

**LAW REFORM COMMISSION REPORT
ON SEXUAL OFFENCES INVOLVING
CHILDREN AND PERSONS WITH MENTAL IMPAIRMENT**

SUBMISSIONS

GENERAL OBSERVATIONS

1. The Law Society has reviewed a report by the *Law Reform Commission of Hong Kong on Sexual Offences involving Children and Persons with Mental Impairment* (the “LRC Report”) released in November 2016.
2. The LRC Report is the fourth paper issued by the relevant sub-committee of the LRC (§12, Preface of LRC Report). It covers a review of sexual offences involving children and persons with mental impairment and sexual offences involving abuse of a position of trust (§ 12, *ibid*). The Law Society welcomes this review. There are in our views growing concerns on the adequacy of protection, or the lack of it, offered by the existing legal framework for children and mentally impaired people¹. Children and persons with mental impairment are those sectors of the society who are more vulnerable to and have a greater proclivity towards sexual abuses. A review of the relevant laws is necessary, in order to ensure that those laws are and remain relevant.

¹ There have been discussions at the Legislative Council on the *Guarding residents in residential care homes for persons with disabilities against sex crimes* on 23 November 2016 (Notes of Proceedings page 43 – 51: <http://www.legco.gov.hk/yr16-17/chinese/counmtg/floor/cm20161123-confirm-ec.pdf> arising from incident of Bridge of Rehabilitation Limited (康橋之家); see Statement by DoJ on decision to withdraw prosecution in the above case :

<http://www.info.gov.hk/gia/general/201610/27/P2016102700573.htm>

On the other hand, there were also discussion on the establishment of a sexual conviction record check mechanism for child-related works and the setting up of a Sub-committee on Children’s Rights under the Legislative Council in about October 2016 :

http://www.legco.gov.hk/yr16-17/english/hc/sub_com/hs101/papers/hs101_a.htm

3. The sexual offences canvassed in the LRC Report are largely concerned with the “Protective Principle”. While briefly mentioned in the forefront of the LRC Report, the abovementioned “Protective Principle” is set out in a more elaborate fashion towards the end of the LRC Report. Paragraph 12.21 of the LRC Report (page 167) states that countries have the obligation to take legal and other measures to protect a child from all forms of sexual exploitation and abuse; Articles 19 and 34 of the United Nations Convention on the Rights of the Child have been referred to in the elaboration of this principle.
4. We have no hesitation to support the Protective Principle. We also agree that those persons with mental impairments are vulnerable and should also be protected against possible sexual exploitation.
5. Having said the above, in the course of the review, we feel we should place equal emphasis on the rights of the accused when he or she is to face allegations of the offences canvassed in the LRC Report. The necessary legal analysis should not be displaced by sentiments or emotions which could readily be aroused whilst reading news reports on sexual abuse cases involving children². For the avoidance of doubt, therefore, when we raise questions in response to a particular recommendation in the LRC Report, we are not, by implication or otherwise, taking side with the prosecution or the defence. There are matters that involve complex legal analysis and that in our views should thoroughly be considered.
6. Our comments on the individual recommendations are set out in the following paragraphs.

SPECIFIC COMMENTS

AGE OF CONSENT

Recommendation 1

[The LRC recommends] that there should be a uniform age of consent in Hong Kong of 16 years of age, which should be applicable irrespective of gender and sexual orientation.

² E.g. “學者：少年性罪行修例太遲”，Sing Tao Daily, 2 July 2014.

Law Society's Response:

7. The Law Society agrees that there should be a uniform age of consent in Hong Kong for those criminal offences canvassed in the LRC Report. We also agree that the uniform age of consent should be 16, as that accords easily with the common understanding of the populace and also the relevant case law.

GENERAL ISSUES

Recommendation 2

[The LRC recommends] that offences involving children and young persons should be gender-neutral in the new legislation.

Law Society's Response:

8. The Law Society agrees with this recommendation, and concurs that this should be the guiding principle for the reform of those laws in the LRC Report. There should be equality between both genders. The Protective Principle should apply to both boys and girls.

Recommendation 3

[The LRC recommends] that the law reflects the protection of two categories of young persons, namely, children under 13 and children under 16 respectively with a range of offences for each category rather than one single offence of child abuse.

Law Society's Response:

9. The Law Society agrees with this Recommendation.
10. The Law Society has considered whether age distinction should be made for offences involving children *under 13* and children *under 16*, and the proposal of not making such distinction (thus leaving the matter to the Court's discretion on sentencing in order to reflect upon the seriousness of

offences committed against children of different ages). When considering this, we take note of the excerpts of the views of the Home Office Review Group in the UK set out in §3.39 of the LRC Report, which is re-produced in the following:

"There was also considerable support for the proposition that the law should make a distinction between an age when children ought not to engage in sex, and an age below which it was absolutely wrong to do so. It was thought that children under the age of thirteen were not physically or emotionally mature enough to deal with the consequences of sexual activity and the law should recognize this. This general policy recognized that although many children under 16 did not have the maturity and competence to give informed consent, there were some who did. It seemed clear to all involved that a child of 12 or under (who may have just started at secondary school and have barely entered puberty) did not have the maturity or understanding to give true consent."

11. We consider the above must be correct, and that children under 13 should be accorded increased protection. Children in this age group could easily be vulnerable for a variety of reasons and subject to manipulation by sexual offenders. Thus, among other things, their consent if any for sexual activity should not and need not be a matter for the jury. Similar thinking was put forth when the UK was considering the passage of the Sexual Offence Act 2003. As the then Lord Chancellor, Lord Falconer, explained during the passage of the Bill for the Act through Parliament

*"A fundamental justification for the under 13 offence is the age and vulnerability of the victim. We do not think it is right that where the victim is 12 or under the question of consent should arise. There would be many cases where it would be utterly invidious for a 12 year old or under to have to give evidence in relation to consent. We therefore think that there needs to be a cut off period. We think we have got the cut off period right."*³

Recommendation 4

[The LRC recommends] that the word "unlawful" should be removed from all offences involving sexual intercourse or sexual act in the Crimes Ordinance.

