

LCQ15: Reform of laws on sexual offences

Following is a question by Dr the Hon Tik Chi-yuen and a written reply by the Acting Secretary for Security, Mr Michael Cheuk, in the Legislative Council today (December 18):

Question:

It has been reported that the Police have pointed out that the number of child sexual abuse cases involving online activities increased by more than 15 per cent year-on-year last year. On the other hand, there are views that, although the Mandatory Reporting of Child Abuse Bill, which was passed by this Council in July this year, requires specified professionals to report cases suspected to involve online sexual grooming and sexual exploitation, the existing laws fail to provide comprehensive protection for the victimised children and young people after reporting. Moreover, it is learnt that the Law Reform Commission of Hong Kong published reports (i.e. Review of Substantive Sexual Offences, and Sentencing and Related Matters in the Review of Sexual Offences) in 2019 and 2022 respectively, putting forward recommendations for reforming sexual offences (including discarding of the term rape and creating a range of non-consensual sexual offences, as well as creating a range of new sexual offences involving children and persons with mental impairment (PMIs)). However, the Government has yet to legislate on the relevant recommendations. In this connection, will the Government inform this Council:

(1) of the progress of the Government's work in implementing the more than 70 recommendations made in the aforesaid two reports, and whether it has drawn up a specific legislative timetable; if so, of the details (including which issues relating to the reform of the laws on sexual offences will be accorded priority); if not, the reasons for that;

(2) how the authorities handle cases reported under the Mandatory Reporting of Child Abuse Ordinance which are suspected to involve online sexual grooming and sexual exploitation; whether they have reviewed if such cases can be handled with the existing laws, so as to prevent suspected abusers from getting away without being punished;

(3) of the following information about the cases in which the Police made arrests involving rape offences in each of the past five years: (i) the number of victims (with a breakdown by age, gender (including (a) male, (b) female and (c) transgender) and mental conditions (i.e. (A) persons of sound mind and (B) PMIs)), (ii) the number of persons arrested, (iii) the number of persons arrested who were eventually charged with rape, and (iv) the number of persons arrested who were eventually charged with indecent assault instead (set out in Tables 1 and 2 respectively);

Table 1

Year	(i)			(ii)	(iii)	(iv)
	Age	gender	Number of persons			
2019	below 18	(a)				
		(b)				
		(c)				
	18 or above	(a)				
		(b)				
		(c)				
.....	below 18	(a)				
		(b)				
		(c)				
	18 or above	(a)				
		(b)				
		(c)				
2023	below 18	(a)				
		(b)				
		(c)				
	18 or above	(a)				
		(b)				
		(c)				

Table 2

Year	(i)		(ii)	(iii)	(iv)
	Mental conditions	Number of persons			
2019	(A)				
	(B)				
.....	(A)				
	(B)				
2023	(A)				
	(B)				

(4) among the cases mentioned in (3), (i) the circumstances and reasons leading to the charge against the arrested persons being changed to indecent assault, and (ii) the number of cases referred to the Social Welfare Department for provision of support for the victims; and

(5) of the number of sexual offence cases involving persons under the age of 16 and online activities in each of the past five years (with a breakdown by the type of cases (including (i) sexual blackmail/fraud and (ii) involving actual sexual assault) and, among them, the number of cases in which prosecutions were instituted and the number of convicted cases (set out in Table 3)?

Table 3

Year	Type of cases	Number of cases	Number of cases in which prosecutions were instituted	Number of convicted cases
2019	(i)			
	(ii)			
			
.....	(i)			
	(ii)			
			

2023	(i)			
	(ii)			
			

Reply:

President,

The Government attaches great importance to the handling of sexual offence cases as well as the well-being of children and young people, and is committed to protecting them from sexual abuse. In consultation with the Labour and Welfare Bureau and the Hong Kong Police Force (HKPF), the consolidated reply is set out below.

