

Update News on Proposals on a Sex Offender Register (2010.02.18)

In 2008, the Law Reform Commission of Hong Kong (LRC) published a consultation paper on Interim Proposals on a Sex Offender Register. AFRO submitted its official response on 23 Oct 2008. (<http://www.afro.org.hk/pdf/press/20081023-2.pdf>) (in Chinese).

AFRO's Position

We indicate that it is unreasonable to include "Soliciting for an immoral purpose" (Section 147, Chapter 200, Crimes Ordinance) in the specified list of 41 sexual offences. We find it unfair as consented sexual act should not be stigmatized or intervened and it in fact has nothing to do with sexual abuse against children or mentally incapacitated persons. We are highly concerned as the establishment of this mechanism would diminish the opportunities for sex workers to change jobs in the future. We are also worried that it would abuse the privacy and human rights of people who have previous records of sex offences and affect their rehabilitation.

On 2 Feb 2010, the LRC published a report on Sexual Offences Records Checks for Child-related Work: Interim Proposals.

(<http://www.hkreform.gov.hk/en/publications/rsexoff.htm>).

The LRC's Latest Proposals

The LRC has concluded that the proposed scheme should only include those sexual offences which:

- (a) involve the use of force, threats or fraud or are otherwise non-consensual; or
- (b) involve exploitation or abuse of position; or
- (c) involve a person under the age of 16 or a mentally incapacitated person.

We are delighted to see that the LRC has adopted AFRO's recommendation and excluded "Soliciting for an immoral purpose" from the specified list of sexual offences. Here we would like to reiterate that the Review of Sexual Offences Sub-committee under the LRC should closely follow the work directions that they set in 2006, which were to review the existing sexual offences that may be gender-specific or based on sexual orientation, and/or may not adequately reflect the range of non-consensual conduct which should be subject to criminal sanction, which we believe should include "Soliciting for an immoral purpose" (Section 147, Chapter 200, Crimes Ordinance), and initiate the study on decriminalization of sex work.