³ Lord Falconer Hansard 1 April 2003 Column 1176

Law Society's Response:

12. The Law Society notices the history on the use of the word “unlawful” in those offences set out in the LRC Report, and agrees that there is no useful meaning which could be ascribed to the word “unlawful” in those sections in the Crimes Ordinance, that specifically protects the young and mentally incapacitated against sexual intercourse (consensual or not). We consider the following sections of the Crimes Ordinance would therefore need to be reviewed in this exercise:

Section 117	Interpretation
Section 123	Intercourse with girl under 13
Section 124	Intercourse with girl under 16
Section 125	Intercourse with mentally incapacitated person
Section 127	Abduction of unmarried girl under 18 for sexual intercourse
Section 133	Procurement of mentally incapacitated person
Section 142	Permitting mentally incapacitated person to resort to or be on premises or vessel for intercourse, prostitution or homosexual act

13. Apart from the Crimes Ordinance, Cap 200, we notice that the word “unlawful” is also used in sections 65 and 65A of the Mental Health Ordinance, Cap 136 (where “unlawful sexual intercourse” is averred to).

Section 65A of Cap 136 provides that (emphasis supplied)

“Any man who has unlawful sexual intercourse with a woman who is received into guardianship, being a woman- (Amended 81 of 1997 s. 53)

(a) of whom he is the guardian; or

(b) who is otherwise in his custody or care under this Ordinance,

commits an offence and shall on conviction on indictment be liable to imprisonment for 5 years.”

Section 65 of Cap 136 on the other hand provides, inter alia, that,

“ ...

(2) Without prejudice to section 125 of the Crimes Ordinance (Cap 200), any man who is an officer on the staff of, or is otherwise employed in-

- (a) a mental hospital, and has unlawful sexual intercourse with a woman who is detained in that hospital;*
- (b) the Correctional Services Department Psychiatric Centre and has unlawful sexual intercourse with a woman who is detained in that Centre; or*
- (c) a mental hospital or general hospital, and has unlawful sexual intercourse with a woman who is receiving treatment for a mental disorder in the mental hospital or the psychiatric unit of the general hospital, where such intercourse takes place on the premises of the mental hospital or psychiatric unit or on premises of which the mental hospital or psychiatric unit forms part,*

commits an offence and shall on conviction on indictment be liable to imprisonment for 5 years.”

14. There is a recommendation in the later part of the LRC Report, proposing to abolish the offence of sexual intercourse with patients in section 65(2) of the Mental Health Ordinance (see Recommendation 39 of the LRC report). Subject to that recommendation, we ask the word “unlawful” be also removed from the above, for the same reasoning set out under this Recommendation 4.

Recommendation 5

[The LRC recommends] that the proposed offences involving children and young persons be capable of being committed by either an adult or a child offender thus rendering it unnecessary to specify the age of the offender in the relevant legislation.

15. The Law Society agrees to the approach of having a single set of offences which can be committed by an adult or child offender, and thus agrees to this Recommendation.

ABSOLUTE LIABILITY

Recommendation 6

[The LRC is] of the view that the issues as to whether absolute liability should apply to offences involving children between 13 and 16 years and whether or not in this context a distinction should be made between penetrative and non-penetrative sexual activity should be considered by the Hong Kong community. Accordingly, we invite the community to express their views on the issue.

16. When we consider this matter, we have reviewed the issue of mistaken but reasonable belief on the part of the accused, with respect to the age of the child.
17. For sexual offences involving children under 13, the question seems to be more straightforward – we accept the view that it is absolutely wrong for anyone to engage a child under 13 in any form of sexual activity, and thus in such offences involving *children under 13*, this defence of mistaken belief irrespective of how reasonable (or honest) it is ought not be made available.
18. The difficulty lies with the child who is over 13. When an accused had sexual activity with a child over 13, he could due to different factors hold a mistaken but reasonable belief on the age of the child, e.g. the child could look physically mature, or the accused innocently accepted suggestions from the other people on the age of the child, but that turned out to be wrong.
19. The defence of mistake could be abstruse and complex⁴. E.g. if the accused is labouring under a mistake as to the facts (of age of the child), is he to be judged according to his mistaken view of the facts, whether or not that mistake was, on an objective view, reasonable or not? Should the reasonableness or unreasonableness of the belief material only to the question of whether the belief was in fact held by him? (see *DPP v Morgan* [1976] AC 182; see also *R v Kimber* 77 Cr App R 225, CA, and *R v Williams (G)* 78 Cr App R 276, CA).

⁴ See the discussion by the Court of Appeal in *HKSAR v. So Wai Lun* - [2004] HKCU 1303 (e.g. §16-19 thereof).

20. We have revisited the following paragraphs in *Archbold* (2017 edition) and ask the issue of “recklessness” be also examined, insofar as sexual offences involving children are concerned.

“16-41

In *R v Satnam and Kewal* 78 Cr App R 149, CA, the court suggested that a practical definition of recklessness in sexual cases had been given in *R v Kimber* 77 Cr App R 225, CA (a case of indecent assault), namely if the jury were sure that the defendant had been indifferent to the feelings and wishes of the victim, aptly described colloquially as “couldn’t care less” then that in law was “reckless”.

21. “Thus (see pp 154-155) ... [on the issue of consent], the judge should, in dealing with the state of mind of the defendant, direct the jury that before they can convict, the Crown must have proved either that he knew the woman did not consent to sexual intercourse, or that he was reckless as to whether she consented. If the jury are sure he knew she did not consent, they will find him guilty of rape knowing there to be no consent. If they are not sure about that, they will go on to consider reckless rape. If he may genuinely have believed that she did consent, even though he was mistaken in that belief he must be acquitted: see section 118(4) of the Crimes Ordinance, §20-6 , below” (Para 16-41, *Archbold, ibid*).

22. “... If the jury are sure that he could not have cared less whether she wanted to have sexual intercourse or not, but pressed on regardless, then he would have been reckless and could not have believed that she wanted to.

...Equally, the question of honest belief does not necessarily arise where reckless rape is in issue, for the defendant might have failed to address his mind to the question whether or not there was consent, or have been indifferent as to whether or not there was consent, in circumstances where, if he had addressed his mind to the question, he could not genuinely have believed that there was consent... “(Para 16-41, *Archbold, ibid*).

23. The issue of mistake in the offences involving child over 13 in our views should carefully be considered at least in the following:

(a) should the defence of mistaken but reasonable belief be made available?
and

(b) should the Prosecution prove that the accused did not hold the reasonable belief or should the accused be entitled to raise this as a defence?

