

Public consultation launched on proposed introduction of offences of voyeurism, intimate prying and non-consensual photography of intimate parts and related offences

The Hong Kong Special Administrative Region Government announced today (July 8) the launch of a three-month public consultation on the proposed introduction of offences against voyeurism, intimate prying, non-consensual photography of intimate parts and the distribution of related images.

A spokesperson said, "In accepting the recommendations of the Law Reform Commission in its Report on Voyeurism and Non-consensual Upskirt-photography, the Government proposes to introduce criminal offences against voyeurism and non-consensual photography of intimate parts, including the taking of still photographs and videos. In addition, the Government also proposes to introduce a criminal offence of intimate prying irrespective of the purpose.

"To render further protection to victims, the Government also proposes the introduction of a criminal offence against the distribution of surreptitious intimate images obtained from the proposed offences above, and another criminal offence against the non-consensual distribution of relevant images in cases where consent was given for the taking of such intimate images but not for subsequent distribution. In addition, the Government proposes to include all these new offences in the Specified List of Sexual Offences under the Sexual Conviction Record Check Scheme."

There is currently no specific offence against voyeurism or non-consensual photography of intimate parts (such as upskirt photography) under the law. At present, these acts can only be prosecuted with other charges (e.g. "loitering" and "disorder in public places"). The penalties for some of these other offences are relatively lower and not commensurate with the severity of voyeurism and surreptitious intimate photography, which often violate the victim's right to privacy and sexual autonomy, and cause long-term distress, humiliation, harassment and stress to the victim.

The Consultation Paper can be downloaded from the website of the Security Bureau (www.sb.gov.hk/eng/special/voyeurism/index.htm). Members of the public are invited to send their views to the Security Bureau by mail (Central Government Offices, 10/F, East Wing, 2 Tim Mei Avenue, Tamar, Hong Kong), by fax (2501 4281) or by email (consultation@sb.gov.hk) on or before October 7, 2020.