

“Improving the Laws of Sexual Offences in Hong Kong” Consultation Guidance

The Women's Foundation warmly welcomes the Government's public consultation on 'Improving the Laws on Sexual Offences in Hong Kong' – an area we have long advocated for reform in. This consultation represents an important step towards strengthening legal protections for victims and modernising Hong Kong's legislative framework in this critical area.

Whilst the consultation contains a number of significant and much-needed reforms, we believe there are opportunities to further strengthen several of the proposals to ensure they achieve their intended impact.

We encourage you to review both the Consultation Paper and our accompanying guidance, and to submit an organisational and/or individual response on or before **Wednesday, August 5, 2026** to sexualoffences@sb.gov.hk.

[The Consultation paper and questionnaire can be found here.](#)

Please feel free to draw on our materials in preparing your submission. We encourage you to adapt the wording to reflect your own views and experience.

We hope you will join us in supporting this important opportunity to strengthen Hong Kong's laws on sexual offences. Please feel free to forward this on to other interested parties, organisations and networks.

Submission Summary Guidance

Below is a summary of TWF's proposal in reply to the Consultation Questions, which can be used as guidance for anyone wishing to make a submission to the Government.

We encourage individuals and organisations to answer all questions in the Consultation based on your views. We believe the following areas are the most important and we ask that you consider adding them to your own submission:

RECOMMENDATIONS

These are our key recommendations to strengthen the proposed reforms (to be noted in the consultation under “Other Views”):

Consent

- Require the accused to have taken **active, positive steps to ascertain consent** before any belief in consent can be treated as reasonable — not just “having regard to all the circumstances.”
- The addition of a provision that explicitly states that a **lack of physical or verbal resistance does not, by itself, establish consent**.

Child protection

- **Create a dedicated persistent child sexual abuse offence** for patterns of repeated abuse, not just individual incidents. Considerations include: allowing conviction based on an overall pattern without requiring agreement on every incident; enable prosecutors to focus on the general timeframe of abuse, not exact dates or details of each act; apply to past conduct that was already illegal at the time; and carry penalties that reflect the severity of ongoing, repeated abuse
- **Create a dedicated offence for adults in a position of trust** (e.g., teachers, coaches, guardians) who engage in sexual conduct with 16–17 year-olds.
- **Introduce a close-in-age defence** for mutually accepted peer relationships above 14, so fear of prosecution doesn't stop young people seeking help.
- With a close-in-age safeguard, **align sentencing across child-specific offences by removing distinctions between victims under 13 and those aged 13–15**, ensuring consistent and equal protection for all children under 16.

Court process for children

- **Set time limits and court-approved, age-appropriate language** for cross-examining child witnesses.
- **Establish a trauma-informed "one-stop" model** combining investigation, protection, and health services for child victims of sexual abuse.

Sentencing consistency for child offences

- **Establish a Sentencing Council to issue binding guidelines** — closing the gap between the life-imprisonment maximum for six child offences and actual average sentences of under 10 years. This would make sentences more consistent and proportionate to harm, while still allowing courts to weigh mitigating factors.

Victim support

- To reduce re-traumatisation, **formalise a statutory one-stop centre** combining police referral, forensic care, and psychosocial support.
- **Allow pre-recorded testimony** for adult complainants where trauma would impair in-person evidence.
- **Give adult complainants the right to waive their own anonymity**, with safeguards.
- **Replace "rape" with "sexual penetration without consent"** to remove gendered stigma that discourages reporting.

AI & Deepfakes

- Expand "sexual assault without touching" to cover deepfake or AI-generated sexual images of identifiable people.
- Create a standalone offence for creating or possessing non-consensual sexual deepfakes, even if never shared.

Consultation Questions

Question 1: Agreement with the guiding principles of the consultation paper (i.e. clarity of the law; respect for sexual autonomy; 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)

Answer: Yes

Question 2: Agreement in specifying a list of circumstances where a consent on the part of the victim is absent (i.e. when evidence establishes that the circumstances exist at the time a sexual act occurs, the victim will be taken as not consenting the sexual act)

Answer: Yes

Question 3: Agreement on expanding the scope of the offence of rape, and criminalizing sexual assault "involving touching" and "without touching", and causing a person to engage in sexual act without consent.

Answer: Yes

Question 4: Agreement that children under 16 are incapable of giving "consent". A person shall bear criminal responsibility for sexual acts with a person under the age of consent.

Answer: Yes

Question 5: Agreement to revise the existing Crimes Ordinance (Cap. 200) to cater for PMIs who have the capacity to consent to sexual acts, and address situations where perpetrators take advantages of PMIs' mental condition to sexually exploit them.

Answer: Yes

Question 6: Agreement to create additional offences specifically created targeting abuses of vulnerable groups such as children and PMIs (i.e. criminalising the act of engaging in sexual act in the presence of victims, and sending sexual image or sexual communication to victims, etc.).

Answer: Yes

Question 7: Agreement in providing for extraterritorial effect for new offences involving children or PMIs, so as to protect them against sexual exploitation by perpetrators who travel abroad to commit sexual offences.

Answer: Yes

Question 8: Agreement in creating two new sexual offences: “sexual grooming of a child” and “arranging or facilitating the commission of a child sexual offence”

Answer: Yes

Question 9: Agreement that miscellaneous sexual offences should be covered in the legislative amendment exercise on the laws of sexual offences in Hong Kong

Answer: Yes

Question 10: Agreement with the Government’s proposals on strengthening protection for victims of sexual offences

Answer: Yes