24. The above issues we say should also be considered in the case of an accused facing allegations of sexual offences involving persons with mental impairment – what if the accused honestly believes that that person does not have a mental impairment (see our comments on Recommendation 33 below).
25. We consider that the constitutional rights of the accused could be at stake, and thus red-flag the importance of the above issues. These should be taken into account on top of those arguments for and against absolute liability (§ 4.37 – 4.47, LRC Report).
26. We agree that the above issues should be a subject for public consultation. The related question as to whether or not a distinction should be made between penetrative and non-penetrative sexual activity regarding absolute liability likewise should also be rendered to the public for views. We are concerned that the common law presumption of innocence may be eroded by the proposed reforms, without proper consideration as to whether such action is, in the circumstances, justified.

DEFENCE OF MARRIAGE TO SEXUAL OFFENCES

Recommendation 7

[The LRC recommends] that there should not be any marital defence to offences involving children in the new legislation (and any such existing defence should be abolished).

27. The Law Society does not agree to this recommendation. We ask that this marital defence should be retained.
28. Under the current law, marital defence is available to a husband who legally marries a wife under the age of 16 in accordance with the marriage law of an overseas jurisdiction (§5.2 LRC report). This defence is available only if the wife is aged 13 and 16 (§5.2 *ibid*), involving consensual sexual intercourse (§5.1 *ibid*) and indecent assault (§5.4 *ibid*).
29. In terms of legal analysis, it is trite that

“Consensual activity between husband and wife, in the privacy of the matrimonial home, is not, in our judgment, a proper matter for criminal investigation, let alone prosecution.”

(Russell LJ in the Court of Appeal case of *R v Wilson* [1997] QB 47)

30. Thus, so long as a couple is validly and legally married in their home country, and that they are engaged in consensual sexual activity, there should not be room for “*criminal investigation, let alone prosecution*”. This only reflects a decent consideration of the privacy of the married couple, and is also out of respect for the marriage law and tradition of the home countries of that couple.
31. We also repeat the following argument from the LRC report, which we find to be convincing:

“5.26 Hong Kong is a multicultural community. It is quite possible that a Hong Kong resident, especially those belonging to the ethnic minority, would return to his or her home country to get married according to the law of that home country which may allow marriage between persons under 16. Two persons who were legally married in accordance with the law of a foreign country would find it inconceivable that the law of Hong Kong would not allow them to have sex here. Any such legal interference with their sexual activity would be violation of their sexual autonomy.”
32. We pause here to make a distinction: by asking for the retention of the marital defence, we are not endorsing child marriages (or forced marriages of a child), which might involve exploitation, gender discrimination, premature and continuous child bearing and the abuses.⁵ We consider those problems should be addressed at policy level, with considerations of economic and/or societal issues such as education, health and marital support. Attempts to solve the above problems by removal of this legal defence confuse the picture and displace the focus.
33. The matter is also not concerned with non-consensual sexual activity, or rape, within a marriage. Non-consensual sexual activity itself is a crime under the Crimes Ordinance, irrespective of the age of the victim.
34. Lastly, we note the comment that according to the LRC Report, there has not been any case prosecuted in Hong Kong which involves the raising of

⁵ See UNICEF https://www.unicef.org/protection/57929_58008.html

the marital defence in section 124(2) of the Crimes Ordinance⁶. We say that the non-use of this defence does not by itself render the defence to be redundant to be removed.

CONSENSUAL SEXUAL ACTIVITY BETWEEN PERSONS BETWEEN 13 AND 16

Recommendation 8

[The LRC recommends] that all consensual sexual activity between persons who are between 13 and 16 years of age should be criminalized but recognizing that prosecutorial discretion will be exercised as to whether a case is appropriate for a charge to be brought.

35. Under the current prosecutorial policy, if two persons who are between 13 and 16 years of age are to have sexual activity, invariably, the boy would be prosecuted and even if ultimately he is given probation (depending on the circumstances of the case), he would still have a criminal record. The girl, on the other hand, would likely to be only placed on a care and protection order. There is no justification for this discrepancy in the prosecution decisions.
36. We ask that there should be a clarification as to the above prosecution, and in any event, the prosecutorial discretion, as referred to in the above recommendation, should be exercised in gender neutral way.
37. Subject to the above observation, we agreed to this Recommendation 8.

SEXUAL OFFENCES INVOLVING CHILDREN IN NEW LEGISLATION

Recommendation 9

[The LRC recommends] that the new legislation should include an offence of penile penetration of a child under 13, along the lines of section 5 of the

⁶ See Footnote 21, page 59 LRC Report

English Sexual Offences Act 2003.

[The LRC also recommends] a similar offence of penile penetration of a child under 16.

38. The Law Society agrees that protection of children should be extended to other sexual activities and that the existing legislation in this regard is inadequate. We agree to those recommendations set out in the above.

Recommendation 10

[The LRC recommends] that the new legislation should include an offence of penetration of a child under 13, along the lines of section 6 of the English Sexual Offences Act 2003.

[The LRC also recommends] a similar offence of penetration of a child under 16.

[The LRC recommends] the adoption of a provision along the lines of section 19(2) of the Sexual Offences (Scottish) Act 2009 to the effect that for the purposes of the offences of penetration of a child under 13 and penetration of a child under 16, a reference to penetration with a part of person's body is to be construed as including a reference to penetration with the person's penis.

[The LRC recommends] that Schedule 1 of the Crimes Ordinance should be amended to allow a statutory alternative verdict for penetration of a child under 13, where the accused is charged with penile penetration a child under 13; similarly, a statutory alternative verdict for penetration of a child under 16, where the accused is charged with penile penetration a child under 16.

39. The Law Society agrees to this Recommendation.

Recommendation 11

[The LRC recommends] that the new legislation should include an offence

of sexual assault of a child under 13. The offence should be constituted by a person (A) who intentionally does any of the following acts to another person (B) and B is a child under 13:

- (a) touches B where the touching is sexual;**
- (b) ejaculates semen onto B; or;**
- (c) emits urine or saliva onto B sexually.**

[The LRC also recommends] a similar offence of sexual assault of a child under 16.

40. The Law Society notices the use of and the reference to “sexual” in (wherever the word appears) the formulation of the proposed offence.
41. It appears to us that the word “sexual” *in the context* of the discussions in the LRC Report has not been defined in the current statutes or in the LRC recommendation itself. By the use of this word, does the LRC mean that acts which are done “asexually” (e.g. “for health reasons or for medical purposes”?) should be exempted? Furthermore, an act could be sexual but not indecent, and vice versa – e.g. touching of the hair of a child. We call for a clarification of what the word “sexual” in the original English Act means.

