

Wednesday, June 8. 1983

## **Laws Governing Homosexual Conduct**

The Law Reform Commission of Hong Kong today released its report on the Laws Governing Homosexual Conduct.

The Chairman of the Law Reform Commission, Mr John Griffiths, said in releasing the report that the topic had been thoroughly researched for the Commission initially by a Sub-committee headed by Mr Justice T. L. Yang of the Court of Appeal, and by the Law Reform Commission's Secretariat, prior to consideration of the topic by the Commission itself, whose report was unanimous.

Mr Justice Yang's Sub-committee had been given the task of a fact finding inquiry into the incidence of homosexuality in Hong Kong. They confirmed that, contrary to common belief, there is a considerable community in Hong Kong consisting of members of all races who, by natural inclination, are homosexual. This was confirmed by both medical and sociological experts to exist in all communities, whatever their race.

The Law Reform Commission found in its research that unlike the legal protection afforded by the criminal law to females under the age of 21 years, little or no legal protection is afforded to young males.

The report explains that the law as it stands at present does not make it an offence for a person to live off the earnings of a male prostitute; nor is it an offence to take a young male out of the possession of his parents against their will for homosexual purposes; nor to procure a youth for the purpose of homosexual exploitation. The Commission is of the view that the current legislation is deficient in this particular and other important regards. Therefore it advises that this area of the law should be considerably strengthened by the creation of appropriate offences in order to deal with procurers of young men for prostitution, with the exploitation of young men for homosexual purposes, and with the problems of homosexual prostitution.

The Commission concluded that all youths of both sexes should be protected against commercial exploitation and sexual abuse. Similarly, protection of male mentally defective persons from sexual abuse in the same way as female defectives are protected is also recommended by the creation of a similar criminal offence. These protections are not found in the current law.

On the question of public behaviour, the report recommends greater protection for all members of the community from any offensive behaviour of a sexual nature in public, including homosexual behaviour, by banning conduct which offends the common standards of decency of the community. It recommends the creation of a new offence of indecent

behaviour with a maximum penalty of a fine of \$5000 and imprisonment for 12 months.

Further, it recommends that it should be an offence for male prostitutes to solicit for an immoral purpose in places to which the public may have access. The Commission also recommends that the responsible authorities should consider and deal with analagous problems affecting the family and the young, such as obscene telephone calls, "peeping toms" and indecent publications, amongst others.

In summary, the Commission has recommended that the laws on homosexual behaviour be considerably tightened. The only area where it recommends that the penalty should be removed is in respect of consensual sexual conduct between not more than two males in total privacy, and provided both are over 21 years of age. This proposal, the Commission emphasises, does not imply any moral approval of homosexuality.

A spokesman for the Commission said that the report has been delivered to the government which is now considering it. It is expected that the government's consideration of the report will take some time. A decision on the Commission's recommendations will not be taken until these recommendations have been fully considered.