

Offences Relating to Trafficking in Persons, Forced Labour and Slavery

Legislation	Section	Offence	Maximum Penalty
Employment Ordinance (Cap 57)	60(6)	Unlicensed operation of employment agency	A fine of \$350,000 and imprisonment for 3 years
	60(7)	Overcharging by employment agency	A fine of \$350,000 and imprisonment for 3 years
	63	Failure to grant any rest day	A fine at level 5
	63C	Offences relating to time and payment of wages	A fine of \$350,000 and imprisonment for 3 years
Employment of Children Regulations Cap 57B	4	General prohibition of employment of children	A fine at level 5
Stowaways Ordinance Cap 83	3(a)	Being on board any ship in the waters of Hong Kong with intent to obtain in passage therein without the consent of the owner	A fine of HK\$ 1,000 and Imprisonment for 9 months
	3(b)	Arriving in the waters of Hong Kong on board any ship, having obtained a passage therein to Hong Kong without the consent of the owner	
Immigration Ordinance Cap 115	17I	Employing person not lawfully employable	A fine of HK\$ 350,000 and imprisonment for 3 years
	17J	Offence of employers failing to inspect documents of new employee	A fine of HK\$ 150,000 and imprisonment for 1 year
	17K, 17LA	Offence of employers failing to keep or produce for inspection a record or list of employees	A fine at level 5
	37C	Offence by crew etc., of ship carrying unauthorized entrants	A fine of HK\$ 5,000,000 and imprisonment for 14 years
	37D	Arranging/assisting passage to or within Hong Kong of unauthorized entrants	A fine of HK\$ 5,000,000 and imprisonment for 14 years
	37DA	Assisting unauthorized entrant to remain	A fine of HK\$ 500,000 and imprisonment for 10 years
	38(l)(b) (Note 1)	Remaining in Hong Kong without the authority of the Director of Immigration after having landed unlawfully	A fine at level 4 and imprisonment for 3 years
	39	Liability of captain of ship carrying persons seeking to land unlawfully	A fine of HK\$ 600,000 and imprisonment for 7 years

Legislation	Section	Offence	Maximum Penalty
	41 (Note 1)	Breach of conditions of stay	A fine at level 5 and imprisonment for 2 years
	42 (Note 1)	Making false statements, forgery of documents and using and in possession of forged, false or unlawfully obtained or altered travel document	A fine of HK\$ 150,000 and imprisonment for 14 years
Crimes Ordinance Cap 200	24	Criminal intimidation	Imprisonment for 5 years
	25	Assaults with intent to cause certain acts to be done or omitted	Imprisonment for 5 years
	71-74	Making or copying or using a false instrument or copy of a false instrument	Imprisonment for 14 years
	129	Trafficking in persons to or from Hong Kong for the purpose of prostitution	Imprisonment for 10 years
	130	Control over persons for purpose of unlawful sexual intercourse or prostitution	Imprisonment for 14 years
	131	Causing prostitution	Imprisonment for 10 years
	137	Living on earnings of prostitution or others	Imprisonment for 10 years
Offences Against the Person Ordinance Cap 212	17	Shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm	Imprisonment for life
	19	Wounding or inflicting grievous bodily harm	Imprisonment for 3 years
	39	Assault occasioning actual bodily harm	Imprisonment for 3 years
	40	Common assault	Imprisonment for 1 years
	42	Taking away or detaining by force or fraud any person against his will with intent to sell him	Imprisonment for life
	44	Unlawful transfers of possession, custody or control of other persons for valuable consideration.	Imprisonment for 2 years

Legislation	Section	Offence	Maximum Penalty
Protection of Children and Juveniles Ordinance Cap 213	26	Abduction of child or juvenile	Imprisonment for 2 years
Common Law	-	False imprisonment punishable under s. 101I of the Criminal Procedure Ordinance (Cap 221)	A fine and imprisonment for 7 years

Note 1: The arranger may be charged (subject to evidence) with section 89 of Criminal Procedure Ordinance (Cap 221) "aiding, abetting, counseling or procuring" to the substantive offence.

Offences Relating to Sexual Exploitation / Child Sex Tourism

Legislation	Section	Offence	Maximum
Crimes Ordinance Cap 200	126	Abduction of unmarried girl under 16	Imprisonment for 10 years
	127	Abduction of unmarried girl under 18 for sexual intercourse	Imprisonment for 7 years
	129	Trafficking in persons to or from Hong Kong for the purpose of prostitution	Imprisonment for 10 years
	130	Control over persons for purpose of unlawful sexual intercourse or prostitution	Imprisonment for 14 years
	131	Causing prostitution	Imprisonment for 10 years
	132	Procurement of girl under 21	Imprisonment for 5 years
	133	Procurement of mentally incapacitated person	Imprisonment for 10 years
	134	Detention for intercourse or in vice establishment	Imprisonment for 14 years
	135	Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl or boy under 16	Imprisonment for 10 years
	136	Causing or encouraging prostitution of mentally incapacitated person	Imprisonment for 10 years
	137	Living on earnings of prostitution or others	Imprisonment for 10 years
	139	Keeping, managing or assisting in the management of a vice establishment	Imprisonment for 10 years
Prevention of Child Pornography Ordinance Cap 579	3(1)	Any person who prints, makes, produces, reproduces, copies, imports or exports any child pornography	A fine of HK\$ 2,000,000 and imprisonment for 8 years
	3(2)	Any person who publishes any child pornography	A fine of HK\$ 2,000,000 and imprisonment for 8 years
	3(3)	Any person who has in his possession any child pornography	A fine of HK\$ 1,000,000 and imprisonment for 5 years
	3(4)	Any person who publishes or causes to be published any advertisement that conveys or is likely to be understood as conveying the message that any	A fine of HK\$ 2,000,000 and imprisonment for 8 years

