public consultation, the sub-committee will report to the Law Reform Commission which will make its recommendations to the Administration. Anyone who wishes to obtain a copy of the consultation paper may contact the Commission at 20/F, Harcourt House, 39 Gloucester Road, Wanchai, Hong Kong. The paper is also available on the Government home page.

End/Thursday, May 28, 1998

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