(1) The Law Reform Commission of Hong Kong (LRC) published a report on Review of Substantive Sexual Offences in December 2019 and, subsequently in May 2022, a report on Sentencing and Related Matters in the Review of Sexual Offences. The two reports cover the subjects of four consultation papers of the LRC in the past ten-odd years, including rape and other non-consensual sexual offences, sexual offences involving children and persons with mental impairment, miscellaneous sexual offences, and sentencing and related matters in the review of sexual offences. They cover principle-based recommendations as well as those involving making substantive legislative amendments, including the creation of a range of non-consensual sexual offences (for example, a range of new sexual offences involving children and persons with mental impairment which are gender neutral), the proposed penalties for the offences, treatment and rehabilitation of sex offenders, and a review on the Sexual Conviction Record Check Scheme.

The two reports have extensive coverage and contain over 70 recommendations. The Government is studying the reports and will propose legislative amendments with reference to the development of relevant laws in other jurisdictions. We plan to conduct public consultation on the implementation of the proposed legislative amendments in the two reports within 2025 and submit them to the Legislative Council for consideration at a suitable juncture.

(2) The Mandatory Reporting of Child Abuse Ordinance (the Ordinance) requires specified professionals to report serious child abuse cases, including "any harm caused by coercing or enticing a child to take part in rape, incest, buggery, sexual intercourse or any act of gross indecency" as stipulated in item 3 of Schedule 2 to the Ordinance. Upon the commencement of the Ordinance, the HKPF will, as always, investigate all reported offences and determine whether prosecution should be instituted on the basis of the evidence, irrespective of whether or not the case is reported through the reporting platform under the Ordinance and whether the act involved in the case took place online.

(3) The HKPF has all along adopted the age of 21 as the dividing line for the purpose of collating statistics on offences involving children and young people. For the offence of rape, the HKPF does not break down and maintain

statistics on the number of victims aged below 18 and their mental conditions. Statistics on rape cases in the past five years, including the number of cases, the number of victims by age and sex, the number of persons arrested, and the number of completed prosecutions, are set out in Table 1 below. The HKPF does not maintain statistics on the number of cases in which the charge was changed from rape to indecent assault, the number of persons arrested, and the number of cases in which the victims were persons of sound mind or with mental impairment.

Table 1: Statistics on rape cases

Year	Number of Cases	Number of Victims					Persons Arrested	Number of Completed Prosecution Cases (Note 2)
		Number of Victims	Aged 21 below		Aged 21 or above			
			Male (note 1)	Female (note 1)	Male (note 1)	Female (note 1)		
2019	50	50	0	23	0	27	46	34
2020	64	64	0	36	0	28	59	24
2021	79	79	0	39	0	40	81	32
2022	53	53	0	27	0	26	56	34
2023	67	67	0	29	0	38	70	31

Note 1: The gender of the victims of the cases is recorded according to the gender on their identity documents. The HKPF does not keep statistics on the number of victims who are transgender persons.

Note 2: Figures refer to the number of cases concluded in the calendar year, not necessarily those for which prosecution proceedings commenced in the same calendar year.

(4) As mentioned above, the HKPF does not maintain statistics on the number of cases in which the charge was changed from rape to indecent assault, and therefore does not maintain statistics on the circumstances and reasons for the said change of charge. The HKPF and the Social Welfare Department (SWD) also do not maintain statistics on the number of rape cases referred by the HKPF to the SWD for support.

(5) Cases of blackmail relating to pornographic fraud mainly involve the criminal conduct of "naked chat" blackmail, while those involving actual sexual offences include rape, indecent assault, unlawful sexual intercourse, gross indecency, incest, unlawful buggery, etc. (sexual offences against children). Statistics on the number of cases of "naked chat" blackmail and sexual offences against children in the past five years are set out in Table 2 below. The HKPF does not maintain statistics on the number of prosecutions and convictions in respect of these cases.

For the age of victims of "naked chat" blackmail cases, the HKPF uses

the age of 21 as the dividing line for the purpose of collating statistics; and for sexual offences against children, in accordance with the definition in the Criminal Procedure Ordinance, a child is a person under the age of 17. The HKPF does not break down and maintain statistics on the number of victims under the age of 16 for the abovementioned two offences.