Recommendation 12

[The LRC recommends] that the new legislation should include an offence of causing or inciting a child under 13 to engage in sexual activity, along the lines of section 8 of the English Sexual Offences Act 2003.

[The LRC also recommends] a similar offence of causing or inciting a child under 16 to engage in sexual activity.

42. The Law Society notes that unlike the concepts of conspiracy or attempts, the concept “incitement” in the laws of Hong Kong has not statutorily been defined. In the absence of any or such definition, we are concerned with respect to the proposal of “causing” or “inciting” a child to engage in sexual activity. We call for a definition.

Recommendation 13

[The LRC recommends] that the new legislation should include an offence of engaging in sexual activity in the presence of a child under 13 along the lines of section 22 of the Sexual Offences (Scotland) Act 2009.

[The LRC also recommends] a similar offence of engaging in sexual activity in the presence of a child under 16.

These two offences should also be constituted by causing such a child to be present while a third person engages in a sexual activity. Moreover, the purpose of the accused's act should be for obtaining sexual gratification, humiliating, distressing or alarming the child, or any combination of these purposes.

43. The Law Society agrees to all the above set out in the Recommendations.

Recommendation 14

[The LRC recommends] that the new legislation should include an offence of causing a child under 13 to look at a sexual image along the lines of section 23 of the Sexual Offences (Scotland) Act 2009.

[The LRC also recommends] a similar offence of causing a child under 16 to look at a sexual image.

The purpose of the accused's act should be for obtaining sexual gratification, humiliating, distressing or alarming the child, or any combination of these purposes. The definition of a sexual image in section 23(3) of the Sexual Offences (Scotland) Act 2009 should be adopted.

44. The Law Society agrees with this Recommendation, which should comprise of two limbs – (i) causing the child looking at a sexual image (ii) for the purpose of obtaining sexual gratification or humiliating, distressing or alarming the child. The mere procurement of the child to look at sexual image (as defined in the LRC Report) must not by itself be categorized as a criminal offence or else for instance the leading of a group of children to

look at “David” renaissance sculpture by Michael Angelo at an art exhibition would become criminal conduct.

45. Furthermore under the proposal, criminal liability arises if the purpose of the accused's act is for, among others, *obtaining sexual gratification*. We ask: to whom the “sexual gratification” is to be obtained. Is that for the accused, or for a third party? A clarification would avoid misunderstanding and is desirable.

Recommendation 15

[The LRC recommends] that the new legislation should include an offence of arranging or facilitating the commission of a child sex offence along the lines of section 14 of the English Sexual Offences Act 2003.

46. The Law Society has reservations. We consider it is relevant to revisit the judgment in *R v Robson* [2008] EWCA Crim 619, which was heavily relied upon in the LRC Report.
47. In this Prosecution appeal, the UK Court of Appeal ruled that for the purposes of an offence under s.14 of the Sexual Offences Act 2003 (intentionally arranging or facilitating the commission of a child sex offence contained in s.9 to 13), the appellant, in making a number of requests to a sex worker he regularly visited, for her to find him a 12-year-old girl, was in law capable of amounting to a criminal attempt of the full s.14 offence, since such acts clearly went beyond the more than merely preparatory stage.
48. It is relevant to revisit the arguments raised by the parties in *R v Robson* (*supra*): the defendant submitted that there had been no more than a mere request which, even if persisted in, could not amount to arranging something. Section 14 required much more to be done, and the facts alleged in the instant case were too remote. Before it could be said that he had arranged something, it would have to be shown that the person to whom he was making the request acquiesced in seeking and finding a willing girl. The prosecution submitted that a mere request was sufficient. The facts in the instant case amounted to arranging something within the meaning of s 14; or alternatively, showed that the defendant had attempted to commit an offence under s 14.

49. In allowing the appeal by the Prosecution, the UK Court held that for the purposes of s 14, absent any agreement, formal or informal, there could still be an arrangement.
50. The following are noteworthy:
- (a) Section 14 of the Sexual Offences Act 2003 introduces an offence which amounts to something more than, and wider than, a criminal attempt under the Criminal Attempts Act 1981. *The critical feature is that s 14, as with other sections of the Sexual Offences Act 2003, is designed to impose criminal liability on preparatory steps.* The purpose of the imposition of criminal liability is to prevent the risk of children being subjected to sexual abuse by imposing liability and punishing those guilty of taking such steps before the child suffers. For that purpose, *the section does not limit the stage at which criminal liability is imposed to what would hitherto have been regarded as an attempt; in other words, to a proximate stage before the commission of the full offence. Section 14 widens liability to steps taken with the requisite criminal intent by way of preparation.*
 - (b) Section 14 does not require an agreement or arrangement. It does not require the consent or acquiescence of anyone else. An arrangement might be made without the agreement or acquiescence of anyone else. A defendant might take steps by way of a plan with the criminal objective identified in s 14 without involving anyone else and the mere fact that no one else is involved would not necessarily mean that no arrangement was made.
 - (c) Although the acts criminalised by s 14 are acts of preparation in themselves, it is nonetheless a substantive offence rather than an attempt.
51. The imposition of criminal liability on preparatory steps, which are short of attempts, could be controversial and undesirable. If it is a conspiracy or a terrorist offence, there could be a legitimate expectation that the law should intervene at an early stage (provided there is sufficient evidence) - the public could be concerned when an offender is preparing either physically or mentally or both to commit a crime, particularly a serious crime. However, to include the mere preparation stage, even if this is substantial, sophisticated, inept or amateurish, into a criminal attempt could unjustifiably extend the ambit of the criminal law⁷. The enactment of such

⁷ See generally the comments in the Criminal Law and Justice Weekly of 8 May 2015: <https://www.criminallawandjustice.co.uk/features/Defining-Actus-Reus-Criminal-Attempts>

legislative measures to catch paedophiles arguably provides a justification, but we consider that experience in other jurisdictions in similar circumstances (and also possibly in curbing sex trade) should be drawn upon in order to consider this novel legislative proposal.

