

Application of the offences of homosexual and heterosexual buggery

Sections 118C and 118D of the Crimes Ordinance (Cap 200) stipulate that the legal age of consent to both homosexual and heterosexual buggery is 21. Under existing legislative provisions, if a man commits buggery with another man aged below 21, both persons are guilty of the offence of buggery. On the other hand, if a man commits buggery with a girl under the age of 21, only the man is held liable but not the girl.

2. Such differential treatment derives from the community's acceptance of the need to render protection to women or girls from sexual exploitation and corruption. When the Crimes (Amendment) Bill 1991, which contained these provisions, was debated in the Legislature, Members accepted that homosexual and heterosexual conduct should not always be equated.

Security Bureau

April 2001