Table 2: Statistics on the number of cases of "naked chat" blackmail and "sexual offences against children"

Year	Number of cases of "naked chat" blackmail with victims under the age of 21	Number of cases of "sexual offences against children"
2019	45	422
2020	389	386
2021	401	599
2022	297	578
2023	444	696

[LCQ9: Public bathing beaches under the management of the Leisure and Cultural Services Department](#)

Following is a question by Dr the Hon Yiu Pak-leung and a written reply by the Secretary for Culture, Sports and Tourism, Miss Rosanna Law, in the Legislative Council today (December 18):

Question:

There are views that beaches can serve as tourist attractions, and by offering diversified water sports activities and catering facilities at beaches, as well as using them as venues for performances and sports events, Hong Kong can cultivate a more vibrant beach culture and realise the concept of "tourism is everywhere". However, the 42 public bathing beaches currently managed by the Leisure and Cultural Services Department (LCSD) can only meet the most basic recreational needs with their limited facilities, and it is difficult for organisations to apply to use them as venues for activities and mega events. In this connection, will the Government inform this Council:

(1) of the following information about the public bathing beaches under the management of LCSD: (i) the number of users so far this year, (ii) the area, (iii) the area used for commercial purposes, and (iv) the specific commercial

uses (set out in the table below);

Public bathing beach	(i)	(iv)

(2) whether LCSD has organised activities at the public bathing beaches under its management other than opening them to the public for bathing since last year; if so, of the details (including the content of the activities and the number of participants) (set out in a table); if not, the reasons for that;

(3) as it is learnt that eligible organisations may apply to LCSD for organising non-designated use activities at public bathing beaches, of the number of the relevant applications made since last year and, among such applications, the details of the activities involved in the approved applications (including the content of the activities and the number of participants) (set out in a table); the criteria adopted by LCSD for vetting and approving such applications, for example, whether the attractiveness of these activities to tourists is one of the considerations in vetting and approving the applications;

(4) whether LCSD will review the existing management mechanism of public bathing beaches to facilitate different organisations to apply for the use of beaches to organise activities, thereby encouraging more activities and mega events to be held at public bathing beaches; and

(5) whether LCSD will review the existing ancillary facilities at beaches to create a unique beach culture from a tourism perspective, such as providing additional catering facilities or more diversified water experience activities, thereby creating more consumption scenarios to attract members of the public and tourists to visit the beaches?

Reply:

President,

The 42 public beaches under the Leisure and Cultural Services Department (LCSD) are equipped with swimming-related ancillary facilities. Some of which also provide barbecue pits, beach volleyball courts and obstacle golf courses, offering a variety of activity spaces for enjoyment for members of the public and tourists.

Regarding the questions raised by the Hon Yiu Pak-leung, my reply is as follows:

(1) From January 1 to November 30, 2024, the number of users, the surface area of the beach, the surface area for commercial purposes as well as information on the specific commercial purposes served of the 42 public beaches under the LCSD are set out at Annex I.

(2) Information on the activities organised at public beaches by the LCSD from January 1, 2023 to November 30, 2024 is set out at Annex II.

(3)&(4) The LCSD has all along approved applications from different organisations for holding various activities at the beaches. For example, the Tuen Mun Beach Festival held at Golden Beach and Cafeteria New Beach, the Tai Po Lung Mei Beach Festival held at Tai Po Lung Mei Beach, and the special events held at Ma Wan Tung Wan Beach during specific festive occasions such as Christmas, Easter and the Mid-Autumn Festival, including festive celebrations, family-friendly activities and carnivals etc. These activities were widely popular among participants, enhancing the appeal of public beaches and fostering community cohesion.

When processing such applications, the LCSD will take into account various factors, including the area to be hired, the duration of hire, the purpose and nature of the activity, the appeal to the public, and the possible impact on other venue users etc. Relevant government departments will also be consulted.