Recommendation 16

[The LRC recommends] there should be exceptions to aiding, abetting and counseling an offence involving children along the lines of section 14 of the English Sexual Offences Act 2003, where a person's actions are intended to protect the child from pregnancy or sexually transmitted infection, to protect the physical safety of a child or to promote child's emotional well-being of a child by the giving of advice. [emphasis supplied]

52. The Law Society notes the views expressed in §7.97 - §7.101 of the LRC Report, and those exceptions in section 73 (general exceptions) and in section 14 (specific exceptions) of the English Act. The LRC Report states that there is an apparent overlap between the exceptions in these two sections. We consider that the *specific exception in section 14 should be subsumed under the general exceptions in section 73* (§7.101).
53. We would therefore expect that the recommendation to be put forward would be along the lines of section 73 of the English Sexual Offences Act 2003 and not section 14 thereof.
54. In any event, section 73 of the English Act is more relevant with this Recommendation as it is on exceptions to aiding, abetting and counseling (compared to section 14, which is on arranging or facilitating commission of a child sex offence).
55. Subject to the above, we agree with this Recommendation.

Recommendation 17

[The LRC recommends] that the offences of sexual intercourse with a girl under 13 (section 123 of the Crimes Ordinance) and sexual intercourse with a girl under 16 (section 124 of the Crimes Ordinance) should be abolished upon the enactment of the new legislation.

56. The Law Society agrees that upon enactment of the new legislation (to be reviewed), the two offences in sections 123 and 123 of the Crimes Ordinance, as set out in this Recommendation, should be abolished.

Recommendation 18

[The LRC recommends] that the offence of indecent conduct towards a child under 16 in section 146 of the Crimes Ordinance should be abolished upon the enactment of the new legislation.

57. Similar to the above, the Law Society agrees that upon enactment of the new legislation (to be reviewed), the offence in section 146 of the Crimes Ordinance, as set out in this Recommendation, should be abolished.

Recommendation 19

[The LRC recommends] that the offence of a man committing buggery with a girl under 21 in section 118D of the Crimes Ordinance should be abolished upon the enactment of the new legislation.

58. Similar to the above, the Law Society agrees that upon enactment of the new legislation (to be reviewed), the offence in section 118D of the Crimes Ordinance, as set out in this Recommendation, should be abolished.

Recommendation 20

[The LRC recommends] that the offence of homosexual buggery with or by man under 16 (section 118C of Crimes Ordinance) and gross indecency with or by man under 16 (section 118H of Crimes Ordinance) should be abolished upon the enactment of the new legislation.

59. Similar to the above, the Law Society agrees that upon enactment of the new legislation (to be reviewed), the two offences in section 118C and

118H of the Crimes Ordinance, as set out in this Recommendation, should be abolished.

Recommendation 21

[The LRC recommends] that the offences of abduction of an unmarried girl under 16 (section 126 of the Crimes Ordinance) and abduction of an unmarried girl under 18 for sexual intercourse (section 127 of the Crimes Ordinance) should be abolished upon the enactment of the new legislation.

60. Similar to the above, the Law Society agrees that upon enactment of the new legislation (to be reviewed), the two offences in section 126 and 127 of the Crimes Ordinance, as set out in this Recommendation, should be abolished.

SEXUAL GROOMING

Recommendation 22

[The LRC recommends] that the new legislation should include an offence of sexual grooming, along the lines of section 15 of the English Sexual Offences Act 2003.

[The LRC also recommends] that apart from meeting the child or travelling with the intention of meeting the child, sexual grooming may also be constituted by making arrangements to travel with the intention to meet the child.

[The LRC also recommends] that it should be an ingredient of the offence that the accused did not reasonably believe that the child was 16 or over at the time of the offence.

[The LRC also recommends] that the “fictitious young person” provision in section 131B(1A) of the New Zealand Crimes Act 1961 should be adopted.

61. Apparently, under the current law, the act of grooming is considered only as an aggravating factor but not an offence per se. In *HKSAR v Ipp Tin Fan* (葉天繁) [2016] HKCU 1759, the Court of Appeal held that

“[32]In respect of [the charge of indecent assault on victim X who was under 13, contrary to section 122(1) of the Crimes Ordinance], there were, as [the Prosecution] has submitted, a number of particularly aggravating features to the offence. There was one in particular, however, which was not considered by the court below, namely the fact that the appellant had "groomed" X for the purposes of taking photographs of her as he indecently assaulted her. The verb 'groom' in this context is defined in the Shorter Oxford English Dictionary as "Prepare (a child) for a meeting, especially via an internet chat room, with the intention of committing a sexual offence." That definition finds resonance with the Court's description of the facts in HKSAR v Chan Hoi Tat ([2011] 6 HKC 59), at para 45:

'From the evidence accepted by the judge, clearly the applicant was grooming a 12 year-old via the internet. He talked with her about daily matters before progressing to introducing matters of a sexual nature to this young girl. It is far too easy for an older man to prey on the innocence and/or naivety of a youngster and a deterrent sentence must be imposed to protect the young.'

[33]We are satisfied that by placing an advertisement for part-time models on an online forum and then exchanging messages via WhatsApp with X, who had responded to the advertisement, culminating in an arrangement to hold a private photo-shoot, the appellant was clearly embarked on a course of conduct aimed at grooming X, whom he knew was under age, for the purpose of committing a sexual offence. ... This was, in our judgment, a clear case of grooming, made worse by financial enticement. As such, it was a particularly aggravating feature of the offence.”

62. There are different views as to whether sexual grooming should remain as an aggravating factor (as in *Ipp Tin Fan* (supra)) or that should be treated as a separate offence. While some members consider the number of cases of young people being groomed by trusted adults has been raising⁸ and thus there is a prima facie need for having this as a new offence, other members express concerns on the elements for this proposed offence - there are for example requirements for meeting or communications on one vs. at least two earlier occasions (para 8.27 - para 8.32), travel arrangements (para 8.33 - para 8.34) and also “fictitious young persons provisions” (para 8.35 - para 8.39). All these could be subject to arguments and controversial. All in all, it could be difficult if not impossible to draw a line for one to delineate the

⁸ “Sex crime victims shouldn't have to suffer in silence ... Hong Kong's laws are outdated, say activists” published in SCMP 03 April, 2016.

taking up of the preparatory steps to groom a victim for sexual offences. The discussion in the LRC Report in the above is brief.

63. We understand that the proposal aims to affix criminal liability upon hardcore paedophiles. The policy intention underlining the proposal is laudable, and is in line with the Protective Principle. However, when it comes to the details of the proposal, we ask for a more thorough consideration and discussion.

