

## LCQ18: Indecency offences

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (April 28):

Question:

It has been reported that earlier on, two video clips of an indecent nature were published on the Internet, which respectively showed two naked men engaging in sexual intercourse in an MTR train compartment, and another naked man masturbating in a train compartment. The persons captured in the clips and the publishers of the clips may have committed the offences under section 148 (Indecency in public) of the Crimes Ordinance (Cap. 200), and section 21 (Prohibition on publishing obscene articles) of the Control of Obscene and Indecent Articles Ordinance (Cap. 390), as well as the offence of "outraging public decency" under common law (collectively referred to as indecency offences below). Regarding indecency offences, will the Government inform this Council:

- (1) of the respective numbers of persons who were (a) prosecuted for and (b) convicted of the offences (i) of outraging public decency, (ii) under section 148 of Cap. 200, and (iii) under section 21 of Cap. 390, in each of the past five years; the lowest and highest penalties imposed on the convicted persons;
- (2) among the cases referred to in (1), of the number of those that occurred in MTR train compartments and on train platforms;
- (3) of the measures put in place in the past five years by the MTR Corporation Limited to prevent the occurrence of indecency offences within the precincts of MTR stations; and
- (4) of the new measures for combating indecency offences to be put in place by the Police in the coming three years, and whether such measures will include increasing the manpower for patrolling the black spots for such offences and stepping up publicity efforts; if so, of the details?

Reply:

President,

Having consulted the Transport and Housing Bureau and the Police, our reply to the various parts of the question raised by the Member is as follows:

- (1) and (2) The offence of "outraging public decency" under the common law is punishable with imprisonment of up to seven years in accordance with section 101I of the Criminal Procedure Ordinance (Cap. 221). Section 148 of the Crimes Ordinance (Cap. 200) stipulates that a person who, without lawful

authority or excuse, in any public place or in view of the public indecently exposes any part of his body shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 and to imprisonment for six months. According to section 21 of the Control of Obscene and Indecent Articles Ordinance (Cap. 390), any person who publishes any obscene article in Hong Kong commits an offence and is liable on conviction to a maximum penalty of a fine of \$1 million and imprisonment for three years.

The numbers of prosecution, conviction and sentencing of the above offences in the past five years are at Annex. The Government does not maintain the breakdown of other figures requested in the question.

(3) and (4) The MTR Corporation Limited (MTRCL) and the Police have been working closely and sharing information about the latest crime trends to prevent crimes. Among the collaborations, the MTRCL and the Railway Police District have been launching various publicity initiatives to remind passengers to be vigilant about clandestine photography, such as the putting up of posters at prominent locations in MTR stations and the broadcasting of crime prevention messages on electronic display boards. Victims and witnesses are also encouraged to come forward to report. MTRCL also arranges station staff to conduct patrols within the precincts of MTR stations from time to time, and deploys additional staff during rush hours to cope with unexpected situations.

Moreover, the MTRCL has been enhancing its staff training with the Police to provide crime prevention training for its frontline staff. The training serves to improve their understanding of indecency offences and sexual offences, as well as skills in handling related matters. This in turn helps the Police combat crimes and the MTRCL offer more appropriate assistance to passengers. Over the years, the MTRCL have been reviewing the situation of different station facilities and taking corresponding measures to address passengers' concerns, such as by putting opaque stickers on the glass panels of lifts and escalators.

The MTRCL will timely review the effectiveness of relevant measures and continue to monitor the situation of station facilities. It will make every effort to prevent crimes, including indecency offences, within the precincts of MTR and provide safe rides for passengers.

The Police will continue to deploy manpower flexibly to step up high profile anti-crime patrols at such black spots of sex crimes, such as MTR stations, during rush hours to combat crimes. It will also enhance publicity and educational efforts through its on-line platforms to raise public awareness. For instance, at the end of last year, Police worked with various organisations to hold a region-wide promotional and educational campaign called "Child Protection Week" to exchange views with teachers, parents, social workers and students through online talks, sharing sessions and social media platforms, so as to promote disseminate sex crime prevention message.