From January 1, 2023 to November 30, 2024, the LCSD has approved a total of 55 booking applications from different organisations for non-designated use of public beaches. Details of the programmes and the attendances are set out at Annex III.

(5) Apart from providing safe and quality recreational and sports facilities for the public, the LCSD also enhances the facilities of its beaches proactively with a view to attracting more members of the public and tourists to the public beaches as well as supporting the promotion of "tourism is everywhere" through making good use of the magnificent coastline and water bodies of Hong Kong.

At present, different catering businesses, restaurants and ancillary facilities offering a diversified range of food, beverages and products have been provided in the vicinity of multiple beaches of the LCSD to cater for the needs of the public and boost local economy. Beach umbrella and deck chair hire services are also available at the light refreshment kiosks of some beaches to provide convenience to swimmers and visitors. To further improve the services at the beaches and enhance their attractiveness, "check-in" spots will be set up at suitable beaches for photo-taking by swimmers and visitors during their visits.

The LCSD will continue to strive to optimise the management, facilities and development of public beaches. While taking into consideration the public demand for leisure services and the promotion of water safety, the LCSD will also actively consider adding tourism elements to attract tourists and creating diversified beach facilities to make those suitable public beaches become ideal venues for hosting more activities, thereby attracting more members of the public and tourists to visit.

[New round of application exercise for institutions to qualify under arrangement on interim measures in aid of arbitral proceedings by courts of Mainland and HKSAR commences](#)

A spokesman for the Department of Justice (DoJ) said that a new round of application exercise for arbitration and dispute resolution institutions to qualify under Article 2(1) of the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region (Arrangement) was launched today (December 18). Details of the application procedures are set out on the [webpage of the DoJ](#).

Under the Arrangement signed between the DoJ and the Supreme People's Court in April 2019, parties to arbitral proceedings seated in Hong Kong and administered by eligible arbitral institutions which have been designated would be able to apply to the relevant Mainland courts for interim measures. Those interested to be the designated institutions or permanent offices under the Arrangement may submit application to the DoJ.

All applications and supporting documents shall be in writing and submitted to the DoJ on or before January 17, 2025, by post or email as follows:

Alternative Dispute Resolution Team
Civil Division
Department of Justice
2nd floor, East Wing, Justice Place,
18 Lower Albert Road, Central, Hong Kong

Email: arbitration@doj.gov.hk

For enquiries, please contact the Alternative Dispute Resolution Team of the DoJ (Tel: 3902 8889; email: arbitration@doj.gov.hk).

[Ombudsman announces results of direct](#)

investigation operation into public services relating to after-death arrangements (with photos)

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Mr Jack Chan, today (December 18) announced the completion of a direct investigation operation into the public services relating to after-death arrangements, and made a total of 10 major recommendations to the Food and Environmental Hygiene Department (FEHD), the Department of Health (DH), the Hospital Authority (HA) and the Immigration Department (ImmD).

With an ageing trend in Hong Kong's population, the demand for public services relating to after-death arrangements, including death registration matters, mortuary services and funeral arrangements is expected to continue to rise. The dissemination of information on relevant services is very important to the public.

Various government departments are responsible for public services relating to after-death arrangements. The DH and the HA provide mortuary services and issue death documents while the ImmD handles death registrations. As regards funeral arrangements, cremations, burials, handling of cremated ashes and green burials, the bereaved are required to submit applications and follow up with the FEHD. Members of the public can go to the joint offices set up by the ImmD, the DH and the FEHD to register deaths and apply for a cremation for some death cases. However, the joint offices do not handle applications for burials.

Currently, information about after-death arrangements can be found on the Services and Support for the Bereaved webpage on the government website, Gov.HK. Nevertheless, the bereaved have to click on the links to websites of different government departments, one by one, to look for the information they need, which is difficult to find from the linked websites.