Recommendation 23

[The LRC recommends] that the new legislation should include an offence of inducement, threat or deception to procure sexual activity with a person with mental impairment, along the lines of section 34(1) of the English Sexual Offences Act 2003.

[The LRC also recommends] that the proposed offence should cover both penetrative and non-penetrative sexual activity.

64. The proposed new legislation is modeled on section 34(1) of the English Sexual Offences Act 2003, which provides (emphasis supplied):

"(1) A person (A) commits an offence if—

- (a) with the agreement of another person (B) he intentionally touches that person,*
- (b) the touching is sexual,*
- (c) A obtains B's agreement by means of an inducement offered or given, a threat made or a deception practised by A for that purpose,*
- (d) B has a mental disorder, and*
- (e) A knows or could reasonably be expected to know that B has a mental disorder."*

65. On a literal reading of the above, we are not comfortable with the ingredient of offences insofar as “knowledge” is concerned. It seems that an accused A who does not know that B has a mental disorder, but could “*reasonably be expected to know*” such, might commit this offence. This appears to raise the possibility that a person who holds an honest but mistaken belief that the other person does not have a mental disorder may nevertheless be convicted of a serious criminal offence. This would be on

the basis that he should have known, when judged objectively, that the other person had a mental disorder.

66. Knowledge of mental illness is discussed in §§10.33 - 10.34 and §10.67 - 10.69 of the LRC Report. The LRC favours the adopting of the above,

“[as] persons who are involved in care of [Persons with Mental Impairment] are close to the persons under their care, it is natural that they would know or reasonably be expected to know the persons under their care are mentally ill. In the vast majority of cases, it is unlikely to be an issue ...” (§10.69, LRC Report).

67. The above may be correct in cases involving the provision of institutionalized care, but we do not believe that that could be true in other cases. On some occasions, it is not at all easy to differentiate mental impairment (see our comments on Recommendation 35 below). Should there be a more thorough discussion on this ingredient of the offence?

68. Moreover, we note the use of the words “*could*” rather than the word “*would*” in section 1(e) above. This formulation may suggest a lower standard when determining the causal link between the facts and the belief held by the accused. We red-flag the use of this diction and invite a visitation to the Court of Final Appeal judgment in *HKSAR v Pang Hung Fai* (2014) 17 HKCFAR insofar as the words ‘could’ and ‘would’ are concerned (§59 – 79 thereof).

69. Lastly, Recommendation 23 per se refers to, among others, “deception” as an element of the offence. The reference or explanation of this offence in the LRC Report appears to have been abridged; we are not advised whether “deception” in the new legislation would mean a deception only as to either identity or the nature of the acts itself, or both. If, for example, the accused intentionally and falsely represents himself to the person with mental impairment as a wealthy person or having professional career (e.g. pilot) or belonging to a highly respected classes of society, in order to procure sexual activity with that person, would that representation be a “deception”? How about the accused being “reckless” in the representation?

70. We believe the word “deception” should have received from the UK case law a clear and precise meaning. We invite sharing of the research materials in this regard, if any, with the LRC.

71. Similar to the comments we set out above for Recommendation 11, we call for a clarification of the meaning of the word “sexual” (see §40 above).

Recommendation 24

[The LRC recommends] that the new legislation should include an offence of causing a person with mental impairment to engage in or agree to engage in sexual activity by inducement, threat or deception, along the lines of section 35(1) of the English Sexual Offences Act 2003.

72. The proposed new offence is modelled on section 35(1) of the English Sexual Offences Act 2003, which provides that:

"(1) A person (A) commits an offence if—

- (a) by means of an inducement offered or given, a threat made or a deception practised by him for this purpose, he intentionally causes another person (B) to engage in, or to agree to engage in, an activity,*
- (b) the activity is sexual,*
- (c) B has a mental disorder, and*
- (d) A knows or could reasonably be expected to know that B has a mental disorder."*

73. We repeat our comments on Recommendation 23 above, *mutatis mutandis*.

Collateral consideration: genuine relationship should be recognized?

74. On a separate note, we ask the LRC to consider the case where a genuine relationship develops between an adult and a person with mental impairment. The above two persons have sexual activities, which are NOT

- procured by inducement, threat or deception, and
- those crimes in an absolute manner, e.g. gross indecency or abduction (Crime Ordinance Sections 118E, 118I, 125 and 128), which should be banned absolutely (see para 10.2(1) and 10.3)

75. The above relationship is of love and care and is with the full support and endorsement by the parents / guardians (or even medical doctor). There is no sexual exploitation. Yet, when the person with mental impairment is having difficulty to give consent (or it is impossible for him or her to do so), how could that mentally impaired person exercise his or her sexual

autonomy to choose to engage in legitimate sexual activity with someone with whom he or she is in a genuine relationship? Would the normal adult with whom he or she is engaged attracts criminal liability by having sex with the mentally impaired person? Could, for example, the medical profession certify for persons with mental impairment some form of consensus or autonomy to have sex in order to address the above issue?

76. We invite views and comments from the LRC on the above.

Recommendation 25

[The LRC recommends] that the new legislation should include an offence of engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with mental impairment, along the lines of section 36(1) of the English Sexual Offences Act 2003.

In order to constitute the offence, the accused's act should be for the purpose of obtaining sexual gratification, humiliating, distressing or alarming the PMI, or any combination of these purposes.

77. The Law Society notes the proposed new offence is modelled on section 36(1) of the English Sexual Offences Act 2003, which provides:

"(1) A person (A) commits an offence if—
(a) he intentionally engages in an activity,
(b) the activity is sexual,
(c) for the purpose of obtaining sexual gratification, he engages in it—
(i) when another person (B) is present or is in a place from which A can be observed, and
(ii) knowing or believing that B is aware, or intending that B should be aware, that he is engaging in it,
(d) B agrees to be present or in the place referred to in paragraph (c)(i) because of an inducement offered or given, a threat made or a deception practised by A for the purpose of obtaining that agreement,
(e) B has a mental disorder, and
(f) A knows or could reasonably be expected to know that B has a mental disorder."

78. We repeat our comments on Recommendation 23 above, *mutatis mutandis*.

Recommendation 26

[The LRC recommends] that the new legislation should include an offence of causing a person with mental impairment to watch a sexual act by inducement, threat or deception, along the lines of section 37(1) of the English Sexual Offences Act 2003.

