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本司檔案 Our Ref: SJO 5012/3/3C  
來函檔案 Your Ref: CB4/PL/AJLS  
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25 February 2014

Miss Mary So  
Clerk to Panel on Administration of  
Justice and Legal Services  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

**By Fax & By Post**  
**Fax : 2840 0716**

Dear Miss So,

### **Panel on Administration of Justice and Legal Services**

#### **Follow up to discussion on "Handling of sexual offence cases"**

At the Panel meeting on 28 May 2013, the Department of Justice ("DoJ") was requested to provide further information, in relation to the item of "Handling of sexual offence cases". The relevant information is set out below.

#### **Number of sexual offence cases**

2. The following table sets out the figures obtained from -the Security Bureau in relation to the number of reported cases of selected sexual crimes.

	2008	2009	2010	2011	2012
Rape	105	136	112	91	121
Indecent assault	1381	1318	1448	1415	1495
Intercourse with girl aged under 13 / under 16	356	332	263	287	234
Intercourse with mentally incapacitated person	14	7	13	13	13
Other sexual offences *	634	635	530	531	718

\* Other sexual offences include "Keeping Vice Establishments", "Procuring/Controlling of Prostitution", "Unnatural Offences" and "Other Offences Against Public Morality".

**Number of applications to the court for the use of screens**

3. The DoJ does not record the number of applications made to the court for the use of screens. Despite this, it is the DoJ's experience that the court may approve such an application when it accepts the argument that the use of screens will help the victim give evidence in a less stressful atmosphere and after carrying out a balancing exercise between this objective and the accused's right to confront his accuser. Cases where the use of a screen has been granted include those where excessive violence has been used or where the allegations against the accused are of a particularly scandalous nature, likely to lead to a victim being unable to testify properly without a screen and thereby rendering a trial impossible.

4. Members may wish to note that, apart from the use of screens, the DoJ may, in appropriate cases apply to the court for victims of sexual offences to give evidence via live television link. In this regard, section 79B of the Criminal Procedure Ordinance (Cap. 221) which provides statutory criteria for the granting of the use of live television link may be invoked. The provision applies to child witnesses, mentally incapacitated persons and witnesses in fear. In respect of child witnesses, in particular, the Court of Appeal has held that if the statutory criteria are satisfied, it should normally follow that an application to use live television link should be granted. During the period of January 2010 to September 2013, the court granted all applications by the prosecution for the victims to give evidence via live television link.

Yours sincerely,



( Gary Poon )  
Administrative Assistant  
to Secretary for Justice