Mr Chan said, "It takes time to heal the pain of losing a loved one. During that period of time, family members not only have to face the grief of losing their loved ones, but also have to deal with cumbersome after-death arrangements. Under this kind of pressure, family members may feel helpless and anxious. My Office expects the information on various public services to be more easily accessible and clearly understood so family members can find the information they need quickly, avoiding anxiety and confusion due to insufficient information, and do not need to worry about missing any important steps.

"After the Office initiated this direct investigation operation, the Office is pleased to note that the FEHD launched the After-death Arrangements thematic website in November this year, aiming to provide information

focusing on green burials and after-death arrangements provided by the department. We recommend that based on this online platform by the FEHD, other departments and authorities, including the ImmD, the DH and the HA, should explore the development of a truly interdepartmental one-stop thematic website, with the function of an online application for the relevant after-death public services to enable family members to complete the relevant procedures more expeditiously to save them the inconvenience of having to go to the offices of different departments in person to apply for various services."

Mr Chan added, "I am pleased to note that during our investigation, the Digital Policy Office together with the FEHD, the ImmD, the DH and the HA have commenced a study on the feasibility of streamlining application procedures for public services relating to after-death arrangements. The study covers the feasibility of developing a one-stop online platform and data sharing, and digitalised procedures for the services provided by the departments and the authority concerned. I expect that various departments and organisations will inform the public of their work plans and progress in a timely manner. On the other hand, I think that in the face of emergencies such as serious natural disasters, public health and safety incidents, departments should formulate a crisis response mechanism for critical situations that may lead to mass casualties, and implement proper co-ordination measures to ensure that the most efficient and speedy response will be made in the future, if necessary."

The Ombudsman has made the following improvement recommendations to the FEHD, the DH, the HA and the ImmD:

- All the departments should discuss and examine the feasibility of developing a one-stop thematic website providing information about the public services provided by each of them regarding after-death arrangements;
- All the departments should explore using a one-stop thematic website to further digitalise public services relating to after-death arrangements. They should consider providing more electronic application procedures and personalised services to make it more convenient for the bereaved;
- All the departments should examine how the content of the thematic website can meet the needs of people of different races and cultures;
- The FEHD and the department or authority concerned should organise seminars or forums to explain information and share experiences relating to after-death arrangements on a regular basis;
- The HA and the department or authority concerned should provide more information on dying in place to their service users as well as giving more publicity to the new arrangements in the amended legislation that make it more convenient for patients to choose to die in place;
- The DH should regularly review the availability of body storage facilities in public mortuaries and consider installing additional units in response to the population growth and the ageing trend in Hong Kong;
- The HA should regularly review the availability of body storage facilities in hospital mortuaries and consider installing additional

units in response to the population growth and the ageing trend in Hong Kong;

- All the departments should consolidate previous experiences and explore the establishment of an emergency response system and implementation of relevant measures regarding provision of public services relating to after-death arrangements at the time of emergencies or major accidents to prepare for sudden challenges;
- All the departments should conclude previous experiences and arrange regular training to staff providing public services relating to after-death arrangements at the time of emergencies or major accidents, with the aim of increasing the staff's alertness and capability in handling emergencies of a sizeable magnitude; and
- All the departments and the authority concerned should be flexible in redeploying internal resources to meet the rising demand for public services relating to after-death arrangements alongside the ageing trend in Hong Kong's population.

The full report of this direct investigation is available on the Office's website (www.ombudsman.hk) for public information.



[S for S leads National Security Education Study Tour to Beijing](#)

â€‹The Secretary for Security, Mr Tang Ping-keung, today (December 18) led the National Security Education Study Tour organised by the Hong Kong Special Administrative Region (HKSAR) Government to Beijing, comprising students who achieved excellent results in the Territory-wide Inter-school National Security Knowledge Challenge 2024/25. The study tour aims at helping students to understand the history, culture, and the latest developments of the country.

Mr Tang will return to Hong Kong on December 21. During his absence, the Under Secretary for Security, Mr Michael Cheuk, will be the Acting Secretary for Security.