In order to constitute the offence, the accused's act should be for the purpose of obtaining sexual gratification, humiliating, distressing or alarming the PMI, or any combination of these purposes.

79. The Law Society notes the proposed new offence is modelled on the section 37(1) of the English Sexual Offences Act 2003 which provides:

"(1) A person (A) commits an offence if—

- (a) for the purpose of obtaining sexual gratification, he intentionally causes another person (B) to watch a third person engaging in an activity, or to look at an image of any person engaging in an activity,*
- (b) the activity is sexual,*
- (c) B agrees to watch or look because of an inducement offered or given, a threat made or a deception practised by A for the purpose of obtaining that agreement,*
- (d) B has a mental disorder, and*
- (e) A knows or could reasonably be expected to know that B has a mental disorder."*

80. We repeat our comments on Recommendation 23 above, *mutatis mutandis*.

Recommendation 27

[The LRC recommends] that the new legislation should include an offence of sexual activity with a person with mental impairment (i) by people involved in his or her care, or (ii) involving abuse of a position of trust or authority, or a relationship of dependency (emphasis supplied by us).

This proposed offence should cover touching or penetration which is sexual.

81. The Law Society has considered the “position of trust or authority, or a relationship of dependency”
82. For “the position of trust or authority” we agree with the view that “*there should be an exhaustive list specifying the relationships giving rise to a position of trust.*” (§12.37 LRC Report). This we consider is to be preferred over the Canadian approach where “*it will be up to the trial judge to consider all factual circumstances relevant to the determination of the relationship between the parties in order to determine whether the accused was in a position of trust towards the victim, or whether the victim was in a relationship of dependency with the accused.*” (§10.72 LRC Report).
83. We agree the list could cover “... *five types of relationships in both public and family contexts: (1) step-parent/guardian/foster parent and child (or de facto partner of parent/guardian/foster parent and child); (2) school teacher and pupil; (3) provider of religious, sporting, musical or other instruction and receiver of such instruction; (4) custodial officer and inmate; or (5) health professional and patient.*” (§12.39 LRC Report).
84. For “a relationship of dependency”, there is little discussion in the LRC Report as to the meaning of “dependency” or any doctrines or case laws (from Canada or the UK) on this relationship. We suggest that “dependency” should not merely be financial; moreover, it might not be too appropriate if “dependency” is given only natural ordinary meaning. A clear definition is desirable.

Recommendation 28

[The LRC recommends] that the new legislation should include an offence of causing or inciting sexual activity of a person with mental impairment (i) by people involved in his or her care, or (ii) involving abuse of a position of trust or authority, or a relationship of dependency.

85. The Law Society repeats its above comments on “position of trust or authority, or a relationship of dependency”. Subject to paragraphs 77-80 in the above, we have no views on the Recommendation.

Recommendation 29

[The LRC recommends] that the new legislation should include an offence of sexual activity in the presence of a person with mental impairment (i) by people involved in his or her care, or (ii) involving abuse of a position of trust or authority, or a relationship of dependency.

In order to constitute the proposed offence, the accused's act should be for the purpose of obtaining sexual gratification, humiliating, distressing or alarming the PMI, or any combination of these purposes.

86. The Law Society repeats its above comments on “position of trust or authority, or a relationship of dependency”. Subject to paragraphs 77-80 in the above, we have no views on the Recommendation.

Recommendation 30

[The LRC recommends] that the new legislation should include an offence of causing a person with mental impairment to watch a sexual act (i) by people involved in his or her care, or (ii) involving abuse of a position of trust or authority, or a relationship of dependency.

In order to constitute the proposed offence, the accused's act should be for the purpose of obtaining sexual gratification, humiliating, distressing or alarming the PMI, or any combination of these purposes.

87. The Law Society repeats its above comments on “position of trust or authority, or a relationship of dependency”. Subject to paragraphs 77-80 in the above, we have no views on the Recommendation.

Recommendation 31

[The LRC recommends] that a relationship of care should exist if a person (A) who is involved in the care of a person with mental impairment (B) in any one of two situations:

firstly, A is any person employed or not in a specified institution and who has a function to perform or provides volunteering service in that defined institution.

secondly, A is a provider of care, assistance or services to B in connection with B's mental illness.

We further recommend that the meaning of specified institutions should be determined by the Administration when the new legislation is put in place.

88. The Law Society has no view on this Recommendation.

Recommendation 32

[The LRC recommends] that in respect of the proposed new offences covering situations where a relationship of care exists, there should be exceptions to liability (i) where the person with mental impairment and the person who is involved in his or her care are married; or (ii) where there is a lawful sexual relationship between them which pre-dated the care relationship.

We further recommend that the exception in respect of pre-existing sexual relationship should apply where a lawful sexual relationship existed between the parties *within a reasonable period* before a party became involved in the care, assistance or services of a person with mental impairment.

89. The Law Society has considered in particular §10.66 of the LRC Report which states inter alia that “*[there] is no good reason why a boyfriend and a girlfriend who were in a consensual sexual relationship within a reasonable period before one of them developed mental illness or is admitted to the care of the other should not be allowed to continue that relationship.*”

90. While we understand the issues to be addressed in the above, the phrase “reasonable period” appears to us to lack precision and opens itself to arguments and abuses. Is there any UK research on this point of what constitute a reasonable period that the LRC could share with us?

Recommendation 33

[The LRC recommends] that it should be a requirement of the proposed new offences involving persons with mental impairment that the accused had actual or constructive knowledge that the victim was a person with mental impairment.

91. The Law Society notices the requirement of “*actual or constructive knowledge*” in the new offences. The LRC justifies this requirement as follows:
“As the extent of mental impairment of these persons may not be very severe, others may not be able to know from their demeanour that they suffer from mental illness. It would only be fair to the accused that he or she should not be held liable if he or she did not have actual or constructive knowledge that the other party to the sexual activity was mentally ill.” (§ 10.34 LRC Report).
92. Under this proposal, therefore, an accused might be found liable if he does not know the mental impairment, but he should know that. On a preliminary consideration, we are not at ease with this suggestion.
93. On some occasions, as pointed out by the LRC itself in the above quote, it could be difficult to determine that the person is with mental impairment – and on some occasions medical views are necessary for one to resolve on the mental impairment of a person. In such circumstance, we wonder if the accused should be found liable for something that he ought to know.
94. We repeat our comments on mistaken but reasonable belief (under Recommendation 6) and difficulties to ascertain mental impairment (Recommendation 35). We are concerned that a person who held an honest but mistaken belief that the other person did not suffer from a mental impairment may nevertheless be convicted of a serious offence; on the basis that he should have known that the other person had such impairment, when judged objectively.

