

LRC issues consultation paper on Sentencing and Related Matters in the Review of Sexual Offences (with photos/video)

The following is issued on behalf of the Law Reform Commission:

The Review of Sexual Offences Sub-committee of the Law Reform Commission published a consultation paper on Sentencing and Related Matters in the Review of Sexual Offences today (November 12) to launch a three-month public consultation.

This consultation paper is the fourth and final part of the overall review of substantive sexual offences. It covers a review of the penalties for offences proposed in the report on Review of Substantive Sexual Offences (Report), examines ways to reform and improve treatment and rehabilitation of sex offenders in Hong Kong, and reviews the Sexual Conviction Record Check Scheme (SCRC Scheme) since it came into operation in December 2011 as an administrative scheme.

The Sub-committee has considered the legislation and the relevant practices in Hong Kong, and compared them with corresponding legislation and practices in a number of overseas jurisdictions such as Australia, Canada, and England and Wales for a comprehensive examination of the issues involved in the proposed law reform.

The main recommendations contained in the consultation paper are:

- (1) for the offences recommended in the Report, the current penalties for the existing offences of rape and incest should continue to apply to the recommended offences of sexual penetration without consent and incest, and the penalties for the new offences proposed are to be set by reference to the penalties for the corresponding offences in the respective overseas jurisdictions with suitable adjustments;
- (2) the current specialised treatment and rehabilitation programmes for sex offenders available on a voluntary basis at the Correctional Services Department should be maintained;
- (3) the Government is recommended to review and consider the introduction of an incentive scheme for the sex offenders in the prison institutions for increasing motivation for treatment and behavioural change;

(4) the provision of specialised post-release supervision to discharged sex offenders under the existing statutory schemes administered by the Post-Release Supervision Board and the Long-term Prison Sentences Review Board should be maintained;

(5) the current SCRC Scheme should be extended to cover all existing employees, self-employed persons, and volunteers; and

(6) the Government should extend the SCRC Scheme to its fullest and evaluate the need to make it a mandatory scheme at an appropriate time.

Speaking at a press conference, the Sub-committee Chairman, Mr Peter Duncan, SC, said that the recommendations in the consultation paper are intended to facilitate discussion and do not necessarily represent the Sub-committee's final conclusions. Mr Duncan added that the Sub-committee would welcome comments and suggestions on any issues discussed in the consultation paper, and in particular on the issue of whether the SCRC Scheme should be extended to include spent convictions, which is a matter on which the Sub-committee would like to consider the public responses before forming a recommendation.

Copies of the consultation paper are available on request from the Secretariat of the Law Reform Commission at 4/F, East Wing, Justice Place, 18 Lower Albert Road, Central. The consultation paper can also be accessed on the Commission's website at www.hkreform.gov.hk.

All the views should be addressed to the Secretary, Review of Sexual Offences Sub-committee, Law Reform Commission, by mail (4/F, East Wing, Justice Place, 18 Lower Albert Road, Central), by fax (3918 4096) or by email (hklrc@hkreform.gov.hk) on or before February 11, 2021.

Ends/Thursday, November 12, 2020