

Improving the Laws on Sexual Offences in Hong Kong

Against Child Abuse Responses

(4 August 2026)

Modernize Sex Offences Law

As Hong Kong society evolves, public attitudes and awareness regarding sexual offences have increasingly highlighted the inadequacies and outdated provisions of the Crimes Ordinance (Cap. 200).

In June 2026, the Security Bureau, in its consultation paper, set out six core principles in formulating legislative proposals to improve the laws on sexual offences: clarity of the law; respect for sexual autonomy; the protective principle; gender neutrality; avoidance of distinctions based on sexual orientation; and adherence to the Basic Law, the Hong Kong Bill of Rights Ordinance (Cap. 383), and the International Covenant on Civil and Political Rights.¹

The proposals are broadly aligned with recommendations made by the Law Reform Commission over the last two decades. A total of 37 new offences are proposed, including eight sexual offences involving children and 18 offences relating to non-consensual sexual acts involving persons with mental impairment (PMIs).

The proposals include:

- Specifying that children under 16 are incapable of giving "consent";
- Setting out a list of circumstances in which consent is absent for the purposes of rape and other non-consensual sexual offences;
- Addressing cases involving PMIs who have the capacity to consent, by criminalizing situations where perpetrators exploit their mental condition for sexual purposes;
- Criminalizing the act of engaging in sexual activity in the presence of a victim, as well as sending sexual images or communications to a victim, to close existing legal loopholes and enhance protection against sexual exploitation;
- Providing extraterritorial effect for new offences involving children or PMIs, to

¹ Security Bureau. Public Consultation on "Improving the Laws on Sexual Offences in Hong Kong" 2026. <https://www.sb.gov.hk/eng/pub/consultation/loso.html>

- protect them from perpetrators who travel abroad to commit sexual offences;
- Creating two new specific offences: "sexual grooming of a child" and "arranging or facilitating the commission of a child sexual offence"; and
 - Strengthening protection for victims of sexual offences, by making special procedures for vulnerable persons applicable to new additions to the list of specified offences, including voyeurism and unlawful recording or observation of intimate parts.

While the proposal is commendable addressing the many flaws in the existing laws and the leniency of penalties, several other areas require attention.

Persistent Child Sexual Abuse Offence (PCSA)

A discrete offence is needed to address child sexual abuse situations where disclosure is often delayed and abusive acts are committed repeatedly over a prolonged period. The need for a Persistent Child Sexual Abuse Offence (PCSA) has been discussed for over two decades.² The Department of Justice has previously produced a paper examining its pros and cons.³ However, the current 2026 consultation paper makes no provision for such an offence. While justice for defendants must be upheld in relation to the Indictment Rules, including the particularity of time and circumstances in allegations, and the availability of pleas such as *autrefois convict* (one trial for one offence) and *autrefois acquit* (no retrial of an acquittal), justice must also be served for child victims. Legislative provisions must address the inherent features of the offence that often results in absence of witnesses or physical evidence, repetitive victimization, delayed disclosure, and the impact of trauma on memory often leading to "latent ambiguity" in the indictment. While the broader legislative revamp should not be further delayed, the introduction of a PCSA offence should remain a priority in the child protection agenda. It should be included alongside the eight other child sexual offences proposed in the current legislative package. With sustained commitment, the Government should seize this opportunity to strengthen protection for victims of sexual offences and modernize the laws on sexual offences to keep pace with societal expectations.

² Association Concerning Sexual Violence Against Women. Establishing a new offence against persistent child sexual abuse. <https://rainlily.org.hk/publication/2026/06/pcsa>

³ Department of Justice. (2000) "Information Paper on the proposed creation of the offence of 'persistent sexual abuse of a child'". Legal Policy Division. November 2000.

Age of consent (16) and Age 16 to under 18

The United Nations Convention on the Rights of the Child (UNCRC) is a legally binding international instrument ratified by 194 state parties. It has been in force since 1994 in Hong Kong. The UNCRC's definition of a child (under the age of 18) serves to confer a range of rights including the right to protection regardless of the age of consent for sexual activity.

We agree that Hong Kong should retain a uniform age of consent of 16, which is well established in society. However, this should not be confused with the age definition of a child under the UNCRC (under age 18), nor should it imply that children aged 16 to under 18 possess full capacity to consent to sexual acts.

As drafted, the consultation paper may create a false impression that engaging in sexual acts with this age group carries no legal liability. Any such perception should be firmly dispelled, and deterrence must be directed at those who might exploit this ambiguity, particularly where sexual exploitation by a person in a position of trust is involved. A distinct legal provision is needed to address sexual acts with this age group, with the parameters clearly set out in law.

Furthermore, as a matter of principle, children aged 16 to under 18 remain entitled to protection under the UNCRC. Hence, the prosecutorial discretion under Recommendation 8 should apply not only when both are between 13 and 16, but also when one of them is slightly older at an age of 16 to under 18.