Recommendation 34

[The LRC recommends] that in respect of the proposed new offences involving persons with mental impairment covering situations where a

relationship of care exists and those involving abuse of a position of trust or authority, or a relationship of dependency, there should be a provision imposing an evidential burden on an accused as regards the accused's knowledge of the victim's mental illness, along the lines of sections 38(2), 39(2), 40(2) and 41(2) of the English Sexual Offences Act 2003.

95. The Law Society considers that the proposed imposition of evidential burden on the accused is important in this law reform. There should be arguments for and against this suggestion. We however notice that apart from a short explanation by the LRC in the report⁹, the report itself does not have a detailed analysis or deliberation.
96. In view of the importance of the issue, we suggest a fuller discussion, including a thorough review of the legal principles and case law flowing from judgments such as the Court of Appeal judgment in *HKSAR v Gurung Krishna* [2010] 5 HKC 413.

Recommendation 35

[The LRC recommends] that the proposed new offences involving persons with mental impairment should apply to mentally disordered persons or mentally handicapped persons (as defined in the Mental Health Ordinance).

97. The LRC refers to the definition of mental impairment to the Mental Health Ordinance. This definition embraces “*a mentally disordered person or a mentally handicapped person as defined in the Mental Health Ordinance*” (§11.37 of LRC Report). As for definition of “*mentally handicapped*”, the LRC Report refers to “sub-average general intellectual functioning” meaning “*an IQ of 70 or below according to the Wechsler Intelligence Scales for Children or an equivalent scale in a standardised intelligence test.*” (Mental Health Ordinance, section 2(1))” (footnote 5, page 156 of LRC Report).
98. The above IQ benchmark is not at all easy to be measured, and could only be canvassed we believe in a clinical setting. How can an accused readily discern that a person is with an IQ of 70 or below?

⁹ See Footnote 27 of LRC Report, page 138.

99. The LRC itself acknowledges the difficulty in determining mental impairment (§10.34 LRC Report).
100. The determination of mental impairment is vitally important to the issues of constructive knowledge (Recommendation 33) and evidential burden (Recommendation 34) now proposed by LRC.
101. We also ask if the mental impairment may fluctuate and improve or deteriorate throughout a day, so that a mentally impaired person could at some time enjoy certain sexual autonomy. We invite more discussions.
102. Lastly, we note that mental incapacity is also used and defined in the Powers of Attorney Ordinance, Cap 31:

(1) A person shall be regarded as being mentally incapable or suffering from mental incapacity for any purpose relating to a power of attorney for which the fact that a person is mentally incapable or is suffering from mental incapacity is relevant, if-

(a) he is suffering from mental disorder or mental handicap and-
(i) is unable to understand the effect of the power of attorney; or
(ii) is unable by reason of his mental disorder or mental handicap to make a decision to grant a power of attorney; or

(b) he is unable to communicate to any other person who has made a reasonable effort to understand him, any intention or wish to grant a power of attorney.

(2) For the purposes of subsection (1), "mental disorder" (精神紊亂) and "mental handicap" (弱智) have the meanings assigned to them by the Mental Health Ordinance (Cap 136) (section 1A, Cap 31)

103. By reference to the above, we call for a better working definition that could be understood more easily by ordinary people and not merely by medical profession.

Recommendation 36

[The LRC recommends] that the issue as to what term to be used to describe the person with mental impairment in the new legislation should be left to the draftsman to decide.

104. The Law Society has no particular views on this Recommendation, so long as this recommendation relates only to technical drafting. We also repeat our above comments on the meaning of “mental impairment”.

Recommendation 37

[The LRC recommends] that the offences of a man committing buggery with a mentally incapacitated person (section 118E of Crimes Ordinance), a man committing gross indecency with a male mentally incapacitated person (section 118I of Crimes Ordinance), a man having intercourse with a woman mentally incapacitated person (section 125 of Crimes Ordinance) should be abolished upon the enactment of the new legislation.

105. The Law Society agrees to the Recommendation, subject to the new legislation (to be reviewed).

Recommendation 38

[The LRC recommends] that the offence of abduction of a mentally incapacitated person from her or his parent or guardian for a sexual act (section 128 of the Crimes Ordinance) should be abolished upon the enactment of the new legislation.

106. The Law Society agrees to the Recommendation, subject to the new legislation (to be reviewed).

Recommendation 39

[The LRC recommends] that the offence of sexual intercourse with patients in section 65(2) of the Mental Health Ordinance (Cap 136) should be abolished upon the enactment of the new legislation.

107. The Law Society agrees to the Recommendation, subject to the new legislation (to be reviewed).

Recommendation 40

We are of the view that the issue as to whether there should be legislation for the protection of young persons aged 16 or above but under 18 should be considered by the Hong Kong community. Accordingly, we invite the community to express their views on the issue.

108. The Law Society repeats the comments set out under Recommendation 27 above, insofar as a list setting out the circumstances where a position of trust exists. We reiterate that *“there should be an exhaustive list specifying the relationships giving rise to a position of trust”* (§12.37, LRC Report).

Recommendation 41

[The LRC recommends] that the proposed new offences involving children including sexual grooming and the proposed new offences involving persons with mental impairment should have extraterritorial effect.

109. The Law Society agrees that if an accused takes a child or person with mental impairment outside Hong Kong and commits a sexual offence against him or her in the foreign country (e.g. during an overseas training), the proposed new offences should have extraterritorial effect.
110. For the accused who travels abroad and commits sexual offences against children, or persons with mental impairment, who are residents of that foreign country, we invite more discussions. We agree that those paedophiles who travel abroad to commit offences against children should be caught (§12.50 LRC Report), but there could be cases where the accused fails to appreciate the circumstances in the foreign country on (e.g. the age of the child or the mental impairment of the person), due to language difficulties or cultural differences. Should that be taken into account in the reform of law in this regard?
111. Lastly, In so far as the proposal of sexual grooming having extraterritorial effect, we repeat our above comments set out under Recommendation 22.

III. Conclusion

112. The Law Society welcomes this review, and anticipates to be further engaged in the law reform in this as well as this series of consultations.

The Law Society of Hong Kong
17 January 2017