



CONSULTATION PAPER ON IMPROVING THE LAWS ON SEXUAL OFFENCES IN HONG KONG

LAW SOCIETY SUBMISSIONS

1. In June 2026, the Security Bureau issued “Improving the Laws on Sexual Offences in Hong Kong” (the “Consultation Paper”).
2. The Law Society of Hong Kong (the “Law Society”) makes this submission in response to the Government’s public consultation on improving Hong Kong’s laws on sexual offences.
3. Instead of using the “Response Form” included in the Consultation Paper, we provide a submission in response.
4. Unless otherwise stated, this submission uses the abbreviations and definitions adopted in the Consultation Paper.

General Comments

5. The Law Society respectfully considers reform of Hong Kong’s sexual offences laws to be necessary. We therefore welcome the Government’s proposal to review and improve the laws on sexual offences in Hong Kong, taking into consideration the recommendations made by the Law Reform Commission (“LRC”) in its two reports of 2019 and 2022 in the process. At the same time, we wish to raise the following issues for the Government’s consideration.

Specific Comments

(1) Measures to strengthen protection of victims in voyeurism-related offences – Special procedures in trials to protect child victims

6. Paragraph 124 of the Consultation Paper stated that:

“Section 79B, 79C and 79E of the Criminal Procedure Ordinance provide for the special procedures in trials to protect child victims in the “offences of sexual abuse”. We propose amending the above provisions to cover voyeurism-related offences, **so that the special procedures may apply to child victims of these offences and enable them, subject to the appropriate conditions of the provisions:**

(a) to give evidence by way of a live television link;

(b) to receive examination-in-chief via video recording, which may be used as evidence in the proceedings; and

(c) to give evidence by depositions in writing.” (emphasis underlined)

7. The Law Society has reservations regarding the proposal in paragraph 124(c) to admit a deposition in writing from child witnesses. While the objective of reducing the trauma associated with giving evidence is understandable, the reliability and fairness of such evidence warrant careful consideration.

8. In practice, a written deposition prepared on behalf of a young child will almost inevitably involve assistance from parents, guardians, police officers, social workers or other adults. During the drafting process, there is a risk that the child’s account may be unintentionally refined, interpreted or supplemented by others, thereby diminishing the authenticity and spontaneity of the evidence. This concern may be particularly acute in cases involving family disputes or allegations arising in the context of acrimonious parental relationships, where issues of influence or coaching may arise.

9. By contrast, a video-recorded interview preserves the child's own words, manner of expression and demeanour, while allowing the court to assess the circumstances in which the account was given. The Consultation Paper does not sufficiently explain why existing video-recorded evidence procedures are inadequate or why a further step towards written depositions is necessary. Given the potential prejudice to the accused and the importance of ensuring a fair trial, we consider that any proposal to rely on written depositions from child witnesses should be approached with considerable caution and be subject to certain safeguards.

(2) Sexual Conviction Record Check Scheme

10. The Law Society supports the Government's proposal, set out in Appendix A4 (Final Recommendation 3) of the Consultation Paper, to extend the Sexual Conviction Record Check ("SCRC") Scheme to cover all existing employees, self-employed persons and volunteers engaged in child-related work or work relating to persons with mental impairment, as this is consistent with the protective objective of the present reform exercise and the LRC's recommendation that the Scheme be extended to its fullest before the question of mandating the Scheme is further evaluated.
11. The Law Society notes that the Scheme has been implemented administratively since 2011 and has been expanded in phases, including to prospective self-employed persons from December 2024 and volunteers from December 2025.
12. While such phased expansion is welcome, the Law Society considers that the Government may review whether the Scheme ought to be placed on a statutory and, where appropriate, mandatory footing for specified categories of work involving regular or unsupervised contact with children or persons with mental impairment in the long run. The need for further consideration is particularly acute

in relation to self-employed persons, private tutors, coaches, carers and volunteers, where there may be no conventional employer to initiate or monitor the checking process, and where a purely voluntary arrangement may leave practical gaps in protection.

13. The LRC noted that the then-existing SCRC Scheme did not yet cover all existing employees, self-employed persons and volunteers, and considered that there was insufficient basis to determine whether the Scheme should be made mandatory before those earlier recommendations had been fully implemented¹. Accordingly, the LRC recommended that the Government first extend the Scheme to its fullest coverage and thereafter evaluate the need for a mandatory regime².
14. In the Law Society's view, a mandatory or self-declaration requirement for clearly defined high-risk categories may not be ruled out merely because the current proposal is framed as an expansion of the administrative Scheme; rather, it may be considered as part of a principled and proportionate safeguarding framework.
15. Any such regime should, however, be carefully designed with appropriate safeguards, including clear eligibility criteria, privacy protections, limits on disclosure, mechanisms for accuracy and review, and due regard to rehabilitation and the treatment of spent convictions, consistent with the LRC's recommendation that spent convictions should not be included in the Scheme.
16. In light of the above, the Law Society therefore recommends that the Government proceed with the proposed expansion, and consider conducting review of whether legislative backing and mandatory checking or disclosure obligations may be appropriate for specified high-risk roles, having regard to the need to protect

¹ Paragraph 3.8 of Chapter 3 on "Final Recommendation 3 – Review of Sexual Conviction Record Check Scheme" of the **Law Reform Commission of Hong Kong Report: *Sentencing and Related Matters in the Review of Sexual Offences* (May 2022)**.

² Reproduced under Appendix A4 (Final Recommendation 3) of the Consultation Paper.

vulnerable persons while maintaining fairness, proportionality and respect for individual rights.

(3) Balancing Victim Protection and the Rights of Acquitted Defendants

17. The Law Society notes from Appendix 2 to the Legislative Council Background Brief dated 3 July 2026 (LC Paper No. CB(2)941/2026(04)) that convictions for sexual offences are by no means automatic. By way of illustration, in 2025, 43 persons were prosecuted for rape, but only 16 were convicted, representing a conviction rate of approximately 37%; while in the same year, 327 persons were prosecuted for indecent assault, but only 211 persons were convicted, representing a conviction rate of approximately 65%. These figures demonstrate that a considerable proportion of defendants charged with sexual offences are ultimately acquitted after trial.
18. In considering the appropriate balance between open justice and the protection of victims, it is important to recognise that the courts already possess mechanisms to prevent the identification of victims or complainants in appropriate cases. Where publication of a defendant's name would be likely to reveal, whether directly or indirectly, the identity of a victim or complainant, the prosecution may seek an order that the defendant be identified by initials in the proceedings. This established practice serves the legitimate objective of safeguarding victims from indirect or "jigsaw" identification through the publication of the defendant's identity, whilst constituting only a limited and proportionate departure from the general principle of open justice.
19. While the Law Society fully recognises the importance of protecting victims and encouraging the reporting of sexual offences, equal regard should also be given to the rights and legitimate interests of defendants who are subsequently found not guilty. Public disclosure of the identity of an accused person may, in some cases,

result in irreversible damage to reputation, employment prospects, family relationships and personal well-being, notwithstanding an eventual acquittal. The Law Society therefore considers that, in evaluating any proposal to expand disclosure or information-sharing mechanisms, careful consideration should be given to whether adequate safeguards exist to protect the interests of acquitted persons and to maintain an appropriate balance between victim protection, public interest and the fundamental principle of the presumption of innocence.

Concluding Remarks

20. We look forward to continued constructive dialogue with the Government and relevant stakeholders. Our views may in the future depend on the actual wordings of the legislation, so we are prepared to be engaged in further consultation on and discussions of the draft legislation, once it has been gazetted.

The Law Society of Hong Kong

4 August 2026