Legislation	Section	Offence	Maximum
		person has published, publishes or intends to publish any child pornography	

Offences Relating to Trafficking in Human Organs

Legislation	Section	Offence	Maximum Penalty
Human Organ Transplant Ordinance Cap 465	4	Prohibition of commercial dealings in human organs	A fine at level 5 and imprisonment for 3 months
	5	Restriction on transplants between living persons	On a first conviction, to a fine at level 5 and to imprisonment for 3 months; and On a subsequent conviction, to a fine at level 6 and to imprisonment for 1 year.

Other Offences

- s. 153P of the Crimes Ordinance, Cap 200: the extra-territorial effect of sexual offence provisions listed in Schedule 2
- s. 153Q of the Crimes Ordinance, Cap 200: the arrangement or advertisement relating to commission against a child of act outside Hong Kong that offends Schedule 2 provision

Crimes Ordinance

Schedule: 2

Heading: SEXUAL OFFENCE PROVISIONS THAT HAVE EXTRA-TERRITORIAL EFFECT

Section	Description of offence
118	Rape
118A	Non-consensual buggery
118B	Assault with intent to commit buggery
118C	Homosexual buggery with or by man under 21
118D	Buggery with girl under 21
118F	<i>(Repealed 18 of 2014 s. 8)</i>
118G	Procuring others to commit homosexual buggery
118H	Gross indecency with or by man under 16
118J	Gross indecency by man with man otherwise than in private
118K	Procuring gross indecency by man with man
119	Procurement by threats
120	Procurement by false pretences
121	Administering drugs to obtain or facilitate unlawful sexual act
122	Indecent assault
123	Intercourse with girl under 13
124	Intercourse with girl under 16
126	Abduction of unmarried girl under 16
130	Control over persons for purpose of unlawful sexual intercourse or prostitution
132	Procurement of girl under 21
134	Detention for intercourse or in vice establishment
135	Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl or boy under 16
140	Permitting girl or boy under 13 to resort to or be on premises or vessel for Intercourse
141	Permitting young person to resort to or be on premises or vessel for intercourse, prostitution, buggery or homosexual act
146	Indecent conduct towards child under 16

Offences Indirectly Relating to Trafficking in Persons, Forced Labour and Slavery

Legislation	Section	Offence	Maximum Penalty
Immigration Ordinance Cap 115	38AA	Prohibition of taking employment and establishing business	A fine at level 5 and imprisonment for 3 years.
Crimes Ordinance Cap 200	75	Possessing a false instrument	Imprisonment for 3 years or Imprisonment for 14 years (with the intention to use it to induce somebody to accept it as genuine)
	118	Rape	Imprisonment for life
	119	Procurement by threats	Imprisonment for 14 years
	120	Procurement by false pretences	Imprisonment for 5 years
	121	Administering drugs to obtain or facilitate unlawful sexual act	Imprisonment for 14 years
	122	Indecent assault	Imprisonment for 10 years
	123	Intercourse with girl under 13	Imprisonment for life
	124	Intercourse with girl under 16	Imprisonment for 5 years
	125	Intercourse with mentally incapacitated person	Imprisonment for 10 years
	128	Abduction of mentally incapacitated person from parent or guardian for sexual act	Imprisonment for 10 years
	138A	Use, procurement or offer of persons under 18 for making pornography or for live pornographic performances	If the offence is committed in relation to a person under the age of 16, to a fine of \$3,000,000 and to imprisonment for 10 years; If the offence is committed in relation to a person of the age of 16 or above but under 18, to a fine of \$1,000,000 and to imprisonment for 5 years.
	140	Permitting girl or boy under 13 to resort to or be on premises or vessel for intercourse	Imprisonment for life
	141	Permitting young person to resort to or be on premises or vessel for intercourse, prostitution, buggery or homosexual act	Imprisonment for 14 years
	142	Permitting mentally incapacitated person to resort to or be on premises or vessel for intercourse, prostitution or	Imprisonment for 10 years

Legislation	Section	Offence	Maximum Penalty
		homosexual act	
	143	Letting premises for use as a vice establishment	Imprisonment for 7 years
	144	Tenant etc. permitting premises or vessel to be kept as a vice establishment	Imprisonment for 7 years
	145	Tenant etc. permitting premises or vessel to be used for prostitution	Imprisonment for 7 years
	159A&159C	The offence of conspiracy	Imprisonment for a term not exceeding the maximum term provided for the relevant offence
Theft Ordinance Cap 210	9	Theft	Imprisonment for 10 years.
	16A	Fraud	Imprisonment for 14 years.
Offences Against the Person Ordinance Cap 212	43	Stealing child under 14 years	Imprisonment for 7 years
Criminal Procedure Ordinance Cap 221	89	Aiders, abettors and accessories	Imprisonment for a term not exceeding the maximum term provided for the relevant offence