Finally, the public must also be clearly informed that the proposed age of consent does not apply to persons with mental impairment (PMIs).

Online child sexual exploitation and abuse (OCSEA)

Legislation on sexual offences must keep pace with the times. OCSEA presents pressing challenges in child protection today. Yet, the current consultation paper addresses OCSEA only in a limited manner. Its proposals focus narrowly on sending or viewing sexual images, seeing and hearing sexual communications, and the sexual

grooming of children. In reality, harmful sexual activities online are far more extensive and varied. These include the production of child sexual abuse material (CSAM) such as generative images or materials created using extended reality; the searching for or viewing of CSAM on the Dark Web or through Tor; the sharing or storage of CSAM, for example, in cloud files; the livestreaming of child sexual exploitation and abuse; and the coerced production of self-generated sexual material by children. To effectively combat diverse online crimes nowadays, a proactive and comprehensive approach is required—one that brings stakeholders together on a common platform with the authority to assess the gravity of the problem, formulate child-focused policies, and establish robust legislation, procedures, and mechanisms for impactful outcomes. The Commission on Children, established in 2018, would serve as an appropriate platform for this purpose. Government regulation of internet service providers and social media companies is also essential to child protection. The authority must mandate timely detection, reporting, and removal of child sexual abuse material, alongside responsible industry practices like safety-by-design and innovative technological solutions, to prevent and address online child sexual exploitation and abuse.

Awareness and Deterrence

Enhancing public education is crucial to safeguard children and young persons. Targeted awareness programmes should be developed for professionals working with children and youth, parents, and children themselves, in their rights to protection and the measures available when abuse occurs. Meanwhile, publicity efforts should serve to inform potential offenders about the legal boundaries and the stricter, more stringent provisions that now apply, making it clear that certain behaviours previously tolerated or overlooked now constitute serious criminal offences with heavier penalties. By raising awareness across all levels of society, the risk of sexual exploitation and abuse can be significantly reduced, and a stronger culture of prevention and accountability can be established.

Existing guidelines

The Protecting Children from Maltreatment – Procedural Guide for Multi-disciplinary

Co-operation⁴ and the Guide for Mandated Reporters⁵ should be updated in view of the new legislations and for aligning with the Mandatory Reporting of Child Abuse Ordinance. Such updates help professional understand the new offences better. It helps professionals in the identification, assessment and subsequent handling of suspected child abuse situations. Decisions based on reporting thresholds based on improved sexual offences laws helps consistency in reporting as well as fulfilling statutory duties under the reporting regime.

Sex Education

To effectively safeguard children and young persons, sexual education must be substantially strengthened and systematically integrated into the school curriculum. It is recommended to adopt the UNESCO “International Technical Guidance on Sexuality Education: An evidence-informed approach” for comprehensive sexuality education, which is life-skills based and aligned with different stages of psychosocial and sexual development.⁶ A dedicated subject should be introduced to deliver comprehensive sexual education, tailored to learners’ developmental stages, so that they acquire not only knowledge but also positive attitudes and practical skills, all grounded in a life-skills approach. In parallel, a comprehensive parent education programme is essential. Currently, parent talks are often provided in a piecemeal manner. By offering structured training for parents that follows their children’s life stages, families can maintain better communication, deepen mutual understanding, and jointly support children’s healthy development and protection.

Conclusion

It is high time that sexual offences in Hong Kong are modernized. This legislative revamp sends an important message to society about the protection of our children. The proposals in the consultation paper are commendable, though issues such as the Persistent Child Sexual Abuse Offence (PCSA) still require consideration. While the age of consent is set at 16, the protection of children across the full age range, including

⁴ Social Welfare Department. Protecting Children from Maltreatment – Procedural Guide for Multi-disciplinary Co-operation (Revised 2026)

https://www.swd.gov.hk/en/pubsvc/family/fcw_info/fcwprocedure/fcwp_mdco/

⁵ Social Welfare Department. Guide for Mandated Reporters.

<https://www.childprotectiontraining.hk/resource-corner>

⁶ UNESCO “International Technical Guidance on Sexuality Education: An evidence-informed approach” <https://unesco.org/en/bd99v9>



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those aged 16 to under 18, must not be undermined and this should be addressed amongst the new offences. To assist professional handling of child abuse situations and decision making, the two existing Guides ^{4, 5} in child protection need to be updated when the new offences come into effect. Combating online child sexual exploitation and abuse (OCSEA) remains a major challenge, and the Administration should work closely with the legislature and a broad range of stakeholders, including online and social media industries, for the benefit the current and coming generations. In doing so, the best interests of the child should be a core consideration in policy formulation. The proposed penalty enhancements also provide a strong deterrent to potential offenders. Furthermore, sex education for children and parents is a foundational measure that Hong Kong should continue to strengthen.

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