We welcome the long awaited progress made in the Security Bureau's proposed improved sexual offence laws made on 07 July 2026. In particular we support the definition of consent, gender neutrality, the addition of a grooming offence, and more unified maximum sentencing. However, we note some important gaps in the offences against children and would like to ensure that our concerns are taken into account to better support harmed children to come to the attention of the justice system and, once there, be supported in the process toward justice.

Our further response to <u>Question 2</u>

- We **<u>agree</u>** with specifying non-consent circumstances in the legislation, but with further suggestions on *item 5* on the list.

- **Submit（屈從）to a person's abuse of a position of trust:** a clearer statutory articulation of "submit/ 屈從" in abuse-of-trust cases could be considered. Grooming, especially child-grooming might occur without overt coercion, making invalid consent difficult to establish and shifting attention to the victim's apparent willingness. While the reform is principled, clearer statutory presumptions or defined offences might be necessary to ensure effective prosecution without over-criminalisation, in particular the protection of children aged 16 -17.

Our further response to <u>Question 4</u>

- **"Close-in-age" defence:** The proposed amendments introduce strict penalties for offences against children under 16, including life imprisonment for sexual penetration and criminalising sexual communication. ACSVAW, HKCCR and TALK are of the view that fear of criminal liability might deter young people from seeking professional help during sexual health or violence crises, thereby undermining the law's protective intent. ACSVAW and TALK propose introducing a "close-in-age" defence for mutually accepted peer sexual interactions for young persons above the age of 14.

Our further response to <u>Question 6</u>

- We **<u>agree</u>** with the proposed additional offences, but with further comments.

- **Penalties by Age of Victim:** In several of the new offenses the sentence is differentiated by "under the age of 13" (10 years) and "between 13 and 16" (5 years). We propose that the sentence be unified to 10 years where any victim is under 16 years but with the close in age consideration as mentioned above. At a minimum, alter wording to include 13 year olds.

- **Creating a new offence of "Persistent Child Sexual Abuse":** We recommend establishing an offence to tackle existing prosecution limitation for repeated sexual exploitation over a longer period of time. Instead of proving each individual acts through particularisation of details, the new offence emphasises on existence of the continuous pattern of abuse relationship between the adult and the child (by proving two unlawful sexual acts took place between certain period). Recognising the distinctive features of PCSA would encourage victims' help-seeking and enhance protection for vulnerable children.

Our further response to <u>Question 10</u>

- We **<u>agree</u>** with the Government's proposals on strengthening protection for victims of sexual offences, with the following further comments.

- **Practice Directions for Child Sexual Abuse Cases in the Judicial Proceedings:** Victims of child sexual abuse often face lengthy and grueling cross-examination during court proceedings. This leads to emotional breakdowns and secondary trauma and can even cause victims to withdraw or refuse to testify. Therefore, we call on the judiciary to establish relevant Practice Directions for child sexual abuse cases. For example: set time limits for cross-examination review questions posed to child witnesses by the court in advance, regulate court language to address child witnesses' vulnerability, etc.

- **Adopting a Trauma-Informed "One-Stop" System to support child victims of sexual abuse:** Under the current arrangements, child victims of sexual assault are still required to visit multiple locations that are both unfamiliar and frightening to children. This often discourages child victims of sexual assault from proceeding. The government should adopt a trauma-informed "one-stop" support system that integrates child protection mechanisms, medical services, forensic services, and judicial procedures under a single support framework (e.g., housed within a hospital). This multi-disciplinary approach would reduce the number of times different individuals need to interview the child victim, thereby better safeguarding the well-being and rights of child victims and child witnesses.

- **Official Sentencing Guide**: Currently, the 6 offences against children that carry a maximum sentence of life average sentencing of <10 years, with the overall range between 4.61 and 9.82 years[1]. We propose establishing a Sentencing Council with the mandate to issue official sentencing guidelines binding on Hong Kong courts. The effectiveness and consistency of sentencing outcomes that track severity of harm and culpability would be better ensured while enabling appropriate weight to be given to any relevant mitigating factors.

Association Concerning Sexual Violence Against Women (ACSVAW), **Hong Kong Committee on Children's Rights (HKCCR)**, **Plan International Hong Kong**, and **TALK Hong Kong** previously launched a *Joint Position Paper* urging the Hong Kong Government to close legal loopholes and modernise the city's legal framework regarding child sexual abuse. The paper has garnered the **<u>support of 32 signatories</u>** from children's rights organisations, anti-sexual violence groups, and individual professionals. We are pleased that many of the recommendations are included in the Government's proposals, and we look forward to a comprehensive draft bill that incorporates stakeholder feedback following the public consultation.

We have enclosed the *Joint Position Paper* with this submission.

[1] Cheung C. N. & Puja Kapai, (2026) Sentencing for Sexual Offences Involving Children in Hong Kong, Working Paper No. 1, Law and Social Justice at the Intersections, commissioned by TALK