

Action on child sex law urged

By ALISON WISEMAN

WELFARE groups have urged the Executive and the Legislative Councils to approve changes in the law which would allow courts to convict on the uncorroborated and unsworn evidence of a child.

The call came after the acquittal of a 77-year-old man on two counts of indecently assaulting a nine-year-old girl because the judge was powerless to convict on the victim's unsworn evidence alone, despite his belief that she was telling the truth.

The director of Against Child Abuse, Priscilla Lui Tsang Sun-kai, said: "This case demonstrates very clearly the urgent need for a change in the law in relation to the evidence given by children in court.

"A change in the law will not solve all the problems in bringing a case like this to court, but at least once it gets to court a conviction won't be blocked by the law."

A bill, to change the law which currently requires the

unsworn evidence of young children to be corroborated by other evidence, is in the final stages of drafting.

A similar amendment was enacted in England in 1988, and the local judiciary yesterday supported calls for the early passage of the bill.

If it gains Executive Council approval later this month, the proposals will go before the Legislative Council for a first reading on April 19.

Under the proposed new law it would be up to the court to decide on the reliability of a child's evidence, as it is with evidence given by an adult.

In relation to offences of physical abuse or cruelty, a child would be defined as any person under 14, while for offences of sexual abuse, a child would be any person under 17.

Such a law would have allowed Judge Britton to convict 77-year-old Kung On on Monday on all three charges of indecent assault instead of just one.

During the case, the District Court judge struck out at laws which he described

as "nothing less than a child molesters' charter".

Judge Britton said he was positive the old man was guilty on all three counts but the molester had escaped through a "dangerous loophole in Hong Kong law".

Executive director of the Hong Kong Family Welfare Society, Thomas Mulvey, praised the judge for speaking out.

"All the evidence indicated the defendant had abused the child but the judge was prevented from recognising this because he could not take the victim's evidence into account.

"Experience overseas shows a child is no less reliable as a witness than an adult."

Deputy Crown Prosecutor Grenville Cross QC, who chaired the committee which made the recommendations for changes in January last year, agreed.

"If judges and juries are capable of deciding whether or not an adult is telling the truth, then we believe they are capable of doing the same with children," he said.